

FARMLAND PROTECTION ACT

GOVERNMENT

Storage

HEARING

KANSAS STATE UNIVERSITY

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENT, SOIL
CONSERVATION, AND FORESTRY

OF THE

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY

UNITED STATES SENATE

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

S. 795

A BILL TO ESTABLISH A FEDERAL POLICY CONCERNING PROTECTION OF CERTAIN AGRICULTURAL LAND; TO PROVIDE FOR A LAND REVIEW STUDY BY THE SECRETARY OF AGRICULTURE; TO ESTABLISH A RESEARCH AND PILOT PROJECT PROGRAM RELATING TO METHODS OF PROTECTING CERTAIN AGRICULTURAL LAND FROM BEING USED FOR NONAGRICULTURAL PURPOSES; AND FOR OTHER PURPOSES

JULY 10, 1979



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FARMLAND PROTECTION ACT

TUESDAY, JULY 10, 1979

U.S. SENATE,
SUBCOMMITTEE ON ENVIRONMENT, SOIL
CONSERVATION, AND FORESTRY OF THE
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 8 a.m., in room 324, Russell Senate Office Building, Hon. John Melcher (chairman of the subcommittee) presiding.

Present: Senators Melcher and Jepsen.

Also present: Senator Leahy.

STATEMENT OF HON. JOHN MELCHER, A U.S. SENATOR FROM MONTANA

Senator MELCHER. The subcommittee will come to order.

This morning we are meeting in a public hearing to receive testimony on S. 795, the bill introduced by Senator Magnuson, Senator Leahy, Senator McGovern, myself, and other Senators.

Without objection, I will place a copy of S. 795 and a staff summary of S. 795 in the record.*

Senator Leahy, would you like to present your statement now?

STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM VERMONT

Senator LEAHY. Mr. Chairman, I have a statement which I would like to have in the record.¹ I join with Senator Magnuson as one of the prime sponsors of this piece of legislation. I think it is extremely important, especially as you find in all parts of the country, not only Vermont, a vast drop in farmland acreage and a shifting of farmland to other uses, uses which by their nature make it virtually impossible to ever turn the land back to farmland.

When food is just about the only real necessity that this country can still provide totally for its citizens, I am quite concerned.

Senator MELCHER. Senator Stewart?

Senator STEWART. I do not have a statement at this time.

*See p. 132 for a copy of S. 795 and p. 153 for the staff summary of S. 795.

¹ See p. 50 for the prepared statement of Senator Leahy.

Senator MELCHER. The first witness will be the Honorable M. Rupert Cutler, Assistant Secretary for Conservation, Research and Education, U.S. Department of Agriculture.

Mr. Secretary?

STATEMENT OF HON. M. RUPERT CUTLER, ASSISTANT SECRETARY FOR CONSERVATION, RESEARCH AND EDUCATION, U.S. DEPARTMENT OF AGRICULTURE

Mr. CUTLER. Thank you, Mr. Chairman. It is a pleasure to appear before you this morning to discuss the Department's concerns for the prime agricultural lands of the Nation. Prime farmland is a topic of major interest to Secretary Bergland, to myself, and to the entire Department.

The vast and productive American landscape, with its wide variety of soils, climates, and crops is this Nation's primary and irreplaceable source of strength. We have gone through various periods in our Nation's history when we were vitally aware of this fact, such as in the 1930's when the Nation was shocked to attention by the combination of land abuse and drought that caused what was known as the Dust Bowl. We responded at that time with a soil conservation program. At other times, Americans have been concerned about wilderness, open space, or wild and scenic rivers. Each of these issues has gained public attention and generated public response.

Today, with a reduced farmland base, the American land is under additional pressures. These pressures are complex and vary from region to region, but they add up to a deep concern for America's agricultural land. In some cases rapid urban growth is spreading out onto prime farmland as populations grow and people need a place to live and work.

In other areas, the population is not rising, but construction still continues as people move around and spread out in the region. There is also concern across the land that the loss of topsoil will seriously impair our ability to meet our food and fiber needs.

In California, prime irrigated vegetable land is being lost to urban sprawl, highways, and airports. In Montana, as you know, Mr. Chairman, alluvial valley floors are threatened by strip mining, and vital irrigation water supplies may be taken for energy production. In Iowa, pipelines cross farm fields at an angle, cutting tile drainage systems, disrupting farm operations, and leaving a strip of soil that has been altered deeply and perhaps permanently. In New England, a limited supply of farmland takes the brunt of new development, while remaining farmers suffer from the lack of an adequate supporting structure of agricultural businesses and industries.

We could go on and on looking at the Utah central valley, for example, and at the valley north of Denver, Colo. And in my home State of Michigan, the Grand Traverse Bay area and southwestern Michigan are becoming urbanized and the important fruit industry there is being lost.

These are just a few examples, but they add up to one fact. Wherever one goes in America today, there is growing discussion of the trends affecting our Nation's agricultural land. The Department of Agriculture has been hearing these concerns, and responding to them, for some time.

In 1975, a USDA-sponsored seminar on the retention of prime lands brought scientists and experts from around the Nation who concluded that the problem was serious and needed immediate departmental and national attention.

In 1976, workshops in States such as Pennsylvania, Massachusetts, California, and Indiana pointed out that a broad spectrum of people were deeply concerned with this issue, and that the major impacts are felt at the local level.

An analysis of the "1975 Soil Conservation Service Potential Cropland Study," which was the basic source of data on land currently available for cropland, was published in July 1978 by the Economics, Statistics, and Cooperatives Service.

The conclusions of that analysis are worth noting and are as follows:

The potential cropland data illustrate that during a period of improving product-price relationships for agriculture, the quality of land in the cropland base improved slightly. This occurred despite the reported loss of 4.5 million acres of prime cropland to irreversible and competing land uses between 1967 and 1975. Shifts of cropland to urban and built-up uses were not limited to the Northeast and Pacific regions, but were important in the Southeast and Corn Belt regions as well. The importance of the conversion of other land to urban uses suggests that the growth of scattered, small built-up areas should be subject to further examination of the urbanization process.

In terms of land for the future, 78 million acres of land identified as having high potential for cropland exist, many of which are in the Northern Plains, Corn Belt, and Southeastern regions. An additional 33 million acres have medium potential for development. However, only 15 million acres of high potential land have no limitations, and the economic and environmental costs of developing the remaining potential cropland acres are not yet evaluated. As the future demand for U.S. crops is uncertain, research is needed to assess those circumstances under which potential cropland might be developed as well as the consequences of that development.

An important issue requiring future research is the cost, both public and private, of converting noncropland to cropland. If land conversion costs are high, then potential cropland may be brought into production only at relatively high commodity prices. Many of the problems are erosion related, suggesting that private development practices could lead to socially unacceptable levels of soil loss and have an impact on water quality through sedimentation and nutrient run-off. Other problems relate to clearing and drainage. The environmental impacts of cropland development undertaken on a large scale could be significant. Drainage and clearing of wetlands, for example, could have significant repercussions for wildlife, groundwater recharge, and flood water retention.

At the same time, USDA agencies have been working to get more facts on the situation. The "Soil Conservation Service National Resource Inventories—1977" revealed that America's farmland is being converted to nonagricultural uses at the rate of 2.5 to 3 million acres each year. This adds up to a total of about 8,000 acres each day that is taken out of the producing and potential agricultural land base.

At the same time, we are aware that not all of our acres are needed today to produce the crops we consume or sell abroad. Assuming normal climatic conditions, technological improvements, marketing conditions, and input and energy prices—whatever they are, they are not normal any more—there will be some serious conversion of agricultural land at the local, State, and regional levels, but no absolute national shortage of land will occur before the turn of the century.

But we are not comfortable with that fact. There are some unsettling "ifs" in that equation. World climates are unstable right now, and scientists do not agree fully on the reasons or what this may lead to in the future. International demands for food will rise as world popu-

lation grows and diets change to reflect increasing affluence. The cost and availability of energy seems certain to be a factor of growing importance to the maintenance of high agricultural production.

Thus, a combination of events could occur that would put pressure on our ability to produce the agricultural abundance that is so vital to our Nation's strength. There are other values for land beyond traditional farmland uses. These uses retain the option of conversion to farmland in the future. During the last year, the Carter administration has taken several steps to give appropriate recognition to this problem:

One: In accordance with the Soil and Water Resources Conservation Act of 1977, an appraisal underway will provide some insight into the scope and severity of the agricultural land conversion problem relative to other known and likely serious problems, such as soil erosion.

This appraisal will examine the status, condition, and trends for soil, water, and related resources on non-Federal land and water. It will appraise the capabilities and limitations of soil, water, and related resources to meet present and future demands for their products. In this context, preliminary determinations of agricultural land quantity, quality, and trends will be made from the available data.

Since the above study is due to be submitted to the Congress early the next year, there will not be sufficient time to explore in depth the availability of the Nation's agricultural land, as well as the scope, causes, and alternative ways of dealing with agricultural land conversion problems.

Two: Thus, the administration has developed and is implementing a national agricultural lands study. This is in response to the demonstration of concern both in past testimony before the last Congress on bills of the kind before us this morning and by many of the States in the implementation of various forms of agricultural land retention legislation.

We submit for the record a memorandum of agreement between the Department of Agriculture and the Council on Environmental Quality, which is the charter for this national agricultural land use study.¹

This study will determine and evaluate the impact of agricultural land conversion on agriculture and conversely the impact of agricultural land retention on other facets of our economy.

It will involve the following Federal agencies whose actions influence the conversion of agricultural lands: Agriculture, Commerce, Council on Environmental Quality, Department of Defense, Department of Energy, Environmental Protection Agency, Department of Housing and Urban Development, Interior, OMB, and Transportation.

My prepared testimony, Mr. Chairman, goes on in great detail to outline the specific study that will be studied by the national agricultural land study, and I hope they will appear in the printed record.²

Senator MELCHER. They will appear in the printed record.

Mr. CUTLER. Thank you.

¹ See p. 57 for the referred to memorandum.

² See p. 54 for the prepared statement and attachments of Mr. Cutler.

The study will be under the joint direction of the Secretary of Agriculture and the Chairman of the Council on Environmental Quality, who will approve the detailed study plan under preparation. The study will be performed primarily by a full-time professional staff of 10 to 15 persons from the several Federal participating agencies.

A strong contributing role for non-Federal interests is being developed in order to assure that the study benefits from a variety of perspectives on the problem of agricultural land conversion. The study will also consider the findings and recommendations of the forthcoming General Accounting Office report on this subject. We expect to complete the study and make the findings and recommendations available to the President and the Congress by January 1981.

Three: On September 8, 1978, EPA Administrator Costle signed an agency policy statement intended to protect environmentally significant agricultural lands. The policy covers all important farmlands inventoried by the USDA as well as other agricultural lands whose protection would be essential to the maintenance of important environmental and agricultural resources.

Four: On October 30, 1978, Secretary Bergland signed USDA's statement on land use policy.

Secretary Bergland directed the agencies of the U.S. Department of Agriculture to avoid proposing or assisting actions that could reduce the amount of land available for food and fiber production. Secretary Bergland said he expects the Department's agencies to step up their technical assistance to local residents and local agencies in their efforts to retain important farmland, forestland, rangeland, and wetlands and to avoid encroachment into flood plains.

The memorandum orders all Department agencies that administer grants, loans, regulations, or technical assistance programs to review their actions and make any changes necessary to minimize program impacts that might reduce the amount of agricultural land.

Virtually every type of development is involved, including energy, mining, transportation, and sewer system construction. We are working with other Federal departments, with States, and with individual landowners to assure that the facts about prime farmlands are known and that adverse impacts on agricultural production are minimized. We are receiving cooperation from other Federal agencies, but it is a major effort which will require continuing oversight by USDA.

In conclusion, Mr. Chairman, we believe the Department has the capability, expertise, and delivery system to provide to States and units of local governments technical assistance and information concerning methods of protecting agricultural lands so that the local units of government can make wise decisions concerning conversion or retention of agricultural land.

We share this subcommittee's concern over the current rates of agricultural land conversion, and we are initiating an 18-month interagency study to better determine the scope and causes of this problem and to evaluate alternative ways of responding to it.

At this point, we are not prepared to state: First, how serious this problem is in a national context; second, what role, if any, the Federal Government should play beyond that of assisting local units of government in making their own decisions concerning conversion or retention of agricultural land; and third, if an expanded Federal role

is desirable, what additional authority would be necessary to achieve such an expanded Federal role. Once our interagency study is completed early in 1981, we believe that we will be in a better position to provide recommendations for any needed action on the problem. Meanwhile, we believe that action on the Agricultural Land Protection Act or similar legislation should be deferred pending outcome of the interagency study.

I would be pleased to respond to your questions.

Senator MELCHER. Mr. Secretary, you mentioned the alluvial valley floors in connection with the strip mining of coal. And, knowing how important that is to us to safeguard those alluvial valley floors, enacted as part of the Strip Mining Act is a prohibition against strip mining in the alluvial valley floor where farming is practiced, or land is irrigated or subject to being irrigated, except in instances where it is a very minor part of an operation of farming or ranching, incidental to the practice.

We found that the amount of coal available in the West for strip mining is so vast, so many billions of tons available for strip mining, it would probably be very foolish at this time to allow any irrigated or subirrigated farming operation to be obliterated by strip mining. However, that does not apply to other areas. I think we drew the line west of the 100th meridian, which we often do, but I do not know whether it really comes into play in mining east of that 100th meridian where the alluvial valley floor is significant, but, nevertheless the point is well made.

If we are going to have the capability of providing technical assistance to people, whether it is counties, cities, individuals, would not that technical assistance come from the Soil Conservation Service primarily?

Mr. CUTLER. Yes, it would come from their conservation operations activity, from recommendations made by their district conservationists and local staff. It would come from the use of their soil survey maps and their maps of important farmlands. This SCS activity will be supplemented importantly by the economics research of the Economics, Statistics, and Cooperatives Service, USDA.

Senator MELCHER. The actual technical assistance itself would be by Soil Conservation Service personnel, would it not?

Mr. CUTLER. To private landowners, yes.

Senator MELCHER. The bill in title IV directs the Secretary, acting through the Soil Conservation Service, to provide the States and units of local government such technical assistance. That being the case, it must be a bitter pill for you as it is to me and the others on this committee that the President's budget recommends a very drastic cut in Soil Conservation personnel.

Mr. CUTLER. The cut in personnel was related to the recommended cuts in the budget as appropriate, given the level of budget provided for the agency in the President's 1980 budget.

The cuts in the budget were targeted to particular programs and did not include major cuts in the soil survey program or in conservation operations.

Senator MELCHER. Well, I am afraid that we are guilty of excessive cuts too, although I hope it is not final. Is that the final budget?

The Senate Appropriations Subcommittee has cut the soil surveys in half. I think before that is all done, we are going to have to make a concerted effort on the floor to reemphasize how important Soil Con-

ervation Service is, and disregard the President's recommendation and disregard the Senate Appropriations Subcommittee recommendation. That is a little bit drastic. We simply cannot expect to have this type of assistance, technical in nature, available for use if we are going to whack out professionals who are there doing a good job now and I do not see this problem lessening in the future. I see it becoming more important, as envisioned by this bill.

We have been studying this problem since about 1972. We have been talking about it in Congress. The Department of Agriculture has been alarmed about it, at least since 1972. Is it not about time that we took some action through some modest demonstration program grants that are in this bill?

Mr. CUTLER. There is no question that this is becoming an increasingly severe problem. Many people are concerned about it. Many States are taking action to try to retard the conversion of prime agricultural land.

My own State of Michigan adopted a Farmland and Open Space Preservation Act, which provides tax relief to the owners of farmlands and open space who enter into 10-year contracts with the State in which they agree not to convert or develop their land.

Thirty or more other States have taken similar kinds of action.

The question that we face in the Federal Government is: What is the Federal role in this kind of program? As you know, Mr. Chairman, the more general kinds of legislation dealing with land use, such as those introduced by Senator Jackson and Congressman Udall in years past, met a negative fate on Capitol Hill because the rural interests in the country were concerned about Federal preemption of local and State land use decisionmaking.

Of course, this bill limits itself to pilot projects and stresses the continued primary role of local and State governments in land use decisionmaking. The Department of Agriculture is strongly in favor of local government continuing in that role.

I guess the bottom line with respect to your question has to do with the impact on the Department of Agriculture's budget and the Federal budget in the years immediately ahead. And as President Carter attempts to deal with the inflation rate increase by keeping the Federal budget to a minimum, a concept with which we are all in general agreement, I think, this tends to impact most severely on what we call our controllable programs. And, for better or for worse, that includes our soil conservation programs. Demonstration grant programs to help the States purchase development rights or otherwise experiment with programs to provide financial incentive to private landowners to keep their land in agricultural production would become a Department of Agriculture budget item if this bill became law, and one of considerable magnitude if it was to have an important effect.

I guess I am a little pessimistic about the fate of something like that at this particular time in history because of the recent experience we have had with the rural clean water program, for example, where we were given important new authority—important new policy direction for the Soil Conservation Service to step up its work on behalf of improving rural water quality. That program has not been able to get off the ground because of difficulties in getting it funded.

Senator MELCHER. In the competition for agricultural land, Farmers Home Administration, through its housing program, development program, is one of the Federal prime consumers of agricultural land. What is the Department of Agriculture doing about this?

Mr. CUTLER. It is doing quite a bit about that. We are very concerned about the effects of past Farmers Home Administration practices on agricultural land, and we are very much aware that some of the loans and loan guarantees the Department has made have resulted in the construction on prime agricultural land of not only rural housing subdivisions, businesses, and industries but, for that matter, Rural Electrification Administration power facilities. And we are taking steps right now to minimize that conflict by implementation of Secretary Bergland's land use policy.

State by State, our Farmers Home Administration State administrators are adopting and implementing more specific policies relating to the kinds of loans they will make. The best example so far is the action taken in the State of Michigan, where the FmHA State director has adopted a very explicit policy statement. In fact, it will not loan any money to any development that would cause the construction of homes or other facilities on prime agricultural land.

Furthermore, our Office of Environmental Quality, which is a small professional shop attached to my office and has the responsibility for monitoring the Department's response to the National Environmental Policy Act, the Advisory Council on Historic Preservation regulations, and the Secretary's land use policy, is working very closely with the Administrator and top staff of the Farmers Home Administration to see that additional professional staff members are assigned to the development of adequate environmental impact assessments, including the consideration of the impact on prime agricultural land for each Farmers Home Administration project.

Senator MELCHER. I noted in your testimony, you referred to pipeline construction across farmland as possibly ruining the land for future crop-intensive cropping use. In the Federal lands we have been very explicit in prohibiting that. The Secretary of the Interior would not be allowed to grant right-of-way permit to cross Federal land if that were the case.

Is there something needed in legislation in terms of preventing that from happening on private land?

Mr. CUTLER. It could well be a matter of appropriate State legislation and State control. State public utilities commissions and State environmental review boards have the opportunity to regulate that kind of activity. One approach is to try to combine a number of transportation and communication facilities in a single corridor. And, obviously, another approach is to provide that the topsoil is stockpiled while the pipelines are laid and later put back in place to preserve the fertility of the farm. But we would be happy to respond in more detail. Let me ask my staff if they have anything further to contribute to that.

This is Glen Loomis, of my Environmental Quality staff.

Mr. LOOMIS. I think we are concerned with replacing the topsoil, which is the major thing. It has not received uniform attention State by State.

Senator MELCHER. We recommend in these Western States where Federal land is intermingled with private land, that the State work out a requirement with the pipeline constructors, that the Federal standards be followed even though it is on private land. It seems to work. We are encouraged to think it works, that the States definitely will do that and follow the same procedures, the same monitoring, the same requirements for private land.

Senator Leahy?

Senator LEAHY. Mr. Cutler, what was the initial position of USDA on the Farmland Protection Act or its House companion prior to being subjected to review by OMB?

Mr. CUTLER. The staff response was positive, Senator Leahy, based on the awareness of the severity of the problem. The record will show that recommendations were made to OMB that we adopt a positive response, but the Office of Management and Budget exercised its responsibility to monitor and control our budget process and determined that, given the difficulty we faced in just continuing existing programs at any kind of adequate level—as the chairman pointed out, some of them must be continued at something less than that—OMB directed that our testimony be negative.

Senator LEAHY. A short way of answering that might be that the Department was for it and OMB was against it?

Mr. CUTLER. That is true.

Senator LEAHY. And you said that Congress should wait until the USDA-CEQ study is completed before enacting legislation, like the bill we have before us, which is S. 795. When would that study be completed?

Mr. CUTLER. January 1981.

Senator LEAHY. How many acres of farmland will be lost between now and January 1981?

Mr. CUTLER. Well, it probably would be, in terms of permanent conversion, between 1 million and 2 million acres. Once again, my testimony also indicated that we do not know that that is a severe handicap, although a few decades down the road we may look back and think that it was.

Senator LEAHY. I would think so. We are losing, in my own State, around 70,000 a year, and we are a pretty small State. We are talking about 100,000 acres between now and that time. We are going to be down to a State which was very agricultural to one where somebody will pay admission to go and see what the last remaining farm looks like.

I mention that only to emphasize that I think USDA's initial attitude on this was a lot better than OMB's. I think the way we are losing farmland in this country has to be a matter of grave concern to us all. We have seen how politics and economics and everything else can be manipulated because of our reliance on one primary necessity of life; that is, the necessity of energy. We have to import it from other countries. I worry very, very much about what happens to our economic, political, and every other aspect of life in this country—patterns of migration and everything else—if we find, Mr. Chairman, that we have to suddenly rely on some form of imported food also.

And I know that the Secretary shares my concern. But I just hope that we are not all sitting around being very concerned about farmland disappearing and will express our concerns over the years and in almost direct ratio to us expressing our concern, the farmland also disappears.

Mr. CUTLER. Senator, if I may comment.

Senator LEAHY. Surely.

Mr. CUTLER. This has been a subject of concern to me personally over many years as it has been to you and Secretary Bergland. Those of us who have traveled, for example, in Western Europe, and have

seen the way human settlements are concentrated and agricultural lands and forest lands are neatly and systematically protected and kept in production, cannot help to have been impressed by the effectiveness of that system. Obviously, the tradeoff is loss of some freedom with respect to how land can be used.

In our society, the United States, year after year, decade after decade, generation after generation, has refused to accept the kind of controls that have been accepted in Western Europe to protect the agricultural and forest land base.

Senator LEAHY. Of course, in smaller nations it is very easy to show people exactly where the land is being converted. Visually, it is a very easy thing.

Sometimes in our country, which is one of the half dozen largest in land area, it is hard to tell, or it is hard to show people exactly what is happening. Has USDA used satellite technology to determine where our farmland is and where it is disappearing?

Mr. CUTLER. Yes, it has, and you do not need to use a satellite or even an airplane. You just travel north of Salt Lake City or Denver, or onto Long Island or into north New Jersey or in Vermont; it is right there for everyone to see. Dairies that used to be all over the valley in Utah up to Logan are gone. They are under airport runways and housing subdivisions. The Big Sur area of California is being converted from agricultural production to homes. The Grand Traverse Bay area of Michigan, which is one of the important cherry producing areas in the country, is being converted to residential property. The same thing with the fruit area above Chicago in southwestern Michigan. It is a very real phenomenon.

What I hope we can come up with as a result of this 18-month study that Secretary Bergland and Chairman Warren have agreed to might, among other things, be a model State law comparable to the model act that the Department of Commerce developed for States to consider back in the twenties that provided the enabling statute for urban land use, for urban zoning—the model act that was adopted State by State which permitted some systematic control to be used in an urban setting. We may be at a point where we would recommend to the States that something comparable be adopted for rural lands, to protect our agricultural lands.

Senator LEAHY. Let me just follow up on that. We are not going to pass a Federal land use plan no matter how anybody feels for or against it. It is practical political fact. I personally like to think we can develop a land use plan in our own States in a very good fashion, whatever the nature.

The environmental laws in Vermont have been a good demonstration of how well we can do that. But, at the same time, we have got to have direction. Vermont farmers must have some way of knowing what California farmers or Nebraska farmers or anybody else might be doing.

This joint USDA-CEQ study, is it going to suggest any innovative techniques for preserving agricultural lands, or will it be just another study that will gather dust on the shelf and farmlands will continue to disappear?

You see what I am referring to, Mr. Secretary? If it is simply a case of cataloging the ills, I do not think it accomplishes an awful lot.

Mr. CUTLER. We hope it will catalog some successes. There is no way that a small staff group, even though it is headed by some very bright people, such as Bob Gray, who worked for Congressman Jeffords—

Senator LEAHY. On the floor of the Senate the other day, I strongly complimented the Department of Agriculture for selecting Mr. Gray. He is a personal friend and I think he will do an extremely good job.

Mr. CUTLER. Thank you. And Dr. Mike Brewer will be working with him as Research Director, and a staff to be recruited from various departments. Bright though it be, it is going to be relatively small, and all it can hope to accomplish in 18 months realistically will be an evaluation of the successes and failures of what has been attempted in the 50 States. But we are mildly optimistic that we can find some successes as well as some failures.

Obviously, most of the preferential taxation programs have simply delayed the inevitable, you might say, and some of them have been of advantage to speculators, and have not achieved the objective. We hope that some programs, such as those that have begun in Vermont and New York State and elsewhere, will be of such a quality that we can recommend them for more widespread adoption. But I think that the other shoe that will fall on January 1981 when this report is released will have to do with the Federal Government getting its own house in order; that is to say, making sure that the Farmers Home Administration, the Economic Development Administration, the Corps of Engineers, the Federal Highway Administration, the Federal Aviation Administration, and others, that have traditionally built over prime agricultural land without giving adequate consideration to that particular impact, will change their ways.

Senator LEAHY. That is commendable. I hope in the meantime, though, we may find the collective wisdom of Congress will override the directed wisdom of the OMB, and that S. 795 will pass and add emphasis to what is going on.

Mr. Chairman, I appreciate the time. I had asked permission to have a whole series of questions be answered.

Senator MELCHER. Without objection, it is so ordered.

[Questions submitted by Senator Leahy to Mr. Cutler and answers thereto:]

Question.—What are the principal differences between the joint USDA/CEQ study and Title II of S. 795? In light of the USDA/CEQ study, is Title II still necessary?

Answer.—There are no fundamental differences between the joint USDA/CEQ National Agricultural Lands Study and the study proposed in Title II of S. 795. The time period for study completion is different; 18 months for the USDA/CEQ study, and 42 months for the Title II study. In view of the USDA/CEQ study being already underway, it does not appear necessary for Title II to be included in S. 795.

Question.—Those farmlands under the heaviest pressures to convert to non-agricultural uses tend to be prime farmland. Once these acres are lost, we as a nation have to depend on non-prime, marginal farmlands.

Would you please comment on the ratio of energy and water resources necessary to produce agricultural commodities on prime farmland versus marginal farmland?

Answer.—Marginal farmlands are often either very sloping, wet, rocky, or droughty. These lands will require more energy inputs to produce a crop. More than half require more water when used as cropland. Even with these additional resource investments, the per acre production will be substantially below that of prime farmland.

The use of marginal lands is not the only alternative to using prime lands. There are about 40 million acres with high potential for conversion to cropland. Slightly more than half is prime land. Much of this land could be converted without special treatment or large investment.

Question.—It has been reported that Secretary Bergland plans to step up USDA's assistance to local residents and governments in preserving farmland. How will this be accomplished and are these efforts compatible to responsibilities given to the Soil Conservation Service in S. 795.

Answer.—The USDA plan to step up assistance in preserving farmland is spelled out in Secretary's Memorandum No. 1827 Revised, Statement on Land Use Policy, a copy of which is enclosed. The policy directs each USDA agency to make changes in their rules, regulations and practices wherever necessary in order to assist landowners and State and local governments to protect prime farmland. This responsibility is fully compatible with proposed activity under S. 795. An example of one SCS activity is the production of county maps delineating areas of prime and unique farmland and also indicating important farmland as designated by State and local criteria.

The only major difference between current directives given to SCS and the responsibilities assigned under S. 795 is the Section 401(a)(2) provision calling for SCS to provide financial assistance to State and local governments. SCS does not have a financial assistance program to assist State and local governments in agricultural land protection efforts.

Question.—As you mentioned in your testimony, USDA through its Soil Conservation Service has completed plans or is already working on much of the research contained in title II of S. 795.

I am deeply concerned about the quality of this research. Without good research, we in Congress cannot accurately design and steer the Federal government to meet pressing national issues.

My concern for the quality of your research grows out of a letter sent on July 19, 1977, to the Administrator of the Soil Conservation Service by the General Accounting Office.

In 1975, SCS completed a study on this nation's reserve cropland, land that could, if necessary, be brought into crop production. SCS found that of the 111 million acres of reserve cropland, 78 million acres have a high potential for conversion to cropland. The remaining 33 million acres were found to have a low potential for conversion to cropland.

The 1977 letter from GAO raises some very interesting points with regard to this SCS study. Simply, GAO went to Minnesota and checked on 44 sample points of cropland reserve acreage that SCS had found to have a high potential for cropland conversion. However, after interviewing the owners of this acreage and doing some other research, GAO found that of the 44 sample points classified as high cropland potential by SCS, only two were actually of high potential and the other 42 were in the low potential category.

This means that in GAO's opinion, in 42 of 44 instances, SCS incorrectly classified cropland reserve acreage. What this means is that the SCS report of 1975 that we must depend on to assess the farm acreage needs of the nation was severely flawed and undependable to say the least.

Would you please comment on the GAO finding? Also, in your mind does this mean that any Federal study on farmland, like that contained in Title II of S. 795, must be carefully spelled out and described in legislative language to make certain it is done correctly?

Answer.—The 1975 Potential Cropland Study was designed to identify lands with the physical characteristics that would make them highly suitable for conversion to cropland. The identification of land as having either high or low potential for conversion to cropland was related to the physical characteristics of the soil and its current use, and not to a specific landowner's short term plans for conversion. The GAO study included interviews with landowners to determine their intent to convert these lands to cropland. Obviously, a landowner has many factors to consider in addition to the physical characteristics of the land in making decisions about land use. In addition, land ownership changes over time and the land use decisions of individual owners also change. Our study contains excellent and reliable data on the potential for conversion to cropland. It does not address current landowner intent to make conversions.

In 1977 we gathered data for the National Resources Inventory. As a part of that effort the Economics Statistics and Cooperatives Service (ESCS) gathered data from questionnaires filled out by landowners. This study will enable us to make some interesting correlations between the soil resources and the intent of the landowner.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 30, 1978.

SECRETARY'S MEMORANDUM NO. 1827, REVISED

STATEMENT ON LAND USE POLICY

1. *Purpose.*—This memorandum establishes a departmental policy to promote attainment of land use objectives that are responsive to the needs of the people. This policy is supportive of the constitutional responsibilities of State and local governments for making and implementing public policy regarding land use. This policy is designed to contribute to improved social and economic well-being and to protect the quality of the environment. In formulating and implementing this policy, it is the intent of the Department to (a) assist local and State governments and individual landholders in defining and meeting needs for growth and development; (b) protect the natural environment; and (c) assure adequate supplies of high-quality food, fiber, wood, and water.

The policy is supportive of the President's Urban Policy, Executive Order 11990, Protection of Wetlands, and Executive Order 11988, Floodplain Management, and is consistent with responsibilities assigned the Secretary under the provisions of 7 U.S.C. 1010 and 7 U.S.C. 2204.

2. *Background.*—Environmental, economic, and social needs and related land use decisions are matters of concern to the Department of Agriculture. Decisions concerning land use arise from needs to maintain and stimulate economic development, maintain and enhance agriculture, rangeland, and forest production capabilities; provide or improve community services, facilities, and living space; to preserve the natural environment and associated wildlife and recreational values; and to assure adequate supplies of high-quality water. These needs are highly interdependent and often competitive for the limited supply of available and suitable land. Responsible levels of Government must encourage and facilitate the use of our Nation's land resources with wisdom and foresight.

The Department of Agriculture has numerous programs, and makes decisions that affect the use and availability of land in public and private ownership. To help carry out these programs, the Department has established a program delivery capability at the local level and cooperative arrangements with State and local governments. The Department has the organizational structure, leadership capability, and the professional and technical skills essential to advise and assist local and State governments and private landholders in matters dealing with the Nation's land resources. In accordance with the authority contained in 7 U.S.C. 1010 and 7 U.S.C. 2204 and consistent with 7 C.F.R. 2.19(f), the Department sets forth this statement of policy on land use. This statement reflects the Department's concern with the serious challenges the Nation faces in retaining an adequate natural resource base and in meeting environmental, social, and economic needs.

3. *Policy.*—The Department will:

A. Continue to recognize and respect the rights and responsibilities of landholders in making private land use decisions, and the rights and responsibilities of State and local governments in developing public policies regarding non-Federal land use.

B. Implement this policy in the administration of its public lands consistent with legislative authorities controlling their use. They will be administered in such manner as to demonstrate leadership in meeting short- and long-term needs for growth and development; to protect the natural environment; and to assure adequate supplies of food, fiber, wood, and water.

C. Manage USDA-administered lands with a sensitivity to the effect which their management will have on adjacent private and public land. Whenever logical, the management of these lands should be coordinated with the management of adjacent private and other public lands.

D. Make decisions and manage its land use-related programs to contribute to the Nation's short- and long-range needs for protecting the natural environment; assuring adequate supplies of food, fiber, wood, and water; and providing for economic growth and development, energy and other facilities and services, and living space in our communities.

E. Assist local and State governments, planning and development organizations or agencies, citizens' groups, and individual landholders in identifying and defining their growth, development, and environmental needs; selecting and choosing among alternatives to meet those needs; and implementing projects or programs to satisfy those needs.

F. Advocate the retention of Important Farmlands and Forestlands, Prime Rangeland, Wetlands, or other lands designated by State or local governments whenever proposed conversions are: (1) caused or encouraged by actions or programs of a Federal agency; (2) licensed by or require approval by a Federal agency; or (3) inconsistent with local or State government plans. Provisions will be sought to assure that such lands are not irreversibly converted to other uses unless other national interests override the importance of preservation or otherwise outweigh the environmental benefits derived from their protection. In addition, the preservation of farmland in general provides the benefits of open space, protection of scenery, wildlife habitat and, in some cases, recreation opportunities, and controls on urban sprawl.

G. Advocate actions that reduce the risk of flood loss, minimize impacts of floods on human safety, health, welfare, and restore and preserve the natural and beneficial functions and values of flood plains.

H. Advocate and assist in the reclamation of abandoned surface-mined lands and in planning for the extraction of coal and other non-renewable resources in such manner as to facilitate restoration that will reestablish the prior productivity of the land, as mining is completed in defined areas or sites.

I. Advocate the protection of threatened and endangered animal and plant species and their habitats, designated archaeological, historic, and cultural sites, and designated ecosystems.

J. Advocate the conservation of natural and man-made scenic resources, improve the technical ability of agencies to identify and evaluate scenic resources, and assure that its agencies protect and enhance the visual quality of the landscape.

4. Implementation

A. Each agency of the Department having programs or actions that may cause or encourage irreversible conversions of Important Farmlands and Forestlands, Prime Rangeland, and Wetlands, as defined in the Appendix, or that may cause or encourage encroachments on flood plains, will review such programs or actions and related administrative rules, regulations, bulletins, and practices. Within one year these agencies will make such changes as are necessary to bring agency programs or actions into compliance with the provisions of this Memorandum.

Agencies will assure that their actions, investments, and programs on non-Federal lands are consistent with State and local land use plans and programs to the extent practicable.

In carrying out the above, agencies will:

(1) Cooperate to establish a coordinated land use data base and coordinated data collection systems for use within the Department and by the Federal, State, and local governments;

(2) Attempt to integrate departmental and State and local land use policies and programs;

(3) Identify and minimize to the extent practicable adverse environmental, economic, and social effects of agency projects and programs;

(4) Provide landholders and other concerned people information about the alternatives to, and the associated environmental, social, and economic implications of proposed actions;

(5) Refrain from converting or enabling others to irreversibly convert these lands or encroaching or enabling other encroachments on flood plains unless there are no practicable alternatives.

B. The Department will intercede, consistent with the policy contained in this Memorandum, in decisionmaking by other Federal agencies where conversions of Important Farmlands and Forestlands, Prime Rangeland, and Wetlands, are caused or enabled by an agency of the Federal Government, or where conversions require Federal licensing or approval. Intercession will be through participation in the planning of projects when invited and through review and comment on draft environmental impact statements or proposals for actions of Federal agencies consistent with authorized administrative review procedures for Federal or Federally assisted actions.

C. The Department will encourage State and local governments and individual landholders to retain Important Farmlands and Forestlands, Prime Rangeland, and Wetlands, and avoid encroachment on flood plains.

The Department will:

(1) Generate and disseminate information and provide organizational leadership, planning, and technical assistance in the application of knowledge useful to local or State officials, groups, or individual landholders in understanding the social, economic, and environmental implications of converting such lands:

(2) Provide assistance to State, area-wide, and local planning and development groups, citizens groups, and individual landholders in evaluating alternative uses

for land. Evaluations will consider soil suitability based on physical and chemical characteristics, site (location and adjacent uses), and other environmental, economic, and social factors;

(3) Cooperate with others in defining, inventorying, evaluating, and publishing descriptions of the Nation's lands, including wetlands and flood plains, consistent with legislative and administrative authorities;

(4) Provide decisionmakers and the general public with information on the kind, extent, location, ownership, and current status of the Nation's lands;

(5) Conduct multidisciplinary land use research that is responsive to identified State, local, and national needs;

(6) Conduct educational programs on land use and land use research findings;

(7) Encourage and facilitate public participation in land use planning and decisionmaking;

(8) Cooperate with local, State and other Federal agencies in locating and evaluating sites for:

a. Extracting minerals and nonrenewable energy resources and the reclamation of surface mined lands;

b. Energy-producing facilities;

c. Economic growth and development;

d. Facilities and services in local communities;

To limit adverse environmental impacts of these activities or to find alternatives to the conversion of Important Farmlands and Forestlands, Prime Rangeland, and Wetlands;

(9) Cooperate with area-wide and State clearinghouses designated under the provisions of OMB Circular A-95 in the review of Federally aided projects with potential impacts on Important Farmland and Forestlands, Prime Rangeland, and Wetlands.

D. The USDA Land Use Committee, created under Secretary's Memorandum No. 1807, Revised, dated December 14, 1977, will provide Department-wide leadership for the implementation of this policy statement. The Committee will encourage and monitor USDA agency responses and coordinate with other Federal agencies to carry out the provisions of this Memorandum. The Committee will advise the Secretary annually as to progress in the implementation of this policy.

This Memorandum supercedes Secretary's Memorandum No. 1827, dated October 20, 1973, and Supplement No. 1, dated June 21, 1976.

BOB BERGLAND,
Secretary of Agriculture.

Attachment.

APPENDIX

DEFINITIONS

The following definitions apply to the provisions of Secretary's Memorandum No. 1827, Revised.

IMPORTANT FARMLANDS ¹

Prime farmlands

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 (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water).

In addition to the criteria above, for purposes of this policy statement, site (location and adjacent uses) and other economic and social factors will be given due consideration.

Unique farmland

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 specific crops when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.

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.

¹ USDA's Important Farmland Inventory, 7 CFR, Part 657.5.

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.

PRIME FORESTLANDS ²

Because of the multiple-use of forested lands, several categories, i.e., timber, wildlife, and recreation may be developed. For purposes of this Memorandum only, the following timberland definitions will apply.

Prime timberland

Prime timberland is land that has soil capable of growing wood at the rate of 85-cubic feet or more/acre/year culmination of mean annual increment (site 3 or better) in natural stands and is not in urban or built-up land uses or water. Generally speaking, this is land currently in forest, but does not exclude qualifying lands that could realistically be returned to forest.

Unique timberland

Unique timberlands are lands which do not qualify as prime timberland on the basis of producing less than 85-cubic feet/acre/year, but are growing sustained yields of specific high value species or species capable of producing specialized wood products under a silvicultural system that maintains soil productivity and protects water quality.

Timberland of Statewide importance

This is land, in addition to prime and unique timberlands, that is of Statewide importance for the growing of wood. Criteria for defining and delineating these lands to be determined by State forestry planning committees or appropriate State organizations.

Timberland of local importance

In some local areas, there is concern for certain additional forest lands for the growing of wood even though these lands are not identified as having national or Statewide importance. Where appropriate, these lands are to be identified by a local agency or agencies concerned.

PRIME RANGELAND ³

Prime rangeland is rangeland which because of its soil, climate, topography, vegetation, and location has the highest quality or value for grazing animals. The (potential) natural vegetation is palatable, nutritious, and available to the kinds of herbivores common to the area.

Because of the kind, quality, or seasonal characteristics of the forage produced on it, prime rangeland makes a significant contribution to the range livestock industry of the area and exerts a profound influence on well-being of local communities. Prudent grazing can be accomplished without significant degradation of the environment.

WETLANDS ⁴

Wetlands means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetable or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mudflats, and natural ponds.

Other farm, forest, range, or wetlands designated for protection by State or local governments

Those lands, defined and identified by State or local jurisdictions or regional governing bodies which are of substantial importance to them. The importance might stem from the lands siting, economic, environmental, open space, or other values.

² Prime Forest Land Definition and Criteria, USFS, May 26, 1977.

³ Draft USDA Definitions (for intra-departmental use only).

⁴ Executive Order 11990, Protection of Wetlands, May 24, 1977.

OTHER TERMS

*Flood plains*⁵

The term "flood plain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one-percent or greater chance of flooding in any given year.

Food, fiber, and wood

Food, fiber, and wood are the production of food, feed, forage, fiber, oilseed, ornamental plant materials, and wood for all purposes, including seed production and planting stock.

SECRETARY'S MEMORANDUM NO. 1827, REVISED SUPPLEMENT NO. 1

IMPLEMENTATION OF EXECUTIVE ORDERS 11988, FLOOD PLAIN MANAGEMENT AND 11990, PROTECTION OF WETLANDS

Background

Two Executive Orders were issued in May of 1977 as important components of the President's message on the environment. These Orders require all executive agencies to avoid disrupting wetlands or flood plains wherever there are practicable alternatives in delivering their programs and to minimize any environmental harm that might be caused by Federal actions where no practicable alternatives exist. The Orders require executive agencies to establish procedures for compliance. Specifically, executive agencies are required to issue or amend program regulations and procedures and to incorporate the provisions of the Executive Orders into agency planning and decisionmaking. Executive agencies are required to assure that consideration for wetlands and flood plains will be part of existing programs and will not cause unnecessary duplication or delay in government operations.

Scope of USDA Programs Covered

Land use-related programs of the following Administrations and Services are subject to the Orders' directives: Soil Conservation Service; Science and Education Administration; Rural Electrification Administration; Forest Service; Farmers Home Administration; Agricultural Stabilization and Conservation Service; and the Economics, Statistics, and Cooperatives Services.

Directives

1. The Soil Conservation Service, the Agricultural Stabilization and Conservation Service, the Forest Service, the Rural Electrification Administration, and the Farmers Home Administration will identify and review, and make necessary changes in their respective regulations and rules for all programs that may cause conversions of wetlands or which might enable others to convert wetlands to alternative uses, or that may cause or enable others to cause the construction of encroachments on flood plains. Such changes as necessary to comply with Executive Orders 11988 and 11990 shall be made by November 1, 1978.

Senator MELCHER. Senator Stewart?

Senator STEWART. Let me see if I understand, Mr. Secretary, what your position is. I am new at this. As the chairman indicated, we have been discussing this for some time since 1972.

Is it the Department's position that you are opposed to this particular legislation at this time?

Mr. CUTLER. We have proceeded to implement that portion of it which calls for study of existing State approaches to retarding the conversion of agricultural lands. That is the 18-month study we have been talking about.

With respect to the fiscal portion which provides for grants to States for experimental pilot projects, we are opposed to that and, therefore, we are opposed to the bill, urging that the Congress wait until the conclusion of our 18-month study, at which time we will know with more certainty what the Federal role should be.

Senator STEWART. Are you going to take 18 months to study what is going on now with regard to control?

⁵ Executive Order 11988, Floodplain Management, May 24, 1977.

Mr. CUTLER. Both what the States are doing and what Federal agencies are or could be doing to have a more positive effect on the preservation of agricultural land.

Senator STEWART. I thought your testimony was, a moment ago, that about all you could do was catalog what is being done at this time. Is that correct?

Mr. CUTLER. We hope to add to our collective wisdom and not just reiterate previous studies.

Senator STEWART. Have studies been done prior to this time on what States have done and what the Federal Government has done to preserve this?

Mr. CUTLER. I am not sure that the Department of Agriculture has done anything comprehensive but, obviously, there has been a cataloging, a review, and there is literature on this subject. I am sure that a literature review on the subject, which I assume will be one of the first orders of business of our staff, will produce a bibliography of perhaps a few hundred pages on the subject. But it has not all been pulled together in one place before or as sharply focused as this study will be.

Senator STEWART. So, basically, what you are doing is pulling together what has been done previously, and cataloging some of the things that have been done by the States?

Mr. CUTLER. And evaluating the effectiveness of those alternatives with an eye to recommending which of them have been most effective.

Senator STEWART. What would that be worth?

Mr. CUTLER. Well, it would be worth a lot to State legislatures looking for ways to deal with this problem. Prior to my being appointed to this position, I was a land use extension specialist for Michigan State University, and I worked very closely in that capacity with the conservation committees of both the senate and the house of the Michigan Legislature on developing legislative approaches to this issue at the State level, during which we came up with the Michigan Farmland and Open Space Preservation Act. But I assure you, Senator, we felt like we were in the dark quite a bit of the time with respect to the appropriate approach to take. That is to say, we did not feel that we had adequate literature to review ourselves, an adequate set of alternative approaches from which to choose, nor adequate evaluations of what had transpired in other States.

I think this review will be of use to State legislatures to help them address this problem.

Senator STEWART. Well, would it be fair to say that most States already have laws on the books that deal with this problem?

Mr. CUTLER. Most of them do, but many of them have been shown to be ineffective.

Senator STEWART. So what you are going to do is spend about 18 months studying the literature of the 48 States that has been provided by those States, as I understand your testimony, which now have laws that are ineffective. You are going to study 48 or 50 State laws that are ineffective at this time. Is that, basically, what you are going to be doing?

Mr. CUTLER. In addition to the experience the various States have obtained with their laws now on the books, this professional staff will explore the proposals made by other experts in this field, in the university faculties, the Council of State governments, various as-

sociations such as the National Association of Conservation Districts and, in effect, not only regurgitate what is already known or been done, but provide a kind of think tank environment for brainstorming new approaches that would have a kind of catalytic effect.

I really do not know any other way to approach such a problem, other than to bring together some of the best minds on the subject and let them interact with one another and see if they cannot come up with a better way to do something.

Senator STEWART. Are you familiar with the study that was done by the Northeast Rural Development Center on this same problem?

Mr. CUTLER. I have heard of it. I would have to defer to my staff for a more detailed response.

Senator STEWART. Are you familiar with a report that was done by Bill Leshner, economist for this committee, who has done a major study on the transfer of development rights?

Are you familiar with that study?

Mr. CUTLER. I have not read it personally.

Senator STEWART. It is my understanding that this report is now sitting in the files of this committee. What I am concerned about is getting to the problem itself.

Are you convinced that this is a major policy problem facing this country, the conversion of prime agricultural land to other uses?

Mr. CUTLER. Some economists tend to respond to that question negatively because they see—

Senator STEWART. I am not talking about economists. I am talking about how you feel about it at the USDA.

Mr. CUTLER. I personally feel that it is a very important problem because, as we move from the best—that is, the flatest, the most productive—land to less appropriate lands from the standpoint of slope or fertility or soil type, we end up requiring more inputs of energy for fertilizer, pesticides, and erosion control.

Senator STEWART. Then it would run up the value of the remaining land and make it difficult for folks to enter into the agricultural business? Would that occur too if your prime land is slowly but surely converted, would that not have the same effect?

Mr. CUTLER. That is true.

Senator STEWART. Well, Secretary Bergland said recently that they were interested in making it possible for more folks to go into the family farm business. Would that not be a policy, if you tackled this problem, would this lack of activity in this area cause some problems in what he stressed the Department was aiming toward?

Mr. CUTLER. Yes, it is very closely related to the Secretary's concern about farm structure and preservation of family farms.

Senator STEWART. And all you are doing is an 18-month study on the laws and literature already available; is that correct?

Mr. CUTLER. Well, we have to begin somewhere to get our own act together to know what the point of departure should be, what direction the Federal Government should go. We cannot go off in all directions at once without having some basis for recommendations.

Senator STEWART. Is not basically the reason you are not doing this because this is going to cost the National Treasury a few dollars?

Mr. CUTLER. It will cost more than a few dollars but, basically, the answer to your question is yes.

Senator STEWART. So what you are saying, you will not enter into a major area of public policy that affects adversely to us in the future because of the dollars it costs; is that correct? Could it cost us more in the future?

Mr. CUTLER. Yes, it might, but once again, this is a land use control issue which traditionally in this country has been handled at the local and State level, and we are still not sure what the Federal role should be.

Senator STEWART. It is my understanding that this is not land use legislation. Maybe I am wrong about it.

Mr. CUTLER. Well, we use euphemisms to avoid using that term because politically, as Senator Leahy has indicated it, is a difficult area for Congress and the Federal Government to deal with. Land use has become an emotional term.

Senator STEWART. Are you, basically, then saying that there is opposition—I am trying to find out what your position is—opposition because of the economics of it and also opposition because this administration and USDA does not feel the Federal Government ought to be involved in that particular area, or active?

Mr. CUTLER. USDA is very deeply involved in many ways, including decisions with respect to land administered by the Department of Agriculture; that is to say, how the National Forest System will be administered. It is also involved because it provides technical assistance and financial—

Senator STEWART. I am talking about private lands.

Mr. CUTLER. Well, I am too, now. We not only make recommendations through the SCS, but we provide financial assistance through the ASCS programs and, more importantly, through our loan and grant programs of the Farmers Home Administration and the Rural Electrification Administration. And we ought to get that act together. With respect to general land use efforts that deal with the entire private land base on a State-by-State basis, this, I think you will agree, has traditionally been within the purview of State legislatures and, in large part, delegated to local governments. The question we are attempting to answer with our study is, if there is to be a stepped-up level of Federal Government activity to be taken in this area, what should it be? Should it simply be to open the Federal Treasury to States to purchase development rights or otherwise buy or provide financial incentives to retain agricultural land in production; or is there some other way? For example, there may well be ways to retain agricultural land that do not involve purchase of land or interests in land.

Perhaps we can come up with a recommendation with respect to agricultural zoning, to have some compensation for so-called losers in agricultural zoning. There may be more efficient ways to preserve agricultural land than just going out and buying it.

Senator STEWART. How much is the study going to cost?

Mr. CUTLER. Do we have a figure on this?

Mr. LOOMIS. \$1.5 million.

Mr. CUTLER. One and a half million dollars.

Senator STEWART. That is all the questions I have.

Senator MELCHER. Senator Jepsen?

Senator JEPSEN. Dr. Cutler, as I understand it, the administration proposes to cut SCS manpower by about 1,000 persons; is that correct?

Mr. CUTLER. That was provided for in the President's 1980 budget; yes, sir.

Senator JEPSEN. Did you provide a general comparison of the fiscal year 1979 budget versus the request for the fiscal year 1980 budget?

Mr. CUTLER. Yes; the actual appropriation for fiscal year 1979 for SCS was \$507 million. The President's request for fiscal year 1980 was for \$547 million. Looking at the so-called conservation operations, that is, money that funds the work of the district and area conservationists and technical assistance to private landowners, the comparison is as follows:

Actual appropriation in fiscal year 1979, \$264 million.

President's request for fiscal year 1980, \$253.9 million.

Senator JEPSEN. So, really, in the general area of soil conservation, we seem to be cutting back rather markedly in appropriations?

Mr. CUTLER. Yes.

Senator JEPSEN. I am just commenting on statements you made, there seems to be some concern or some unsureness about where the control in land use should be. What is your personal feeling?

Mr. CUTLER. I do not think there is any question. Personally, I think the Constitution and our historical experience has been clear that the responsibility for land use planning and decisionmaking lies with the people at the State and local levels. The Federal Government, apart from some necessary preemption of that authority related to national defense, has a role of helping the State and local authorities make wise decisions through provision of good data and, conceivably, assisting through financial incentives tied to requirements to protect the environment and otherwise protect the national interest in particular programs.

Senator JEPSEN. Personally, Dr. Cutler—not as an institution, not representing USDA now, but personally—in light of everything that has been discussed and brought out here this morning, and specifically that USDA has joined the Council on Environmental Policy to cochair a Federal interagency study on agricultural land—this study, as I understand, is scheduled for release January 1981?

Mr. CUTLER. Right.

Senator JEPSEN. And the study appears to be designed to thoroughly discuss farmland conversion?

Mr. CUTLER. Correct.

Senator JEPSEN. Is that correct?

Mr. CUTLER. Yes.

Senator JEPSEN. The fact we are asking for \$49 million—\$49.5 million to be exact—in the area of land use control, as you might well imagine I am not unsure at all where the control should be, and what you said the Constitution indicated. I do not think we should have any desire of bureaucracy back here.

When you read section 303(b)(3), pages 14–15 of this bill, with your knowledge of governmental agencies and Government roles, would you say that this fairly describes an attempt to have a Federal land use control program, handled, executed, and administered out of Washington, D.C.?

I do not see any great local control. I think it is on pages 14 and 15, that section 303(b) down there, down at the bottom of page 14. Well, go back up to line 11, "The Secretary may only provide assistance under this title with respect to an application," and drop down to item 2, "which provides the Secretary with satisfactory written

assurance," et cetera, and then get down to the real meat of it, item 3, line 22, "make good-faith efforts to cooperate," and then on top of the page—this is awfully familiar—bureaucracies and agencies start like this and then they never go away; "transmit to the Secretary such reports and evaluations at such times, in such form, and containing such information as the Secretary determines are necessary"; is that pretty broad?

Mr. CUTLER. It is obviously tied to receiving Federal funds for conducting pilot studies and demonstration projects, and it is a matter of accountability back to the Secretary so that we know what is being done with the money.

Senator JEPSEN. What is USDA's feeling with regard to development of a tilth center for soil conservation?

Mr. CUTLER. We already have one at Auburn University.

Senator JEPSEN. How about additional tilth centers?

Mr. CUTLER. I would have to consult with our Director of Science and Education with respect to his view on a need for one.

Senator JEPSEN. For how long a term has this one been going on at Auburn?

Mr. CUTLER. I did not hear the question.

Senator JEPSEN. The tilth center at Auburn.

Mr. CUTLER. I have no idea, for quite some time. As a matter of fact, the Army used it to test the treads of their tanks in World War II.

Senator JEPSEN. I guess I will ask one last question. In the USDA, do you believe that Soil Conservation Service already has authority to provide technical assistance in the States and localities and advise them on land use?

Mr. CUTLER. It not only has the authority, but it has been doing so for quite some time, not just individual private landowners, but councils of governments, multicounty regional planning districts, land use agencies, working in concert with other Federal agencies. The only question is the adequacy of the data base. That is to say, the incomplete status of our soil surveys and our important farmland mapping projects, and also the question of adequate manpower so that we can respond to all opportunities that come our way to be of assistance.

Senator JEPSEN. If you were going to develop a Federal Land Use Control Policy Office, would you start this way?

Mr. CUTLER. I can quickly say that I have no interest in doing that.

Senator JEPSEN. I am just pretending. You are on the record saying what the Constitution says.

Mr. CUTLER. I think this is quite a mildly worded piece of legislative language with respect to reports to the Secretary in return for the demonstration project grants. It could be regarded, I suppose, as a camel's nose under the tent, but, on the other hand, I am sure that putting on our other hat, you might say, as guardian of the Federal Treasury, we would want to be assured that the money is being well spent and there ought to be some report back to the administering agency, some form of review, some provision for accountability.

I do not see, as you apparently see, any kind of a beginning of a Federal land use preemption effort here. Rather, I see a fairly routine provision for accountability to the disbursing agency.

Senator JEPSEN. How does the USDA see two farmland studies being funded?

Mr. CUTLER. Basically, through contributions from several involved departments, mainly by detailing expert staff people from the departments to this staff for the study. USDA and CEQ will carry the lion's share of the financial commitment, but 8 or 10 other departments will contribute staff and an undetermined amount of additional funding for office rent and supplies and the cost of publications and other necessary expenditures.

There is no separate line item in the budget for it. It is coming out of our hides.

Senator JEPSEN. Is the USDA—last question—in favor of this bill; as proposed, at this given point in time?

Mr. CUTLER. No, it is not.

Senator MELCHER. Mr. Cutler, the Department has just completed a major natural resource survey. In general, what were the conclusions of that survey in respect to, first of all, farmland conversion?

Mr. CUTLER. My testimony reviewed that in some brief detail. Once again, the conversion of some 2.5 to 3 million acres of land each year to nonagricultural purposes and a fairly severe continuing erosion problem. I will be happy to provide the committee with a better summary of that.

Senator MELCHER. I wonder if you would also point out what the conclusions were—besides farmland conversion—what the conclusions were on water supply and irrigation.

Mr. CUTLER. This is a very important subject, and one which the Secretary and I have spent a lot of time looking at in the last few months, particularly with respect to the underground water reserves being depleted, and we have a very severe problem of mining. Both our soil and our underground water are resources to which we must devote more attention.

Senator MELCHER. Senator Stewart, do you have any further questions?

Senator STEWART. No, I just wanted to indicate that I want to take a look at that study and compare it with other studies and see how much new information it has.

Mr. CUTLER. I am looking forward to seeing it, too.

Senator MELCHER. Thank you very much, Dr. Cutler. You have been a help to us. I wish the administration's view were different on the bill, but you, I am sure, correctly identified the Department's concern and the Department's interest in such legislation, and the restraints OMB places on the administration. We appreciate that very much.

Mr. CUTLER. Thank you, Mr. Chairman.

Senator MELCHER. The next witnesses will be considered as a panel. I think everyone is here; I will see.

Ron Michieli, director, government affairs for land and natural resources, National Cattlemen's Association.

Ruth Kobell, legislative assistant, National Farmers Union.

Bruce Hawley, assistant director for national affairs, American Farm Bureau Federation.

Dave Lambert, director of regulatory affairs, National Grange, accompanied by Daryl Lowry, master, Vermont Grange.

Neil Sampson, executive vice president, National Association of Conservation Districts.

Robert Weaver, representing the National Association of Counties.

Senator LEAHY. Mr. Chairman, I might note for the record that one of the witnesses is Daryl Lowry of Vermont, representing the Grange. He is master of the Vermont Grange. Mr. Lowry has been in this room on occasions before the time I have been with the Senate Agriculture Committee, and I rather suspect he has been here when my predecessor, Senator Aiken, was here. I mention this only because in Vermont no matter what party you belong to, it makes no difference whether you are a Republican or a Democrat, if you want good advice on agricultural matters, we have always found that Mr. Lowry is a good source to go to.

Senator MELCHER. I think the record should show that Senator Leahy and Senator Aiken before him has always brought the good sense of New Englanders and Vermonters to this committee. It is sort of something of a mainstay here.

Senator LEAHY. Thank you, Mr. Chairman.

Senator MELCHER. It has been very well appreciated for several decades.

I think it would be very helpful if each of the witnesses would submit their testimony for the record and summarize the key points. I think it would be most advantageous for the committee and would permit the committee to have a good grasp of the positions and be able to zero in on the specific question the members of the committee might like to ask the witnesses. If there is no objection, we would appreciate it if we could follow that policy.

Ron, I believe you are first on the list.

STATEMENT OF RONALD MICHIELI, DIRECTOR OF GOVERNMENT AFFAIRS FOR LAND AND NATURAL RESOURCES, NATIONAL CATTLEMEN'S ASSOCIATION, ALSO REPRESENTING THE NATIONAL WOOL GROWERS ASSOCIATION, AND THE PUBLIC LANDS COUNCIL

Mr. MICHIELI. Thank you, Mr. Chairman.¹

My name is Ronald Michieli and I am director of government affairs for land and natural resources of the National Cattlemen's Association. I am also here representing the National Wool Growers Association and the Public Lands Council.

In trying to summarize this particular legislation, I think we are concerned with some of the implications of S. 795, because it places a lot of emphasis on conclusions here, rather than on actual fact. Although the bill calls for a study—and we agree that we need a study—we really think that the bill jumps from the study results and recommendations to conclusions; in other words, beginning to formulate new policies and involving the Federal Government in certain land use matters. I feel that is a little bit presumptuous.

I think the bill in itself reflects preoccupation with urban planning. Look at what the bill says are the three reasons why agricultural lands are important and must be protected. I think if you look at those in that respect—for instance, No. 1: Such lands provide cheap food to consumers through direct marketing. Apparently food is not considered cheap through other means of marketing. No. 2: In effect,

¹ See p. 59 for the prepared statement of Mr. Michieli.

farms are nice to look at while traveling from one developed area to another; and No. 3: Farmlands contribute to the quality of life urban residents enjoy.

Nothing is said about the quality of life rural residents would like to enjoy.

There are some differences of opinion insofar as the amount of land going out of agricultural use. We have some figures—some data from agricultural economists Orville Krause and Dwight Hair, who presented data back in 1975, entitled "Trends in Land Use and Competition for Land To Produce Food and Fiber."

I think this legislation really ignores the economic causes of farmland conversion to other uses. Yet, these are the root causes of most of the land conversion problems that we have today. If a farmer could make a decent living on a piece of land, he would not normally sell out, and preventing him from selling out is not going to solve the problems we have.

We feel that this bill raises many profound and complex issues ranging from individual constitutional rights and freedoms to the proper role of the Federal Government in terms of land use decisions. We feel that these issues do involve both urban and rural issues, such as whether we should have now, as someone has suggested, a national policy of discouraging more Levittowns.

These questions ought to be comprehensively studied before embarking on any kind of aid program or formulating some kind of Federal policy. I think the implication that this bill is a back-door approach to national land use planning is something you should seriously consider.

Since we are proposing demonstration funds, as the bill provides for, we must remember that any Federal funds under whatever cover do carry with them the implication of Federal controls. In some cases it would be transfer of development rights, preferential assessment rights, or whatever you may call them. There are Federal funds attached to these, and they do carry certain restrictions and certain qualifications. We do not know the extent to which that problem would impact on the individual's constitutional rights under the private property clause.

There are some conclusions here that really bother us in the findings sections of the bill.

The first finding that we face a food shortage is not true—or at least it cannot be supported—and appears to be contradicted by the further finding that our information on this matter is incomplete. When we have incomplete information, how can we reach conclusions?

Another finding that bothers us is that State and local governments lack financial resources for agricultural preservation programs. This is likewise untrue. States, in most cases, are more healthy than the Federal Government. It is the Federal Government, at present, which is running in the red, not the States.

Senator LEAHY. There have been suggestions that the Federal Government could take care of the demands the States have made and balance their budget by doing so overnight—cut out revenue sharing, cut out categorical grants and a few other items and let the States pick up those areas. How do you feel about that?

Mr. MICHELI. I think it would be fine. I think the States would assume the responsibility they are supposed to without the aid of the Federal Government.

Senator LEAHY. Thank you very much.

Mr. MICHELI. And I think the alarmist statement about the amount of land being converted from agricultural use is also misleading. We think the entire findings section could be dropped or confined to the need for a study.

In regard to title I, there is some merit, in our opinion, to requiring Federal agencies to identify the effects of their programs on agricultural production, but we believe the redundant and imprecise language of title I needs revision. We would, for example, suggest that it be clarified that section 101(2) does not mean that Federal management should be extended to adjacent private lands.

The language is unclear. It gives the feeling that the Federal Government, through its programs, would manage those private lands adjacent to Federal lands.

One thing I think we ignored in this particular piece of legislation, and this is in section 101, there is an assumption here that it would block out necessary development. For this reason, we suggest that the word "energy" be added to the list of national needs in section 101(3) on page 6 of the bill.

We believe that section 101(5) and related titles III and IV should be eliminated. Financial assistance is already available to States and communities under the soil conservation program and Domestic Allotment Act and under other programs of assistance for the protection of agricultural land. No evidence has been offered to indicate that there is anything to be gained at this time by giving Federal money to the States or communities for "testing," "demonstration," or whatever.

We have some further suggestions for language changes in the bill. Section 102(e) on page 8 is self-contradictory. You cannot promote retention and at the same time propose conversion.

In section 201(a)(2)(j) on page 11 is an example of the arbitrary and unnecessary emphasis on urban areas which appear in several other sections.

We have some problems with the definition of "agricultural land" and "farmland" in section 501, on page 18. Undoubtedly, and we recognize, it is difficult to define such terms and we note the bill avoids the term "prime agricultural land."

We think the study itself should explore which are the most practical or useful definitions of such terms. As far as section 501 is concerned, we would suggest striking the word "economically" in (1)(b) since there may be some social or cultural justifications for farmlands.

That is a point that is entirely negative. As a matter of fact we know there are many farms operating at a loss.

It would appear there is some duplication between paragraphs (A) and (B), and we would suggest that excluding urban land in the first paragraph would appear to defeat the purpose of many proponents for conserving farmland within urban areas.

Section 502 is desirable, but we would suggest that it be strengthened by adding the language; and this is important to us:

The Federal Government or any agency or subdivision thereof shall not, by virtue of the expenditure of any funds appropriated under authority of this act, be deemed to have obtained any right, title or interest in any land either by purchase, lease, assignment, default, inference, or other operation of law.

In summary, we appreciate the concern over the possibility that, if a substantial amount of agricultural land in the United States were converted to other uses, our ability to meet the food and fiber needs of the future could be impaired.

There is no need for hasty or ill-considered action, however. Our great need now is for a better understanding and examination of the multiple complex issues involved.

I think we need a clarification of those issues. I think the USDA with their study which has been instituted recently might be meaningful.

Senator LEAHY. Outside of the study, was there anything at all about the bill that you like?

Mr. MICHIELI. Well, I think we would have to see the results of that study to draw those conclusions.

Senator LEAHY. I have one other question.

Mr. Michieli, if the bill was very strenuously amended to say "in no way acquiring any interest in private, State, or local government lands," make that very, very clear in the legislation, would it make a difference?

Mr. MICHIELI. If those implications were completely removed—and I do not know exactly how you would do it—and the considerations for preservation of land as a result of a study conducted by the Federal Government would warrant these considerations I think there is opportunity.

Senator LEAHY. I yield to Senator Stewart.

Senator STEWART. I was concerned about your expressed concern about the land use aspects of the bill. I was concerned about your statement that there has not been a loss, to speak of, of agricultural lands. Are you saying that what Secretary Cutler said, and others, is not correct, and that is not the case; we are not losing in this country some prime agricultural land for conversion to other use, whatever that use might be?

Mr. MICHIELI. I think we have to recognize that we are losing lands, but to the extent and degree, I am not so sure.

I do not think we have completed these studies. I think we have got to take a look at where these conversions are coming from, how many millions are converted annually by Federal actions—Federal actions alone.

Senator STEWART. As I understood the legislation, this would call for some review of Federal programs, Federal policy. Would you not favor that?

Mr. MICHIELI. Definitely. That was the genesis that we asked for when we began discussing this legislation 3 years ago. You have so many laws and regulations on the books, such a complexity of them that to come up with a simplified solution, such as this, which proposes to address that issue, is not believable. You have right now over 140 laws on the books that impact in one way or another on land and its uses, and yet we want to establish another piece of authority on top of that, prior to really studying what those causes and impacts are and put it in proper perspective.

Senator STEWART. No; what I am basically talking about now is removal from agricultural production of land as a result of Federal policy. I am not talking about the other. I am as concerned about that as you are, but let us get to the meat of the matter. Does not that have some adverse effects on those people who are still involved in the farm business, agriculture? Would not removal of land from an area run up the price of the remaining farmland? Would it not have that effect?

Mr. MICIELI. It sure would.

Senator STEWART. Is not one of the factors that makes it difficult for people to make a living in the farming business today, to get into the farming business? Is that a factor or is it not? Are we talking about something that is not part of the problem?

Mr. MICIELI. I think it is a problem, but we do not have an answer to it.

Senator STEWART. I thought this legislation called for a study and a study of Federal policies. Maybe I am speaking out of turn, Senator Leahy, but I thought that was one of the purposes of this legislation, to take a look at Federal policies and how they impact on conversion of agricultural land uses.

Mr. MICIELI. True, but, by the same token, we are establishing policy here prior to determining what are the facts. That is a great concern.

In other words, if you go back and read the findings section, the purposes of this legislation, we are establishing policy based upon assumptions, and that really is of concern to us when we do not have the data or the information and proper perspective prior to making that policy decision.

Senator STEWART. Well, of course, I think one of the policy decisions that you are concerned about, one of the chief authors of the bill has indicated that he would have a strong leaning to write language into the bill to counter that, to soften that as much as is possible within the legislative process, to allay your fears, so to speak, that this is not land use legislation that is being imposed at the national level.

I would not be for that. I do not think many people in the U.S. Senate or the Congress would be for that.

What I am concerned about, if we wait, Secretary Cutler indicated that he thought this was going to be a magnificent study. Frankly, I think all he has told us is they are going to study the ineffectiveness of State laws to deal with the problem.

What this seems to do is set up some demonstration projects, as I understand it, with some financial assistance to really tackle the problem at the State level, not at the Federal level.

Mr. MICIELI. But you are using Federal dollars. That is an important consideration. Let me expand on that for just a moment, if I may.

When you do a demonstration project using Federal dollars, let us assume then that, through the use of Federal dollars, that particular State in that particular area decides that one of the methods of preserving prime agricultural land would be the transfer of development rights. OK. The State then assumes development rights in that area. If you are using Federal dollars and, as a result of that, the public then has an interest in that land, not just the State, because there are Federal dollars expended in that area, that is an intrusion there on a right, and that cannot be denied.

You see, if you study the New Jersey plan, you will note that the New Jersey plan called for a transfer of development rights, of which there was a willing buyer, a willing agreement arranged for on a voluntary basis.

Senator STEWART. I do not understand that as well as I perhaps should. What do you mean by "transfer of development rights"; the landowner transfers development rights?

Mr. MICHELL. That is right; to the State and the State purchases it for the guarantee that the landowner will retain that land in agricultural production.

Senator STEWART. What about tax incentives to provide that, as opposed to transfer of development rights?

Mr. MICHELL. That may be enough, but I am giving you one example of concern. Preferential development rights, transfer of development rights, preferential tax assessment are all opportunities that would arise under this legislation because, under the demonstration program provision, there is no limitation on types of kinds of demonstration programs.

Senator STEWART. I just wanted to see what his concerns were.

Senator LEAHY. I think we are running considerably behind time. We will go on to other members of the panel and ask them to summarize their own testimony, which will be submitted as a full part of the record.

Ruth Kobell, legislative assistant, National Farmers Union. We are glad to have you and your association here. Your full statement will be part of the record. You may summarize any way you would like.¹

STATEMENT OF RUTH E. KOBELL, LEGISLATIVE ASSISTANT, NATIONAL FARMERS UNION

Ms. KOBELL. Senator, I will be brief.

I am Ruth E. Kobell, legislative assistant, National Farmers Union. I am pleased to have the opportunity to appear here on behalf of the farmer and rancher members of the National Farmers Union in support of S. 795.

As you know, National Farmers Union has long supported efforts to protect our agricultural lands and our productive capacity. During the last two Congresses, we have supported legislation similar to that being considered by the committee today.

Two years ago, our statement read in part:

A national commitment to preserve and protect America's farmlands is as important to the preservation of American agriculture as is the need for a National Food Policy and a National Energy Policy. They are all inter-related. American agriculture will not be able to produce abundantly or efficiently in the future unless these policies are adopted, recognizing the problems and specific needs of our agricultural producers.

Without adequate income, farmers can no longer afford to produce food and fiber. Without adequate and reliable sources of energy, farmers cannot produce. Without protection of farmlands from increasing diversion to other uses, farmers will not be able to continue to produce in abundance.

We recognize that the legislation before the subcommittee is not a Federal land use bill, but a mechanism for assisting States and localities to implement and carry out farmland preservation programs.

¹ See p. 62 for the prepared statement of Ms. Kobell.

The U.S. Constitution reserves to the States several areas of law which are very important to farmers. Registration and regulation of land ownership, parcelization and land use are all matters of State law. The authority to tax property is a State right. Water rights are regulated by State law; and local governments, which provide a wide variety of public services ranging from schools to fire protection derive their authority from State governments. Any significant changes in the law in these areas will be brought about through State legislation, and they will affect farmers directly.

In addition to losing our agricultural production base, the continuing loss of available land has very serious repercussions in two other areas. Loss of available land and the increasing value of the remaining land from both agricultural and developmental pressures causes land prices to escalate to levels that prohibit beginning farmers from entering agriculture.

We are deeply concerned about the problem of trying to provide assistance for people who want to enter agriculture because we recognize increasing aid to the farmers we now have.

During the 1975-79 period, farmland prices escalated, nationwide, by 64.2 percent. During the same period, the number of farms in the United States decreased by 6.5 percent, or 161,150 in 4 short years. We have attached a breakdown of this information. These trends pose very serious questions about the future structure of our Nation's agriculture.

During his speech to our national convention, Secretary Bergland called for a national dialog to discuss the future structure of U.S. agriculture and the family farm. We are convinced that discussions on future land policy are important elements in that dialog. We have extended our offer to be helpful in any way that we can, in getting a wide and diverse discussion out in the country relating to the possible directions we should go.

We would like to make some recommendations about this legislation. With respect to title II of the bill, we would suggest several changes in this section in view of the fact that the Department of Agriculture and the Council on Environmental Quality have already established an interagency task force to study and report findings basically in the areas addressed in this legislation.

First: We would suggest that the Secretary of Agriculture be directed to establish an advisory committee to assist the "Agricultural Lands Availability Study" group in carrying out their investigations and report. We would strongly suggest that active farmers and ranchers be adequately represented on this advisory committee.

Second: With respect to the time frame in which the study is to be completed, we suggest that the Secretary extend the deadline for reporting to July 1, 1981, which would provide the study group 2 full years in which to complete their investigation and prepare their report.

Finally, there should be no constraints placed on title III activities, "Demonstration Programs," while the study is being conducted. Title III programs should be funded and implemented immediately. The results and practicability of such programs could then be assimilated into the report required to be submitted by the study group.

The budget outlays authorized under the legislation are modest compared with the benefits which will be gained. Additionally, by

providing for a system of matching grants, States and local governments will be careful in their selection of programs to submit to the Secretary for funding since local money will also be involved in the project.

Senator LEAHY. Speaking of title III, do you feel the demonstration projects should begin as soon as the legislation is enacted?

Ms. KOBELL. Right.

Senator LEAHY. In a nutshell, why do you feel that they are necessary at the earliest possible data?

Ms. KOBELL. I think the sooner we can develop a variety of demonstrations that can be reviewed to see how successful they are, the better we can make judgments for expanding the concepts outlined.

Senator LEAHY. So you would not agree with the suggestion of Mr. Lambert of the National Grange that demonstration projects not be authorized for 1 year after enactment of S. 795?

Ms. KOBELL. I think there probably has been enough discussion as to outlines of some of these projects that they can be moved ahead with relative speed.

Senator LEAHY. And in your testimony you state that 48 States have existing plans for preserving the farmlands. Yet, the testimony on the diminishing amount of farmland—I suppose you could draw one of two conclusions there, and say the plans have been effective and without them we might have had total chaos?

Ms. KOBELL. Well, that is possible. I want to point out that we do not believe the State plans are as effective as originally perceived.

Senator LEAHY. Why not? Were they not adequately financed, or did people just not pay enough attention to them, or what?

Ms. KOBELL. Well, I suppose, as in other fields, there quite often can be a variety of reasons. You will remember that several years ago there were a number of States that thought they had legislation which would protect the status of the family farm, the so-called anticorporation laws and, yet, when lawyers looked closely at the State laws, they decided that probably none of them would have stopped the general effort of the agricultural land trust to move into agricultural production on a corporate basis.

I think sometimes we pass legislation at the State and Federal level hoping that it will meet a situation, and it finally does not meet the need. So, we evidently need to take a closer look at some of the reasons State laws have not been effective.

Senator LEAHY. Generally, with the things that you have noted in here, your organization supports S. 795?

Ms. KOBELL. We do indeed.

Senator LEAHY. You do not take the OMB attitude toward it, but, rather, the attitude that the Department of Agriculture took before they were muzzled by the OMB?

Ms. KOBELL. Well, we are sorry they changed their stance somewhat on that. We had hoped they would move ahead to support this concept. Evidently we need to do a better job than we have been able to do to show the people over at OMB the broad, long-range implications of not doing something.

Senator LEAHY. Unfortunately, it sometimes happens departments are more directly under the oversight of the Congress and we like to think they are more reflective of a representational form of government—they find themselves more directly managed by a group that

does not have to reflect a pluralistic representational form of government.

I wonder, Mr. Hawley, again your statement will be a part of the full record, but I wonder if you could summarize your statement?¹

**STATEMENT OF BRUCE R. HAWLEY, ASSISTANT DIRECTOR,
NATIONAL AFFAIRS, AMERICAN FARM BUREAU FEDERATION**

Mr. HAWLEY. Thank you, Senator Leahy.

Yes, I will summarize and I think we can be quite brief.

The Farm Bureau is generally supportive of the concept of an Agricultural Land Protection Act which would and should, in our judgment, emphasize three major activities, three major program ideas: Federal consistency, demonstration projects, and technical assistance.

I would like to speak briefly to the question of Federal consistency. We have in our statement reference to some specific recommendations and modification of the Federal consistency language.

First: It is our policy, that we oppose Federal land use planning, and that Federal consistency should not be used as a criteria to justify or authorize any Federal land use planning or Federal control of activities on privately owned land, a point that I believe to be quite consistent with the statements you heard earlier this morning on constitutional limits.

We believe that Federal consistency should require Federal agency activities to be consistent with State and local policy. We believe that Federal consistency should require the Federal Government policy on federally owned lands to preclude excessive conversion from agricultural to nonagricultural use.

And we believe there should be no authority in the bill for Federal agency activities to preclude or impact on conversion of private lands independent of State and local land use planning.

In your discussion with Ms. Kobell just a moment ago, the question of the degree of effectiveness of State and local land use planning efforts was raised. One of the reasons we make the specific recommendation against Federal agency activity, independent of State land use plans on private lands, is the point just raised about degree of effectiveness.

It is our judgment that the State and local plans, particularly the recently enacted plans because they more correctly address the situations that are confronting the people at the local level these days, provide the degree of effectiveness that those people want.

If the plan is not effective by our judgment sitting in Washington, it does not mean the plan is not right. People have had the opportunity to decide on the plan that they want in some of the States, such as Vermont. There are fairly innovative programs in States like New York. They have an agricultural land district program that takes in nearly 5 million acres in the State.

Other States, like Connecticut, have gone for more controlling plans—plans that provide a greater assurance of protection of agricultural lands.

The people in those States have not chosen, to date, to put up the money to fund the programs.

¹ See p. 68 for the prepared statement of Mr. Hawley.

I would judge that to mean that the plans are perhaps a bit ahead of the will of the people at this point.

Senator LEAHY. You talked about making title I provisions geared to State and local farm preservation techniques. Would that be only in those instances where the State and local governments with a farmland preservation plan, or would we have to create one every time—

Mr. HAWLEY. Only with relation to those States that have a plan. They would not be controlling other than in that instance.

We would put a limit on this because of some discussions we have had with Members on the House side. They point out, and appropriately so, that just as the environmental impact statement provisions of NEPA have been used—my words, not theirs—to prohibit activities without regard to environmental impact, this bill could be used as a mechanism to preclude activities.

We do not intend to create an authority in title I that would allow obstructionists to preclude activities of the Federal Government, even in the name of protection of farmlands, just for the sake of precluding activities; to establish a court review mechanism that essentially ties up or delays for a period of time Federal activities, particularly activities of overriding national significance, such as national security, energy facility siting, and water development programs.

Senator LEAHY. You are talking about those being exempted. In your testimony you talk about them being exempt in comparison with the benefits gained from farmlands that would otherwise be adversely affected. Does that have to be spelled out very specifically in the legislation, or just words like "overriding national interests"?

Mr. HAWLEY. One of our reservations, Senator Leahy, concerns general words like "overriding national interests." Remember the words of NEPA are general words like "significant impact on man and the environment," and that has been so litigated that it covers things that we might not have envisioned when the law was passed.

I think it is appropriate to be specific. We know at this point what we mean, and I believe we can say what we mean.

Another section of the bill that I mentioned deals with technical assistance. Clearly the Department of Agriculture is in a uniquely suited position to provide technical assistance to State and local governments. The Department of Agriculture knows, or surely should know, general answers to questions about availability of land for agricultural protection and production, both in terms of its quantity and its quality, has some general estimates in terms of projected demand for agricultural need, agricultural land and agricultural produce, and could provide States with such information as would be helpful.

In the third area, the area of demonstration projects, it would be our recommendation that the funding for demonstration projects be deleted until the interagency task force on land use planning, which has been discussed earlier this morning, has completed its report. We would hope, as part of their review, they could assess such matters as the percentage of Federal funds that would be appropriate to assist States, the total national costs of such programs, and make recommendations for proper mechanisms for making such funds available.

As you are aware, the Senate bill speaks in terms of 25 percent Federal cost sharing, the House bill in terms of 50 percent. The costs

of the bills range from \$48 to \$60.5 million. I think, quite frankly, that both the share and the dollar figure are estimates. They may be good estimates; I do not know. We ought not to write public policy by estimate.

Senator LEAHY. Thank you.

Mr. Lambert, director of regulatory affairs, the National Grange, is here, as I mentioned before, with Mr. Lowry, master of the Vermont Grange.

The Grange's statement will be in the record. I note that the Grange has stated that they support—correct me if I am wrong on this—but supported the amendment of Congressman Nolan to the Jeffords bill in the House. I understand that is now the vehicle in the House, the bill by Congressman Nolan, and do support S. 795. Is that correct?

Mr. LAMBERT. That is correct. I would like to—

Senator LEAHY. Please do expand on it. I did not mean that to be your full testimony.

STATEMENT OF DAVID R. LAMBERT, DIRECTOR OF REGULATORY AFFAIRS, THE NATIONAL GRANGE

Mr. LAMBERT. My name is David Lambert, with the National Grange.¹

I would like to correct the record.

Senator LEAHY. Sure.

Mr. LAMBERT. The heads of the four general farm organizations are appearing before another body of the Senate this morning. For the first time in history, they are in total agreement on a piece of legislation. But you quoted our testimony as saying we wanted to delay the funding of the projects for a year. I think I would have to defer that recommendation to another one of my colleagues; I believe the Farm Bureau. We made no statement to that effect.

Senator LEAHY. I appreciate the correction.

Incidentally, everybody gets a chance. They get copies of their testimony back to make any changes or corrections they want.

Mr. HAWLEY. We appreciate the graciousness of the Grange to defer to us on that point.

Senator LEAHY. I am delighted to see you all in here holding hands.

Mr. LAMBERT. We do so quite frequently.

Senator LEAHY. I must admit that something like that—the closer to reaching unanimity among all of you, the more substantial input the legislation receives.

Please go ahead, Mr. Lambert.

Mr. LAMBERT. There is no question in our minds that there is a problem with the loss of agricultural land. I think it is obvious in New England; it is obvious in the West, especially in southern California where the ability to grow crops to furnish foods for the rest of the Nation is limited.

If this land is lost through development, of course, consumers will go without or they will pay much higher prices. They will have to change their eating habits.

The primary point we make in being concerned about the loss of agricultural land is the impact it has on the family farm, the fact that any time land is taken out of production, it impacts on the ability of the individual to go into farming as an occupation.

¹ See p. 69 for the prepared statement of Mr. Lambert.

We also make the point, and I hope I am understood, and hope that the language remains in the bill, and that is the language dealing with title I, section 102, that places agriculture on an equal priority with all other uses of the land.

As I listened to some of the testimony this morning, you cannot build on a flood plain, you cannot build on agricultural land, you then must build on top of a mountain.

There is only so much land available. We recognize that this land will have to be utilized. From where we come from, it is just as critical to have farmland taken out of production for a wildlife refuge as it is for a highway. I am sure when figures are quoted that land is being taken out of agricultural production, they are not only talking about subdivisions but include parks and other types of activities.

The master of the National Grange lost his farm to a park. There were 30 other farms lost at the same time. If we are sincere about the loss of agricultural land, the loss of food production, it is just as important to ascribe equal priority to farmland vis-a-vis a wildlife refuge or any other type of use, as it is for transportation or housing or whatever you have.

I think I would be remiss—if we are talking about the rights of States to produce land to furnish food for their citizens, we should also look at the State of Alaska. The State of Alaska, the University of Alaska, the Commissioner of Agriculture, the Department of Natural Resources has asked for land in Alaska for farmland, and so far the Congress has failed to recognize this need.

If that is not a valid requirement, then this bill is invalid. If it is important for the State of Vermont to raise food within that State, be it milk, potatoes, or anything else, it is just as important for the citizens of Alaska.

Now, that does not detract from the fact that we support the bill. We are encouraged, or we are interested in the fact the language says "new and innovative ideas," that we are not going to use \$50 million for the transfer of development rights or ag districts or anything else. Hopefully, there will be new and innovative ideas coming out of this that will be able to be used by other States and by local governments to preserve farmland.

Senator LEAHY. You also mentioned your concern, I think you used the words "large corporate farms" in America; is that correct?

Mr. LAMBERT. We are very concerned about that. As we mentioned, Senator Bayh's committee is studying this. It does not touch upon corporations below \$15 million, and there is a reason for that, but we would hope that perhaps indirectly the results of this study would have an impact on what effect corporations, private investors, other than those engaged in agricultural activities, what effect these would have on the preservation of farmland.

Thank you.

Senator LEAHY. Mr. Lowry, did you want to add anything?

STATEMENT OF DARYL LOWRY, MASTER, VERMONT GRANGE

Mr. LOWRY. Senator Leahy, I would like to add just a few things. I guess my testimony is going to take a little different turn here.¹

¹ See p. 72 for the prepared statement of Mr. Lowry.

I would like to explain, first of all, that I am in support of this bill, and perhaps give just a little background of what I see happening in Vermont, and the basis for my supporting it.

I think that one of the problems we see in Vermont, many of us realize that farmland is going out of production. Not very many of us realize where it is going or why it is going. As we look around and read the reports that are forever before us, we find Vermont is losing an average of 200 acres of agricultural productive land a year—a day. And this has been in place. It has been happening since 1950. And for a small State like Vermont, when we experience a loss of something like 73,000 acres of agricultural land a year, it is having a real impact on our State.

I think there are many reasons for that. The Department of Health recently released a bulletin giving the population statistics for each county and town since 1970 through 1977.

I live in Vergennes, which is right in the heart of farm country, right in the Champlain Valley, and we are surrounded by several rural towns which are practically all farming towns.

These figures indicate now that while Vergennes, where I live, experienced a decrease of 2 percent, the neighboring towns have all experienced a substantial growth rate. In Burlington, our State's largest city, they show a zero growth rate while neighboring towns range from as low as 3 percent to as high as 50-percent increase of population in the rural areas. This was 1977 and I see no evidence in the last 2 years that this trend is slowing down at all.

Now, to allow for these housing accommodations, housing to accommodate this population growth, new houses had to be constructed because they were not there. The land on which these houses were built was purchased from farms, and this represents a large portion of that 73,000 acres a year that is being lost.

I think that the point I would like to make is that the loss of this agricultural land in Vermont has, and will continue to have, an adverse effect on our total economy.

Our agricultural industry contributes much to the local economy and the very lifestyle of each rural community.

The open lands, the well-managed homesteads offer much to tourists who visit our State. Nearly all of the farmers' income is spent within their own communities. It contributes to the welfare of every business there.

Preservation of these farm units provides a source of employment for local residents without which our social and economic structure are going to be seriously harmed.

In Vermont, agriculture is a way of life, and we feel that everything that can be done must be done, not only to preserve our present farms, but do something that is going to make land available so that our own young people can enter into this vocation.

I, therefore, support this bill.

Senator LEAHY. Thank you very much.

Mr. Sampson, the executive vice president of the National Association of Conservation Districts. Your statement, again, will be made part of the record. Please give us some of your thoughts.¹

¹ See p. 73 for the prepared statement of Mr. Sampson.

**STATEMENT OF NEIL SAMPSON, EXECUTIVE VICE PRESIDENT,
NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS**

Mr. SAMPSON. Thank you.

I would like to depart from the statement since it will be in the record.

We brought a map today that illustrates a recent survey of the conservation district supervisors around the country. We asked them whether they could tell us whether they thought they had a problem with agricultural land conversion.

The green color indicates that they thought they had no problem; the yellow indicated a slight problem; the orange, serious; and the red, very serious.

We did not ask them about prime farmland and we did not ask them to be explicit about what was causing the problem.

Senator LEAHY. I assume the counties that are white did not receive—

Mr. SAMPSON. Those districts simply did not answer. In an attachment to our testimony, we put together a summary of that data for you.

The visual evidence is quite clear. This is not a regional problem, it does not strip up and down the east coast or the west coast. It spreads across the Nation.

I think Mr. Lambert made an excellent point. That district on the Canadian border in northeastern Montana thinks they have a very serious problem. They are not being urbanized, but a wildlife refuge has taken a million acres of agricultural land.

A district in Oregon indicates a problem because of a wildlife refuge. Some of those in North Dakota are wetlands acquisitions.

Senator LEAHY. So it is not just commercial development that we are concerned with.

Mr. SAMPSON. Precisely. We did not ask them to categorize the problem; we just asked, "Do you have a problem?"

The responses we got indicated that they do and that those problems varied by regions. In the Northeast, I think it is mainly urbanization and its effect, although in your State of Vermont recreational developments cause equal concern. In the Midwest it is the highway expansion that has an impact on agricultural land.

So, we think that this survey points out some local perceptions that there are problems out there.

I think sometimes we tend to look out from Washington and decide that there are problems that the people out there have not recognized yet. We tried to turn this one around and go the other way.

I put another paper with my testimony which indicates what the figures tell us. I think we need to be quite clear about the situation we are talking about. We are not short on information about the problems. We are short on information about solutions. We know there is a problem out there. We know that right now roughly 3 million acres a year that are being used for crops are being converted to other uses. In addition, the soil erosion rate leads me to conclude that the productive capability of almost that same amount of acreage is being lost each year.

This is a cancer affecting American agriculture's very basic resource, the land. There is no question about that. That cancer is not only serious, but it is getting more serious. Waiting 18 months for USDA to relook at the same thing is not going to change that.

There is no new survey or actual factfinding going to be done in the next 15 or 18 months by USDA. There is nothing in the pipeline.

Senator LEAHY. Do you get the impression that maybe that delay again was the result of OMB turning USDA around?

Mr. SAMPSON. Certainly. There is no doubt about that in my mind.

I think we just need to be clear on the record that there is no new survey of the facts that is going to take place in the field in the next 18 months. There will be a lot of work on what is already available. There is nothing new that is going to come in.

Senator LEAHY. I think Senator Stewart said earlier we were spending enough money that he would be very interested in seeing what new items come out of that. I think he feels as I do, that we probably will not see a heck of a lot that is new.

Mr. SAMPSON. There is one other thing that concerns me about the proposal to delay this legislation. We are here representing organizations that do not believe in any sort of radical intervention by the Federal Government. We have seen too much Federal overreaction to other land and water issues and we are concerned about that. But, believe me, it is my firm conviction that we are dealing with a problem that not only exists but is one that is getting progressively worse.

When you are dealing with a problem like that, early intervention and modest action is your best course of action. If you wait longer, radical action is almost certainly assured.

That is the concern I have with the argument that we wait. The other concern I have with the argument about waiting on the title III demonstration projects is this: Again, we are not dealing with a lack of knowledge about problems. We are dealing with a lack of knowledge about solutions. And knowledge about solutions takes time. You have to try something and then sit back and watch to see whether it works. And that does not happen overnight.

It seems to me that State and local areas are clearly where the solutions have to come from. The Feds are not going to solve this problem. The Feds are part of the problem with their activities out there, but they are not going to be a major part of the solution, at least in the active sense.

It seems important to me to encourage State and local areas to start devising solutions now. Starting today will not give answers of any value for 4 or 5 years.

As we look at 4 or 5 years down the road, we will need some of those answers.

With that, I conclude my statement.

Senator LEAHY. Did your survey give any kind of ranking that allows you to compare how Federal actions compare with other factors in contributing to the loss of farmlands?

Mr. SAMPSON. A little bit. There were some indications. We asked people: "To what extent did the actions of Federal agencies contribute to the problem?" Across the board, of the 1,900 districts that responded, about a third of them said Federal actions were not so important. But when we broke it down and went to the areas that had categorized their problem as serious or very serious, over half said the Federal Government was either a significant factor or a major cause.

So there was a real dichotomy there. Where people did not think they had a problem, they of course, did not think the Federal Government was part of it. But people who thought they had a local problem felt sure it was.

The Farmers Home Administration got the highest score when they were asked which Federal agencies were involved, followed by the highway people.

Senator LEAHY. Farmers Home because of their housebuilding?

Mr. SAMPSON. Yes. That and rural sewer and water systems. There has been a real propensity to bring sewer and water systems through agricultural valleys. This creates a set of economic forces that just about makes urbanization imperative. It sets a chain reaction in motion.

Senator LEAHY. Do the environmental impact statements reduce the pressure of converting farmland into nonagricultural uses? I ask this in conjunction with the other question I asked.

Mr. SAMPSON. We asked the question: "Do you see environmental impact statements on these projects?" Most of the districts said they did, but about a third of them said they did not.

We asked whether they commented on them. Most of the ones who said they got them said they commented on them. We then asked a third question: "Do your comments do any good?" And most of them said "no."

So the perception out there of the environmental impact statement is that the process itself does not work for local people. They do not feel they have access to it and they feel like if they say something, it generally does not do a lot of good. That was the best interpretation we could get.

Senator LEAHY. Thank you very much.

Senator MELCHER. Mr. Weaver?

STATEMENT OF ROBERT C. WEAVER, ASSOCIATE DIRECTOR, NATIONAL ASSOCIATION OF COUNTIES

Mr. WEAVER. Thank you very much. Mr. Chairman.

I am Robert C. Weaver, associate director of the National Association of Counties. I will summarize my statement which we provided for the record this morning.¹

County officials throughout the United States are deeply concerned about the loss of agricultural land which has become so apparent and which threatens the long-term food and resource needs of this country.

The annual loss of 3 million acres of agricultural land to other uses, and the loss of an equivalent 3 million acres to soil erosion, endangers both our domestic food needs and the contribution which American agriculture makes to this country's international trade balance.

This is truly a national problem. The actions of the Federal Government often contribute to the loss of agricultural land and local, county, and State efforts to preserve it. County officials throughout the Nation are alarmed and many are acting on their own or in cooperation with State government. They need the cooperation of the Federal Government. S. 795 would provide that cooperation, and it deserves favorable action by the Congress this year.

The Federal Government in many instances determines whether agricultural land remains in production or is converted to other uses. Federal grants and loans for public facilities, highways, and housing

¹ See p. 82 for the prepared statement of Mr. Weaver.

encourage development in some of America's most important farmland. Direct Federal development actions often use large expanses of agricultural land or promote its ultimate conversion. Federal dredge and fill permits and powerline construction approvals can result in disruption of farms and farm communities.

S. 795 would take an important step toward solving this problem and would bring the cooperation of Federal agencies to local efforts to preserve farmland.

Title I would establish the machinery and procedures for reconciling Federal agency actions with county and State efforts to preserve agricultural land. It would require Federal officials to establish policies and harmonize their administrative procedures toward this objective.

Most importantly, Mr. Chairman, section 104 would require Federal agencies to conduct their activities in a manner consistent, to the maximum extent practicable, with State or local government agricultural land retention programs. This returns a measure of control over Federal activities to State and local elected officials and places individual Federal decisions in a broader context.

I might say, Mr. Chairman, parenthetically, in many respects this will diminish the role of the Federal Government on this issue, and I think probably decide issues that Secretary Cutler posed today about what direction the Federal Government takes or what role should the Federal Government play on this issue.

The most important feature of S. 795 is that it assumes that action to retain agricultural land will be taken by public and private interests at State, county, and local levels, and that the Federal Government should abide by decisions at those levels. This depends on local and State action to adopt the tools to achieve this objective. It requires the reconciliation of resource, tax, and a range of other policies which can be made only by local and State governments.

While some State and local governments have taken steps to preserve agricultural land, many others need to act and provide the basis for which Federal actions would be judged consistent under title I.

Some of the more well-known methods now in use at the State and local level have not been as effective as their sponsors would have them. According to a Council of Environmental Quality study of State tax programs, differential property taxes which favor agricultural use have not been widely successful in preserving agricultural land. While zoning in some counties and local jurisdictions has worked, in others it has not withstood legal challenge, nor has it stemmed shotgun urbanization.

Development rights purchase and transfer of development rights have been implemented in a limited number of jurisdictions. Purchase programs are expensive.

The demonstration program would provide the opportunity to evaluate a range of methods for stemming the loss of farmland, under varying geographical, climatological, political, and development conditions. The application of methods already in use would be extended to new situations, and untried approaches such as the first refusal purchase and resale method could be tested.

Finally, Mr. Chairman, while much is known about the scope of agricultural land loss in the United States, this problem would benefit from the thorough examination required of the Secretary of Agriculture under title II. This study should clearly assess the scope of farm-

land loss and its implications on the resource base, the national economy, and America's trade balance. It should clearly document the impact of current Federal programs and establish the procedures for implementing the Federal consistence requirement under title I. It should finally document the experience of State and local governments under the demonstration program of title III.

The administration's interagency agricultural land study appears to fulfill some of these objectives. While the administration's study includes most of the elements outlined in the title II study, NACo urges that the Congress maintain strong interest and oversight of the study and its report.

In any case, Mr. Chairman, we urge enactment of S. 795 in its entirety this year. These and other hearings already demonstrate the needed usefulness of demonstration programs and of the title I Federal consistency requirement. S. 795 will provide the tools and the Federal cooperation necessary to meet this problem.

This concludes my oral statement, Mr. Chairman.

I might just comment on at least a couple of issues that were raised today during the course of these discussions, if I could for just a moment.

In addition to the issue as to what direction the Federal Government should go, I think this clearly sets out that the Federal Government should take an even lesser role than it has done. Title I indicates what that role should be in the Federal consistency requirement.

The issue of whether title III is a step toward Federal land use, the National Association of Counties does not have the concerns expressed by others on this panel.

We believe the fact that the demonstration program has a State and local thrust, the fact that section 104—the Federal consistency requirement—would place more responsibility for making decisions at the local level, and that the limitations contained in section 502 of the legislation clearly make this anything other than Federal land use legislation.

Let me close by making a few comments with respect to the administration's study. We have already had a number of cataloging exercises preceding the administration's interagency study.

The American Society of Planning Officials, the National Council of State Legislatures, and the Council on Environmental Quality have already cataloged many of the State and local methods that are available and in use now.

The Council on Environmental Quality's study clearly indicates that the 48 State programs give preferential tax assessment, but have not done the job.

Mr. Chairman, we need a program that indicates what they will study, new methods, and the application of old methods—that important link between title II, the study the Secretary would make, or title III.

Finally, Mr. Chairman, in order for Federal action to be judged consistent, there is a need for significant State and local action which, again, would be encouraged by title III.

Thank you.

Senator MELCHER. Thank you.

Mr. Hawley, in your testimony you are suggesting that section 504 be deleted; that is the authorization for appropriations, and I do not understand that. If you could explain that to me.

Mr. HAWLEY. Yes, sir. We think that there probably is a role for the Federal Government to back up its commitment for the protection of agricultural land with Federal dollars. We do believe at this point, in the context of Mr. Weaver's closing comments about the studies that have already been done, the one thing that has not been studied and one thing we do not know is how much Federal funds are appropriate? What mechanism is appropriate for the allocation of funds? The one point that we wish to have addressed first is the answer to those questions. When that is completed, an appropriate authorization could be supported.

Senator MELCHER. I have another question involving that, but we are honored here this morning by having the President pro tempore of the Senate here to support his own bill, as one of our witnesses. Senator Magnuson?¹

STATEMENT OF HON. WARREN G. MAGNUSON, A U.S. SENATOR FROM WASHINGTON

Senator MAGNUSON. I apologize for being a little late, but I had an appropriations matter this morning.

I know you have heard a great number of witnesses this morning on this bill and I am happy to be here to give brief testimony. It is not particularly my bill. It is a bill of some 20 Senators; is that correct?

Senator LEAHY. Right.

Senator MAGNUSON. But I want to focus this morning on the serious problem caused by the loss of this Nation's precious farmland.

The Soil Conservation Service estimates that between 3 and 5 million acres of farmland are lost each year. Over the last decade, my own State of Washington has lost over 500 thousand acres of cropland. This trend is alarming.

The purpose of this bill is to address this problem.

The United States can no longer rely on technology to increase our agricultural yields on smaller and smaller amounts of land. Farm production in the future will depend on changing weather patterns, soil erosion, competition for water, and increased costs of both fuel and fertilizer.

U.S. agriculture is highly dependent on energy—particularly petroleum—for its present abundant production.

Any significant change in the supply or price of energy could have a serious effect on food production.

On the matter of water supplies, there are indications that our ground water reserves may be shrinking.

In discussions with the staff at the General Accounting Office, I have learned that they are studying the Ogallala Aquifer in the Great Plains. This water source is considered to be one of this Nation's most important aquifers.

The Missouri River Basin Commission has classified the aquifer depletions as a severe and urgent problem in some parts of some States.

A recent U.S. Geological Survey study found that water levels will drop by as much as 50 percent in some parts of this aquifer by the year 2000. This change in water conditions will clearly affect the productivity of the land.

¹ See p. 51 for the prepared statement of Senator Magnuson.

The GAO has also reviewed the Department of Agriculture's studies on this Nation's farmland reserves. In 1977, the Department of Agriculture did a random sample of farmland and concluded that the United States has a potential cropland reserve of 111 million acres.

However, the GAO recently completed an on-site check of some of these areas. They found that many of the so-called reserves were currently being used for cattle and poultry production.

If this reserve land was converted to cropland, we would lose other food production. The GAO findings show a pressing need for better information about the quality and quantity of U.S. farmland.

Mr. Chairman, with the price of energy going up, with increased pressure on our water supplies, and with uncertainties about how much farmland we have in this Nation, we must begin efforts to protect this valuable resource.

State and local governments are beginning to recognize the importance of this problem. I understand that the GAO has surveyed the various States on this matter. In all 43 States responded: 25 of them said that the loss of farmland is an immediate problem, and 13 more States said that farmland conversion is becoming a problem.

Unfortunately, the Federal Government does not have a very good record of coordinating its farmland policy with local governments.

Many times the making of grants for home development, for new highways, or for powerlines actually works to cover up, pave over, or divide precious farmland. The Farmland Protection Act would attempt to bring Federal action into harmony with State and local efforts to protect farmland.

The act would establish a policy to ensure that the activities of the Federal Government are consistent with State and local efforts to protect farmland.

The bill is also designed to help States and local governments in their efforts to reduce farmland loss. The bill would provide \$49 million over 3 years in matching funds to demonstrate various methods of protecting farmland. The impetus, the direction, the talent, and the resources must come from the local level.

Under the act, the Federal Government is merely there to provide technical assistance, and to assist in a few modest demonstration projects designed to give local and State officials information about which preservation techniques work under different conditions.

Now, there are some projects in existence. These projects have already been mentioned in other testimony.

There is a project on Long Island that has been very successful in purchasing development rights to farmland. Other projects have approached the matter in different ways. Some go to the extreme of buying up farmlands; others leave the fee in the hands of an organization and let a farmer farm as long as he wishes on the land, and others are using zoning and tax programs to protect farmland.

In my home State, King County, which has been worried about this matter, with the urban sprawl, for a long time, has a different approach. They are going to have a local bond issue, which will be voted on by the people in September. And that would, in effect, protect the farmland by keeping the landrights in the hands of the county and letting the farmer farm. There are different methods.

On the King County farmland bonds, we require a 60-percent vote in my State for a bond issue of this kind. Last year the bonds were supported by a 59.77-percent vote. It lost by 680 votes. But there was no opposition to the idea that we preserve the farmland. There was some opposition as to the method.

The bill is deliberately designed to leave the decisions to local and State governments. The impetus, the direction, the talent, and resources must come from the local level. The bill would also help to correlate Federal activity in some sense. For instance, the highway department starts a highway here, water districts start water projects, and there is no correlation relating to farmland.

I want to make it clear that this is not a Federal land use bill. There are strict limitations built into the legislation which prevent the Federal Government from regulating the use of private land. This is the bottom line.

I would hope that the Congress would provide the leadership at the national level to work in cooperation with those officials at the local level who have made a commitment to protect our land and heritage.

I believe the legislation is needed to ensure adequate and affordable food supplies for American consumers, to provide adequate supplies for exportation—which would offset the rising cost of imported oil—and to support a stable agricultural economy in the United States.

By approving this act, Congress would recognize the importance of farmland protection to the economy, to the quality of the environment, and to the position of the United States as an international food producer.

Franklin Roosevelt once said, Mr. Chairman: "The history of every Nation is eventually written in the way in which it cares for its soil." I would add a line to that, "and its water."

I think this is an overall effort to show the interest of the Federal Government in those local communities that are going to try and protect their farmlands and stop this—well, as I pointed out, between 3 and 5 million acres are lost each year; and in my own State, 500,000.

I know the State of Vermont—

Senator LEAHY. I know we are losing a vast amount. I think on a percentage basis, of course we are a much smaller State, but we lose acreage that is equal to the size of my own farm every single day in the State of Vermont, day in and day out.

Senator MELCHER. Mr. Chairman, I think you have made a very fine contribution to our hearing record today by very thoughtful and very meaningful testimony. I want to personally commend you for taking the leadership on this bill. I am one of the sponsors of it too.

I think it is important to note that we are not driving toward Federal land management that is objectionable to a lot of private property owners and a lot of other people throughout the States, but attempting to get a handle on a very serious subject.

Senator MAGNUSON. I think that the bottom line is that the bill deliberately is not going to put the Federal Government into any regulation of the use of private land. And, as a matter of fact, it is after the fact. It is after a local community decides what they want to do and then we come in and help—planning, correlate Federal agencies. There would not be any regulatory processes at all, just the recognition by the Federal Government that this is a problem and we are aware of it. We want to help the local communities to decide their own plight in this matter.

Senator MELCHER. Thank you very much.

Senator MAGNUSON. Thank you. I am sorry I was a little late, but these 8 o'clock meetings—

Senator MELCHER. That is a bad habit of the Agriculture Committee.

Senator LEAHY. It could be worse, Mr. Chairman. If you ever have a chance to drop by the District of Columbia Subcommittee, they usually start between 7 and 7:30, which may have something to do with the unpopularity of the committee.

Senator MAGNUSON. It is only 7:35 right now in my town in Washington. So, it is still pretty early.

Thank you.

Senator MELCHER. Thank you very much.

Senator MAGNUSON. I will ask the chairman's consent to put in the record some other factors.

Since we introduced this bill, the water supply has become almost as serious a problem as the loss of the land itself. The water tables are dropping. As urban sprawl moves out, it picks up so much water, and water is more of a problem than the use of the land in some cases.

Senator MELCHER. Thank you very much.

Senator MAGNUSON. I know the Office of Management and Budget is against this bill, mildly, but I am going to try and convince them that this is a good bill.

Well, they have good reason. They want to examine it closely to determine whether or not it is putting the Federal Government—obligating the Federal Government too deeply financially, and I feel the same way. So that is why we deliberately had a small amount and it does not interfere with private operations at all.

Senator LEAHY. I remember the day, Mr. Chairman, when you and I went on the floor of the Senate and introduced S. 795, realizing that it was an uphill battle, but looking around at the number of cosponsors since then, I do not even think that list in the printed bill is complete. I think there are even more than that and with the strong support we have received here, I think we have a good chance.

Senator MAGNUSON. We might get 51 cosponsors. I have seen bills with 51 sponsors that did not get out of committee.

Senator LEAHY. Mr. Chairman, I wonder if I might ask Mr. Weaver one final question?

Senator MELCHER. Surely.

Senator LEAHY. Do the counties feel that S. 795 is Federal land use control or an indirect method of usurping the counties' control of land use?

Mr. WEAVER. No, Mr. Chairman. The National Association of Counties believes that S. 795 places the principal responsibility for these kinds of decisions where it belongs—at the county, the local, and State levels—and that the Federal consistency requirement goes a step further and tends to cast back certain responsibilities that the Federal Government has: The Federal consistency requirement to the control of the programs adopted by the States and counties and local governments.

We believe that is an important dimension of this bill, and that title III programs, a modest demonstration effort, whose purpose, I might add, is not to develop in every State or every county, but to

test certain innovative approaches and new approaches to old methods, and then replicate those, the experience gained from that throughout the country. That is absolutely necessary, Senator Leahy. The county officials believe that they can best profit from what other counties do and what other States do. And this demonstration program will provide the basis for further developing replicating programs throughout the Nation, without the appropriation of Federal moneys.

I might add, if I could, Mr. Chairman, that companion legislation in the other body received the support of the National League of Cities, the National Conference of State Legislatures of the Natural Resources Defense Council, the Sierra Club, the National Association of State Departments of Agriculture, the National Wildlife Management, and the National Wildlife Federation, among others.

Senator LEAHY. Are you speaking of the Nolan-Grassley bill?

Mr. WEAVER. That is correct, Senator Leahy.

I might also say that while there have been 48 State laws adopted toward this end, most of these laws are preferential assessments. We have the study of the Council on Environmental Quality with respect to that.

There are fewer than 20 States that have done anything beyond these 48 States. Again, I might say that both the study as well as the study that is underway by the administration should have the experience that the demonstration programs in title III are aimed at providing before their study is complete. That is why we recommend very strongly that the demonstration programs be authorized as soon as possible. And we believe that this committee and the Congress has the capacity to judge what the cost-sharing and other minimum conditions are contained in title III, or what they should be.

Thank you.

Senator MELCHER. Mr. Hawley, I want to return to the question I asked you previously about the deletion of the authorization funds.

I was on the House Interior Committee and cast a vote against the Udall land use planning bill. I believe it was defeated by one or two votes in the committee that year. And I did so because I objected to the rather involved Federal bureaucracy that it laid on top of the States in land use planning mechanism. It was a vote that I gave a great deal of thought. But the approach in our bill today, it seems to me, is directed at the very heart of the problem of what we are doing about land in the United States. And it seems to me to clearly demonstrate that it is a program, if it becomes law, a program that will have local control as the heart of it.

If that is true, and title III is worthwhile pursuing, and title IV is worthwhile pursuing, then it does seem to me that we would want the authorization with the bill. Knowing that we are going to retain the type of control that I believe is essential in Congress, that is, having an authorizing committee authorize funds, and having a handle on it from a legislative committee such as this, then it seems to me that the authorization to back up what we are saying is also important.

They will not be appropriated until sometime after they are authorized. Ordinarily it would be in the next year, so we are not really rushing into anything.

If that is the case, if you agree with this procedure of authorization, and if you really think there is merit in titles III and IV, it would seem to me that that would provide the length of time that is

necessary for the Farm Bureau and other organizations, States, and counties to review it for themselves. We would not be rushing into any actual appropriation of funds.

I wonder if you could agree with that?

Mr. HAWLEY. I think your point is well taken, Senator. As you are aware, the House bill defers for 1 year for the reasons that I think I mentioned earlier—the lack of clarity, the magnitude of need, and the mechanism for allocation.

Yes, I think it is entirely possible to have an appropriation here, a deferred appropriation, subject to the authorization process at a later date. One of the questions that seems to us unanswered is how the money is going to be spent.

In our comments on section 504, we should have separated the funds for the title IV technical assistance program. We did not intend by our comments to preclude funding for technical assistance. We are simply not sure how the demonstration project funds would actually be spent.

The State of Connecticut has what I call a transfer of development rights program on the books. They have a bond issue of about \$10 million before them which does not appear to be successful—it does not appear that it will be successful. Under the limitations of this bill, they would be eligible for up to \$2.5 million, 25 percent share.

The bill requires that only two such programs, that and one other program, would be eligible for funding of a similar nature.

The other kinds of programs that are being implemented, and I think of programs like the New York agricultural district program, have, except for administration costs, no out-of-pocket costs to the State. That, in the main, is a deferral of taxation program, a shielding of property from property taxation. There would be lost revenue at the local level by decreased property taxes, but this bill does not contemplate reimbursing local governments for lost property taxes because of noncollected taxation on property.

So we, frankly, do not see how \$48 million is going to be expended, and find it somewhat inconsistent with other Farm Bureau policies to support an appropriation authorization for an expenditure that we cannot see.

Senator MELCHER. Well, I think that your answer helps clarify my thinking on the Farm Bureau's position somewhat because you do not mean to prevent money that would be necessary for technical assistance under title III.

Mr. HAWLEY. No, sir, we do not. We do not mean to preclude technical assistance nor do we mean to preclude demonstration projects at such time as we can be shown how much it is going to cost, how they are going to be administered, and the justification for the program.

Senator MELCHER. That helps my understanding a lot and I note that this bill was introduced in February 1979 or March 1979.

Ron, I noticed in your testimony that you would like to see the word "energy" added to the list of national needs.

Mr. MICHELI. Yes, sir.

Senator MELCHER. Section 101. I think I agree very much on that. We are running into that all the time, and it is something that a Federal agency just cannot ignore.

My feeling about Secretary Cutler's testimony this morning is that I get lost whenever they start talking about eight or nine Federal agencies cooperating and coordinating some study.

I know how difficult that is for them, but I just do not think it gets anything done very quickly if they try to get eight or nine Federal agencies to agree on a report by the end of 1980. If they can get them to agree on a report that is meaningful in that length of time, I think it is a great encouragement to everybody in this country, somebody that can coordinate redtape. I think they need a little more guidance. They need something like S. 795 for specific guidance.

I think one of the things we have to do is establish some leadership role in the Federal bureaucracy on this among Federal agencies, and we should have it well enough defined that we do not put them in some endless paper shuffling between various Federal agencies. There has to be not only a lead agency involved; it has to be given rather explicit directions. And while we are all guilty here in Congress of creating redtape, I think perhaps in this matter in regard to Secretary Cutler's testimony on what their involvement is right now, we can help them to expedite it and narrow the field and establish the parameters a lot better than they would if they have to satisfy all of the competing interests of Federal agencies. There just has to come a time when you meet a problem and you cannot meet it head on. You do not meet it like it is an octopus with eight different arms sticking out at you, each grasping for a little bit of the action.

Mr. WEAVER. Mr. Chairman, I certainly agree with that. We think this legislation would place the Department in a stronger position on that issue, as you have suggested, through the Federal consistency requirements. Where you have the Department acting as an advocate, the other agencies are responsible for following the directions that would come from the Congress in that position.

I think it is also important to point out the linkages between three, four, or five titles in the bill.

If you do not have State and local activities, which would be encouraged and generated by title III underway, you are not going to have effective implementation of a Federal consistency requirement under title I.

I think those that support title I very strongly should look to title III and its immediate implementation to really make that provision, because you need to judge the actions of Federal agencies against the programs the State and locals adopt.

Senator MELCHER. I would be scared of death of that report that satisfied the various Federal agencies all gathered together as really being meaningful in terms of having coordinated the necessary interactions we have to have with State and local governments and individuals that are involved.

Who was it who was saying people do not get involved in environmental impact statements?

Mr. WEAVER. The local people do not feel that.

Senator MELCHER. Well, the whole law is laced through with public participation. As a matter of fact, I have to agree with you because the average John and Jane Doe, after it is all said and done, after 2 years or maybe 3 years, wonder where they came in at, how they were involved. They get lost in the bureaucracy running the EIS.

VOICE. There is a point that I think is very important. The administration came up this morning and told us there was no way we could afford to spend money on this problem. They were concerned about the fact some of the important technical assistance programs upon

which this whole approach is diminished in the President's budget, and they turned around and assured you that they could take out enough money to do an adequate study. I find that somewhat inconsistent. I cannot for the life of me believe that that study is going to find the resources and the impetus to do what needs to be done without some leadership.

Senator MELCHER. I think, in all fairness to Dr. Cutler, that it is clear that the Department of Agriculture thinks it is very important. And I think their druthers are to recommend a bill like this, some sort of appropriation similar to this. But they are, of course, having to bow to the Office of Management and Budget, which has the upper hand in terms of how much money an agency can ask for in a particular budget. However, I think it is clear that if we really believe that technical assistance is necessary, and I certainly do, it would be most foolish to allow for cuts in Soil Conservation personnel.

I just find it hard to believe that Congress will go along with that. We will have to fight that battle out, I guess, on the House and Senate floor. I think it is imperative that we do maintain personnel to be able to provide the technical assistance out in the field when we need it.

Is there anything further?

I want to thank all of you for your testimony. I appreciate your frankness and your understanding of what is proposed in the legislation and for your advice on it.

Thank you.

The record will be open for at least 2 weeks and we will be glad to have any other testimony that anybody wants to submit on it, or any backup material that would help the record.

The subcommittee is adjourned.

[Whereupon, at 10:58 a.m., the subcommittee adjourned, subject to call of the Chair.]

APPENDIX

STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM VERMONT

Today's hearing although primarily focusing on the Farmland Protection Act introduced earlier this year by Senators Melcher, Magnuson, myself and others, really has a much broader intent. The hearing has been called to find out just exactly what is the proper Federal role in preserving America's farmland.

This broader question of proper Federal activity draws many wide and varied responses. The responses range from no Federal involvement whatsoever, to total Federal involvement culminating in what amounts to Federal land use policy. I believe the answer cannot be found in either extreme. Yet, I am convinced that there is a Federal responsibility to stimulate the preservation of America's agricultural acreage. Today's hearing will hopefully make clear how that responsibility should be carried out.

It is certain that the rapid rate at which America is losing its farmland is a very real threat to our independence and viability as a free nation. Agriculture is America's most important business. It feeds the Nation and a large part of the world. It is also critical to America's foreign trade balance and thus is closely intertwined with our ability to secure a stable flow of oil imports.

Without American agriculture, the hunger that would grip the Nation and indeed the world can only be described in Malthusian terms of mass starvation and a total collapse of society as we know it. This bleak forecast may seem far away and unreal to most Americans, but I am concerned that it may be around the corner if we as a Nation do not act swiftly to stem this ominous trend.

Although estimates vary, conservative assessments say that America is losing about 2 million acres of farmland every year. In my own State of Vermont, nearly 200 acres are lost every day. In just the 4 short hours we will be meeting today, another 33 acres of Vermont's agricultural land will be lost.

I realize that these statistics may spill like water off a duck's back to the Federal officials who find themselves awash in a sea of numbers every day. However, they had better pay especially close attention to these numbers because they are very frightening in their implications.

Earlier I spoke of the extreme reactions drawn by Federal activity in preserving farmland that range from "hands off" to omnibus land control. I want to make it very clear that I side with neither extreme and, honestly, access each as counter-productive and potentially destructive of American society.

One of the most basic and cherished rights of Americans is the right of the individual to own and develop his land as he sees fit. No actions taken today are intended to transgress this most sacred tenet of American freedom.

So that all of you have a better understanding of my position on this issue, I ask you to bear with me for another few minutes while I briefly describe it. Hearings are called so we can hear your opinions, however, knowing where I and many of my colleagues stand should aid in getting your points across.

First, I do not support an omnibus Federal land use policy for reasons that I believe are obvious to everyone in the room. However, I do not want to see the Congress bury its head in the sand and ignore the difficult and often unpopular decisions about what needs to be done to protect American farmland.

I believe that state, local and regional governments, especially those surrounding urbanizing areas, should decide, in conjunction with their farmers, if, when and how to preserve their farmland.

I am also convinced that these governments do not have the capacity to preserve their farmland. Capacity is a rather amorphous term. I use it here to mean that these governments have neither the information nor the money they need to effectively preserve their farmland.

Consequently, I see the proper Federal role as one of helping these governments to help themselves. This approach is embodied in titles II, III and IV of the Farmland Protection Act, S.795. Basically, these titles would collect, analyze

and disseminate information on the loss of U.S. farmland and methods to preserve it. They would also establish a limited pool of Federal funds to assist local governments who have designed their own farmland preservation techniques but do not have the resources to carry them out.

Finally, Title I of the bill would force the Federal bureaucrats to consider and decrease the pressure to develop that is placed on farmlands by Federal programs, projects, and regulations.

This is the approach I favor as to the proper Federal role in this issue. It is one where local governments decide what is right for their area and are assisted in achieving their own goals. At the same time, the Federal house is brought in order by limiting Federal actions that are adding to the loss of farmland.

In recent months there has been a flurry of activity on the issue of preserving farmland. The Department of Agriculture and the Council on Environmental Quality have formed a task force to study the issue. A number of bills exist in Congress to address the problem, and my constituent mail on the issue has increased greatly. I hope these hearings will sort out these activities and thereby tune S.795 to act in consort with what initiatives are already taking place or are planned.

Hopefully, all of today's witnesses will shed some light upon and share their insights as to what initiatives should be included and reinforced in the Farmland Protection Act.

Our first witness is Rupert Cutler, Assistant Secretary for Conservation, Research and Education at the Department of Agriculture. Mr. Cutler will discuss ongoing Federal efforts to preserve America's farmland. Also, I anticipate and would appreciate a chronology of the Department's position on S.795. I ask for a chronology because I want to discern the development of USDA's position pre-OMB and post-OMB. These two positions will help the Agriculture Committee and the Senate understand why the critical issue of preserving America's farmlands may be taking a backseat to other funding priorities in the Federal budget.

STATEMENT OF HON. WARREN G. MAGNUSON, A U.S. SENATOR FROM WASHINGTON

We all know, agriculture has been at the heart of the American experience. In fact, the story of the westward movement of our population, the settling of the frontier, is the story of the expansion of American agriculture.

But since the turn of the century, farming in this country has been in retreat. We have seen a relentless decline in the number of tillable acres.

For most of the century, growth of corporate farming and the increased use of mechanization has been the prime factor in the migration of many people from the land and into the cities.

Mechanization enabled the farm population to decline from 31 million in 1940 to less than 10 million in 1970. The number of farms in the same period shrank from 6.4 million to 2.9 million.

But even as the number of farms decreased, the output of those that remained increased. It is a tremendous testimony to the American farmer that in 1951, a single farm worker produced enough food for only 16 people. Two decades later, the same farmer fed 51 people.

However, the decline in our farm acreage continues. And we can no longer rely on technological innovation to increase the yield on a smaller amount of land.

Scientists tell us that the green revolution has reached its peak. Increases in agricultural production cannot be projected because of uncertainties about changing weather pattern, soil erosion, competition for water and increased costs of fuel and fertilizer.

This conclusion is quite alarming when you consider that this nation is losing millions of acres of farm land each year. The Soil Conservation Service in the Department of Agriculture estimates that up to 3 million acres of rural land are converted each year to uses that precludes agriculture. Another one to two million acres a year becoming uneconomical for agriculture uses because of surrounding urban development.

In my own state of Washington, we have lost over a half a million acres of farm land during the last 10 years. The GAO has also reviewed Department of Agriculture studies on this Nation's farmland reserves. In 1977, the Department of Agriculture did a random sample of farmland and concluded that the United States has a cropland reserve of 111 million acres. However, GAO recently completed an on-site check of some of these areas and found that many of the so-called "reserves" were currently being used for cattle and poultry production.

If this "reserve" land was converted to cropland, we would lose other food production. This GAO study shows that there is a need for better information about the quality and quantity of U.S. farmland.

This decrease in U.S. farmland threatens the ability of this Nation to produce enough food to meet domestic needs to help supply food for the rest of the world.

The loss of farmland has been especially severe near our urban areas. This is a tragedy, because urban agricultural farmland are a unique resource.

Their loss means an ever increasing dependency on energy intensive mechanized farming, with the expensive use of irrigated land and the high cost associated with long haul transportation. Preserving farmland around our urban areas would insure a fresh supply of agricultural products to our city dwellers at a price they can afford.

It would continue to separate the rapidly expanding developed areas with expanses of open, unfettered land, enhancing the natural beauty and the quality of life for everyone.

And it would preserve a rapidly disappearing way of life, by insuring an opportunity for citizens to earn their living on farms, to pass their lands and heritage on to their children. Having those fertile, green acres producing fruits and vegetables is both an economic and an esthetic asset for everyone.

State and local governments are beginning to recognize the importance of this problem. I understand that the General Accounting Office has surveyed the various States on this matter. Forty-three States responded; 25 of them said that the loss of farmland was an immediate problem, 13 more States said that farmland conversion is becoming a problem.

Unfortunately, State and local governments in many cases do not have the information or the resources necessary to develop programs to protect farmland. Without some Federal assistance, in the form of research and technical information the States and local units of government, will lose precious farmland as pressures on farmers to sell their land to housing and industrial developments increase.

The proportion of agricultural production dependent on energy and cost-intensive irrigation systems, rather than natural rainfall on fertile soils, is increasing rapidly. This growing dependence could quickly increase commodity production costs or disrupt production if energy supplies tighten further or if significant ground water depletions occur.

U.S. Agriculture is highly dependent on energy—particularly petroleum for its present abundant production. Any significant change in the supply or price of energy could have a serious effect on food production, and on the amount of farmland we need to feed this Nation.

On the matter of water supplies, there are indications that ground water supplies may be shrinking in some parts of the country. In discussions with staff members of the General Accounting Office, I have learned that they have recently been studying the Ogallala aquifer in the Great Plains. This water source is considered to be one of the Nation's most important aquifers. In 1975, the Missouri River Basin Commission classified the aquifer depletions as a severe and urgent problem in parts of some States. A recent U.S. Geological Survey study found that water levels will drop by as much as 50 percent in some parts of this aquifer by the year 2000. This condition could clearly affect the productivity of this land.

To protect farmland, the Federal Government must work with the States and local governments, not against them.

That is why, Mr. Chairman, we introduced the Farmland Protection Act. This bill is designed to preserve and protect this Nation's farmland.

As you know, I introduced a bill with a similar purpose in the last session of the 95th Congress. But this bill, the Farmland Protection Act—is more modest; it is a more realistic reflection of the limits imposed on Government by the times. And, I think it more directly addresses the central purpose of farmlands legislation: To get our Federal house in order.

This is not Federal land use planning. This is not another example of the Federal Government intruding in the lives of citizens. It is, instead, the establishment of a national policy of retaining and protecting our agricultural land, and it is insurance that all activities of the Federal Government are in harmony with that policy.

Mr. Chairman, I am afraid that the United States does not have a very good history of coordinating its agricultural land policy. Many times the issuing of permits, the making of grants or loans for industrial or home development, for new highways, or for power lines actually works to cover up, to pave over, or to divide precious farm land.

This act would attempt to bring governmental action into harmony with State and local efforts to protect farm land.

Under the bill, Federal agencies would be directed to establish procedures to consider the effects of major federal actions on agricultural land to assure that those actions do not cause the irreversible loss of farm land—unless other national interests override the importance of farmland protection.

A key provision requires Federal agencies to conduct programs, regulatory activities and other major actions in a manner that is consistent, to the maximum extent practical, with farmland protection programs established by State or local governments.

The bill is also designed to assist state, county and other local governments in their efforts to reduce the amount of farm land being lost to nonagricultural uses.

This is not a Federal land use bill. There are strict limitations built into the legislation which prevent the Federal Government from regulating the use of private land or depriving land owners of their property rights. Moreover, the bill does not diminish in any way the rights and responsibilities of the states, or the political sub-divisions of the States.

The impetus, the direction, the talent, and the resources, must come from the local level—from the people most directly affected by the alarming reduction in our food producing resource. Under The Farmland Protection Act, the Federal Government is there merely to provide technical assistance, and to assist in a few, modest demonstration projects designed to test out various methods of farmland preservation. And most importantly, the legislation is there to insure that activities at the federal level do not work at cross purposes with local efforts.

When the Farmland Protection Act was introduced in March we included a title directing the Secretary of Agriculture to launch a study of our agricultural lands to examine their quantity, quality, location, ownership, and financing.

As you know, Mr. Chairman, the Secretary of Agriculture, Mr. Bob Bergland, and Chairman of the President's Council on Environmental Quality, Mr. Charles Warren, recently announced the creation of an inter-agency study on agricultural land retention. I want to applaud the administration for its cooperation and its far-sighted efforts in this area. Clearly, the Senate Agriculture Committee may want to consider amendments to Title II of the Farmland Protection Act now that the administration study is under way. As you know, this bill is an attempt to backup the policies of the administration, not to compete with them.

Title III of the bill would allow local governments to apply for Federal matching funds to conduct demonstration programs testing the newest and most innovative programs for preserving our agricultural lands. This is a modest provision—\$40 million over 3 years, and is strictly limited so that there shall be funds for no more than three projects where State or local governments acquire interests in land. In addition, the Federal share would not exceed 25 percent of the total cost of a project, and no demonstration program would receive more than 15 percent of the total annual appropriations. Some \$500,000 is authorized for an analysis of the demonstration program after they are completed.

With this limited approach, we have working projects in the field. The empirical data gathered from these projects will be invaluable in obtaining an accurate picture of the problem, and of the best ways to address it. A primary goal of the farmland study and the research projects is to provide state and local officials with useful information for their decisions regarding farmland protection. To accomplish this goal, the bill directs the Soil Conservation Service of the Department of Agriculture to provide technical assistance and information concerning methods of protecting farmland, upon request from State and local governments. This provision also authorizes financial assistance to State and local governments to select and develop farmland protection programs. Under this section, State and local governments could apply for up to 25 percent of the cost of preparing their programs.

Mr. Chairman, I would hope that Congress would provide the leadership at the national level to work in cooperation with those people at the local level who have made a commitment to preserve our land and heritage.

In summary, Mr. Chairman, it is imperative to provide adequate and affordable food supplies for domestic consumption; to provide adequate supplies for exportation, which would offset the rising cost of imported oil and other foreign products, and to insure a stable agricultural economy in the United States.

By approving this act, Congress would recognize the importance of farmland protection to the economy, to the quality of the environment, to human health and welfare, and to the position of the United States as an international leader in food production.

In closing, Mr. Chairman, I believe that we should heed the words of my friend, Franklin Delano Roosevelt, who noted that:

"The history of every nation is eventually written in the way in which it cares for its soil."

Thank you for this opportunity to testify in support of the Farmland Protection Act.

STATEMENT OF HON. M. RUPERT CUTLER, ASSISTANT SECRETARY FOR CONSERVATION, RESEARCH AND EDUCATION, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the subcommittee: It is a pleasure to appear before you today to discuss our concerns for the prime agricultural lands of the Nation. Prime farmland is a topic of major interest to Secretary Bergland, to myself, and to the entire Department.

The vast and productive American landscape, with its wide variety of soils, climates, and crops is this Nation's primary and irreplaceable source of strength. We have gone through various periods in our Nation's history when we were vitally aware of this fact—such as in the 1930's when the Nation was shocked to attention by the combination of land abuse and drought that caused what was known as the Dust Bowl. We responded at that time with a soil conservation program. At other times, Americans have been concerned about wilderness, open space, or wild and scenic rivers. Each of these issues has gained public attention and generated public response.

Today, with a reduced farmland base, the American land is under additional pressures. These pressures are complex, and vary from region to region, but they add up to a deep concern for America's agricultural land. In some cases rapid urban growth is spreading out into prime farmland as populations grow and people need a place to live and work. In other areas, the population is not rising but construction still continues as people move around and spread out in the region. There is also concern across the land that our loss of top soil will seriously impair our ability to meet out food and fiber needs.

In California, prime irrigated vegetable land is being lost to urban sprawl, highways, and airports. In Montana, alluvial valley floors are threatened by strip mining and vital irrigation water supplies may be taken for energy production. In Iowa, pipelines cross farm fields at an angle, cutting tile drainage systems, disrupting farm operations, and leaving a strip of soil that has been altered deeply and perhaps permanently. In New England, a limited supply of farmland takes the brunt of new development while remaining farmers suffer from the lack of an adequate supporting structure of agricultural businesses and industries.

These are just a few examples, but they add up to one fact. Wherever one goes in America today, there is growing discussion of the trends affecting our Nation's agricultural land. The Department of Agriculture has been hearing these concerns, and sharing them, for some time. In 1975, a USDA sponsored seminar on the Retention of Prime Lands brought scientists and experts from around the Nation who concluded that the problem was serious and needed immediate Departmental and national attention. In 1976, workshops in States such as Pennsylvania, Massachusetts, California, and Indiana pointed out that a broad spectrum of people were deeply concerned with this issue, and that the major impacts are felt at the local level.

An analysis of the "1975 Soil Conservation Service Potential Cropland Study" which was the basic source of data on land currently available for cropland was published in July 1978 by the Economics, Statistics and Cooperatives Service. The conclusions of that analysis are worth noting and are as follows:

"The potential cropland data illustrate that during a period of improving product-price relationships for agriculture, the quality of land in the cropland base improved slightly. This occurred despite the reported loss of 4.5 million acres of prime cropland to irreversible and competing land uses between 1967 and 1975. Shifts of cropland to urban and builtup uses were not limited to the Northeast and Pacific regions, but were important in the Southeast and Corn Belt regions as well. The importance of the conversion of other land to urban uses suggests that the growth of scattered, small builtup areas should be subject to further examination of the urbanization process."

"In terms of land for the future, 78 million acres of land identified as having high potential for cropland exist, many of which are in the Northern Plains, Corn Belt, and Southeastern regions. An additional 33 million acres have medium potential for development. However, only 15 million acres of high potential

land have no limitations, and the economic and environmental costs of developing the remaining potential cropland acres are not yet evaluated. As the future demand for U.S. crops is uncertain, research is needed to assess those circumstances under which potential cropland might be developed as well as the consequences of that development."

"An important issue requiring future research is the cost, both public and private, of converting noncropland to cropland. If land conversion costs are high, then potential cropland may be brought into production only at relatively high commodity prices. Many of the problems are erosion related, suggesting that private development practices could lead to socially unacceptable levels of soil loss and have an impact on water quality through sedimentation and nutrient runoff. Other problems relate to clearing and drainage. The environmental impacts of cropland development undertaken on a large scale could be significant. Drainage and clearing of wetlands, for example, could have significant repercussions for wildlife, groundwater recharge, and flood water retention."

At the same time, USDA agencies have been working to get more facts on the situation. The Soil Conservation Service National Resource Inventories—1977 revealed that America's farmland is being converted to nonagricultural uses at the rate of 2.5 to 3 million acres each year. This adds up to a total of nearly 10,000 acres each day that is taken out of the producing and potential agricultural land base.

At the same time, we are aware that not all of our acres are needed today to produce the crops we consume or sell abroad. Assuming normal climatic conditions, technological improvements, marketing conditions, and input and energy prices, there will be some serious conversion of agricultural land at the local, State, and regional levels but no absolute national shortage of land will occur before the turn of the century.

But we are not comfortable with that fact. There are some unsettling "ifs" in that equation. World climates are unstable right now, and scientists don't agree fully on the reasons or what this may lead to in the future. International demands for food will rise as world population grows and diets change to reflect increasing affluence. The cost and availability of energy seems certain to be a factor of growing importance to the maintenance of high agricultural production.

Thus, a combination of events could occur that would put pressure on our ability to produce the agricultural abundance that is so vital to our Nation's strength. There are other values for land beyond traditional farmland uses. These uses retain the option of conversion to farmland in the future. During the last year, the administration has taken several steps to give appropriate recognition to this problem:

1. In accordance with the Soil and Water Resources Conservation Act of 1977 an appraisal underway will provide some insight into the scope and severity of the agricultural land conversion problem relative to other known and likely serious problems (e.g., soil erosion).

This appraisal will examine the status, condition and trends for soil, water, and related resources on nonfederal land and water. It will appraise the capabilities and limitations of soil, water, and related resources to meet present and future demands for their products. In this context preliminary determinations of agricultural land quantity, quality, and trends will be made from the available data.

Since the above study is due to be submitted to the Congress early the next year, there will not be sufficient time to explore in depth the availability of the Nation's agricultural land, as well as the scope, causes, and alternative ways of dealing with agricultural land conversion problems.

2. Thus, the administration has developed and is implementing the National Agricultural Lands Study. This is in response to the demonstration of concern both in past testimony before the last Congress and by many of the States in the implementation of various forms of agricultural land retention legislation. (See attached memorandum of agreement between USDA and CEQ.)

This study will determine and evaluate the impact of agricultural land conversion on agriculture and conversely the impact of agricultural land retention on other facets of our economy.

It will involve the following Federal agencies whose actions influence the conversion of agricultural lands; Agriculture, Commerce, CEQ, Defense, Energy, EPA, HUD, Interior, OMB, and Transportation.

The specific study items include:

- (a) The quantity, quality, location, and ownership of the Nation's agricultural lands.

(b) The impacts of industrial, urban, transportation, and energy development, and other competing land uses on the future availability of agricultural lands and the impacts on related agricultural services (credit, marketing, etc).

(c) The urban effects of agricultural land retention.

(d) The effects of Federal and State programs, policies, laws, and regulations on agricultural land. (Such functions as community and rural development public works construction, energy regulation, pollution abatement, and technical and financial assistance programs shall be considered, as well as the impacts of State and Federal water and land use policies on the availability of agricultural lands.)

(e) The impacts of agricultural land losses on the Nation's capacity to meet future domestic demand for food, fiber, and energy.

(f) The impacts of agricultural land losses on the Nation's capacity to develop future foreign policies relating to international trade (including the balance of payments) and humanitarian assistance.

(g) The economic, social, and environmental effects of converting additional lands to agricultural use.

(h) The economic, social, and environmental effects of alternative methods for preventing or retarding the conversion of agricultural lands to nonagricultural uses. For example, the implications for mineral and energy development, transportation systems, and other forms of nonfarm land use.

(i) Techniques and methods for maintaining agricultural land availability.

(j) The relative roles of the private sector, local, State, and Federal governments in implementing methods for retaining agricultural lands.

(k) Ways in which Federal agency programs and activities might be made more consistent with the objective of retaining prime agricultural lands and with local and State programs designed to meet that objective.

The study will be under the joint direction of the Secretary of Agriculture and the Chairman of the Council on Environmental Quality, who will approve the detailed study plan under preparation. The study will be performed primarily by a full-time professional staff of 10 to 15 persons from the several Federal participating agencies.

A strong contributing role for nonfederal interests is being developed in order to assure that the study benefits from a variety of perspectives on the problem of agricultural land conversion. The study will also consider the findings and recommendations of the forthcoming General Accounting Office report on this subject. We expect to complete the study and make its findings and recommendations available to the President and the Congress by January 1981.

3. On September 8, 1978, EPA Administrator Costle signed an agency policy statement intended to protect environmentally significant agricultural lands. The policy covers all important farmlands inventoried by USDA as well as other agricultural lands whose protection would be essential to the maintenance of important environmental and agricultural resources.

The policy is "to protect, through the administration and implementation of its programs and regulations, the Nation's environmentally significant agricultural lands from irreversible conversion to uses which result in its loss as an environmental or essential food production resource."

4. On October 30, 1978, Secretary Bergland signed USDA's "Statement on Land Use Policy."

Secretary Bergland directed the agencies of the U.S. Department of Agriculture to avoid proposing or assisting actions that could reduce the amount of land available for food and fiber production. Secretary Bergland said he expects the Department's agencies to step up their technical assistance to local residents and local agencies in their efforts to retain important farmland, forestland, rangeland, and wetlands and to avoid encroachment into flood plains.

The memorandum orders all Department agencies that administer grants, loans, regulations, or technical assistance programs to review their actions and make any changes necessary to minimize program impacts that might reduce the amount of agricultural land.

Virtually every type of development is involved, including energy, mining, transportation, sewer system construction. We are working with other Federal departments, States, and individual landowners to assure that the facts about the prime farmlands are known and that the adverse impacts on agricultural production are minimized. We are receiving cooperation from other Federal agencies, but it is a major effort which will require continuing oversight by USDA.

In conclusion, we believe the Department has the capability, expertise, and delivery system to provide to States and units of local governments technical

assistance and information concerning methods of protecting agricultural lands so that the local units of government can make wise decisions concerning conversion or retention of agricultural lands. We share this subcommittee's concern over the current rates of agricultural land conversion, and are initiating an 18-month interagency study to better determine the scope and causes of this problem and to evaluate alternative ways of responding to it. As this point, we are not prepared to state: (1) How serious this problem is in a national context; (2) what role, if any, the Federal Government should play beyond that of assisting local units of government make their own decisions concerning conversion or retention of agricultural land; and, (3) If an expanded Federal role is desirable, what additional authority would be necessary to achieve such an expanded Federal role. Once our interagency study is completed early in 1981, we believe that we will be in a better position to provide recommendations for any needed action on the problem. Meanwhile, we believe that action on the Agricultural Land Protection Act or similar legislation should be deferred pending outcome of the interagency study.

I would be pleased to respond to any questions you may have.

MEMORANDUM OF AGREEMENT BETWEEN THE U.S. DEPARTMENT OF AGRICULTURE AND THE COUNCIL ON ENVIRONMENTAL QUALITY

I. BACKGROUND

Changes in the use of our Nation's land result from efforts to stimulate economic development, sustain agricultural and forest production capabilities, produce and conserve energy, provide community services and living space, maintain open space, and to preserve the natural environment—our natural life support system. Each of these uses provides public benefits. They also are interrelated; some compete for the limited supply of suitable and available land while others are complementary.

Well managed farm and forest lands often play environmentally beneficial roles by providing assimilative capacity for the residues resulting from other economic activities, by serving as buffer zones, and by offering relative environmental stability when compared to some other land uses. They also provide open space, relative freedom from air pollutants, and recreation opportunities, thus enhancing the quality of living for many persons. Maintaining existing farm and forest lands provides a stable economic base in rural communities. At the same time, retention of productive natural systems such as forests, grasslands, wetlands, and flood plains helps to assure adequate supplies of food, fiber, wood and water.

During the last decade our Nation's agricultural lands have been disappearing at a rate of nearly 3 million acres per year. About one-half of these acres is converted to urban uses. Scattered development breaks up and isolates an equal amount of land that cannot then be used for agricultural purposes.

About 90 percent of our important agricultural lands are currently in production. If the best farmlands are converted to other uses, food, fiber, and wood production must be shifted to less productive lands, decreasing production efficiencies, often increasing energy requirements and resulting in high prices for these commodities.

II. PURPOSE

The purpose of this Memorandum of Agreement is to clarify the relationship between USDA and the CEQ in undertaking a jointly-sponsored national study of the availability of the Nation's agricultural lands, the extent and causes of their conversion to other uses, and the ways by which these lands might be retained for agricultural purposes.

III. AUTHORITIES

A. Council on Environmental Quality

The Council on Environmental Quality (CEQ) was established by the National Environmental Policy Act (NEPA) of 1969, (U.S.C. 4321 et. seq.) and the Office of Environmental Quality was subsequently established by 42 U.S.C. 4372. NEPA outlines the duties and functions of the Council, which include the conduct of surveys, studies and investigations leading to the development of "national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation."

B. The Department of Agriculture

The Department has as its prime responsibility the encouragement of adequate supplies of food, fiber, water, and wood products at affordable prices, and the maintenance of the Nation's potential for sustaining such supplies in the future.

7 CFR 2.19(f) states that the Department shall:

"(1) Provide national leadership in the conservation, development and productive use of the Nation's soil, water, and related resources. Such leadership encompasses soil, water, plant, and wildlife conservation; small watershed protection and flood prevention; and resource conservation and development. Integrated in these programs are erosion control, sediment reduction, pollution abatement, land use planning, multiple use, improvement of water quality, and several surveying and monitoring activities related to environmental improvement. All are designed to assure (i) quality in the natural resource base for sustained use; (ii) quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and (iii) quality in the standard of living based on community improvement and adequate income.

"(2) Evaluate and coordinate land use policy.

"(3)(a) [Administer] comprehensive planning assistance in nonmetropolitan districts."

IV. PROVISIONS

A. The study shall be conducted according to the following provisions:

1. *Leadership.*—The Secretary of Agriculture and the Chairman of the Council on Environmental Quality shall share the leadership of the study, and shall co-chair an interagency coordinating committee of policy-level representatives from each of the federal agencies contributing funds and/or staff to the study.

2. *Scope.*—The study shall determine and evaluate:

(a) The quantity, quality, location, and ownership of the Nation's agricultural lands.

(b) The impacts of industrial, urban, transportation, and energy development, and other competing land uses on the future availability of agricultural lands and the impacts on related agricultural services (credit, marketing, etc.).

(c) The urban effects of agricultural land retention.

(d) The effects of federal and state programs, policies, laws, and regulations on agricultural land. (Such functions as community and rural development, public works construction, energy regulation, pollution abatement, and technical and financial assistance programs shall be considered, as well as the impacts of State and Federal water and land use policies on the availability of agricultural lands.)

(e) The impacts of agricultural land losses on the Nation's capacity to meet future domestic demand for food, fiber and energy.

(f) The impacts of agricultural land losses on the Nation's capacity to develop future foreign policies relating to international trade (including the balance of payments) and humanitarian assistance.

(g) The economic, social and environmental effects of converting additional lands to agricultural use.

(h) The economic, social, and environmental effects of alternative methods for preventing or retarding the conversion of agricultural lands to nonagricultural uses.

(i) Techniques and methods for maintaining agricultural land availability.

(j) The relative roles of the private sector, local, State and Federal governments in implementing methods for retaining agricultural lands.

(k) Ways in which Federal agency programs and activities might be made more consistent with the objective of retaining prime agricultural lands and with local and State programs designed to meet that objective.

3. *Duration.*—The study shall be completed by January 1, 1981. The study committee and staff shall be terminated within 30 days of the submission of the study report to the President unless the President directs otherwise.

4. *Staff.*—The study director selected by the cochairmen will be employed full-time under their supervision. The cochairmen may select a research director to assist the study director in the execution of this study. Professional staff may be provided by the participating Federal executive agencies at their expense upon the request of the cochairmen.

5. *Funding.*—The study shall be funded through the direct contribution of funds by the participating Federal executive agencies from within their existing resources. The level and timing of the funding shall be agreed upon mutually by the participating Federal executive agencies and the cochairmen.

B. The Chairman of the Council on Environmental Quality agrees:

1. To cochair, with the Secretary of the Department of Agriculture, an inter-agency federal study on the availability of agricultural lands.
2. To provide professional staff assistance and contribute such funds as are mutually agreed to for the conduct of the study.
3. To contract particular tasks to private individuals and/or organizations when appropriate for the successful completion of the study.

C. The Secretary of Agriculture agrees:

1. To cochair, with the Chairman of the Council on Environmental Quality, the interagency federal study on the availability of agricultural lands.
2. To provide professional staff and contribute such funds as are mutually agreed to for the conduct of the study and to accept and manage funds from all agencies for the conduct of the study.
3. To contract particular tasks to private individuals and/or organizations when appropriate for the successful completion of the study.
4. To serve as the employing agency for the study.

D. It is mutually agreed:

1. That the work undertaken will be for the benefit of the people of the United States: to inform the decisions of private parties and the federal, state and local governments regarding the availability use of the Nation's agricultural lands, and to provide an evaluation of techniques that could help to effect the allocation of such land among competing uses.

BOB BERGLAND,
Secretary of Agriculture.
 CHARLES WARREN,
*Chairman, Council on
 Environmental Quality.*

STATEMENT OF RONALD A. MICHEL, DIRECTOR, GOVERNMENT AFFAIRS FOR
 LAND AND NATURAL RESOURCES, NATIONAL CATTLEMEN'S ASSOCIATION, ALSO
 REPRESENTING NATIONAL WOOL GROWERS ASSOCIATION AND PUBLIC LANDS
 COUNCIL

My name is Ronald A. Micheli and I am Director of Government Affairs for Land and Natural Resources of the National Cattlemen's Association. I am presenting this statement for the National Cattlemen's Association, the Public Lands Council, and the National Wool Growers Association.

The National Cattlemen's Association represents more than 280,000 cattle producers and cattle feeders in the United States. Affiliated with our organization are 52 state cattle associations in 45 states and 12 national breed associations.

The National Wool Growers Association is the spokesman for the sheep and wool industry in the country while the Public Lands Council represents those livestock producers who hold permits for grazing on the public lands in the western states.

We are concerned with the implications of bill S. 795 and the emphasis the bill places on certain conclusions. Although the bill calls for a study—and we agree that we need a study—it does not wait for the study results and recommendations before jumping to conclusions, formulating new policies and involving the Federal Government in certain land use matters.

The bill appears to be less concerned with farm production and with the welfare and rights of farmers than with the welfare and sensitivities of the urban dweller. It is not a farm bill, it is an urban bill.

In the House committee hearings on a similar bill, a witness favoring the bill frankly stated that the major reason his county enacted a program to preserve agricultural lands was to avoid what he called the "negative cost impact of new development." Preservation of agriculture as an industry was only a secondary objective, he admitted.

Other testimony on similar legislation during the past two years also suggests the main interest of proponents is not agricultural production. Rather, most supporters appear to regard this bill as a means to contain urban or suburban "sprawl", provide open space and green belts for city residents, promote cheap food prices, avoid the public costs of development and provide more aid to cities. I might add that witnesses often describe this legislation "as a step" toward whatever they favor . . . indicating that it has implications far beyond its present provisions.

Now there is nothing wrong with being interested in improving urban amenities (although we are not sure what the role of the Federal Government should be in such matters) and certainly farm lands provide more benefits than just food and fiber.

But, in our opinion, it is important not to provide aid to the cities solely at the expense of the farmers.

The bill, itself, reflects this preoccupation with urban concerns. Look at what the bills says are the three reasons why agricultural lands are important and must be "protected": (A) Such lands provide cheap food to consumers through direct marketing (apparently food is not considered cheap through other means of marketing); (B) Farms are nice to look at while traveling from one developed area to another; and (C) farm lands "contribute to the quality of life urban residents enjoy." Nothing is said about the quality of life rural residents would like to enjoy.

Throughout the bill, urbanization is singled out for mention as the big program. But is it? Studies indicate that land converted from agricultural use by urbanization represent at most one third of the conversions.

So me economists state it is a myth that prime agricultural land is being seriously affected by urbanization or development. For example, agricultural economists Orville Krause and Dwight Hair have presented data indicating that urbanization and development has had little impact on agricultural production ("Trends in Land Use and Competition for Land to Produce Food and Fiber" —USDA, 1975).

They point out that land classified as cropland has declined only slightly over the last several decades with "some geographic shift of cropland to areas with more productive soil and/or land better adapted to improved technologies."

"Hence," they report, "on balance this geographic shift in cropland has itself helped to increase the Nation's average cropland productivity."

Krause and Hair show that cropland converted to urban use since 1950 has been less than 1 percent of the cropland base and these lands were not prime lands and would have been abandoned as cropland anyway for economic reasons. As they state, "in much of the country, rural land in the environs of cities is low in percent of cropland, and even lower in percent of good cropland." They also demonstrate that a far greater amount of acreage disappeared from the cropland base because of economic obsolescence.

They explain that the shift in cropland since 1950—"abandonment in some regions and reclamation in others—is mainly explained by relative profitability. The net effect has been to increase average cropland productivity as well as to return much erosion-prone cropland in the East to its natural state."

Urbanization, they demonstrate, has occurred in regions where the decline in cropland is no greater in urban counties than in the region as a whole leading to the inescapable conclusion that much of the cropland urbanized would have been abandoned for economic reasons if it had not been urbanized.

The economic causes of farmlands being converted to other uses are virtually ignored in this legislation. Yet those are the root causes of land conversions. If a farmer could make a decent, prosperous living on a piece of land, he would not normally sell out and preventing him from selling out is not going to solve an economic problem of low farm returns.

If a study is to be legislated and we question whether that is necessary since the Department of Agriculture and the Council of Environmental Quality have already initiated a study, we suggest that it be specified that the study should include economic factors affecting farm conversions and also equity and private property issues involved in programs aimed at curbing farmland sales.

I want to emphasize that this bill raises many profound and complex issues ranging from individual Constitutional rights and freedoms to the proper role of the federal government in land use decisions. These issues do involve both urban and rural issues such as whether we should now have—as someone has suggested—a national policy of discouraging more Levittowns. These questions ought to be comprehensively studied before embarking on any kind of aid program or formulating federal policies.

There is another matter to be carefully studied: The implication that this bill is a back-door approach to national land use planning.

As you know, one organization which favors national land use legislation testified on similar legislation in 1977 that "Since Congress and the Administration are not moving on a comprehensive land use bill, it is imperative that the crucial issue of farmland preservation be handled separately . . . Since agriculture has deep historical roots in America, with many people feeling an affinity for farmland, it may be that developing a program for protection of farmland could be a tool paving the way for acceptance of more comprehensive land-use legislation."

We do not believe that this bill successfully avoids the suspicion that this group is correct, especially since the bill makes judgements without waiting for the results of the study it proposes.

Those judgements are obvious in the findings and purposes section of the bill.

The first finding that we face a food shortage is not true—or at least not supported—and appears to be contradicted by the further finding that our information on this matter is incomplete.

The finding that state and local governments lack financial resources for agricultural preservation programs is likewise untrue. It is the federal government at present which is floating in red ink.

The alarmist statement about the amount of land being converted from agricultural use is also misleading. We believe the entire findings section could be dropped or confined to the need for a study.

In regard to title I, there is some merit, in our opinion, to requiring federal agencies to identify the effects of their program on agricultural production but we believe the redundant and imprecise language of this title I needs revision. We would, for example, suggest that it be clarified that Sec. 101(2) does not mean that federal management should be extended to adjacent private lands.

We are also concerned that this bill, and this Section, not be used to block necessary development. For this reason we would suggest that the word "energy" be added to the list of national needs in Sec. 101(3) on page 6.

We believe Sec. 101(5) and related Titles III and IV should be eliminated. Financial assistance is already available to States and communities under the Soil Conservation and Domestic Allotment Act and under other programs of assistance for the protection of agricultural land. No evidence has been offered to indicate that there is anything to be gained at this time by giving federal money to the states or communities for "testing," "demonstration," or whatever. It seems to us the big need now is to assimilate and correlate existing data. We can't see that federal dollars will accomplish anything new except new problems.

We have some further suggestions for language changes in the bill. Section 102(E) on page 8 is self-contradictory. You can't promote retention and at the same time propose conversion.

In Sec. 201(a)(2)(j) on page 11 is an example of the arbitrary and unnecessary emphasis on urban areas which appears in several other sections.

We have some problems with the definition of "agricultural land" and "farm-land" in Sec. 501 on page 18. Undoubtedly, it is difficult to define such terms and we note that the bill avoids the term "prime agricultural land." We think the study itself should explore which are the most practical or useful definitions of such terms. As far as the Sec. 501 is concerned, we would suggest striking the word "economically" in (1) (B) since there may be some social or cultural justifications for farmlands. And as a matter of fact, there are many farms operating at a loss. It would appear there is some duplication between paragraphs (A) and (B) and we would suggest that excluding urban land in the first paragraph would appear to defeat the purpose of many proponents for conserving farm land within urban areas.

Sec. 502 is desirable but we would suggest that it be strengthened by adding the language: "the Federal government or any agency or subdivision thereof shall not, by virtue of the expenditure of any funds appropriated under authority of this Act, be deemed to have obtained any right title or interest in any land either by purchase, lease, assignment, default, inference or other operation of law."

In summary, we appreciate the concern over the theoretical possibility that if a substantial amount of agricultural land in the United States were converted to other uses, our ability to meet the food and fiber needs of the future could be impaired.

There is no need for hasty or ill-considered action, however. Our great need now is for a better understanding and examination of the multiple complex issues involved.

Studies are already underway but if this committee feels legislation is necessary then it ought to insure that the study is as complete, impartial and enlightening as possible. There is no need at this time to establish a precedent for federal aid or hold out the expectation that Federal government will now finance local land use plans. That could actually serve to delay many local so-called land preservation programs. Besides there are other federal funds that can be used for such purposes and at the present time the states and local governments are better able to finance such programs than the Federal government is.

STATEMENT OF RUTH E. KOBELL, LEGISLATIVE ASSISTANT, NATIONAL FARMERS UNION

Mr. Chairman and Members of the Subcommittee: I am Ruth E. Kobell, Legislative Assistant, National Farmers Union, 1012—14th Street, N.W., Washington, D.C. I am pleased to have the opportunity to appear before this Subcommittee on behalf of the farmer and rancher members of the National Farmers Union in support of S. 795, the "Farmland Protection Act."

National Farmers Union has long supported efforts to protect our agricultural lands and our productive capacity. During the last two Congresses we have supported legislation similar to that being considered by the Committee today. Legislation comparable to S. 795 is currently awaiting full Committee action on the House side.

We commend the sponsors of S. 795 for introducing legislation which, in our judgement, will aid the States and the Federal government to take measures which will help preserve our agricultural lands for future productive use in supplying the ever increasing demand for food and fiber, both here at home and abroad. We feel now is the time for the Congress to act because with every passing year the pressure to divert farmland to other uses continues to mount.

Two years ago, before a Congressional hearing, supporting similar legislation, National Farmers Union said:

"A national commitment to preserve and protect America's farmlands is as important to the preservation of American agriculture as is the need for a National Food Policy and a National Energy Policy. They are all inter-related. American agriculture will not be able to produce abundantly or efficiently in the future unless these policies are adopted, recognizing the problems and specific needs of our agricultural producers.

"Without adequate income, farmers can no longer afford to produce food and fiber. Without adequate and reliable sources of energy, farmers cannot produce. Without protection of farmlands from increasing diversion to other uses, farmers will not be able to continue to produce in abundance."

Those needs are still to be met.

The delegates to our most recent National Farmers Union convention held in March of this year reaffirmed our commitment to those policies. In part the delegates said:

"National Farmers Union believes there is one overriding issue on which the future of our Nation's food supply depends—the need for a national food policy."

A component of that national food policy outlined by the delegates is: "Strict guidelines for land use to preserve agricultural land."

The legislation before the Subcommittee is not a federal land use bill, but a mechanism for assisting states and localities to implement and carry out farmland preservation programs. The United States Constitution reserves to the states several areas of law which are very important to farmers. Registration and regulation of land ownership, parcelization and land use are all matters of state law. The authority to tax property is a state right. Water rights are regulated by state law; and local governments, which provide a wide variety of public services ranging from schools to fire protection derive their authority from state governments. Any significant changes in the law in these areas will be brought about through state legislation, and they will affect farmers directly.

The fight to preserve farmland from conversion to non-farm uses is a major issue for many groups in several states. The federal government and many states have laws designed to protect resource lands like national forest, grazing lands and wilderness areas used for recreation.

Forty-eight states have some statutory provision designed to protect our most essential natural resource—farmland, but few of these are effective. In the period from January 1975 to January 1979, the United States lost 13,965,000 acres of farmland, about 3.5 million acres per year. (Attachment No. 1). We simply cannot allow this attrition to continue. Currently, there is no federal program specifically intended to help states and localities develop farmland protection programs *per se*.

National Farmers Union views the proposals in this legislation as a major step forward in the effort to halt the continuing conversion of agricultural lands to non-agricultural uses.

The policies and cooperative federal-state programs outlined in this legislation will permit government at federal, state and local levels to make rational realistic land policy decisions. It is an opportunity Congress cannot afford to let slip by again.

In addition to losing our agricultural production base, the continuing loss of available land has very serious repercussions in two other areas. Loss of available land and the increasing value of the remaining land from both agricultural and developmental pressures causes land prices to escalate to levels that prohibit beginning farmers from entering agriculture. During the 1975-79 period, farm land prices escalated, nationwide, by 64.2 percent. (Attachment No. 2). During the same period, the number of farms in the United States decreased by 6.5 percent, or 161,150 in four short years. (Attachment No. 3). These trends pose very serious questions about the future structure of our Nation's agriculture.

During his speech to our national convention, Secretary Bergland called for a national dialogue to discuss the future structure of United States agriculture and the family farm. We are convinced that discussions on future land policy are important elements in that dialogue.

We are pleased with the recent announcement by Secretary Bergland and the Chairman of the President's Council on Environmental Quality that the two agencies are cooperating in an 18-month interagency study to investigate the extent and causes of conversion of agricultural land to non-agricultural uses. We believe this study will be complimentary to the proposal before the Subcommittee today.

At this point, I would like to address some of the specific proposals in S. 795.

Title I, "Farmland Protection", addresses a major problem in the land use area. As more and more pressure is put on alternative uses of agricultural land by government at all levels, it is imperative that the Congress establish uniform standards of land use policy applying to all federal agencies that recognize the unique and important role of food and fiber producing lands in our inter-related economy. It is hoped that through agency cooperation and conformity a pattern of federal land use decisions will be established to minimize the destruction and disturbance of agricultural lands for other purposes. State and local governments should be encouraged to develop similar coordinated planning procedures relative to condemnation and alternative uses of productive lands.

The policies adopted and implemented by the federal government concerning land-use plans on lands under its jurisdiction are important to farmers and ranchers considering the fact that the federal government is the single largest landholder in the country. The actions taken by the federal government impact directly on neighboring land owners.

With respect to Title II of the bill, we would suggest several changes in this section in view of the fact that the Department of Agriculture and the Council on Environmental Quality have already established an interagency task force to study and report findings basically in the areas addressed in this legislation.

First, we would suggest that the Secretary of Agriculture be directed to establish an advisory committee to assist the "Agricultural Lands Availability Study" group in carrying out their investigations and report. We would strongly suggest that active farmers and ranchers be adequately represented on this advisory committee.

Secondly, with respect to the time frame in which the study is to be completed, we suggest that the Secretary extend the deadline for reporting to July 1, 1981, which would provide the study group two full years in which to complete their investigation and prepare their report.

Finally, there should be no constraints placed on Title III activities, "Demonstration Programs", while the study is being conducted. Title III programs should be funded and implemented immediately. The results and practicability of such programs could then be assimilated into the report required to be submitted by the study group.

Title III of S. 795 could well prove to be the most beneficial section of the bill since it provides for "on-site" demonstration of plans and programs designed to accomplish the goals of the legislation. By allowing for and encouraging a variety of approaches to protecting agricultural lands, creativity in the states will be encouraged and "pitfalls" will be recognized before other jurisdictions attempt similar measures.

The budget outlays authorized under the legislation are modest compared with the benefits which will be gained. Additionally, by providing for a system of matching grants, states and local governments will be careful in their selection of programs to submit to the Secretary for funding since local money will also be involved in the project.

No governmental entity is forced to participate in this program, but those that are progressive and concerned about the loss of farmland and deterioration of rural America will now have incentives to participate in a cooperative effort with the federal government to halt such destruction.

Title IV, "Technical Assistance Program," provides needed expertise in program planning and management to communities willing to participate in a program of agricultural land preservation but lacking the resources to do so. By utilizing the Soil Conservation Service to provide this assistance, little additional cost to the government would be incurred, and an agency with a long history of effective land and soil management practice would be able to lend its expertise to local communities.

We face great difficulties in attempting to protect a vital national and natural resource—our agricultural lands. There are those, who through their shortsightedness and economic greed, would attempt to halt this important mission. We must not permit that to happen. The legislation before the Subcommittee today is an important starting point in protecting our agricultural lands and agricultural production capability.

ATTACHMENT NO. I
LAND IN FARMS (NEW DEFINITION),¹ BY STATES, 1975 AND 1979²

State	1,000 acres		Percent change
	1975	1979	
Northeast:			
Connecticut.....	490	450	-8.2
Delaware.....	665	620	-6.8
Maine.....	1,610	1,640	+1.8
Maryland.....	2,855	2,805	-1.8
Massachusetts.....	670	650	-3.0
New Hampshire.....	550	580	+5.4
New Jersey.....	1,700	990	-1.0
New York.....	10,700	10,000	-6.6
Pennsylvania.....	9,600	8,900	-7.3
Rhode Island.....	63	63	0
Vermont.....	1,770	1,740	-1.7
Average, Northeast.....			-5.2
Lake States:			
Michigan.....	11,500	10,600	-7.9
Minnesota.....	30,300	30,300	0
Wisconsin.....	19,300	18,700	-3.2
Average, Lake States.....			-2.5
Corn Belt:			
Illinois.....	28,900	28,700	-.7
Indiana.....	17,000	16,900	-.6
Iowa.....	34,100	34,000	-.3
Missouri.....	32,400	32,300	-.4
Ohio.....	16,700	16,300	-2.4
Average, Corn Belt.....			-.7
Northern Plains:			
Kansas.....	48,700	48,200	-1.1
Nebraska.....	47,900	47,800	-.3
North Dakota.....	41,690	41,690	0
South Dakota.....	45,450	45,450	0
Average, Northern Plains.....			-.4
Appalachian:			
Kentucky.....	14,700	14,400	-2.1
North Carolina.....	12,500	12,400	-.8
Tennessee.....	14,000	13,700	-2.2
Virginia.....	10,300	9,700	-5.9
West Virginia.....	4,260	4,180	-1.9
Average, Appalachian.....			-2.5
Southeast:			
Alabama.....	13,800	13,200	-4.4
Florida.....	14,100	13,800	-2.2
Georgia.....	15,000	15,700	+4.6
South Carolina.....	6,800	6,500	-4.5
Average, Southeast.....			-1.1

ATTACHMENT NO. 1—Continued
LAND IN FARMS (NEW DEFINITION),¹ BY STATES, 1975 AND 1979²—Continued

State	1,000 acres		Percent change
	1975	1979	
Delta States:			
Arkansas.....	17,000	16,800	-1.2
Louisiana.....	10,500	10,300	-2.0
Mississippi.....	15,500	14,500	-6.5
Average, Delta States.....			-3.3
Southern Plains:			
Oklahoma.....	35,500	35,000	-1.5
Texas.....	140,000	138,700	-1.0
Average, Southern Plains.....			-1.1
Mountain:			
Arizona.....	40,900	40,500	-1.0
Colorado.....	38,800	38,000	-2.1
Idaho.....	15,500	15,400	-.7
Montana.....	62,400	62,000	-.7
Nevada.....	8,990	8,990	0
New Mexico.....	47,000	46,700	-.7
Utah.....	12,850	12,800	-.4
Wyoming.....	35,200	35,100	-.3
Average, Mountain.....			-.9
Pacific:			
California.....	34,300	32,300	-5.9
Oregon.....	18,850	18,650	-1.1
Washington.....	16,100	16,100	0
Average, Pacific.....			-3.2
48 States.....	1,058,763	1,044,798	-1.4

¹ Places with annual sales of agricultural products of \$1,000 or more.

² Preliminary.

Source: Farm numbers, December 1978, Crop Reporting Board, ESCS, USDA.

ATTACHMENT NO. 2
FARM REAL ESTATE VALUES,¹ MAR. 1, 1975 TO FEB. 1, 1979²

State	Dollars per acre		Percent increase
	1975	1979	
Northeast:			
Connecticut.....	1,525	2,158	41.5
Delaware.....	971	1,725	77.7
Maine.....	341	485	42.2
Maryland.....	1,060	1,799	69.7
Massachusetts.....	961	1,356	42.1
New Hampshire.....	564	802	42.2
New Jersey.....	1,807	2,222	22.9
New York.....	510	642	25.9
Pennsylvania.....	734	1,245	69.6
Rhode Island.....	1,500	2,133	41.5
Vermont.....	462	657	42.2
Average, Northeast.....			46.0
Lake States:			
Michigan.....	553	955	72.7
Minnesota.....	429	854	99.1
Wisconsin.....	434	807	85.9
Average, Lake States.....			84.7
Corn Belt:			
Illinois.....	846	1,786	111.1
Indiana.....	720	1,498	108.1
Iowa.....	719	1,458	102.8
Missouri.....	396	674	70.2
Ohio.....	706	1,516	114.7
Average, Corn Belt.....			104.7

ATTACHMENT NO. 2—Continued
FARM REAL ESTATE VALUES,¹ MAR. 1, 1975 TO FEB. 1, 1979 ²

State	Dollars per acre		Percent increase
	1975	1979	
Northern Plains:			
Kansas.....	296	437	47.6
Nebraska.....	282	470	66.7
North Dakota.....	195	306	56.9
South Dakota.....	145	257	77.2
Average, Northern Plains.....			60.1
Appalachian:			
Kentucky.....	427	792	85.5
North Carolina.....	590	819	38.8
Tennessee.....	467	669	43.3
Virginia.....	558	864	54.8
West Virginia.....	300	472	57.3
Average, Appalachian.....			54.4
Southeast:			
Alabama.....	364	515	41.5
Florida.....	685	930	35.8
Georgia.....	474	609	28.5
South Carolina.....	467	635	35.9
Average, Southeast.....			35.1
Delta States:			
Arkansas.....	419	571	36.3
Louisiana.....	512	763	49.0
Mississippi.....	379	520	37.2
Average, Delta States.....			41.5
Southern Plains:			
Oklahoma.....	302	442	46.4
Texas.....	243	354	45.7
Average, Southern Plains.....			46.1
Mountain:			
Arizona.....	111	134	20.7
Colorado.....	188	332	76.6
Idaho.....	339	485	43.1
Montana.....	112	186	66.1
Nevada.....	85	104	22.4
New Mexico.....	78	100	28.2
Utah.....	188	265	40.9
Wyoming.....	80	119	48.8
Average, Mountain.....			46.1
Pacific:			
California.....	653	936	43.3
Oregon.....	250	330	32.0
Washington.....	350	586	67.4
Average, Pacific.....			47.8
48 States.....	341	560	³ 64.2

¹ Average value per acre of land and buildings.

² Preliminary.

³ As computed by ERS, USDA.

Source: Supplement No. 1 to Farm Real Estate Market Developments, Mar. 20, 1979. National Economic Analysis Division, ERS, USDA.

ATTACHMENT NO. 3
NUMBER OF FARMS (NEW DEFINITION) ¹ 1975 AND 1979

State	Number		Percent change
	1975	1979 ²	
Northeast:			
Connecticut.....	3,800	3,600	-5.3
Delaware.....	3,600	3,000	-16.7
Maine.....	6,800	7,600	+11.7
Maryland.....	16,400	16,000	-2.5
Massachusetts.....	5,100	4,800	-5.9
New Hampshire.....	2,600	3,000	+15.3
New Jersey.....	7,700	7,700	-1.3
New York.....	49,000	45,000	-8.2
Pennsylvania.....	67,000	59,000	-12.0
Rhode Island.....	620	670	+8.0
Vermont.....	6,300	5,900	-6.4
Average, Northeast.....			-7.6
Lake States:			
Michigan.....	70,000	63,000	-10.0
Minnesota.....	104,000	104,000	0
Wisconsin.....	101,000	95,000	-6.0
Average, Lake States.....			-4.8
Corn Belt:			
Illinois.....	114,000	107,000	-6.2
Indiana.....	94,000	89,000	-5.4
Iowa.....	130,000	121,000	-7.0
Missouri.....	127,000	118,000	-7.1
Ohio.....	101,000	97,000	-4.0
Average, Corn Belt.....			-6.1
Northern Plains:			
Kansas.....	78,000	72,000	-7.7
Nebraska.....	67,000	63,000	-6.0
North Dakota.....	42,000	41,000	-2.3
South Dakota.....	43,500	41,500	-4.6
Average, Northern Plains.....			-5.7
Appalachian:			
Kentucky.....	107,000	96,000	-10.3
North Carolina.....	105,000	99,000	-5.8
Tennessee.....	102,000	94,000	-7.9
Virginia.....	63,000	59,000	-6.4
West Virginia.....	20,000	19,500	-2.5
Average, Appalachian.....			-7.5
Southeast:			
Alabama.....	61,000	56,000	-8.2
Florida.....	35,000	35,000	0
Georgia.....	58,000	54,000	-6.9
South Carolina.....	36,000	35,000	-2.8
Average, Southeast.....			5.3
Delta States:			
Arkansas.....	60,000	58,000	-3.4
Louisiana.....	36,500	35,000	-4.2
Mississippi.....	68,000	53,000	-22.1
Average, Delta States.....			-11.3
Southern Plains:			
Oklahoma.....	75,000	73,000	-2.7
Texas.....	175,000	159,000	-9.2
Average, Southern Plains.....			-7.2

ATTACHMENT NO. 3—Continued
NUMBER OF FARMS (NEW DEFINITION),¹ 1975 AND 1979—Continued

State	Number		Percent change
	1975	1979 ²	
Mountain:			
Arizona.....	6,000	5,800	-3.4
Colorado.....	27,600	26,500	-4.0
Idaho.....	23,900	23,300	-2.6
Montana.....	23,100	21,700	-6.1
Nevada.....	2,000	2,000	-0
New Mexico.....	11,300	11,200	-.9
Utah.....	12,400	12,200	-1.7
Wyoming.....	7,800	7,200	-7.7
Average, Mountain.....			-3.7
Pacific:			
California.....	68,000	60,000	-11.8
Oregon.....	30,000	30,000	0
Washington.....	33,200	33,000	-.7
Average, Pacific.....			-6.3
48 States.....	2,487,220	2,326,070	-6.5

¹ Places with annual sales of agricultural products of \$1,000 or more.

² Preliminary.

Source: Farm Numbers, December 1978, Crop Reporting Board, ESCS, USDA.

STATEMENT OF BRUCE R. HAWLEY, ASSISTANT DIRECTOR, NATIONAL AFFAIRS,
AMERICAN FARM BUREAU FEDERATION

The American Farm Bureau is a general farm organization, organized in 49 States and Puerto Rico. Farm Bureaus and Farm Bureau members have been interested, and involved, in land use planning for many years. State Farm Bureaus have participated extensively in the development and implementation of land use programs including agricultural districting, zoning, purchase of development rights, restrictive agreements and others. At our most recent annual meeting the voting delegates of the member State Farm Bureaus adopted a policy on land use planning which says:

"Those who own or operate land have the major responsibility for its development.

"We oppose any federal land use planning. We believe that land use planning can best be accomplished at the county or comparable level of government and by private landowners. All lands, including state and federal lands, should be subject to all provisions of local land use planning ordinances.

"Land use planning should provide for the utilization of land resources and the environment in a manner that will preserve and protect these resources to meet the needs of our people. Prime agricultural lands should be preserved for the production of food and fiber."

* * * * *

"We oppose federal assistance to states for land use planning except under a grant-in-aid program. Funds available to a state should not be withheld as a weapon to enforce compliance. We oppose federal legislation and agency policy which would impose land use regulations as a qualification for obtaining federal grants and loans."

The American Farm Bureau Federation supports an "Agricultural Land Protection Act" which emphasizes three major ideas: federal consistency, demonstration projects, and technical assistance.

FEDERAL CONSISTENCY

An agricultural land protection act should provide that federal activities be consistent with State and local programs for the protection of agricultural land. We believe that the language contained in Section 104 of the bill clearly and adequately states this requirement; however, we suggest the addition of language that will make it clear that federal actions affecting national security, energy facility siting and water development are not subject to the provisions of this act.

We wish to make it clear that it is not our intention that a federal consistency provision should be used as a mechanism to unrealistically distort government activities in the name of "agricultural land protection". We believe that the lessons learned from the misuse of the National Environmental Protection Act (NEPA) should be kept in mind. In addition, a federal consistency provision should require federal agency activities on federally-owned or leased land to be conducted in such a manner as to minimize the impact on agricultural users.

DEMONSTRATION PROJECTS

We support federal grants-in-aid funds for purposes of assisting states in the implementation of an agricultural land protection demonstration program. As this Committee is aware, H.R. 2551, as reported by the Family Farms, Rural Development, and Special Studies Subcommittee of the House Committee on Agriculture, defers the availability of funds for demonstration projects for one year. The purpose of this deferral is to permit a study of the need for, and benefit of, Federal assistance, to identify the level of assistance necessary, and to allow the committees of jurisdiction an opportunity to review the regulations developed by the U.S. Department of Agriculture to implement the demonstration program. Following completion of this study and a report to the Committees we will support an authorization of funds for demonstration projects.

TECHNICAL ASSISTANCE

It is desirable that USDA lend its expertise, on request, to states that are interested in developing agricultural land protection programs. USDA is uniquely suited to provide timely information on the national and regional quality and quantity of agricultural land available for protection purposes. USDA can also serve as a clearinghouse on information about the various innovative state and local programs.

We are concerned that the bills offered have contained provisions in the "federal consistency" sections that would create authority for federal programs for the protection of private agricultural lands independent of state and local planning efforts. Farm Bureau opposes any federal land use planning program—even if it is operated in the name of protection of agricultural land. We will oppose any bill that contains authority for federal land use planning.

The following is a section-by-section summary of Farm Bureau's recommendations with respect to S. 795:

SECTION 2, FINDINGS AND PURPOSES

This section extensively discusses the rationale for concern about the protection of agricultural land. It contains no legislative authority. It provides no guidance to the agencies or states and it is not a helpful addition to the bill. We recommend deletion of Section 2 in its entirety.

TITLE I

Declaration of Purpose, Sec. 101, and Policy, Sec. 102—Sec. 101 (3), (4), (6), and Sec. 102 (a) (2) should be modified to require consistency, to the extent practicable, with state and local plans.

Conformity of Federal Actions, Sec. 104—We support this provision without modification.

TITLE III

Demonstration Projects, Sec. 301—This section should be modified to indicate that funding will be available one year after the date of enactment.

TITLE V

Authorizations for Appropriations, Sec. 504—We urge deletion of Sec. 504.

We appreciate the opportunity to present the views of the Farm Bureau before this Committee on this important subject.

STATEMENT OF DAVID R. LAMBERT, DIRECTOR OF REGULATORY AFFAIRS, THE NATIONAL GRANGE

Mr. Chairman and Members of the Subcommittee: My name is David R. Lambert and I am the Director of Regulatory Affairs for the National Grange.

The National Grange is a general farm organization representing 500,000 members in 6,000 individual Granges throughout the United States. Although our primary concern is agricultural policy, our membership is varied and includes a broad representation of the people who live in rural America. This includes small town mayors, bankers, educators, clergy, industrial workers and legislators. Our members are active on school boards, county committees, conservation districts, agricultural co-ops and many advisory and executive boards relating to rural affairs.

The Grange appreciates the opportunity provided by this Committee to testify on such an important subject as the preservation of American farmland. We supported the Nolan amendment to the Jeffords bill in the House and offer our support of S. 795, the "Farmland Protection Act."

The National Grange is concerned about the loss of agricultural land to non-farm uses. We have several reasons for this concern but the most important reason is our desire to protect the family farm as the primary element in the nation's agricultural structure.

Most land that changes from farm to non-farm use does so at the expense of the family farm. Smaller farms with lower incomes are more susceptible than larger farms to the economic pressures that encourage the sale of farmland for other uses. In many cases, the farm is sold to a developer when a farmer retires. This is done to provide a retirement income and is considered just compensation for years of low income. This is a hard argument to fault but when considering the interests of farmers in general and the nation as a whole we are more interested in keeping farmers farming and providing incentives for individuals to enter farming than we are in providing an opportunity to sell off the farm at a large profit.

In light of this position, we recognize that emphasis must be placed on improving farm income as an incentive to keeping land in agricultural production.

There are other reasons why we feel it is important to protect agricultural land. Although the current production of agricultural commodities is more than adequate to meet domestic and foreign needs for the foreseeable future, there are other considerations which must be taken into account when assessing the impact of the loss of agricultural land.

Highly urbanized states in the Northeast and in other sections of the country are fast losing the capability of producing perishable commodities within their own boundaries. Transportation increases the cost to the consumer, quality is lowered and local markets are dependent on the vagaries of distant sources of supply that have other priority customers closer to home. Alaska is an example of a state which must import over 95 percent of the food consumed within the state.

There are some areas of the United States that are under heavy development pressure that are the only areas in the country capable of producing specialty crops throughout all seasons of the year. If these areas are lost to development, either consumers will do without these commodities during certain times of the year or we will have to rely on foreign producers for these commodities.

In examining the language of S. 795 we are especially encouraged by the language in Title I, Section 102, which insures that presently unquantified agricultural values may be given appropriate consideration by federal departments and agencies in decisionmaking along with economic, technical and environmental considerations. Although it doesn't assign top priority to the preservation of farmland, the language insures that the contribution agriculture makes will be considered on an equal basis with a new highway, a park or a wildlife refuge. Although some diversion of farm land to other uses is more permanent in some cases than in others, the diversion of farmland for any use deprives farm families of the opportunity of making a living, can reduce the tax base of the community, cause small rural businesses to close and can reduce the capability of a state to produce food to meet its own needs. An example of long-term denial of the use of agricultural land as opposed to being irreversibly lost to agricultural production is the current federal actions dealing with the State of Alaska.

The House bill dealing with Alaskan lands will deprive the State of Alaska of over a quarter of a million acres of potential farmland when Alaska needs that land to produce food. I have included as an attachment to my testimony a copy of a letter I received from the Department of Natural Resources of the State of Alaska which comments on the problem of the loss of potential farmland in Alaska.

If arguments are to remain valid that it is important for states to produce for their own markets and to produce food for the hungry of the world, then it is also valid that the State of Alaska be given the right to place an agricultural priority on its land. Because of this, I would recommend that the word "irreversibly" be deleted from line 17, page 6 of the bill.

The Grange also feels that the requirement in the USDA study to look at the acquisition of agricultural land by persons not engaged in farming activities is a much-needed effort. There will be hearings next week in the Senate which are aimed at excluding large corporations and foreign investors from purchasing U.S. farmland; however, the bill does not touch on the primary problem of the acquisition of agricultural land by persons not engaged in farming activities such as doctors, lawyers, and dentists. As this type of investor adds to the industrialization of agriculture, it forces small farmers out of business and more land goes out of agricultural production.

Although the Findings and Purposes section of the bill implies that the Secretary of Agriculture should study the impact of the future structure of American agriculture as it relates to farm size and the loss of farmland, this responsibility should be outlined more specifically.

The importance of the quality of agricultural land is recognized, but this aspect of farmland is being addressed in other federal laws and adding this requirement to the bill is duplicative and would siphon resources from the primary purpose of the bill.

There are several sections of the bill that the Grange also feels are important. We originally opposed a similar bill when it was first introduced into the House because of the high price tag and the ambiguity surrounding the type of projects that could be funded. The cost of the pilot projects has been reduced and language used which places the highest priority on new techniques, ideas and methods of reducing the conversion of agricultural land to non-agricultural purposes. Guarantees are also furnished that federal spending on projects will not continue after three years.

There are many reasons why we need to monitor and, if necessary, take steps to protect the use of our agricultural land. Although this bill is primarily an information-gathering and dissemination vehicle. I feel it is the type of effort that is needed to clarify the issues we are facing.

Again, I thank you, Mr. Chairman and the Committee, for this opportunity to present the views of the National Grange on this most important subject.

STATE OF ALASKA,
DEPARTMENT OF NATURAL RESOURCES,
Juneau, June 28, 1979.

Mr. DAVE LAMBERT,
Director of Regulatory Affairs,
The National Grange,
Washington, D.C.

DEAR MR. LAMBERT: This letter is in response to your recent request regarding the effect of the Udall-Anderson Alaska lands bill on the future of agriculture in the State of Alaska.

The State of Alaska strongly supports the development of renewable resource industry within the State. In the field of agriculture, the State is endeavoring to promote and establish a small grain crop agricultural industry through a major agricultural development project in the Delta region south of Fairbanks. Recent agricultural trade missions to Pacific rim countries which have been sponsored by the Office of the Governor, indicate a bright future for agriculture in Alaska. While recent federal land withdrawals, Presidential proclamations and pending legislation will not affect present agricultural efforts, these actions may have a significant effect upon the future development of Alaska's agricultural potential.

While Alaska's size is huge, only about four per cent of Alaska's land has the capability of supporting crop agriculture. Some of the lands which are most suitable for future agricultural development lie within "solar basins" located in the interior regions of the State. More than one fourth of these suitable soils in Alaska are located within the boundaries of the Yukon Flats National Monument as proclaimed by President Carter. Under the Udall-Anderson bill, this same area would be redesignated as a National Wildlife Refuge. As part of our unfulfilled Statehood Act land grant, the State of Alaska has sought the opportunity to obtain certain lands along the edges of the Yukon Flats unit. These lands, which the State has identified as prime agricultural lands based upon thorough resource analysis, are located along the benchlands above the Yukon Flats proper and do not intrude upon the areas of significant waterfowl habitat. Despite what we believe to be sound resource arguments, the Federal Government, has to date, opposed the State's land selections. The Government argues that agricultural development of these lands in the future will be detrimental to the waterfowl populations in the adjacent lowlands of the Yukon Flats.

As you may be aware, the Alaska lands legislation will shortly be scheduled for mark-up in the Senate Committee on Energy and Natural Resources. Last year, this committee, under the Chairmanship of Senator Henry Jackson, passed a version of the bill which would have allowed state selection on at least a portion of the valuable agricultural lands adjacent to the Yukon Flats. It is our hope that the committee will reaffirm that position this session.

We sincerely appreciate your interest in the Alaska lands legislation and any support which you may be able to lend to Alaska's position in Congress. The State of Alaska will continue to work toward passage of a reasonable bill which, while certain to be sweeping environmental legislation, will also look towards the future economic and resource needs of the State and the nation.

Sincerely,

CHIP DENNERLEIN,
Special Assistant to the Commissioner.

STATEMENT OF DARYL LOWRY, MASTER, VERMONT STATE GRANGE

Mr. Chairman and Members of the Committee: I am Daryl Lowry, Master of Vermont State Grange, an agricultural organization whose membership is comprised of some 7000 men and women with a deep concern for our family farm structure. While many of these members are not now actively farming, they continue to recognize and voice their concerns over the loss of agricultural land.

While most of us realize that farmland is going out of production, many of us do not fully understand the reasons, nor do we have a complete picture of the total impact of this trend. It appears that no one really understands what land is going out of production or why. Nevertheless, recent reports indicate that our small State of Vermont is losing an estimated 200 acres of farmland per day. These same reports state that this pattern has caused Vermont to lose an average of 73,000 acres of agricultural land each year since 1950 for an astounding total loss of over two million acres during that period of time.

Changes in our economy and our changing lifestyle have contributed to this situation. Our shorter workweek has left time for people to enjoy rural life. Our improved highways and transportation systems in recent years have made it possible for people to commute to work from greater distances. Thus the development of vacation and year-round homes has placed the agricultural land in direct competition with farming. The smaller family farms find that their operation can no longer provide for their needs. Along with this new development has come higher land values, higher taxes, increased federal and state regulations and pressure from their new neighbors. With the small farm now being less viable, the competition usually favors the developers.

A bulletin released June 1979 by the Vermont Department of Health gives population statistics for each county and town in Vermont for the time period 1970 through 1977. The small city of Vergennes, where I live, is surrounded by several rural towns, all in the heart of the farming area of Addison County. These figures indicate that while Vergennes experienced a population decrease of two percent, the neighboring towns all experienced a substantial growth rate. (Addison 20 percent; Ferrisburg 20 percent; Pantton 9 percent; Waltham 22 percent; New Haven 13 percent and Monkton 22 percent.) Burlington, our state's largest city, shows a zero growth rate, while neighboring towns range from as low as 3 percent to a high of 58 percent increase. I see no evidence which would indicate that this trend has slowed during the past 2 years. To allow for the housing accommodations for this population growth new houses had to be constructed. The land on which these houses were built was purchased primarily from small farmers and represents a portion of the 73,000 acres of farmland which is lost each year.

The loss of agricultural land in Vermont has and will continue to have an adverse effect on our total economy. Our agricultural industry contributes much to the local economy and the very lifestyle of each rural community. The open lands, the well-managed woodlots and the well-maintained homesteads offer much to the tourists who visit our state. The major portion of the farmer's income is spent within their own community and contributes to the welfare of every business there. The preservation of these farm units provides a source of employment for many of the local residents, without which our social and economic structure will be harmed.

I feel that agriculture is a "Way of Life" in Vermont and that everything possible must be done, not only to preserve our present farms, but to encourage and make it possible for our own young people to enter into this vocation. I would therefore offer my support to S. 795.

Mr. Chairman, I thank you for this opportunity to express the concerns of our Grange members regarding this important subject.

STATEMENT OF NEIL SAMPSON, EXECUTIVE VICE PRESIDENT, NATIONAL
ASSOCIATION OF CONSERVATION DISTRICTS

Mr. Chairman. Members of the Committee. I am Neil Sampson, Executive Vice President of the National Association of Conservation Districts. NACD, as we are commonly known, represents the nation's 2,924 conservation districts, the 50 state associations of conservation districts, and the 17,000 conservation district officials that serve them.

We are pleased to bring some of our opinions to this important hearing today. Our testimony will be brief, but we have attached two longer papers that we would respectfully ask be incorporated as part of the record. One is a paper that I have prepared for inclusion in a forthcoming book to be published by the Soil Conservation Society of America that combines the data on soil erosion and land conversion and estimates the magnitude of the current losses. The other is a preliminary report on a survey NACD has conducted to determine what the conservation district officials of America think about the agricultural land conversion problem. In addition, we have brought a colored map that demonstrates some of the responses to that survey. We will turn our attention to that survey and map in a moment.

The protection of agricultural lands has been a major goal of conservation districts since the beginning of the district movement in the 1930's. When land is being lost through the ravages of wind or water erosion, or being converted to another use, or irreversibly destroyed by man's actions, it is a serious matter. These issues concern conservation district officials and should, we feel, concern citizens in all walks of life.

Today, we face serious problems on our land and water resource base. Sheet and rill erosion from water on our Nation's croplands is eating away at our potential productivity to the tune of about 3 million acres each year, according to our interpretation of the 1977 National Resource Inventory conducted by the Soil Conservation Service. That does not count the losses to wind erosion or the damage done by gully and streambank erosion.

In addition, land use conversions appear to be taking another 3 million acres or so that have good future crop producing potential. That adds up to a whopping total of 6 million acres every year; 16,000 acres out of our future productivity each and every day! While I am here with you for 10 minutes or so, we will be losing the equivalent of around 110 acres. Since each acre of prime American farmland produces the caloric equivalent of the diet of about 16 people in most parts of the world, you can see why we think this decline in productivity is a serious problem.

NACD policy has, for several years, expressed concern about the need to protect agricultural land from both soil erosion and unnecessary land use conversion. We have urged a stronger policy to reduce the amount of prime and unique farmland taken by the actions and projects of federal agencies. We have urged a stronger public information program to inform county and regional planning bodies of the situation. And we have recognized that, in any action taken by the federal government, there needs to be a clear recognition of the rights and responsibilities of private owners, local, and state government in making decisions about the use of private lands.

We believe that any federal resource management legislation must recognize local concerns and capabilities, economic as well as environmental values, the importance of agriculture to the present and future well-being of the nation, the rights and responsibilities of private property ownership, and should hold federal intervention in state land use jurisdiction to an absolute minimum.

We always need to answer two kinds of questions in an issue like this one. First, is federal concern and action warranted? And if so, what form should that action take? I'd like to direct my comments primarily to the first question.

America's agricultural product is a major source of our national strength, one that will become even more important in the future. Food supplies can be increased by only two ways—increasing yields per acre, or increasing cropland. We have come through a period since World War II when yields rose rapidly and predictably. Since 1972, however, they have not. There are many opinions as to the reason for this, but it is clear that there is no longer the confidence in never-ending technological advances that has marked our recent past. We know that technology has its limits, and there is evidence that we are approaching some of them in today's agriculture. That leaves the land.

Despite the recent surveys done by USDA that demonstrate the degree of damage being sustained on America's croplands because of wind and water erosion, and the added fact that millions of acres annually are lost to other land uses, we still hear debate as to whether national concern over agricultural land is warranted.

One of the arguments has been that agricultural land loss was only seen as a problem in those rapidly urbanizing areas of the East and West coasts. Look at the map. The colors signify the response we received when we asked conservation district officials to give us their opinion of the agricultural land conversion problem in their district. The green means "no problem"; the yellow, a "slight problem", orange, a "serious" problem; and red a "very serious" problem. As you can plainly see, agricultural land conversion is a national problem, not a regional one.

As you may note from Attachment No. 1¹ to our testimony, 187 districts estimate they have a very serious problem and 588 see their problem as serious. That is 775 districts, some 41 percent of the 1901 that responded and over 26 percent of all districts in the nation.

We asked, in question 2, how district officials felt about the actions of federal agencies. We were curious to know if federal projects, programs, or other actions were seen as a cause of farmland conversion. Of the total response, only about one-third felt that federal actions were significant. When you look at the 775 districts who feel that the problem is serious, however, you get a different picture. On that basis, 54 percent call the federal actions a significant or major cause. In other words, when you find agricultural land conversion problems, you find federal agencies contributing to them.

That would seem to support the thrust of the bill you have before you, particularly in its attempt to provide policy guidelines for federal agency actions. There are many ways that federal agencies can reduce the adverse impact of their actions on farmland. That has been amply proven in the past two years as USDA has worked with CEQ and others to raise this issue. What is equally true, however, is that the USDA, EPA and CEQ policies that urge the protection of agricultural land are not working well enough out in the country.

When asked what kinds of federal programs were taking the most agricultural land, conservation districts listed highway and rural housing programs as the most significant. Farmer's Home Administration was said to be involved in 44 percent of the districts. This could mean that, despite a USDA policy to protect prime farmlands from unnecessary conversion, FmHA has not yet made that policy work well enough so that local people feel the problem has diminished.

There are several tables giving regional data in Attachment 1, and we will be completing our final report soon, which will contain data for each state. There is one other set of data that I would like to call to your attention, however.

In response to questions 7 and 8, district officials estimate that agricultural land is being lost at about a 2 million-acre-per-year rate on a national scale, and they forecast more conversion over the next 5 years than in the last 5.

We feel these responses clearly point out the growing importance of the agricultural land issue. We would expect conservation district officials to be conservative in their answers to questions about agricultural land problems. They are mostly farmers themselves, and they see the problem from a local viewpoint. From a local point of view, feeding the nation or the world is not a serious issue. Most people feel, and rightly so, that nothing they do to protect farmland in their county or state will make much difference as far as the nation and the world is concerned.

Despite this local orientation, conservation district officials are clearly concerned with what is happening. None of them could know that the few thousand acres they see going out of farming in their county would add to the millions that occur in the nation, but they are clearly concerned about the current situation.

They are not, however, saying that this situation requires national action that would be in the nature of land use controls. I think we are all aware that such action is unacceptable in rural America. They may be ready, however, to support an attempt to reduce the amount of damage being caused to both agriculture and the farmlands of rural America by the land-using actions of federal agencies. That is, it would appear, a logical place to slow down some of the land loss while local and state efforts proceed to search for solutions that make sense out there.

¹ See p. 75.

We would urge this committee to actively pursue the legislation you have in front of you. You will no doubt find differences of opinion about what the legislation should contain, and what a legitimate, but useful role for the federal government might be. We would urge you to work those issues out and move ahead because we clearly have a difficult and accelerating problem with this nation's agricultural lands. We must not wait until the damage has gone so far that the situation is critical before we begin to develop solutions. That would only increase the possibility of over-reaction by the federal government.

We thank you for this opportunity to present our views and would be happy to answer any questions.

[Attachment 1]

THE CONVERSION OF AGRICULTURAL LAND—A LOOK AT THE ISSUES BY
CONSERVATION DISTRICT OFFICIALS

(Preliminary report compiled by The National Association of Conservation Districts)

NACD AGRICULTURAL LAND SURVEY

NATIONAL SUMMARY (AS OF JULY 6, 1979)

1,901 Conservation Districts reporting out of 2,924 (65 percent)

1. Thinking back over the past 5 years, and looking about 5 years ahead, how would you rate the agricultural land conversion problem in your district?

No problem.....	226
Slight problem.....	899
Serious problem.....	588
Very serious problem.....	187

2. To what extent did the actions of Federal agencies contribute to the problem, if any?

Not noticeably.....	603
Not significant.....	586
Significantly.....	453
The major cause.....	134
Don't know.....	58

3. Does your district generally see an environmental impact statement for these Federal projects? Yes 403; No 929; sometimes 375. Do you comment on them? Yes 418; no 421; at times 280. Do your comments get action? Yes 136; no 387; sometimes 357.

4. Which Federal agencies are involved?

Farmer's Home Administration.....	832
Environmental Protection Agency.....	597
Economic Development Administration.....	207
Federal Highway Administration.....	762
Federal Airport Administration.....	263
Housing and Urban Development.....	546
Bureau of Reclamation.....	153
Corps of Engineers.....	608
Other (Bureau of Sports Fisheries, etc.).....	343

5. What kinds of Federal programs?

Rural housing.....	784
Sewer/waste treatment, etc.....	658
Highways.....	845
Airports.....	315
Commercial/industrial development.....	458
Dams/reservoirs, etc.....	455
Other.....	222

6. Which of the following general problems, if any, do you think are affecting your district as a result of the conversion of agricultural land?

None.....	249
Conflict between farmers and rural housing occupants.....	659
Farms going out of business.....	740
Prime farmlands being lost.....	1, 170
Increased soil erosion.....	875
Increased water pollution.....	847
Cost of public services going up.....	771
Agricultural businesses closing.....	288
(Other).....	198

7. Over the past 5 years, how many acres of farmland do you estimate have been converted to non-agricultural use in your district? 6,968,517 acres.

How many acres do you think have been idled, or placed in a less intensive agricultural use, in addition to the acres actually converted? 5,905,160 acres.

8. Over the next 5 years, how many more farm acres do you expect to be converted? 8,034,527.

How many more acres will have lower agricultural production as a result of this? 5,637,215.

(NOTE: This is the form sent to all 2,924 conservation districts. The blanks have been filled with the tabulation of data received from 1,901 returns. Responses total more than 1,901 on questions 4-6 due to many districts listing more than one answer.)

I. BACKGROUND AND METHOD

The National Association of Conservation Districts represents the nation's 2924 conservation districts, their 50 state associations, and the 17,000 district officials that serve them. NACD policy is the product of the membership, originating with district officials, enacted by state associations, then brought to the NACD Council where an elected member from each association serves in an annual policy-making session. For many years, NACD policy has contained statements of concern about the avoidable damage to and unnecessary conversion of agricultural land.

Facts about the agricultural land conversion process have been slim. The surveys run by the Soil Conservation Service have been done by sampling methods that provide reliable data at the state, regional, or national level. This gives broad numbers, but doesn't always tell how those facts are viewed by the people most directly affected by land issues. In light of the limited information about local facts and perspectives, NACD undertook a survey of conservation district officials to elicit their views and estimates on the conversion of agricultural land in their home district.

Page 1 summarizes the responses received in that survey. Sixty-five percent of the districts in the nation have responded. The information has been tabulated by states, USDA Farm Production Regions (see map, page 10), and the nation.

There is still some additional work to be done on the data. Computer analysis will proceed in the next month to check the totals and provide additional cross-checking. A final report, carrying a summary page for each state, in addition to maps and further analysis, should be available by late summer, 1979.

II. THE PROBLEM IS NATIONAL IN SCOPE

When asked the question: "Thinking back over the past 5 years, and looking about 5 years ahead, how would you rate the agricultural land conversion problem in your district?", 41 percent of the districts called the problem serious or very serious. Many had a difficult time, making marginal notes to the effect that "it has only been slight in the past, but will be serious from now on". Nearly half of the districts called agricultural land conversion a "slight" problem, with only 12 percent calling it no problem.

No definitions of "slight" or "serious" were provided with the survey form. Few districts have actual acreage data or hard facts. The questionnaire asks for the opinion of district officials, and the numbers must be viewed in that light. In 41 percent of America's districts, knowledgeable local officials view agricultural land conversion as a serious problem.

An interesting comparison could be made between Question 1 and Question 7, where districts estimated the amount of land that had been converted. Sometimes a district would say they had a "slight" problem, then list a fairly substantial acreage converted. Other districts would feel they had a "serious" problem with a far smaller acreage loss. The seriousness of agricultural land loss, when viewed

from the local level, is inextricably tied to local perceptions of the land resource base. In a district with limited prime agricultural land, or a struggling agricultural economy, small losses are serious. In others, because of a larger base, they may not be seen as such. Added together in national aggregate, however, these small losses may contribute significantly to the total problem.

Regional tabulations show that there are substantial differences in the way districts responded to Question 1. Table 1, below, reveals that nearly three-fourths of the districts in Alaska, Hawaii and Puerto Rico call their problem serious, while nearly two-thirds of the districts in the Northeast feel the same way. At the other end of the scale, only 20 percent of the districts in the Northern Plains call their problem serious, while 24 percent see no problem at this time.

TABLE 1.—REGIONAL SUMMARY OF RESPONSES TO QUESTION 1, NACD AGRICULTURAL LAND SURVEY
[In percent]

Region ¹	No problem	Slight problem	Serious problem	Very serious problem
Northeast.....	7	30	49	14
Appalachian.....	7	48	35	10
Lake States.....	15	50	30	5
Southeastern.....	13	55	25	7
Delta States.....	16	55	20	9
Corn Belt.....	5	49	38	8
Northern Plains.....	24	56	16	4
Southern Plains.....	21	46	24	9
Mountain.....	9	42	31	18
Pacific.....	14	37	32	17
Alaska, Hawaii, and Puerto Rico.....	0	29	54	17
National average.....	12	47	31	10

¹ USDA farm production regions.

Most surprising, perhaps, is the high rate of concern in the Mountain states. This large and diverse region, containing much public land and lots of "wide open spaces", is not usually considered a region with agricultural land problems. But almost half of the conservation districts responding to NACD's question feel they have a serious problem, and 18 percent of them call their problem "very serious". Many reasons are given, including threats to irrigation water supplies, urban encroachment in irrigated valleys, coal mining, and the growth of recreational communities.

Another noteworthy region is the Corn Belt, where 46 percent of the districts felt their problem was serious and only 5 percent said they had no problem at all. The urban-to-rural migration of people noted by USDA in recent years may be having more effect on agricultural land in this region than might have been previously recognized. This region contains not only much of the Nation's prime farmland, but also much of its industrial production, and many agricultural areas within commuting distance of industrial jobs are feeling the impact of rural growth.

To get some idea of the distribution of the problem on a national basis, NACD placed the answers to Question 1 on a color-coded map of the United States. (No map is included with this preliminary evaluation, but one is planned for the final report.) That map shows one fact clearly: agricultural land conversion is not a regional issue. The districts with serious problems are scattered all over the nation. There are fewer problem areas in Kansas, Nebraska, and the Dakotas, but even in that rural region, one county out of every 5 has a serious problem.

The lasting impression gained from the map is that agricultural land conversion is, indeed, a national problem and, therefore, a national resource issue. This statement is made even more compelling when it is based on the local impressions of people who understand the circumstances surrounding land resources in a very personal way.

III. THE IMPACT OF FEDERAL ACTIONS

In 1976, when USDA issued its first policy statement on the retention of prime and unique farmlands, the focus of that policy was on the actions of federal agencies. It was felt within the Department that many of the major actions causing the conversion of agricultural land could be traced back to some kind of federal action such as funding, permitting, etc. It was also seen to be a legitimate and politically acceptable federal role in the agricultural land issue to focus first on the prevention of unnecessary or excessively adverse federal actions.

Two-thirds of the districts answering NACD's survey did not recognize federal actions as a significant part of the problem of agricultural land conversion. Responses from the 775 districts who characterize their farmland conversion problem as serious or very serious show a far different pattern, however.

Over half (54 percent) of these districts call federal actions either significant or a major cause of the farmland conversion (Table 2). Over 26 percent of the districts in the Southern Plains states felt federal actions to be the major cause of farmland loss. Only in the Southeastern region were federal actions felt to be fairly minor, with nearly half of the districts indicating that the problems they had identified locally did not stem significantly from federal actions.

The general impression gained is that the USDA policy is on the right course. Where farmland conversion is perceived as a local problem, federal actions are a significant contributor in over half the localities. This indicates that reducing the impact of federal actions on farmland conversion will have some beneficial effect, even if it will not address the problems identified in all conservation districts.

TABLE 2.—REGIONAL SUMMARY OF RESPONSES TO QUESTION 2, NACD AGRICULTURAL LAND SURVEY, IN PERCENT OF DISTRICTS INDICATING A SERIOUS OR VERY SERIOUS PROBLEM WITH AGRICULTURAL LAND CONVERSION

Region	Not noticeable	Not significant	Significant	Major cause	Don't know
Northeast.....	12	34	41	6	7
Appalachian.....	16	31	40	11	2
Lake States.....	23	26	41	8	2
Southeastern.....	21	44	28	2	5
Delta States.....	12	26	53	9	0
Corn Belt.....	10	29	45	14	2
Northern Plains.....	13	21	43	21	2
Southern Plains.....	15	25	34	26	0
Mountain.....	15	23	44	15	3
Pacific.....	23	28	37	10	2
Alaska, Hawaii, and Puerto Rico.....	25	30	35	10	0
National average.....	15	28	41	13	3

IV. THE ENVIRONMENTAL IMPACT STATEMENT

The federal environmental impact statement, along with similar efforts in some states, has been the major tool available to display the various impacts of a proposed development and let different points of view be heard on the alternatives. In 1976, the Council on Environmental Quality issued a memorandum to federal agencies instructing them to consider the impact of their actions on prime and unique farmlands and minimize those impacts wherever possible.

NACD wanted to know how well that advice was working in the field, so we asked a series of 3 questions concerning environmental impact statements (EIS's). Our conclusion is that the EIS process itself isn't working very well, at least in the view of conservation district officials.

When asked "Does your district generally see an environmental impact statement for these federal projects?", only 21 percent of the responses were affirmative. Nearly half said no, and 20 percent said sometimes. When asked "do you comment on them?", 22 percent said yes and 15 percent said sometimes. When asked, however, "do your comments get action?", only 7 percent of the respondents said yes. One-fifth felt that their comments got no action.

In general, it appears that EIS's do not regularly get to conservation districts, but that districts usually comment when they get an EIS of interest to them. If those comments get little, if any, action, however, it will not serve to enhance continued participation. The NACD study does not provide enough information to fairly evaluate situation, but the indications warrant investigation into the real value of the EIS process in affecting agency decisions.

V. FEDERAL AGENCIES INVOLVED IN AGRICULTURAL LAND CONVERSION

When asked which federal agencies were involved in agricultural land conversion, districts had plenty of answers. Leading the field was USDA's Farmer's Home Administration, named in 44 percent of the responding districts as a cause of agricultural land loss. Close behind was the Federal Highway Administration (41 percent), the Corps of Engineers (33 percent) and the Environmental Protection Agency (31 percent). Given the chance to mention other agencies, many districts pointed out the Fish and Wildlife Service, using wildlife refuge or wetland purchase or expansion programs as an example of agricultural land taking by federal action.

TABLE 3.—REGIONAL SUMMARY OF RESPONSES TO QUESTION 4, NACD AGRICULTURAL LAND SURVEY, IN PERCENT OF DISTRICTS RESPONDING

Region	FmHA ¹	EPA	EDA	FHA	FAA	HUD	B/R	CoE	Other
Northeast.....	53	32	18	44	11	45	1	29	14
Appalachian.....	57	29	12	45	14	32	6	36	15
Lake States.....	44	20	10	43	15	15	1	25	14
Southeastern.....	54	37	16	30	14	35	2	29	14
Delta States.....	44	28	9	32	5	32	1	38	17
Corn Belt.....	43	34	5	50	16	28	4	38	14
Northern Plains.....	33	30	7	40	17	23	16	24	17
Southern Plains.....	34	27	17	35	18	27	10	34	17
Mountain.....	39	38	10	35	8	25	22	25	32
Pacific.....	32	26	12	29	11	26	21	39	23
Alaska, Hawaii, and Puerto Rico.....	64	46	36	29	14	50	0	29	21
National average.....	44	31	11	40	14	29	8	32	18

¹ Agency abbreviations used are: FmHA—Farmer's Home Administration; EPA—Environmental Protection Agency; EDA—Economic Development Administration; FHA—Federal Highway Administration; FAA—Federal Airport Administration; HUD—Dept of Housing and Urban Development; B/R—Bureau of Reclamation; and CoE—Corps of Engineers. Agencies identified under Other include Bureau of Sports Fisheries and Wildlife, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and others.

Table 3 shows the percentage of responding districts that mentioned a particular agency. Since many districts mentioned several agencies, the percentages add to more than 100. Farmer's Home Administration was listed in over half of the districts in the Northeast, Appalachian, Southeastern, and AK, HI & PR regions. This may reflect the regional bias of the rural housing and rural sewer and water programs of that agency. In the Corn Belt, the Federal Highway Administration was listed by half of the districts, reflecting a concern in that region for the impact of highway programs.

In response to question 5, concerning the types of federal programs involved in agricultural land conversion, the answers appear to track the responses to question 4 fairly closely. A more careful analysis of this data will be made for the final report, but there appears little of unusual interest at this stage.

In addition to the survey form shown on page 1, districts were given the option of calling attention to a specific development that has recently affected or is now affecting their district. A substantial portion took advantage of this opportunity, and "case study" opportunities abound in the data collected by NACD.

VI. THE TYPES OF PROBLEMS AFFECTING LOCAL AREAS

When districts were asked what types of general problems were affecting their local area as a result of the conversion of agricultural land, only 13 percent said that there were none. Nearly $\frac{3}{4}$ of the districts called the loss of prime farmlands a problem, with increased soil erosion, increased water pollution, and increased cost of local public services being the next most frequently mentioned. Table 4 shows the regional distribution of these responses.

TABLE 4.—REGIONAL SUMMARY OF RESPONSES TO QUESTION 6, NACD AGRICULTURAL LAND SURVEY, IN PERCENT OF DISTRICTS RESPONDING

Region/problem ¹	1	2	3	4	5	6	7	8	9
Northeast.....	7	47	68	75	53	40	44	33	16
Appalachian.....	8	32	47	74	65	60	49	15	5
Lake States.....	13	46	36	60	34	30	44	14	9
Southeastern.....	11	21	40	48	49	48	38	16	15
Delta States.....	21	15	23	48	43	37	27	4	6
Corn Belt.....	7	42	36	74	59	55	42	12	9
Northern Plains.....	27	19	23	47	28	31	26	7	6
Southern Plains.....	22	26	34	48	38	35	31	15	15
Mountain.....	12	47	43	56	35	43	52	19	17
Pacific.....	11	49	48	63	37	35	51	21	17
Alaska, Hawaii, and Puerto Rico.....	0	25	54	89	50	54	54	36	21
National average.....	13	35	39	62	46	45	41	15	10

¹ Problems identified were: (1) None; (2) conflict between farmers and others; (3) farms going out of business; (4) prime farmlands being lost; (5) increased soil erosion; (6) increased water pollution; (7) cost of public services going up; agricultural businesses closing; and (9) other.

The intense concern over the loss of prime farmlands in Alaska, Hawaii, and Puerto Rico, as well as the Northeast, is clearly associated with the limited quantity of prime farmlands in those regions and the sense of loss felt when any of it is converted to other uses. The high response from the Corn Belt must be for a different reason, however. This region, where 70 percent of the cropland meets the USDA criteria for prime farmland, certainly suffers no shortage of good land. But development that converts agricultural land in the Corn Belt virtually always converts prime farmland, and this could explain that response.

Increased soil erosion is mentioned as a problem in the Appalachian, Corn Belt, and AK, HI & PR regions by over half of the conservation districts, with increased water pollution mentioned as a parallel problem. The cost of public services is seen as a problem of note in the Appalachian, Pacific and Mountain regions, while agricultural businesses closing is a concern to $\frac{1}{3}$ of the districts in the Northeast.

VII. THE RATE OF AGRICULTURAL LAND CONVERSION

A recent survey completed by the Soil Conservation Service (SCS) indicates that urban, built-up and other land uses take about 2.5 million acres each year. In addition, a significant acreage—possibly another 2.5 million acres—is idled in the process. About one-third of the land is cropland immediately prior to conversion. The SCS data were obtained by a national statistical sampling procedure.

Conservation districts were asked to estimate how many acres of farmland had been converted over the past 5 years, and how many additional acres might have been idled as a result. They were then asked to look ahead and guess what might happen in the next 5 years. Both questions call for some speculation. Little hard data exist in most districts to verify recent land use conversions, and many districts noted that their estimates were just that—estimates. Looking ahead, of course, is always speculative. But district officials know what lands have just been sold, and who is planning what in the local area. When viewed at the local level, by local experts, land use changes in the short-term future can be fairly reliably estimated.

Based on a 65 percent return, and assuming that the remaining 35 percent would respond in a similar manner, the NACD survey indicates that around 10 million acres have been converted in the past 5 years, for a 2 million acre-per-year rate. Add to this another 9 million acres where agricultural production has been reduced or eliminated as a result, and the estimates produce a conversion rate not far different from the estimate derived from the SCS study. The acreages estimated from the NACD study are not based on adequate data, however, they do provide a comparison that seems to support the SCS estimates.

Looking into the future, district officials estimate that the next 5 years may see a 15 percent rise in the annual loss of agricultural land. This estimate, while speculative, indicates that the conversion of agricultural land may become more serious in the near future.

The regional tabulations reveal that virtually all of the anticipated increase in agricultural land conversion is expected by districts in the Mountain States. This region, containing many of the fastest-growing states in the nation today, estimates that over twice as much agricultural land will be lost in the next 5 years as has been lost in the past 5. The issues include urbanization, transportation, recreational home development, energy development, loss of irrigation water, and many others. In one conservation district in Montana, a new federal wildlife refuge plan will take nearly 1 million acres of prime rangeland. To that locality, that is a big issue. But whatever the cause, agricultural land loss is a serious problem apparently turning critical in many parts of the Mountain States.

TABLE 5.—REGIONAL SUMMARY OF RESPONSES TO QUESTIONS 7 AND 8, NACD AGRICULTURAL LAND SURVEY, IN ACRES, FROM 1,498 DISTRICTS (51 PERCENT)

Region	Land lost in past 5 years		Next 5 years	
	Converted	Idled	Conversion	Idling
Northeast.....	490, 516	367, 112	414, 885	224, 365
Appalachian.....	884, 236	680, 415	947, 700	667, 860
Lake States.....	456, 042	344, 300	431, 715	256, 030
Southeastern.....	685, 944	554, 831	610, 635	249, 755
Delta States.....	394, 585	276, 543	363, 922	238, 332
Corn Belt.....	1, 225, 027	762, 169	1, 212, 389	613, 578
Northern Plains.....	315, 353	195, 979	327, 151	137, 620
Southern Plains.....	1, 237, 487	1, 115, 353	1, 351, 755	919, 640
Mountain.....	756, 567	937, 278	1, 775, 155	1, 474, 825
Pacific.....	462, 625	582, 600	542, 495	798, 495
Alaska, Hawaii, and Puerto Rico.....	60, 135	88, 580	56, 725	34, 300
National average.....	6, 968, 517	5, 905, 160	8, 034, 527	5, 637, 215

VIII. COMPLETION OF THE ANALYSIS

NACD plans to have the final responses prepared for computer analysis, then prepare a final evaluation and tabulation of the results. This will allow additional cross-checking of the data and should provide additional insight to the ways in which districts view both the federal role and the environmental impact statement process, depending on their local situation.

In addition, we will be able to run some statistical reliability on the data to see if the conclusions we have drawn are valid, and if there are other conclusions that may be drawn. This analysis has not been done in the short time (6 days) between the receipt of the final district response and the preparation of this interim report.

It is hoped, however, that this preliminary report will provide a useful insight into the feelings of conservation district officials around the nation. There has been considerable debate as to whether local people—and particularly farmers—see farmland conversion as a problem. With the majority of district officials coming from the farm community and rural areas, it appears that there is, indeed, widespread concern. We hope this insight is helpful in the important national debate on the issues surrounding agricultural lands.

JULY 10, 1979.

HON. JOHN MELCHER,
Chairman, Subcommittee on Environment, Soil Conservation and Forestry, Russell
Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: This letter supplements the testimony of R. Neil Sampson of this association of July 10, 1979 relative to S. 795, an act concerning protection of agricultural land.

There are a few recommended changes that we would like to see incorporated in the act itself as follows:

(1) Section 103, line 10–13, outlines the management of administrative and legislative proposals. It states that legislative proposals shall be submitted to the President. We recommend that line 13 be amended by striking the period after the word "President" and adding the words "and to Congress." This provision would preclude the Administration from withholding recommendations from the Congress. It is also consistent with similar language elsewhere in the act.

(2) Section 303(a) outlines provisions for establishing criteria for the selection of applicants to receive assistance and requires publication in the *Federal Register* within four months of the enactment of this act. We suggest that the four months outlined is too short a period of time to obtain public comment on the proposed criteria and recommend that the four month period be changed to a six month period.

(3) Section 504 carries no authorization for appropriations for implementation of Title II of the act. We would recommend that such an authorization for appropriations be included in this section. Otherwise, the Secretary of Agriculture will need to pirate funds away from existing programs at the expense of these existing programs.

We hope you will consider these recommendations during your mark-up on this most important legislation.

Sincerely,

CHARLES L. BOOTHBY,
Executive Secretary.

STATEMENT OF ROBERT C. WEAVER, ASSOCIATE DIRECTOR, NATIONAL
ASSOCIATION OF COUNTIES

Mr. Chairman, thank you for the opportunity to present the views of the National Association of Counties * on the proposed Agricultural Land Protection Act, S. 795. County officials throughout the United States are deeply concerned about the loss of agricultural land which has become so apparent and which threatens the long-term food and resource needs of this country.

NACo supports legislation like that embodied in S. 795, and we urge its enactment during this session of Congress.

The annual loss of three million acres of agricultural land to other uses, and the loss of an equivalent three million acres to soil erosion, endangers both our domestic food needs and the contribution which American agriculture makes to this country's international trade balance.

According to the Department of Agriculture, the U.S. cropland reserve is less than 111 million acres, 24 million of which is readily convertible to cultivation. Much of this reserve is in timber or livestock production, or is otherwise not suitable for conversion to crops.

The concern of county officials is most acute around metropolitan areas where loss of farmland has been most visible. In the recent past conversion of farmland appears to be most rapid in rural areas beyond the suburban fringe where according to the Department of Agriculture the greatest increases in population are occurring.

There are important related developments which will have a major impact on agriculture production and the dwindling agriculture land reserve:

Increase production from mechanization, fertilizers, pesticides, and other capital inputs appears to be leveling off.

Increased energy costs will add to the farmers' and consumers' financial burden.

Reduction in productive capacity near metropolitan areas will increase transportation and energy costs, and add to the inflation spiral.

Finally, it is doubtful whether loss of farmland in water rich areas can be compensated for by increasing production in water scarce regions. The pressure on water resources, especially in the West, is growing due to increased energy production and urbanization.

This is truly a national problem. The actions of the federal government often contribute to the loss of agricultural land and local, county and state efforts to preserve it. County officials throughout the nation are alarmed and many are acting on their own or in cooperation with state government. They need the cooperation of the federal government. S. 795 would provide that cooperation, and it deserves favorable action by the Congress this year.

The federal government in many instances determines whether agricultural land remains in production or is converted to other uses. Federal grants and loans for public facilities, highways and housing encourage development in some of America's most important farmland. Direct federal development actions often use large expanses of agricultural land or promote its ultimate conversion. Federal dredge and fill permits and power line construction approvals can result in disruption of farms and farm communities.

S. 795 would take an important step toward solving this problem and would bring the cooperation of federal agencies to local efforts to preserve farmland. Title I would establish the machinery and procedures for reconciling federal agency actions with county and state efforts to preserve agricultural land. It would require federal officials to establish policies and harmonize their administrative procedures toward this objective.

Most importantly section 104 would require federal agencies to conduct their activities in a manner consistent, to the maximum extent practicable, with state or local government agricultural land retention programs. This returns a measure of control over federal activities to state and local elected officials and place individual federal decisions in a broader context.

*The National Association of Counties (NACo) was founded in 1935 as the national spokesman for counties, to serve as a liaison between county governments and other levels of government, and to improve the public understanding of the role of counties in the federal system.

The most important feature of S. 795 is that it assumes that action to retain agricultural land will be taken by public and private interests at state, county and local level, and that the federal government should abide by decisions at those levels. This depends on local and state action to adopt the tools to achieve this objective. It requires the reconciliation of resource, tax and a range of other policies which can be made only by local and state governments.

While some state and local governments have taken steps to preserve agricultural land, many others need to act and provide the basis for which federal actions would be judged consistent under Title I:

Some of the more well known methods now in use at the state and local level have not been as effective as their sponsors would have them. According to a Council of Environmental Quality study of state tax programs, differential property taxes which favor agricultural use, have not been widely successful in preserving agricultural land. While zoning in some counties and local jurisdictions has worked, in others it has not withstood legal challenge, nor has it stemmed shot-gun urbanization. Development rights purchase and transfer of development rights have been implemented in a limited number of jurisdictions. Purchase programs are expensive.

Title III of S. 795 provides the best opportunity for testing these and other methods not yet tried. The demonstration program would provide financial assistance to general purpose local governments and states to develop their own solutions, to test old and new approaches, and to provide information on these demonstration efforts to local and state elected officials throughout the nation. Protection of agricultural land is and should continue to be a local and state matter. The Congress would, through the enactment of S. 795, recognize this principle by encouraging the development of state and local programs and by requiring federal actions to be consistent with them.

The demonstration program would provide the opportunity to evaluate a range of methods for stemming the loss of farmland, under varying geographical, climatological, political and development conditions. The application of methods already in use would be extended to new situations, and untried approaches such as the first-refusal-purchase-and-resale method could be tested.

Enactment of the demonstration program provides the best opportunity to strengthen county and other local government efforts, while providing the yardstick against which federal agency programs and decisions can be judged consistent with local policies. The methods to be adopted and tested would be chosen by local and state officials. NACo strongly supports title III and urges its approval by this committee.

Finally, Mr. Chairman, while much is known about the scope of agricultural land loss in the United States, this problem would benefit from the thorough examination required of the Secretary of Agriculture under Title II. This study should clearly assess the scope of farmland loss and its implications on the resource base, the national economy and America's trade balance. It should clearly document the impact of current federal programs and establish the procedures for implementing the federal consistency requirement under Title I. It should finally document the experience of state and local governments under the demonstration program.

The Administration's Interagency Agricultural Land Study appears to fulfill some of these objectives. While the Administration's study includes most of the elements outlined in the Title II study, NACo urges that the Congress maintain strong interest and oversight of the study and its report.

In any case, Mr. Chairman, we urge enactment of Titles I and III immediately. These and other hearings already demonstrate their need usefulness. S. 795 will provide the tools and the federal cooperation necessary to meet this problem.

This concludes our formal statement. I would be pleased to respond to subcommittee's questions.

NATIONAL CATHOLIC RURAL LIFE CONFERENCE,
Des Moines, Iowa, July 13, 1979.

HON. HERMAN E. TALMADGE,
Committee on Agriculture, Nutrition, and Forestry,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR TALMADGE: For many years the National Catholic Rural Life Conference has been concerned about trends in farmland ownership and use. One of those trends has been the conversion of prime food producing land to non-farm uses. Recent studies show that such conversion is continuing at a rapid pace and that our nation's farmland reserve is declining to a dangerously low level.

We are pleased to learn that Congress has become aware of this problem and that the Senate Agriculture Subcommittee on Environment, Soil Conservation and Forestry of which you are a member is considering legislation, S. 795, to deal with it. We urge your support for that bill. Although it suffers from some weaknesses, it is a significant step in the direction of instituting meaningful protections for our nation's remaining farmland.

To assist your consideration of the issues addressed by S. 795, I am enclosing a copy of a recent issue of our Catholic Rural Life magazine devoted to farmland preservation. As the articles in this special issue demonstrate, the demands being made on our nation's farmland are many and states and local government are trying to cope with them as best they can.

The evidence indicates, however, that local governments need assistance. They need information, technical advice, and the funds with which to try new approaches. These are the basic elements of S. 796. We feel that it is a good bill except that the funding authorized under Title V appears to us to be too low to permit the wide range of experimentation needed, especially in areas where the pressure for conversion has driven land values to very high levels.

In its basic intent and approach, S. 795 conforms to a series of principles and goals spelled out by our NCRLC Board of Directors in 1975 in a policy statement calling for a comprehensive land inventory, coordination of state land planning efforts, and the protection of areas of critical environmental concern. Our board called for actions "to insure that land ownership and land use patterns will be in line with social justice."

In attempting to protect the capacity of America's farmland to produce food for a hungry world, S. 795 seeks to establish a land use pattern which is certainly "in line with social justice." We urge your support of this bill both in Committee and when it comes to the floor of the Senate.

Sincerely yours,

WM. J. SCHAEFER,
Executive Director.

P.S. I would request that this letter along with a reference to Catholic Rural Life, Vol. 28, No. 6, of June, 1979, be included in the record of hearings on S. 795.
Enclosure June 1979 Catholic Rural Life.



Catholic

Rural Life

June, 1979

Vol. 28, No. 6

**Survey Shows Little Being
Done to Preserve Farmland**

Farm Alcohol Production

**Agricultural Land Bill
Gains on Capitol Hill**

Coal Mining Threat

**Report Warns of Global
Land Loss Consequences**

Farmland Preservation Issue

Why Farmland Losses Need Nation's Urgent Attention

Conversion of food-producing land is a common sight in rural America. Unfortunately the sight of urban sprawl, new highway and dam construction, and other non-farm development is taken for granted by most of us. Yet this rapid shift of agricultural land to other non-farm development will soon have serious consequences for the entire nation.

A recent Department of Agriculture report shows that up to 5 million rural acres a year are developed or otherwise irreversibly converted to urban-type uses. A new National Conference of State Legislatures survey notes that prime farmland usually provides the best sites for housing development, artificial lakes, and similar development.

If this trend continues, and there is no reason to believe that it won't, analysts suggest that our best cropland reserves may well be used up in less than a decade. Rural land conversion would, for the first time in our history, begin to impact the food abundance that has preoccupied policymakers the past 50 years.

The lack of well-developed land use policies is the legacy of an earlier era when land was relatively abundant. A 1976 report by the Soil Conservation Service showed that the amount of cropland reserve suitable for sustained production had been reduced from an estimated 266 million acres in 1967 to only 111 million acres in 1976. Only 24 million acres were classified as high quality land that could be put into production immediately.

Issues related to land use are not new to the National Catholic Rural Life Conference. Through the pages of this special issue, we continue our ministry as educators on land ownership and land use patterns that are in line with social justice.

Catholic Rural Life

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Rep. Roger Van Dyken (left) joins other supporters of farmland preservation as Gov. Dixy Lee Ray signs into law a bill exempting farmers from the responsibility for paying for water and sewer improvements in new development areas. (Photo courtesy of Washington State Catholic Conference).

How Preserving Farmland Became 'Good Politics'

By Stephen Bossi

One way to get the farmland preservation issue onto the agenda of a state legislature is to find a legislator who will pin his political future on it. That is how the issue became one of the most widely discussed topics this year during a notably unproductive session of the Washington Legislature.

Rep. Roger Van Dyken, a Whatcom County Republican, made farmland preservation a cornerstone of his campaign last

fall. The issue struck a chord among his constituents because new residential, commercial, industrial, and recreational developments were expanding onto the farmland of the county's western lowlands.

Whatcom County, which is on the border Washington State shares with Canada, is one of several counties where urban sprawl and changing population patterns are consuming large amounts of productive farmland.

'More than anything else, Van Dyken has demonstrated that farmland preservation is an issue that has broad appeal and that provides visibility and credibility for a politician. It is a lesson that will not be lost on other politicians . . .'

Van Dyken's interest in the issue, as a result, was timely beyond his own district. Also, as a result of a fortunate assignment to the House Agriculture Committee, he was well placed to demand attention for farmland loss remedies.

Even before the session started, Van Dyken was assembling ideas and drafting bills. By the time committees began considering new proposals he had assembled what he called the Agricultural Land Protection Package. Reflected in this package of nine separate bills was the wide range of possibilities available to state governments for preserving farmland.

Several proposals had little impact on government policies and budgets. One, for example, would simply set up a legislative council to study growth management in the state with special emphasis on agricultural land. Another would require boundary review boards, which must approve the annexation of additional land onto incorporated areas, to consider agricultural soils and uses when making their decisions.

Other proposals were aimed at controlling new residential development. One would require toilets that use a smaller flush in all new construction. This would permit home building on land that failed present percolation

tests for sewage disposal. Since this kind of land tends to be in non-agricultural areas, the change would open additional areas for new construction and ease the pressure on farmland.

A related proposal would prohibit the State Department of Ecology from financing sewage disposal systems servicing non-agricultural development in agricultural areas. This measure, along with a separate proposal to exempt farmers from nuisance suits, was also incorporated into a comprehensive revision of the state's Open Space Law.

The present Open Space Law provides special tax treatment to landowners who agree to keep their land in agricultural use for a period of 10 years. Van Dyken proposed changing this to seven years with an automatic renewal each year. If a farmer decided to leave the program, the property would have to continue in agricultural use for the remaining seven years and the assessment would immediately rise to the true and fair value.

Van Dyken's amendments to the Open Space Program also proposed what he called Prime Farmland Areas. Designating these areas and reserving them for agriculture would protect farmers from nuisance suits and applications of the power of eminent domain. Only improvements or new facilities beneficial

'Van Dyken made farmland preservation a cornerstone of his campaign last fall. The issue struck a chord among his constituents'

to agriculture would be allowed. Policies and decisionmaking would be handled by an advisory group of farmers.

The Agricultural Land Protection Package included a new measure to authorize Washington State University to inventory agricultural land to determine how much is available for agriculture and how it might best be protected. It also contained a proposal for modifying inheritance tax laws so inherited farmland would be assessed at its current use value rather than its market value. This would relieve heirs from having to pay excessive taxes and, in many cases, from having to sell farmland for development in order to pay those taxes.

Finally, Van Dyken included a bill which had been proposed before and which was widely supported by farm interests and local government officials. This measure would exempt farmers whose land is enrolled in the Open Space Program from paying on bonds associated with new water and sewer systems. This exemption from Limited Improvement District bonds would be removed if the land was taken out of agriculture.

As it turned out, this exemption bill moved quickly through both houses of the legislature. This was undoubt-

edly due to the support the bill had drawn in hearings since the last legislative session. It was assisted, however, by the general interest in farmland preservation generated by Van Dyken.

The legislature also approved a modification of Van Dyken's proposal to exempt farmers from nuisance suits.

The proposal to tax inherited farmland at its current use value was incorporated into a comprehensive reform of the state's inheritance tax laws. The House Budget Committee included the plan to conduct an inventory of state farmland in the budget appropriating funds for Washington State University but this item was deleted in the Senate. The bill to require consideration of farmland in annexation decisions was approved by both houses and signed into law.

These victories were more than satisfying for Van Dyken. He had generated new interest in a pressing concern of his district and had helped to win passage of some initial solutions. His proposals to revise the Open Spaces Act will undoubtedly be the subject of hearings and debates over the interim period between sessions of the legislature.

More than anything else, Van Dyken has demonstrated that farmland preservation is an issue that has broad appeal and that provides visibility and credibility for a politician. It is a lesson that will not be lost on the other politicians in Washington State and one that promises even more farmland protection activity the next time the legislature convenes.

Should Good Land Be Used To Produce Farm Alcohol?

By David M. Byers

The promotion of gasohol, a blended motor fuel containing alcohol and gasoline, is creating quite a stir in the farm states. There is wide political support for using alcohol as a clean, renewable fuel additive that will help reduce the nation's vulnerability to the whims of the OPEC countries.

Blending alcohol and gasoline is a sound idea that deserves promotion and encouragement. However, its popularity should not distract policymakers from the need to pursue more wide-ranging solutions to our energy problems, such as the enthusiastic development of solar power.

It also should not distract them from discussing gasohol production in terms of its land use and food production implications over the long haul. A Department of Energy official, in testifying before Congress recently, said U.S. alcohol production through much of the 1980s will be limited by the capacity of the facilities that convert raw materials into alcohol.

"Supplies of surplus, distressed, waste, and byproducts suitable for alcohol production already greatly exceed the capacity to convert them . . .," he said. "The feedstocks that will be used to make alcohol fuels in the 1980s are not likely to be foodstuffs . . ."

But what about the period after the 1980s? Will the nation



face a situation where land for food will be converted to land for energy? If so, how much land will be involved and what problems might this tradeoff turn up?

Since the United States is still in the very early stages of exploring gasohol's potential, these questions can be answered only tentatively. However, some observations can be made on what might happen if the nation made a strong commitment to a gasohol blend that included 10 percent alcohol.

The alcohol used in making gasohol can be either methanol (wood alcohol) or ethanol (grain alcohol) and it can be distilled from an astonishing variety of materials. Major sources of methanol are coal, wood, and ordinary garbage. Ethanol comes principally from grain, sugar crops, and potatoes.

Americans burn about 120 billion gallons of gasoline a year, all of it refined from petroleum.

Since gasohol works well in the average car or truck, without engine modification, it is theoretically possible to displace some 12 billion gallons of gasoline annually with the 10 percent mix. If all the alcohol needed was produced from wood or grain, the impact on agricultural land would be staggering.

A Congressional Research Service report suggests that about four percent of the nation's total national forest acreage would be needed to make 10 billion gallons of methanol. To get the same amount of ethanol, it said, the nation would have to use up about 40 percent of its grain harvest.

These figures are useful only for perspective. No one is suggesting that America sacrifice so much of its food and feed in order to reduce oil consumption. Some analysts assign a relatively small role in alcohol production to crops and see municipal wastes as a much more promising feedstock. Serious proposals have been advanced, however, that would devote substantial acreages to raising feedstocks for conversion into alcohol.

The best known of these is the proposed National Fuel Alcohol and Farm Commodity Act, which has been the subject of recent subcommittee hearings. In somewhat simplified terms, this bill would end the set-aside program for feed grains and make the crops grown on that land available to alcohol processing plants.

The rationale is simple. Why let good land lie fallow year after year when it can be used to help promote national energy independence? Critics have objected

that it is unwise, even immoral, to establish an alcohol fuels industry that will compete with people and livestock for available grain. If stocks run low or demand for food increases in the future, they argue, something would have to give.

Rep. Berkley Bedell (D-Iowa), the bill's sponsor, counters with the argument that the process of converting grain to ethanol yields distillers' dried grain, a high-protein byproduct that can be fed to livestock. Thus the same acreage can produce both energy and feed.

The Department of Agriculture contends, on the other hand, that distillers' dried grain is an inferior feed when compared with soybean meal. Making it in sufficient quantities at low prices, it argues, could depress soybean prices.

Where does all this leave us? Not on very solid ground, obviously. There does appear to be a future for gasohol in this country. At the moment it can compete with straight gasoline only because of federal [and sometimes state] subsidies in the form of an exemption from motor fuel taxes.

But gasoline prices will continue to rise, making gasohol progressively more attractive. As that happens, the public discussion of what to use in generating the necessary alcohol will intensify. Should we confine ourselves to recycling garbage? Should we toss some of our timber into the processor's vat? Most significantly, should we divert agricultural land to energy production? The time for weighing these choices is upon us.

Coalitions Fight Corps On Farmland Loss Issue

By Brent Blackwelder

Reservoirs built by the Army Corps of Engineers have drowned some of America's best farmland, forced the relocation of thousands of farm families, and brought economic hardship and disruption to surrounding rural areas.

Today new reservoir proposals are usually met with vigorous opposition from coalitions of farmers, conservationists, and concerned citizens. Until the 1970s, however, many unsound projects had only token opposition and went forward in the name of progress.

President Carter's water resources budget this year asks funding for Corps projects that would require more than one million acres of land, including several hundred thousand acres of productive farmland. Congress undoubtedly will provide even more money than the President asked for. About 300,000 acres of farmland are lost annually to dam and reservoir construction.

Corps dams come in all sizes. The larger dams create reservoirs that extend more than 100 miles

upstream and inundate hundreds of thousands of acres. Fluctuating water levels also cause problems. The Shelbyville Reservoir in Illinois covers 11,000 acres at normal summer levels, for example, but swells to more than 25,000 acres in the spring.

When the Corps builds a dam, it has to move out all the people in the valley above the project. Forests and farmland, rural communities, and the natural and cultural resources of the valley are all drowned out. Flood control is the primary justification for Corps reservoirs with other benefits claimed for water supply and recreation, and sometimes for navigation and hydropower.

Corps dams are touted by proponents as an economic bonanza for rural areas. In reality they often leave areas worse off than before.

A study comparing the counties surrounding five gigantic reservoirs on the Missouri River between Nebraska and Montana with control counties in the same states showed that the counties around the reservoir did no better on the 37 economic well-being indicators examined. In some cases they fared worse than the control counties. The dams drowned more than one million acres of valley land, forced relocation of thousands of people, and displaced Indian tribes from reservation lands that had been guaranteed to them in perpetuity.

'New Reservoirs are usually met with vigorous opposition . . . Until the 1980s, however, many unsound projects had only token opposition and went forward in the name of progress'



Once productive farmland in the Kaskaskia River Basin in central Illinois has been turned into mudflats by the Shelbyville Reservoir, which took 41,000 acres of agricultural land and cost \$61 million. (Photo courtesy Coalition on American Rivers).

Studies of three Illinois reservoirs by John E. Ballard, a local government specialist, showed a loss of tax base and revenues and a decline in population in the areas involved after the projects were completed. A comparison of reservoir counties in Missouri with adjacent counties with no reservoirs showed the reservoir counties experienced out-migration of young people and a greater number of people on welfare. The adjacent counties did at least as well as the reservoir counties in terms of such indicators as median family income and educational attainment.

In Oregon, the Great Peter Dam caused a boom and bust situation for the town of Sweet

Home. Construction workers came in from outside to build the project, forcing the town to expand its school and its water, sanitary, and police services. When the workers left, area residents were stuck with higher taxes to support these overbuilt facilities.

Even for farmers who don't have their land taken, the presence of a dam is sometimes very detrimental. Carlyle and Shelbyville Reservoirs in Illinois have aggravated both upstream and downstream flooding. Instead of a regular but brief spring flood, downstream farmers have had their fields under water as long as 11 months in some years. These projects often raise the water table upstream and

Brent Blackwelder is Washington representative of the Environmental Policy Center, which has developed material useful to people concerned about Corps of Engineers reservoir projects. It can be obtained by writing to 317 Pennsylvania Ave., S.E., Washington, DC 20003. The Coalition on American Rivers [P.O. Box 2667 Station A, Champaign, IL 61820] also makes material available.

sedimentation blocks drainage outlets, creating flooding conditions on farmland.

The Corps also makes serious design errors. At the Stockton Dam in Missouri, for example, the Corps blundered in failing to figure out the volume of water that the stream below the dam could carry. When it began releasing enough water to produce hydropower, downstream farmland areas were flooded. Now the Corps is faced with the choice of either acquiring this farmland or giving up on power production.

Back in the 1950s and 1960s, the Corps began building high navigation dams on the Ohio River to replace a series of 46 low navigation dams. The new high dams raised the river up as much as 25 feet in some places and turned it into a string of reservoirs. Massive erosion of farmland, roads, and towns along the Ohio Valley followed.

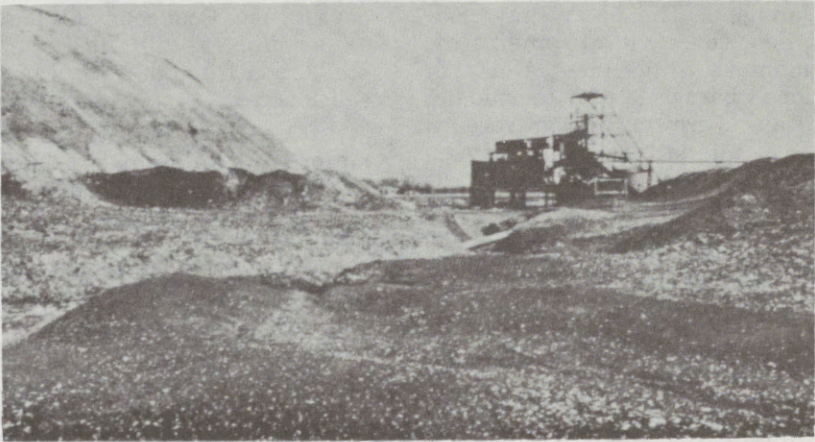
When farmers who lost land filed a \$144 million class action suit, the judge ruled it was not proper because the erosion had not damaged all the farms to the same degree. He said he would hear cases on an individual basis,

however, and these cases are now being filed.

The loss of prime farmland to Corps reservoirs is all the more regrettable because these dams have failed to eliminate flood damage. Instead they have enticed and underwritten flood plain development. One result is that big floods that exceed the design capacity of the dam cause all-time record damages in areas that are supposedly "protected." Despite the \$10 billion the federal government has spent on flood control projects, flood damage continues to get worse and now averages more than \$2 billion a year.

Added to the failure of the flood control effort is the unfairness of forcing residents of upstream areas off their land because downstream people have located in flood hazard areas. The real answer to flood problems is such nonstructural solutions as flood plain zoning, greenbelts along streams, floodproofing of buildings, and evacuation or partial evacuation of flood plain structures.

The \$109 million Stonewall Jackson project in central West Virginia illustrates how the Corps proceeds with a typical dam project. The project was authorized in 1965 at a cost of \$35 million and called for acquisition of 9,600 acres. But the Corps is now acquiring more than 19,000 acres of forest and farmland for the project with no new authorization or approval from Congress for doubling the acreage.



Strip mining has a devastating impact on good agricultural land.

Coal Mining Poses Threat To Productive Cropland

A battle is shaping up over the use of Illinois land and the future of some of America's most productive agricultural land is at stake. With 80 percent of its land in farms, Illinois leads the nation in corn and soybean production as well as in total farm exports.

The problem is that some 65 percent of the state's land lies over coal deposits. This huge coal basin can be pictured as an irregularly-shaped bowl with its base resting in the prime farming areas of central Illinois and curving outward in all directions. The coal in this region is from 200 to 2,500 feet under the surface.

The bowl's rim sweeps around

the northern, western, and southern borders of the state. Shallow coal found in these areas is at depths of less than 200 feet, making it a prime target for strip mining. Six million acres of this strippable coal lies beneath some of the world's richest farm land.

Illinois already ranks fourth in the nation in coal production and growing national dependence on coal as an energy source is creating demand for increased output. A recent Illinois South Project study concluded that some 380,000 acres of Illinois land already are controlled by coal companies. This growing interest by mining companies in Illinois land focuses increased attention on coal mining as a threat to the state's farmland base.

The physical effects of strip mining are the most obvious impacts of coal development on

This article was prepared by Brenda Wallace-Bowden and Sue Schwartz, staff members of the Illinois South Project [101½ North Park, Herrin, IL 62948].

farmland. The bleak gray gob piles, the skeletal remains of mammoth drag lines, and the lonely barn isolated in the middle of a field growing only gravel and soot all add to this dismal picture. Unreclaimed land is a devastating sight. Land pocketed with sink holes from subsidence caused by underground mining also diminishes the productivity of surface soil.

The problem of maintaining the productivity of strip-mined land has been addressed by both the state legislature and the federal government. The Illinois surface mined land reclamation law was amended in 1975 to include strict measures for returning the land to row crop capability. Before that reclaimed land was generally returned to forage production.

On the national level, the new federal strip mine law has strong directives for both protecting and reclaiming prime agricultural land. But this law must survive court tests by coal companies and bureaucratic enforcement problems in the Office of Surface Mining.

Since the Illinois law was amended three years ago, coal companies have launched massive research projects to prove reclamation is feasible. Midland Coal Co., a division of American Smelting and Refining, recently put \$4,500 an acre into land being reclaimed for agriculture.

The results were disappointing, with yields of only 53 percent of normal.

Although the impacts of mining on the control of the land are not as obvious as the sight of unreclaimed land, they are just as

devastating. Coal companies are expanding rapidly into food production through agricultural subsidiaries.

A few of the subsidiaries of the major coal companies include Midland Coal with 50,000 acres in central Illinois; AMAX Coal's 100,000 - acre Meadowlark Farms; Peabody Coal's Peoria Farms; Freeman United's Fidelity Farms in Perry County, and Southwestern Coal's Galum Creek Farms.

Besides the ownership of land, farming debts have been found to be linked to mining interests. Farm bank notes have been bought by oil interests, for example, providing a threatening situation for farmers.

Coal company purchases of farmland also have a tax impact on all Illinois residents, farming and non-farming alike. That is because a county's tax base rises proportionately with the value of land. Coal companies have the financial clout to pay huge sums for land, driving up the price of adjacent land and increasing real estate taxes throughout the area.

In spite of these effects, however, the people of Illinois are finding that mining and farming are not mutually exclusive. An effort is underway to bring together a broad network of people, including farmers, farm organizations, union, consumer groups, churches, and environmentalists, into what is being called the Illinois Farmland Coalition.

The coalition's goal is to go beyond raising the issues and creating public awareness to defining patterns of ownership and use of Illinois farmland.

Land Trusts Join Battle Against Farmland Losses

By John Barnes

People across the country are becoming alarmed about the rapid loss of productive farmland and its likely impact on the rural way of life and the nation's future supply of food.

There are many reasons for the loss of farmland and an equal number of organizations and government agencies working to reverse this trend. A recent addition is the Trust for Public Land, a national non-profit conservation organization headquartered in San Francisco.

The trust has been working the last six years with community groups, landowners, and public land management agencies to encourage the preservation and responsible use of open space lands. It has combined a businesslike approach with conservation ideals to acquire more than 25,000 acres of land and move much of it into the hands of public agencies at prices averaging 30 percent below market value.

In addition, the trust helps community groups pioneer new approaches to community land ownership. It provides training workshops and technical assistance to groups incorporating land trusts and acquiring land for community purposes. It has helped set up more than 35 land trust that recycle vacant inner-city lots and own or manage thousands of acres of rural and suburban land.

Land trusts are non-profit corporations that enable groups of people to own land or partial interests in land. They are governed by people who are responsible to the community and have an understanding of community needs and the pressures confronting landowners. They are increasingly seen as local advocates of policies that protect the future of agriculture.

Perhaps the most exciting aspect of land trusts as a vehicle for agricultural land retention is their flexibility and responsiveness to local needs. A trust can acquire full title to farm property and lease it to beginning farmers who cannot afford to buy land. The Northern California Land Trust, for example, recently acquired a 40-acre farm at Lodi, Calif., and leased it to two farm families.

Another agricultural land protection tool is the acquisition of development rights, an approach that allows individual ownership while placing the development potential in the hands of a trust. Although several state and county agencies administer programs of this kind, they are often expensive and there is some question as to how responsive government can be in monitoring these easements.

By acquiring land or development rights at below fair market value, the land trust can offer landowners an income tax

deduction. Since the difference between the fair market value and the purchase price may be treated as a charitable donation, the capital gain that is almost inevitable on valuable farmland is offset.

Land trusts can also engage in commercial or residential development on a portion of a land parcel. Local residents in Lincoln, Mass., formed a land trust specifically for non-profit development, for example, and acquired a 71-acre farmland tract. The 125 units of low and moderate income housing built on a portion of the farm unsuitable for agriculture paid for all the land and made it possible to permanently preserve the 20-acre portion that was prime farmland. Using this approach enabled the community to control development and preserve some prime land at the same time.

While much of the funding for land trusts comes either from local communities or from foundations, land trusts are starting to look to government as a source of support. The California Legislature recently passed a bill granting \$100,000 to a land trust for acquisition of development rights on coastal land. Although this acquisition is for state-designated purposes, it is the first time a state has funded this type of local effort.

At a time when distrust of government programs runs high and the costs of these programs are going up, land trusts would appear to be logical alternatives. As an organization run by local farmers and residents, a trust can be extremely responsive to problems confronting farmers

and can create the program most appropriate for the situation.

The Trust for Public Land has started to look at ways acquisition of development rights can be used by local land trusts to help working farms stay in production. It sponsored a conference in Denver recently to discuss growing losses of agricultural land to second home and energy-related development. Several communities expressed an interest in acquiring development rights on threatened ranch and orchard land.

The trust also is working with consultants and farmers from West Marin County in California to examine the economic incentives farmers would need if their development rights were acquired by a local land trust. By studying the actual figures from ranches and dairies in the area, the land trust can determine what benefits it has to offer to the farm community.

In the future the trust plans to explore other ways in which land trusts can help retain farmland. These include putting small parcels together, or dividing up large pieces of threatened land, to form workable farm units that can be leased. It also will study ways land trusts and cooperatives can work together to save agricultural land.

ACKNOWLEDGEMENT

The photograph on Page 6 of the May issue of the U&I sugar plant at Moses Lake, Wash., was provided courtesy of the Columbia Basin Daily Herald.

Report Warns of Global Land Loss Consequences

By Sr. Helen Vinton SP

The Worldwide Loss of Cropland. By Lester R. Brown. Worldwatch Institute, 1776 Massachusetts Avenue, N.W., Washington, DC 20036. Paper. \$2.00.

"The times call for a new land ethic, for a new reverence for the land, and for a better understanding of our dependence on a resource that is too often taken for granted." That is the conclusion of this new and timely addition to the continuing series of well-researched Worldwatch papers.

This latest publication by Lester Brown warns that the loss of cropland to non-farm uses is proceeding at a pace that threatens to undermine the balance between food and people on a global scale. The lack of well defined land use policies is the legacy of an earlier era when land was relatively abundant, frontiers were being pushed back, and the potential for yield increases was still being realized.

Today the frontiers are gone, the soil is being pushed to the limits of productivity, depleted cropland is being abandoned throughout the world, and millions of acres of prime cropland are being converted to non-agricultural uses. Although the world's population increased 59 percent in the 25-year period ending in 1975, the increase in the world's cropland base was only 21 percent.

Urbanization, energy production, and transportation are cited as the principal non-agricultural needs in virtually every country where cropland is being consumed. Urban growth is identified as the leading cause of cropland loss.

Brown notes that more than 5.5 million acres of prime cropland were converted to non-agricultural uses in the United States between 1967 and 1975. Although documentation is sketchy, it appears the land loss rate due to urbanization is even greater in Third World countries. In many countries where locally-available bamboo, thatch, and corrugated iron sheets support only low-lying housing, "village sprawl" has become a serious problem.

The report estimates that expanding cities will cover an additional 60 million acres of the world's best farmland by the year 2000. This will consume land capable of providing food for about 80 million people.

Loss of cropland to the energy sector, the report notes, is even more difficult to estimate than losses caused by urban sprawl. Hydroelectric dams, oil refineries, and storage tanks are usually built on prime farmland along rivers and on coastal plains. The modern Kariba Dam in Africa, for example, covers land formerly tilled by 29,000 farmers. This loss of cropland to energy

development underlines the need for energy conservation.

An enormous amount of cropland has been paved over in the United States for use by motor vehicles. Millions of acres are required to provide highways, parking space, service stations, and other needs of the nation's 143 million licensed automobiles. Although all transport systems require land, automobile-centered systems are the most voracious consumers of land.

Specialized techniques for extending agriculture onto areas that have been unproductive provide land for production of a large share of the world's food

supply. But these techniques have begun to fail under the pressure of over-use. Desertification, severe erosion, waterlogging, and salinization result when economic forces conflict with ecological limitations.

The report concludes that agricultural land can no longer be treated as an inexhaustible source of land for industry, urbanization, and energy development. In a world of continuously growing demand for food, land clearly should be taken out of production only under the most pressing circumstances and as a result of conscious public policy decisions.

Bill Schaefer Is Appointed NCRLC Executive Director

William J. Schaefer Jr., an educator who has directed a national project for farm couples the last two years, has been named Executive Director of the National Catholic Rural Life Conference.

The announcement was made by Bishop Maurice Dingman, NCRLC's president, who noted that Schaefer is the first lay person to hold this post in the 56-year-old organization's history. He was elected to NCRLC's board of directors in 1977 and to its Executive Committee a year later.

Schaefer, a 40-year-old Minot, N.D., native is married to Marcia Bahl and they have two daughters, Debra and Donna. He holds two graduate degrees in education from Indiana University and has been a faculty member at Minot State College.



He was director of informational media for the North Dakota Farmers Union before becoming director in 1977 of the American Farm Project a National Endowment for the Humanities program sponsored by the National Farmers Union.

Survey Shows Little Being Done to Preserve Farmland

A new survey of government efforts to preserve agricultural land shows farmland disappearing at the rate of about 3 million acres a year, little agreement on whether state programs to control these losses are working, little official recognition of the seriousness of the problem, and lack of any government-wide effort to deal with it.

Bob Davies, staff director for rural development at the Office of Federal-State Relations of the National Conference of State Legislatures, said the main concern expressed by survey respondents was urban sprawl's "voracious appetite" for farmland.

"A particular form of urbanization called leapfrogging, scattering, or 'buckshot' development continues to result in developments surrounding and isolating individual farmers or farming areas," he said in a survey overview.

'Previous farmland preservation studies have concluded that the greatest level of interest in the issue comes from the highly urbanized Northeast and from certain environmentally conscious parts of the country. This study substantiates those results'

"Those farming the land often develop what some term the 'impermanence syndrome,' a lessening concern for use of the best production and conservation methods while contemplating the inevitable sale and change in use of the land."

The survey report, entitled "A Survey of State Programs to Preserve Farmland," was prepared for the Council on Environmental Quality by Davies and Joe Belden, a lawyer on the Washington staff of Roger Blobaum & Associates. Its 53 pages of abstracts of 12 categories of statutes provide a complete and up-to-date report on state farmland preservation laws.

The report notes that urbanization has destroyed or badly damaged green belts and buffer zones adjacent to communities, undermining recreational, wildlife management, and natural resources programs near urban centers.

"Elimination of truck farming and other food-producing areas near major cities, especially in New England, has dramatically increased their dependence on food supplies shipped from great distances," it points out.

"The weather conditions during recent winters and growing concern over the availability of fuel supplies to make the multistate and transcontinental hauls necessary to maintain food

supplies have prompted new worry over diminishing farmland."

Davies and Belden also interviewed state officials during project visits last winter to Maryland, Pennsylvania, New Jersey, and New York. The loss of family farming in one area after another, they reported, "lessens the philosophical attachment to the land that has kept afloat unaccountable numbers of marginal farming operations and thus maintained agricultural use of widespread sections of good cropland."

Dissatisfaction was expressed by survey respondents regarding the inability or unwillingness of the federal government to "get its house in order" on the farmland preservation issue.

"A start has been made, they acknowledge, with policy statements and executive memoranda from the Council on Environmental Quality, U.S. Department of Agriculture, Environmental Protection Agency, and the Economic Development Administration," Davies reported.

"But a more thorough, government-wide effort to coordinate federal programs and policies is needed, particularly the oversight of programs providing for the infrastructure needs of developing communities—streets and highways, sewer and water systems, housing, public buildings, and shopping areas."

One of the major findings of the survey is that official responses of state governments to the concerns documented in the 50-state survey are limited even

The Council on Environmental Quality has three additional studies underway that deal with the loss of agricultural land:

—A study of agricultural land use and related environmental problems in arid and semi-arid lands in the United States.

—A look at human settlement trends in rural areas of the United States and their effects on the land.

—A review of federal agency environmental impact statements to insure that impact on farmland is being given sufficient consideration.

though individual officials seem genuinely interested in addressing them.

"Results from previous studies of farmland preservation efforts have concluded that the greatest level of interest in the issue comes from the highly urbanized Northeast and from certain environmentally conscious parts of the country," the report concluded. "This study substantiated those claims in terms of the volume and sophistication of statutes and bills received from the various jurisdictions."

SPECIAL ISSUE

The special July-August issue of *Catholic Rural Life* will focus on public hearings held in six cities this year by the Presidential Commission on World Hunger. It will include excerpts from statements of leading church and other witnesses.

Agricultural Land Bill Gains on Capitol Hill

Congress is taking some action this session to assist local communities attempting to preserve farmland. Endorsement by the House Agriculture Subcommittee on Family Farms, Rural Development, and Special Studies of the Agricultural Land Protection Act proposed by Rep. James Jeffords (R-Vt.) was the first step.

The Jeffords bill, a rewrite of a similar bill he introduced two years ago, would provide 50-50 cost share assistance to state and local governments for projects that would keep farmland in agriculture.

The purpose, as outlined by Jeffords, is to have the entire nation share the burden of finding effective ways to halt the conversion of farmland to other uses. It isn't fair, he said, for the nation to expect farm communities to shoulder the whole burden.

The "burden" Jeffords refers to is the cost of keeping land in agriculture. Since farmland generally is worth more when it is converted to commercial, industrial, or residential uses, its owners suffer a loss of value when they are restricted to keeping their land in agriculture. The Jeffords bill would authorize \$60 million over three years to experiment with ways the public could reimburse owners for this loss of value.

The bill also directs federal agencies to develop policies to

ensure that the impact on agricultural land is considered when any federal project is undertaken. This would alleviate some of the pressure caused by highways or other public works, by decisions regarding public lands, and by lack of coordination with state and local governments.

Another provision would establish a presidential study commission made up of farmers, local officials, and members of Congress. It would have three years in which to prepare a report on national farmland requirements, the rate and causes of farmland loss, and ways farmland can be preserved. Noting that President Carter has appointed an interagency study committee on farmland preservation, Jeffords said he would drop this section of the bill if it appears this committee will do an effective job.

The bill would authorize the Department of Agriculture to provide technical assistance to states and local governments undertaking farmland preservation efforts. It also contains language that specifically forbids interference with private property rights. In spite of this provision, however, several witnesses at the subcommittee's hearing on the bill objected on the grounds that the bill moved in the direction of national land use planning.

Washington Watch

Young Farm Bill Opposed

Alex Mercure, assistant secretary of agriculture for rural development, has testified against the proposed Farm Entry Assistance Act, a bill to provide federal guarantees of loans made by states to help young and beginning farmers buy land and equipment.

Soil Erosion Report Hit

The National Association of Soil Conservation Districts has challenged the figures in a new Soil Conservation Service report that concludes that cropland erosion averaged 4.8 tons of topsoil per acre in 1977. Real soil losses, the conservation organization insists, are much higher than the government study shows.

Farm Policy Review Ordered

Chairman Herman Talmadge (D-Ga.) of the Senate Agriculture Committee has directed the committee staff to conduct a "top to bottom" review of current farm policies and programs. He ordered the study in response to Agriculture Secretary Bob Bergland's recent call for a "national dialogue" on the future of American agriculture.

Oil Subsidy Report Issued

A new study prepared for the Department of Energy shows the oil and gas industry received \$117.6 billion of the \$217 billion spent by the government since 1918 for tax and other incentives to stimulate energy production. Spending on solar and other alternative technologies is so small it doesn't even make the list.

Reorganization Bill Withdrawn

President Carter has withdrawn his proposal to transfer the Forest Service and several other Department of Agriculture functions into a newly-created Department of Natural Resources. The proposal, which has been in trouble in Congress, drew heavy fire from many farm and rural organizations.

States Test Techniques For Preserving Farmland

By Joe Belden

"Want to make a sound investment?," the financial page advertisements keep asking. "Why not buy land? They're not making it any more."

This advice to fledgling real estate speculators carried a reverse message for rural and agricultural America. Not only are they not making farmland anymore, but the good land that remains is being converted at a record rate into shopping centers, housing subdivisions, parking lots, reservoirs, and other urban-related uses.

The agricultural land loss problem is particularly acute near urban centers. Level, well-watered areas most suitable for farming are also the most desirable sites for housing and other urban development.

Public attempts to stem these losses come primarily from state and local governments, which are using their legal authority to try new land-saving approaches. Although several members of Congress a few federal agencies acknowledge the prob-

'Not only are they not making farmland anymore, but the good land that remains is being converted at a record rate into shopping centers, housing subdivisions, and other urban-related uses'

lem, federal initiatives have been few and far between.

The oldest and most widely used state-local approach is preferential assessment and taxation of farmland. This allows owners to pay taxes based on agricultural values rather than on inflated values that reflect potential non-farm uses.

Maryland enacted the first law of this kind in 1956 and all the states except Georgia and Mississippi have followed suit. The aim is to keep real estate assessments low enough that farmers won't be forced to sell off land in order to meet rising tax bills.

The plain vanilla variety of preferential assessment is lower taxation of development-threatened agricultural land with no strings attached. A second approach is to link the lower tax rate with payment of all deferred taxes if, or when, the land is developed later. The third form lowers taxes for farmers who make long-term agreements to restrict use of their land to agriculture.

Preferential assessment statutes are often considered more of a tax break for farmers than a land preservation tool. When farmland is threatened by development, the increase in its value as a potential subdivision or shopping center is usually much greater than any tax savings that preferential assessment might provide. Yet these

laws remain the simplest and most widespread approach.

A more sophisticated approach that is getting increased attention is purchase of development rights. This involves having local or state governments buy from farmers the right to develop their land for non-agricultural purposes.

Translating this into a state-wide effort, as New Jersey found out, can be costly. A development right pilot program there was allowed to expire after it was found that the \$5 million allocated would preserve only 1,600 acres.

Related to these programs is the concept of transfer of development rights. This approach sets up certain zones where development is not permitted. Rights to development in these areas are transferred to other designated zones in which development for more intensive use is allowed.

Developers in the higher use zones, under this approach, pay farmers for the development rights transferred from the agricultural areas. Thus no public funds are involved. Although this sounds great on paper, it hasn't been used to any significant degree.

Agricultural districting, an approach pioneered in New York, is another approach. This allows farmland owners to petition their county for creation of agricultural districts containing 500 acres or more. Once the land is in an approved district, it qualifies for preferential assessment and protection from certain kinds of government actions that often lead to land conversion.

More than 5 million acres of

farmland had been set aside in 379 agricultural districts in New York State by late 1978. Virginia has followed suit with a similar law but it does not require land to be in a district in order to qualify for preferential tax treatment.

Yet another method of preserving agricultural land is the "circuit breaker" tax credit that has been adopted in Michigan and Wisconsin. Farmers who agree to keep their land in agriculture for specified periods receive state income tax credits. These credits must be repaid, however, if the agreement is broken.

Exclusive agricultural zoning has been tried in several states, including Oregon and Hawaii. The Oregon law, for example, gives counties the power to restrict land to farm uses.

Land banking, an approach that remains controversial in this country, has been adopted in the Canadian provinces of Saskatchewan and Prince Edward Island. It allows a state or locality to buy land from farmers who want to quit or retire, then to lease or sell the land to qualified new farmers who agree to keep it in agriculture.

So far no single approach to farmland retention seems to work too well. Some observers have concluded that a combination of measures is needed—preferential assessment with a stiff roll-back penalty, agricultural districting, some development rights purchases and transfers, and other steps. What is certain is that some solution is needed soon to maintain the nation's capacity to continue to meet all its food and fiber production needs.

Where To Go For More Farmland Loss Facts

Lester R. Brown, **The Worldwide Loss of Cropland**. Worldwatch Paper 24, Worldwatch Institute, 1776 Massachusetts Ave., N.W., Washington, DC 20036. 1978. \$2.00.

— This paper is reviewed on pp. 15-16 of this special issue.

Janet M. Smith et al, **Who's Mining the Farm**. The Illinois South Project, 101½ North Park, Herrin, IL 62948. \$4.00.

— A report on ownership of Illinois land and its implications for rural people and their communities.

Davies, Bob, and Joe Belden, **A Survey of State Programs to Preserve Farmland**. National Council of State Legislatures, 444 North Capitol St., N.W., Washington, DC 20001. Send self-addressed label.

— This report is discussed on pp. 17-18 of this special issue.

National Agricultural Land Policy Act: Hearings before the Subcommittee on Family Farms, Rural Development and Special Studies. House Agriculture Committee, House Office Building, Washington, DC 20510.

— This record of Congressional hearings includes testimony by administrators of several state farmland preservation programs.

Raymond I. Dideriksen et al, **Potential Cropland Study**. USDA Soil Conservation Service, Statistical Bulletin No. 578, October, 1977.

— This 104-page report surveys potential cropland and notes that more than 2 million acres a year were converted to urban and developed uses between 1967 and 1975.

U.S. Department of Agriculture, **Perspectives on Prime Lands**. Committee on Land Use, USDA. 1975.

— This series of background papers was prepared for the Seminar on Retention of Prime Lands July 16-17, 1975.

STATEMENT OF RURAL AMERICA, INC.

Mr. Chairman and Members of the Subcommittee: In a policy statement incorporated into its Platform for Rural America the membership and Board of Directors of Rural America, Inc., have called for a national land inventory and for the enactment of legislation "providing assistance to local and state governments wanting to initiate programs to preserve prime farm land."

That policy responds to several concerns raised by our members. The first of these is that by allowing the conversion of prime farmland to non-food producing uses we are squandering an irreplaceable resource, one essential to sustaining the life and well being of all our people. A second is that the unplanned use of the land has led to chaotic urban development patterns and to the pollution of air and water. A third and perhaps most critical concern to our members is that the loss of farmland is undermining many rural communities.

It should not be necessary to justify each of these concerns to this subcommittee. The rate of loss of farmland has reached levels that are attracting the attention of agricultural economists and soil conservationists throughout our country. Even those who have dismissed the warning signs of rapidly rising land prices and tight food supplies when world food demand has increased have had to recognize the critical limits of our supply of prime farmland. Recent USDA reports indicating that we are continuing to lose about five million rural acres each year tell us that we are jeopardizing the food supply of our own people, as well as the millions around the world dependent on the productivity of American agriculture, if we continue to ignore these trends.

Even if one disregards the critical threat to our food supply posed by the rapid conversion of farmland to other uses, the impact of these trends on the quality of life in America cannot be avoided. The sprawl of our cities into adjacent farmland has increased our dependence on the automobile for local transportation and put additional miles between workers and jobs. Rampant highway construction through farmland has broken up efficient farm units, interfered with the natural drainage of farmland, and encouraged high energy shipment of farm products using highways rather than railroads.

The consequent pollution of air and water and the increased consumption of energy are only a few of the quality of life effects of these trends. As we pave over the farmland close in to cities, we remove the urban consumer's source of supply of locally produced, and generally less expensive, food. We also further separate rural and urban people, denying them the benefits of cultural interaction and understanding.

Finally, however, rural people face losing the economic foundation of many of their rural communities. It is the earnings from the farmland, channelled through the hands of local people, that support rural businesses and rural community life. When those earnings are threatened or withdrawn from the community, the whole community suffers.

Those earnings can be withdrawn in a variety of ways. By converting the land to other uses such as a water reservoir, a highway or a power plant, the earnings are lost entirely. When rapidly rising land prices attract farmland investment from outside the community, farmland earnings are drained away to distant cities and not spent patronizing local business or improving community facilities. As a result, the way of life of the entire rural community is seriously disrupted.

Local communities across America have been attempting to bring farmland conversion under control but have been severely handicapped in doing so. They do not have the resources to experiment with a variety of approaches in order to determine which offers the best results for their area. They do not have the power to control the land impacting decisions of Federal and state agencies. Frequently they do not have adequate information on which interests will be affected by various land policies.

It is because of these handicaps that local governments must look to the Federal government for assistance in protecting their remaining farmland. It is because local governments are unable to address this problem on their own that RURAL AMERICA supports S. 795, the Farmland Protection Act. The bill in our view is a limited but promising first step toward a national policy of protecting one of our nation's most critical natural resources, its prime farmland.

The five Titles of S. 795 cover the major areas where some Federal initiatives are immediately possible: the consideration of impact on agricultural land of Federal policies and programs, detailed research into farmland availability and needs, assistance to local governments experimenting with approaches to farmland preservation, and technical and financial assistance to states and local govern-

ments. We are convinced that the research and experimentation authorized by this legislation would reveal additional areas where Federal actions could help to protect our nation's farmland.

While we support this bill as proposed, we would offer several suggestions for strengthening its language in order to achieve its objectives more effectively. Under Title II, for example, we would urge that the Secretary of Agriculture be specifically directed to cooperate with rural citizens' groups in gathering comments on the proposed study. The vague statement that "the Secretary shall hold public hearings and invite public comment" does not do justice to the concerns being raised by rural people about this issue. Constituency groups such as RURAL AMERICA have the capability to reach into local communities and help them to articulate problems as they are being experienced at that level. Effectively mobilizing such local input to the study is an aspect of this research which, in order to assure credibility and acceptance should not be overlooked. This, in our view, should be called for in a special paragraph under Section 201.

We would also like to see greater emphasis placed on studying farmland ownership in this Title II Review Study. The demand for farmland for non-farm purposes has, based on the limited data presently available, caused substantial changes in our traditional patterns of farmland ownership. This trend needs to be fully documented so that appropriate responses can be developed. It appears to us that an additional item under Section 201(a)(2) could be added to incorporate language along the lines proposed in the "National Land Inventory" section of our RURAL AMERICA Platform: "the type of owner (individual, corporate, governmental unit, cooperative, etc.), the major occupation, and/or source of income of the owner, the residential location of the owner in proximity to the land and the owner's equity in the land."

We note that no special funds are authorized for the preparation and publication of this study. If the study is properly and fully implemented, the information gathered will be valuable to local governments, community groups, and a wide range of special interests throughout our country. The budget for this effort should include the publication of a large number of copies of the report to be made available at minimal or no cost. We would urge that consideration be given to including a special authorization for this purpose.

Finally, we must express disappointment in the low level of authorization for the Title III demonstration program. Unless the approaches to be supported are purely regulatory in nature, farmland protection can be an expensive proposition. The land most threatened by development tends to be the most costly to protect. Farmland owners who expect to be compensated for the loss of development value will make heavy demands on local governments attempting to separate that value from the land. If the Title III program really aims at experimenting with various techniques under varying circumstances, the proposed funding is, in our view, simply not realistic. We would recommend at least doubling the amounts proposed in Section 504.

These recommendations are not intended to find fault with the basic purpose and thrust of S. 795. The bill is a useful step in the direction of instituting effective protections for America's food and fiber producing lands. For that reason, we welcome its consideration and urge its approval by your Committee.

STATEMENT OF MARK B. LAPPING, ASSOCIATE DIRECTOR, ENVIRONMENTAL PROGRAM, ASSOCIATE PROFESSOR OF NATURAL RESOURCES, AND CHAIRMAN, NATURAL RESOURCES PLANNING PROGRAM, UNIVERSITY OF VERMONT

Thank you for the opportunity to review and comment upon the proposed Farmland Protection Act. Few pieces of legislation are as relevant and crucial to the future of American agriculture as is this piece of legislation. In terms of Vermont, as with many other states, passage of this bill in the near future is fundamental if we are really to begin to halt the ever-increasing loss of our farmland resources.

Agriculture in Vermont, the most rural state in the nation, is the fundamental industry. Not only do we derive significant income, jobs and revenues directly from farming, but we reap immense benefits in more indirect ways from tourism, industry, and the overall quality of Vermont living which are all tied to a working rural landscape in which agriculture faces some very real problems, not the least of which is the loss of our farmland. The following graphs utilizing USDA data demonstrate the nature of our farm and farmland losses. It is now estimated that we lose approximately 200 acres of farmland every day.

Vermonters are growing increasingly concerned over this problem. As I travel the state it becomes obvious that the loss of farmland is on almost everyone's mind. But this issue is not just isolated to Vermont. Throughout New England, for example, all of the states are attempting to wrestle with the kinds of problems and issues raised by farmland loss and conversion. Massachusetts and Connecticut, for example, have recently implemented experimental programs to purchase development rights on agricultural land. Maine has recently completed a major farmland study and only last month Gov. Hugh Gallen of New Hampshire called together a Governor's Conference on Food which spent considerable time on the lands question. Other states in other regions have also addressed this issue and are attempting to develop imaginative and relevant responses to the loss of farmlands.

Yet no matter how much local jurisdictions and states try to come to grips with these problems, they remain very largely stymied because of the role—or lack of it—of the federal government. The Farmland Protection Act is of fundamental importance precisely because it would complement and support locally developed programs without a corresponding loss in local control. Let us outline our contention.

First, it becomes apparent to anyone studying the problem of farmland conversion that existing federal policies and programs can work against the retention of agricultural lands. Oftentimes this takes the shape of capital facilities either mandated or funded by federal agencies. Such facilities, sewage treatment plants, interstate highway additions, etc., often have growth-inducing qualities, particularly in rural farming regions within reasonable proximity to metropolitan areas. Under the proposed legislation it would become the policy of the federal government to support agriculture and preserve farmlands. This would be evaluated for its farmland impact before being carried out, unless some greater "national" interest was of overriding importance. This is an element reasonable men and women can understand and accept. Second, we often lack the statistical or quantified basis upon which to create policies. Again under the proposed bill a national inventory would be created which, by 1983, would tell us much that we need to know about agricultural lands as well as the methods and their relative effectiveness, costs and benefits which exist to preserve farmlands. Third, funding, no matter how modest, would be available to allow states and local jurisdictions to implement farmland retention programs that now cannot be created because of the lack of such capital. And because the federal share of funding requires an even more significant amount of state and local cost-sharing, all units of government can thereby be committed to a consistent policy of agricultural land retention. Fourth, under the provisions of this legislation, further and more unified technical assistance would be provided by federal agencies like the Soil Conservation Service of the USDA. A more unified agency response is clearly needed here, and this bill holds out some promise that this will occur.

The emphasis within this bill is clearly upon generating locally acceptable methods of farmland retention. This is as it should and must be. Our rural regions are quite diverse, and one method of land retention may be appropriate in one place and totally ineffective somewhere else. No single problem will work. This need for policy pluralism is clearly enunciated in this bill and will, as a consequence, find considerable support among Vermonters who support the retention of agricultural land but will oppose some kind of uniform, federally-imposed solution. This bill more than adequately guarantees that the latter will not be the result.

Finally, one cannot help but to stress just how important this issue is to Vermonters and other Americans. Nearly all of the regional planning commissions in Vermont are attempting to address this problem at the urging of their constituent towns. The State of Vermont is implementing a use-value assessment law to provide some degree of land tax relief for the agricultural sector. Additionally, the State Planning Office is in the process of drafting a new economic development plan which seeks to address agricultural concerns. Perhaps of even greater significance is the fact that many diverse farm, environmental and citizens groups are now coming together to forge a new agricultural constituency to support agricultural and rural concerns. It is imperative that the federal government support these important local efforts. The Farmland Protection Act is the very kind of program we need; and we need it now, for every day we delay still more farmland becomes lost.

NUMBER OF ACRES IN AGRICULTURE

[In tens of thousands]

State and county	Year							
	1910	1920	1930	1940	1950	1959	1969	1974
Vermont.....	466.4	423.6	389.6	366.7	352.7	294.5	191.6	166.8
Addison.....	44.1	37.3	35.5	34.8	32.9	30.2	25.3	24.4
Bennington.....	26.1	20.7	16.2	13.8	12.8	9.7	6.2	4.7
Caledonia.....	37.4	34.0	30.1	29.7	30.9	24.9	14.4	12.4
Chittenden.....	29.8	28.1	27.9	26.1	24.7	22.0	14.4	13.3
Essex.....	14.4	11.7	11.3	10.7	9.4	6.2	4.4	2.7
Franklin.....	36.2	33.6	36.1	35.3	34.8	32.9	25.6	22.9
Grand Isle.....	5.0	4.8	4.6	4.8	4.6	4.2	3.1	3.4
Lamoille.....	21.3	21.1	20.0	16.1	16.2	12.8	7.0	5.5
Orange.....	40.5	37.8	35.1	34.1	33.5	15.9	16.3	14.0
Orleans.....	37.7	36.8	36.0	35.7	36.2	32.5	22.0	19.9
Rutland.....	44.3	43.7	38.2	34.6	33.6	29.2	19.7	17.2
Washington.....	37.0	31.7	30.4	28.8	26.4	19.8	11.1	8.4
Windham.....	39.0	33.2	28.2	24.2	22.0	15.9	8.3	6.9
Windsor.....	53.8	46.8	40.0	28.0	34.6	28.4	14.3	11.2

Source: Census of Agriculture, 1910, 1925, 1935, 1940, 1950, 1964, and 1974. U.S. Department of Commerce, Bureau of Census.

NUMBER OF FARMS IN AGRICULTURE 1910-70

[In thousands]

State and county	Year							
	1910	1920	1930	1940	1950	1959	1969	1974
Vermont.....	32.7	29.1	24.9	23.6	19.0	12.1	6.9	5.9
Addison.....	2.7	2.4	2.0	2.0	1.6	1.1	.7	.7
Bennington.....	1.7	1.4	1.0	.9	.8	.4	.2	.2
Caledonia.....	2.6	2.3	2.1	2.0	1.6	1.0	.5	.4
Chittenden.....	2.2	2.0	1.8	1.6	1.3	.9	.5	.4
Essex.....	.8	.7	.6	.6	.4	.2	.1	.1
Franklin.....	2.7	2.3	2.3	2.2	1.9	1.4	.9	.8
Grand Isle.....	.5	.5	.4	.4	.3	.2	.1	.1
Lamoille.....	1.6	1.6	1.4	1.2	.9	.6	.3	.2
Orange.....	3.0	2.7	2.3	2.2	1.8	1.1	.6	.5
Orleans.....	2.8	2.5	2.3	2.2	1.7	1.2	.7	.7
Rutland.....	2.8	2.6	2.2	1.9	1.6	1.1	.6	.5
Washington.....	2.8	2.6	2.2	2.1	1.6	1.0	.5	.4
Windham.....	2.5	2.1	1.7	1.6	1.3	.7	.3	.3
Windsor.....	3.7	3.3	2.6	2.7	2.1	1.3	.6	.5

Source: Census of Agriculture, 1910, 1925, 1935, 1940, 1950, 1956, 1964, 1974. U.S. Department of Commerce, Bureau of Census.

THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE,
Washington, D.C., July 6, 1979.

HON. PATRICK LEAHY,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR LEAHY: We understand that you will be chairing the hearings on Tuesday, July 10, on S. 795 Farmland Protection Act of 1979. As you are aware, our Association supported similar legislation for a number of years. In view of our interest, we adopted LUNREQ 5, a policy position on farmland preservation at our last meeting.

I am attaching a copy and respectfully ask that you make our policy position a part of the hearing record.

Best personal regards.

Yours very truly,

JAMES B. GRANT,
Executive Secretary.

Enclosure.

NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE, 1978—
POLICY NO. LUNREQ-5

PRESERVATION OF AGRICULTURAL LANDS

The loss of prime, productive farmland is of great concern to agricultural leaders and to the public in general. Although there are situations in which the rate of farmland loss has diminished somewhat in the last two or three years, the very best farmlands continue to be selected for development. This loss of farmland threatens the economic viability of specific regional areas and the production of highly specialized crops. Since regional food production protects against catastrophic shortages due to weather and pest problems in other major agricultural production areas and since regional production protects the consumer against monopolistic-like pricing policies and extreme fluctuations in the prices of food commodities, it is beneficial to the nation to produce food, fiber and livestock near large consumer markets, thereby reducing transportation needs and lowering energy consumption.

Resolved, that The National Association of State Departments of Agriculture in convention in Columbus, Ohio, on September 13, 1978, agrees that member states should work to preserve farmland resources, should support efforts at the federal level to implement and fund pilot programs and to provide assistance to states wishing to study the problem of farmland preservation, should agree to share with other states the research data, experience and solutions achieved in working on similar programs, should continue to support all efforts at federal and regional levels to inform the non-farm public of the need to retain viable regional agriculture and of the economic environmental benefits derived therefrom by all citizens.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., July 12, 1979.

HON. JOHN MELCHER,

Chairman, Subcommittee on Environment, Soil Conservation, and Forestry, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to the July 10, 1979 hearing held by your subcommittee on S. 795, the proposed Farmland Protection Act. In lieu of personal testimony, the National Wildlife Federation requests that the contents of this letter be included in the official hearing record on S. 795.

The National Wildlife Federation (NWF) has its national headquarters at 1412 Sixteenth Street, N.W. in Washington, D.C. It is a private organization which seeks to attain conservation goals through educational means. Affiliates of NWF are located in all 50 states, Puerto Rico, Guam, and the Virgin Islands. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 4.1 million persons.

We are pleased to have the opportunity to comment on S. 795, the Farmland Protection Act. The National Wildlife Federation shares the concern of the bill's sponsors. From an environmental standpoint, the continuing loss of prime farmland to development is one of America's three most serious agricultural problems. (The other two, as we see it, are soil erosion and nonpoint pollution of streams and lakes.)

If the U.S. is to continue raising enough crops to feed not only its own population but to ship grains worth almost \$24 billion abroad (as it did in 1977), and if we are to safeguard the many environmental values associated with prime farmland, a viable national strategy is urgently needed to bring to a halt the average annual loss of one million acres or more of that land to highway and residential construction and to the development of shopping centers and industrial parks.

The Ninth Annual Report of the Council on Environmental Quality contains the following sobering reminder: "Loss of farmland . . . has environmental effects beyond the loss of crop-producing capacity. All open lands, including farmlands, help maintain local water supplies by absorbing precipitation and transferring it to the groundwater system. Open lands protect the hydrologic integrity of watersheds by controlling stormwater runoff and sediment damage, and they protect aquifer recharge areas and serve as buffers for water supply and other natural areas."

But it goes further than that. Open lands which absorb precipitation and transfer it to groundwater help reduce flood impacts (and the need for costly and often destructive flood control projects) while maintaining more consistent stream flows.

Next, to the extent that we eliminate prime agricultural land we stimulate the conversion of other natural areas into farmland. Since much of the replacement acreage has marginal agricultural value, more land and more energy, including fertilizer, are needed to replace the productive capacity of prime agricultural lands. Furthermore, this conversion inevitably exacerbates the already-serious soil erosion problem. Last, it frequently results in the loss of bottomland hardwood forests to crops such as soybeans and corn. In our judgment, it is far better to protect what we have already than to convert other natural areas—often prime wildlife habitat areas—to agricultural use.

Because of its great concern about this situation, the National Wildlife Federation highlighted it—in resolution form—as a major conservation issue at NWF's most recent annual meeting. An earlier resolution on the same subject was adopted by the Federation in 1975. Copies of both these resolutions, as well as two relevant articles featured in recent issues of NATIONAL WILDLIFE, are enclosed for your information and use.

In view of the above, it should come as no surprise that NWF endorses, in principle, the contents of S. 795. Like the sponsors of the legislation, the Federation is firmly convinced that:

(1) The Federal Government must develop a positive, responsible policy relative to productive farmland and stop supporting projects which result in the unwise conversion of such land without consideration of feasible alternatives.

(2) A serious study of our farmland situation nationally is badly needed. The development of a data base to assist local governments in making future decisions is a must. Much of this data is available but serious lack of coordination exists. We are pleased that the Administration recently launched an 18 month interagency study effort to help fill this void. (The National Agricultural Lands Study.)

(3) Demonstration projects, which might provide innovative and less costly avenues toward the maintenance of America's food and fiber production base, must be implemented.

(4) Technical assistance should be made available to numerous communities which might request such assistance but lack the resources to hire such assistance commercially.

Having said that, though, the National Wildlife Federation also believes that S. 795 can be improved in several ways. First, the bill is too production-oriented and needs to be broadened to include such subjects as soil erosion and soil fertility. This can be achieved by: 1) adding a definition of agricultural land quality to Section 501 of Title V that includes addressal of soil erosion abatement and enhancement of soil fertility; or 2) making it clear in the bill's legislative history that the term "agricultural land quality" includes consideration of the above subjects; or 3) both of the above.

Also, Section 2(a)(8) in "Findings" can be strengthened by expanding it to describe the principal environmental benefits accruing from protecting and properly maintaining agricultural lands. We recommend the substitution of the following new subparagraph 2(a)(8)(B):

"(B) enhance environmental quality by: (I) protecting hydrologic integrity of watersheds, (II) protecting aquifer recharge areas, (III) creating buffer zones for natural areas thereby enhancing fish and wildlife habitat, and (IV) reducing flood impacts while maintaining more consistent stream flows."

Next, NWF believes that S. 795 should clearly focus on the loss of agricultural lands and not cloud the issue by including range and forest lands in the definition of "agricultural land" contained in Section 501(1). The Federation takes the position that those subjects need separate attention. Their scope is too broad, both technically and administratively, to be adequately addressed in one bill. For example, both forestry and range matters cross departmental lines with both the Secretary of Agriculture and the Secretary of the Interior having major responsibilities. It seems to us, therefore, that the single department approach envisioned in S. 795 will not work. In our judgment, it would be wiser and make for a much tidier administrative package to address only agricultural (including pastureland) matters in the bill.

Hence, we recommend deleting the words "rangeland, or forestland" on lines 21-22 of page 18. However, we recommend adding after "crop" on line 2 of page 19 the phrase "and suitable fish and wildlife habitat."

There is one other part of the bill which, in our judgment, needs strengthening and that is Title I—Farmland Protection Policy. We are pleased that S. 795 contains a title intended to insure that activities of the Federal Government are consistent with the need to protect farmlands. Lack of a national policy in this regard is embarrassing, to say the least. In far too many cases, federal actions such as grant or loan programs for new highways, for industrial or residential development, or for power lines have paved over, covered over, or divided badly needed farmland. Title I gives all of us an opportunity to ensure that future rural development—at least where federal involvement is concerned—is planned in a manner to truly minimize the adverse impact on agriculture.

To bring that about, NWF believes there is a need to revise Section 102(a)(2) (A) and (B) to make it somewhat more directive. As presently worded, it is principally a “disclosure” section only mandating the development and display of alternative courses of action. In attempting to find a model to follow in developing reasonable substitute language, we turned to Executive Order 11988 on Floodplain Management (See Federal Register, Vol. 43, No. 29—Friday, February 10, 1978, pp. 46–51.) Thus, our recommended amendment which follows tracks the language contained in Section 2(a)(2) of that Executive Order:

“(2) If a federal agency has determined to, or proposes to, conduct, support, or allow an action to be located in prime farmland, the agency shall consider alternatives to avoid adverse effects and incompatible development of prime farmland. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Act requires development of prime farmland, the agency shall, prior to taking action,

(A) design or modify its action in order to minimize potential harm to the prime farmland, and

(B) prepare and circulate a notice containing an explanation of why the action is proposed to be located in prime farmland.”

With respect to Title II—Farmland Review Study, NWF endorses such a study. However, we question the continued need to mandate it in S. 795 in view of the Administration's recent “preemptive” action initiating an 18 month National Agricultural Lands Study by an interagency group.

In conclusion, we have a few minor technical or clarifying amendments to suggest:

Section 401(a)(1)

On line 16, page 17: Add the phrase “enhancing its quality” after “land.”

On line 21, page 17: Ditto.

Section 401(c)(1)

On line 7, page 18: Add the phrase “the quality of” after “protecting.”

Thank you for this opportunity to express our views on this important bill.

Sincerely yours,

THOMAS L. KIMBALL,
Executive Vice President.

Enclosures.

[Resolution No. 1]

MAJOR CONSERVATION ISSUES, 1979

An association of independent state organizations and their affiliated local groups, the National Wildlife Federation believes that an alert and fully-informed public will demand sound management of natural resources. Public education, therefore, is the solid foundation upon which conservation practices must be based. More conservation must be taught in the schools, emphasizing the science of ecology and the wise use and management of natural resources.

The National Wildlife Federation is firm in its conviction that contamination of the environment, related to a major degree with the production of energy, is among the paramount problems facing the Nation in this year and in this age. Consequently, convinced that pollution abatement creates jobs rather than costing them, this organization is dedicated to fighting environmental pollution by cleaning up public waters, by curbing chemical pollution, by enforcing clean air standards, and reducing waste of finite resources.

Achieving environmental goals is made infinitely more difficult by energy shortages. These shortages, with attendant price increases, aggravate problems of inflation and unemployment, result in imbalances of international trade, adversely affect production of food and fibre and manufactured goods, and create severe difficulties relating to transportation in addition to impacting on American

lifestyles. Consequently, the National Wildlife Federation feels that solutions to the short-term, intermediate, and long-range energy shortages must have a high priority among our nation's goals.

The National Wildlife Federation continues to view protective management of farmlands through sound land use practices and planning; the preservation of natural areas such as parks, wildlife refuges, and wildernesses; the conservation of wildlife, especially endangered species; the encouragement of world population control; and the stimulation of simpler life styles as primary objectives of the age.

It is in light of this background that the National Wildlife Federation invites the attention of all Americans to what it considers the major conservation issues of the year 1979:

Environmental Pollution.—Regulations designed to curb air, water, and toxic pollution are under attack from certain interests which disregard public health benefits and other values, alleging that these controls are inflationary and create unemployment. These interests, generally hopeful of lessening or removing governmental controls, are exerting tremendous pressure on the Congress and Executive Branch agencies. This organization, on the other hand, calls upon conservationists and environmentalists everywhere to join efforts in improving lax pollution standards, urging that strong clean air, clean water, and toxic substances laws be protected from weakening amendments and/or regulations and be fully and vigorously enforced. The Federation urges that particular emphasis be directed toward curbing toxic discharges, improving water quality, and protecting productive wetlands.

Endangered Species.—Many species of animals and plants are in danger or are threatened with extinction. The National Wildlife Federation feels that persons living in this age have responsibilities to future generations to ensure that as many species as possible are prevented from becoming extinct, either through man's direct actions or by indirect factors. Consequently, this organization strongly supports protection of land and water habitat required by endangered species. Further, the Federation recommends that the United States exert a vigorous worldwide leadership for reducing illegal international trade which may result in further losses of endangered species. This organization also advocates the early implementation of research and management programs designed to ensure that additional species are brought back from the brink of extinction.

Protecting Farmlands.—Productive farmlands, coupled with technical knowledge and dedicated efforts, enable the American farmer to produce far more food and fibre than this Nation requires and allow him to help feed the world. However, the National Wildlife Federation continues to be highly concerned about the continuing piecemeal losses of prime agricultural lands to competing uses and to erosion. Consequently, this organization strongly urges that farmers, governmental leaders, and conservationists work together to develop means such as tax exemptions, zoning laws, and open land laws as methods of ensuring that prime farmlands are set aside and retained for agricultural use under management principles in accord with sound soil and water practices, including those which provide for fish and wildlife.

Energy.—To meet needs for reasonable economic growth and adequate standards of living, while protecting environmental resources, the National Wildlife Federation calls for the Nation to adopt a strong national energy policy. This policy should be built upon the premise of energy conservation and more efficient use of existing energy supplies, coupled with a concerted national effort to publicize and promote the use of nonpolluting sources of energy such as solar. The Federation also encourages the adoption of a lower per capita energy consumption and more efficient use of all natural resources.

Conservation Education.—A sound understanding of the science of ecology and an appreciation for wise use and management of natural resources must be stimulated among school children through suitable educational projects. Such approaches provide the background for active roles as adults. Consequently, the National Wildlife Federation calls for the development and implementation of vigorous environmental education projects and programs at appropriate age levels. These projects and programs shall be such that they can be integrated into existing curricula using a multi-disciplinary approach.

Natural Values.—The National Wildlife Federation believes it is essential that natural areas, and the form of fish and wildlife which characterize most of them, possess values which must be protected through the establishment of wildlife refuges, forests, parks, recreation areas, and wildernesses. Consequently, this organization hereby expresses its conviction that suitable areas should be identified and set aside as soon as possible under governmental controls. Publicly owned lands, inland waters, and the marine environment should be managed in accordance with balanced, multiple-use principles.

Population Control.—The National Wildlife Federation continues to stress its recognition that an ever-increasing human population is a basic problem gravely influencing demands for natural resources. Thus, this organization offers its encouragement for the widespread adoption of the principle of population stabilization through education, tax incentives, and economic controls. The Federation reiterates its belief that humans deserve pleasant and productive lives spent in healthful and stimulating environments rather than merely struggling for survival.

Water Projects.—The National Wildlife Federation continues in its strong belief that the Federal Government must adopt and implement principles of a sound water policy, one opposing the construction of projects which fail to meet minimum economic, environmental, and safety criteria. In the overall public interest, the Nation must eliminate subsidies, inflated claims of benefits, and waste. Conservation and environmental values must be given sincere and honest consideration in all water project evaluations.

PRESERVATION OF AGRICULTURAL LANDS

Whereas, much of the country's farmland is an irreplaceable resource which should be protected and improved, both for its ecological significance and because of its contribution to the Nation's economy; and

Whereas, little progress has been made in developing a coordinated and unified approach to land use planning; and

Whereas, if the fate of agriculture and agricultural land is left entirely to a future land-use plan it is very likely that it will be too late to deal adequately with this extremely important land category;

Now, Therefore, be it *Resolved* that the National Wildlife Federation, in annual convention assembled March 14-16, 1975, in Pittsburgh, Pennsylvania, hereby supports the establishment of an agricultural preservation program; and

Be it further *Resolved* that this program be instituted before the agricultural industry and its open space are irreversibly decimated.

STATEMENT OF PHILLIP ALAMPI, SECRETARY, NEW JERSEY DEPARTMENT OF AGRICULTURE, TRENTON, N.J.

The current interest of government at the National level in protecting our farmland from conversion to nonagricultural uses is encouraging to those of us in the States who have been working on this matter for many years. My statement is intended to endorse the concepts set forth in the proposed legislation S-795 and to support that type of federal action to assist the States.

Let me share with you some of the views and concerns that we in New Jersey have in reference to the difficult problem of farmland protection. We have followed the efforts of the Congress over the years to take action to deal with the issue of the loss of farmland to development which is so much a problem in highly populated areas like New Jersey and the Northeast. It is encouraging to see the broad support of the cosponsors of this bill including Mr. Williams and Mr. Bradley from the Garden State.

S-795 embodies the very principles that I believe are needed at the federal level to meet the problems we in the States want to resolve. It does not infringe upon the rights of the States or local governments to continue to have absolute control of land use planning. Yet, it requires the full cooperation of the federal agencies to see that farmland is not devastated by federal actions.

I am concerned that this bill be supported because it indicates a federal awareness and intent to assist States in dealing with this matter of loss of farmland so critical to the continued agricultural viability of several regions of the nation. We in the Northeast are no strangers to this problem.

As you consider S-795, I hope you will increase the authorized appropriations in Section 504 so that the recipients will be able to conduct demonstration projects that are properly funded. This also suggests that the federal government should cost-share at least 50 percent of such project costs instead of the 25 percent now provided in Section 304.

In addition, depending on when this legislation is enacted, the time frame of the authorized appropriations should be reevaluated. However, I am suggesting that, as S-795 now provides, there should be little delay in providing the funds to the States. Moreover, funds allocated for a particular project, I presume, would be able to be used over the period of the project and not strictly within the year allocated.

Let me state now some background for my support of this bill and why we in New Jersey are so enthusiastic about this approach. My remarks, although oriented to my own State, will apply substantially to states across the nation where farmland is being converted. New Jersey has long been identified as a highly populated, urbanizing area between two of the nation's largest cities. While that is true, we are also known as the Garden State—and for good reason.

We produce a wide variety of crops—from soybeans to escarole—and in 1978, we ranked second nationally in blueberry production, third in cranberries and spinach, fourth in tomatoes and green peppers, and fifth in peaches and asparagus. Ornamental and horticultural crops, including sod, are a significant part of the strong agricultural activity in New Jersey.

All of this, and our livestock industry, which includes a thriving and increasing horse population, is being raised on our somewhat over one million acres of prime farmland. This is the same prime farmland that is the most sought after land for development to meet the housing and commercial needs of our growing population.

Yet, with all these pressures, New Jersey still has 21 percent of its land area in farms and another 42 percent in forests. At least in the land-in-agriculture category, this is no "happstance." We have worked hard to keep our agricultural heritage.

During the post-World War II years, we experienced a devastating loss of our best farmland as development mushroomed throughout the State. At one point, we were losing our farmland at the rate of 60,000 acres per year.

In 1963, the people of the State voted to give tax relief to farmland by approving, overwhelmingly, a constitutional amendment providing for a special use value assessment of land actively devoted to agriculture. The Farmland Assessment Act of 1964 provided our agriculture with a more equitable taxing mechanism that in my opinion, has been a major factor in reducing our loss of farmland to a recent average of approximately 5,000 acres annually. In numbers of farms, this meant losing only one farm every three days instead of the three farms a day we were losing in the '60s.

Our Farmland Assessment Act has become one of the models for similar legislation in approximately 30 other states in the nation. And yet, the problem of the loss of our prime farmlands—both in New Jersey and across the nation—continues at rates that are unacceptable when measured with our projected food and open space needs of the future.

Let me pause a moment to emphasize again that my remarks should not be construed as being rigidly parochial. New Jersey is the most densely populated State in the nation and as such we see the problem of population pressure on our farmland in more exaggerated terms and certainly years ahead of many parts of the country.

But we are looking ahead to the needs of the world and the nation as well as our own citizens. We have known for many years that we needed a more comprehensive plan in our own State to preserve our agricultural land and to retain the important regional food production capability which that land makes possible.

At the request of our Governor in 1971, I convened a Blueprint Commission on the Future of New Jersey Agriculture which, in addition to its 21 members, involved almost 300 other citizens. After two years of intense effort, a report was issued which outlined thirteen recommendations for action if our agricultural sector was to continue to prosper.

One of the major conclusions of the Commission was that the retention of a permanent land base is critical to the survival of a prosperous agriculture.

We have acted on most of the thirteen recommendations and have moved far enough in this area to know that there must be a national concern with the preservation of prime farmland. Obviously, with the pressure in the urbanizing areas of our nation, many states such as New Jersey will need federal assistance to implement the various types of farmland preservation efforts, while there is still time to do this. Such assistance is certainly in the national interest.

Others will testify before you as to many profound reasons for supporting S-795. Yes—our agricultural production is a needed tool in our international trade. Yes—we need the food and fiber we can produce on this irreplaceable farmland to support the growing population of our nation and our world. Yes—we need the oxygen and water recharge benefits and the aesthetic uplifting that this great natural resource can provide to our people—especially in areas already subject to population pressure and industrial development.

My reasons for supporting S-795 are quite simple. We in New Jersey have seen what can happen to farmland. We know it is in our best social and economic interest to keep this prime production land in agriculture and direct our very necessary development to other classes of farmlands. Prime farmland, wherever

it is, is an irreplaceable resource. You can't go to a supermarket and purchase even one square foot of it. We must not destroy or lose what is truly our most important lifeline—and our most precious nonrenewable natural resource.

We ask you to pursue the passage of this important legislation. This Act keeps the role of the states and the federal government in the proper perspective. It specifically does not authorize the federal government to regulate the use of private land nor to deprive owners of land of their rights to property or to income from the sale of property. It does not diminish in any way the rights and responsibilities of the states and political subdivisions of states.

Our very real concern is that we, working together, take steps now, at the national level, to assist those states who want to move ahead on this important journey. What we will learn will be applicable across the nation. The states without prime farmland preservation problems now will have them in the not too distant future. We urgently need the help and cooperation of the federal government that legislation like S-795 can provide.

Thank you for the opportunity to present my position.

NATIONAL ASSOCIATION OF REALTORS,
Washington, D.C., July 31, 1979.

HON. JOHN MELCHER,
Chairman, Senate Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Environment, Soil Conservation and Forestry, Russell Senate Office Building, Washington, D.C.

DEAR CHAIRMAN MELCHER: The hearing before your Subcommittee on S. 795, the Agriculture Land Protection Act involves a topic of continuing interest to the National Association of Realtors®. As a multi-faceted real estate trade association representing over 700,000 members, many of our members have specific interest and expertise in farm land transfers and management. With this in mind, we would like to take this opportunity to express our views on the pending legislation, S. 795. We would appreciate the text of this letter being included in the formal hearing record.

By way of background, the National Association of Realtors® is comprised of more than 1,780 local Boards of Realtors® located in every state of the union, the District of Columbia and Puerto Rico. Combined membership of these Boards is nearly 703,000 persons actively engaged in sales, brokerage, management, counseling, and appraisal of residential, commercial, industrial, recreational, and farm real estate.

In the development of any program involving the protection or management of private land, conflicts sometimes occur between the methods of protection and the rights of the private property owner. We feel that these rights can be compatible with the goal of preserving our nation's prime agricultural land, but private landowners must be assured of protection of their property rights under the program. Therefore we are pleased to note that the sponsors of this legislation have included Title V, Section 502, which recognizes and respects the rights and responsibilities of private landowners. Our Association would urge your subcommittee to retain this section and similar private land disclaimers in your consideration of the bill.

We are also concerned when dealing with this type of legislation about preserving the rights of state and local governments in developing public land policy. Section 104 of S. 795 appears to adequately address this issue by insuring that federal actions conform to the maximum extent possible with agricultural land retention programs established by the state or local unit of government concerned. We urge that Section 104 be retained in the legislation.

The concept of a farmland review study as outlined in Title II of the bill is, in our opinion, an appropriate step towards determining the causes of and possible solutions to agricultural land conversion. However, it may not be necessary to legislate a new Study Committee under the Secretary of Agriculture since the recent establishment of an inter-agency task force under the leadership of the Department of Agriculture and the Council on Environmental Quality to study the affects of and possible solutions to the problems inherent in agricultural land conversion. As an alternative to the Study Committee outlined in Title II of S. 795, this existing task force could be used as a foundation to Title II with additional responsibilities if deemed necessary described more fully during Committee consideration.

A preliminary outline of the major areas of study to be included in the task force report includes many of the concerns our Association has related to agricultural land availability. We are especially pleased that the USDA/CEQ group has chosen to identify actions local and state governments have taken to maintain or increase agricultural land availability. REALTORS® feel very strongly that the preservation of agricultural land may be best accomplished on the state and local level. In light of the variance in climate, soil and demographic patterns found within each state, locally tailored programs may be better equipped to respond to regional imbalances in land development patterns. In fact, a survey of the various states across our country shows that while some areas do indeed have problems resulting from agricultural land conversion, other states have not been detrimentally impacted by this phenomenon.

The National Association of Realtors® would like to voice our concerns with Title III of S. 795, which establishes federally funded demonstration programs. Although we applaud the sponsor's initiative in reducing the scope of federal involvement in these demonstration programs as compared to last year's bill, we are nevertheless constrained to voice our opposition to such funding prior to the study's completion. To fund demonstration programs before the Committee's work is done may lead to unnecessary and misdirected expenditures of federal funds. In addition, our increasing federal deficit makes it essential that even relatively minimal federal spending programs, such as envisioned in S. 795, be thoroughly examined prior to implementation. We must therefore urge that Title III of S. 795 be deleted during subcommittee consideration.

In accordance with our opposition to federal funding for demonstration programs before a thorough study of the problem of agricultural land conversion has been conducted, we must urge that the authorization for appropriations found in Section 504 of S. 795 be deleted. We have noted that the House Subcommittee on Family Farms, Rural Development and Special Studies of the House Agriculture Committee did make an effort to change the thrust of the House bill, H.R. 2551, in this direction by deferring the availability of funds for demonstration projects for one year. Although this delay would allow for a period of time in which the results of the Study Committee's efforts could be examined, we would prefer that the funding authorization be struck until such time as the study is completed and congressional committees have received reports.

Finally, our Association offers its support for Title IV which calls for a technical assistance program administered through the Soil Conservation Service of the U.S. Department of Agriculture. Since the Soil Conservation Service is well-established in nearly all areas of the country, unique local and state agricultural land loss may be more readily recognized and curtailed.

Thank you for your consideration of the views in this letter. If you have any questions, please contact either Tom Franks, our Director of Environment and Energy or me at (202) 637-6800.

Sincerely,

ALBERT E. ABRAHAMS,
Senior Vice President, Government Affairs.

STATEMENT OF ROBERT GREENSTEIN, FARMLAND PRESERVATION DIRECTOR,
CHARTER TOWNSHIP OF CANTON, CANTON, MICH.

Chairman Melcher and Members of this distinguished Subcommittee:

Canton Township, Michigan is located in western Wayne County, just west of the City of Detroit, the largest city in Michigan. Canton Township is presently under heavy development pressures and is one of the fastest growing communities in Michigan. Canton is a rich farmland area. In 1976 the Township adopted a Land Use Plan designed to preserve 6500 acres of prime agricultural land. With this farmland preservation goal in mind, it is a pleasure to submit to this Subcommittee Canton's comments regarding the proposed Farmland Protection Act (Senate Bill 795).

The Canton Township Board has selected me, Robert Greenstein, an elected trustee of the Township, as the Farmland Preservation Director. It is my responsibility as the Director to develop a strategy to implement the 1976 Land Use Plan by preserving agricultural lands in the western portion of the Township.

Only a few years ago, Canton Township was considered to be a sweet corn "capital" of southern Michigan and almost its entire thirty-six (36) square miles was actively engaged in farmland production. Development processes in the eastern portion of the Township escalated with the announced construction of the I-275 Freeway through the Township and with the introduction of utilities. In 1973 the Township began to prepare a Land Use Plan to guide public and private investments in the community. I along with others in the Community were intensely active in an attempt to save agricultural lands from being developed. It was in this struggle that the problems of preserving farmland in the urban areas of this Country became known to me.

As you are no doubt aware, the United States Department of Agriculture has estimated that between 1953 and 1973, over 117 million acres of prime agricultural land—an amount equal to all farmland within the States of New York, Pennsylvania, Wisconsin, Ohio, Indiana, Illinois, and Michigan—fell under the developers' bulldozer. That trend continues unabated, with between 1.5 and 3 million of the best farmland in the world being converted to urban development each year. In Michigan the story has been the same: at the end of World War II, Michigan had about 18.5 million acres of land in active agricultural production; by 1969 that total had fallen to around 6.6 million acres—a devastating loss by any standard of measurement. The Michigan Department of Agriculture in a report entitled "Michigan-Agricultural Land Requirements—A Projection to the Year 2000 A.D., conservatively estimates that in the year 2000 Michigan will need approximately 8 million acres for agricultural production—some 1.4 million more acres that were available in 1969. And, of course, given the trends of the 20 year period between 1950 and 1970, it is likely that only about 4.7 million acres of land will be in agricultural production at the turn of the century—a shortfall of 3.3 million acres or about 41 percent.

These figures are critical because Michigan is already dependent on outside sources for basic foodstuffs. We produce only about thirty-seven point four (37.4) percent of the wheat needed in Michigan, twenty-eight (28) percent of soybeans and hogs, sixty-five point three (65.3) percent of the corn, Seventy point four (70.4) percent of the potatoes, twenty-one (21) percent of the cattle, and forty-six point seven (46.7) percent of the eggs we consume. Now, while I am not going to argue that every State and locality needs to be essentially self-sufficient in terms of its basic food requirements, I think that it is clear that some modicum of basic self-sufficiency is dictated by this era of rising fuel and transportation costs, which as you well know, play an ever-increasing role in the cost of food to the consumer. And it is clear that these costs are going to substantially increase over the next twenty (20) years.

Moreover, I think the available evidence is such that we cannot expect technological advances to accommodate these shortfalls by enabling us to produce more food on less and less land. Certainly improvements will continue to be made, but there are finite limits to what can be accomplished, and recent trends indicate that we may very well be approaching those limits today. And indeed, these "improvements" do not come without a price. We are all aware of the extremely negative long-term consequences which stem from an over-reliance on the chemical fix: depletion of the soil, the disruption of the natural ecological balance, and, as we have begun to see in California and other areas heavily dependent on irrigation, an increase in salinity levels so severe as to make commercial farming a marginal proposition, if not altogether impossible. In preparing the Canton Land Use Plan, establishing the need for preserving farmland was not difficult. However, accomplishing farmland preservation was another matter. The fundamental reason underlying this massive depletion of our greatest natural resource is the simple fact that in most areas of the country—Canton included—farmland is assessed not in terms of its true agricultural value, but in terms of its speculative value as residential, commercial, or industrial property. These artificially high assessments lead to higher taxes—not just property taxes which pose a continuing burden, but inheritance taxes, which are often so high as to force the selling-off of the family farm so as to be able to pay those taxes—a totally inequitable and socially-destructive outcome. And make no mistake about it, once agricultural land has been converted, it is practically impossible to ever reclaim it for farming purposes. Moreover, once a family sells out, they rarely, if ever, are in a position to repurchase their farms.

In addition to the tax problem there were also other problems. These problems revolved around providing equity to the farm family that supported through their taxes community facilities and utilities in the urban portions of the Township. Constitutional questions of due process and confiscation had to be addressed.

Thus, it was concluded that the only viable, equitable and cost-effective approach to preserving agricultural lands in Canton would be for the Township to purchase the development rights to these parcels, which aggregate to approximately 6,500 acres, and to otherwise leave the ownership of the land in the hands of the present owners. In addition, the Township proposed a new zoning ordinance which would foster the goals of this development rights acquisition program by limiting dwelling unit densities to one per forty (40) acres and by limiting acceptable economic activities within the zone to general and specialized agricultural purposes. The cost of acquiring the development rights for the parcels involved was estimated in 1970 to be about Twenty-Four million dollars.

It is absolutely vital to understand that it is not Canton's position that the United States Congress should fund the purchase of development rights for every acre of agricultural land in the United States. Aside from being literally impossible to accomplish financially, such a scheme is in no way necessary or even desirable. It is our belief from many years of documentation and study, that the only development rights which need be purchased are located in the urbanizing areas which have experienced development of a concentrated nature and which borders upon undeveloped lands which would ultimately come under substantial developer pressure but for the preservation of the bordering agricultural lands. Therefore, the need to purchase development rights should be severely limited to those lands which meet the above qualifications. All other agricultural lands not yet impacted by development should be saved immediately through zoning of a permanent nature and taxation of the land at a level indicating its agricultural use and not, as it is today, taxed as future developmental property. It is our further belief that the Congress could make the sale of development rights by the farmer to the local municipality far more attractive by working into the Income Tax laws of this country provisions similar to that given oil companies and industry by way of tax credits or other favorable treatment to encourage sale of development rights only in impacted areas.

Now let me turn to what Canton regards as some of the major benefits which would accrue from saving farmland in the Township. First, in terms of the benefits to the farmers involved, we believe that lowering the value of this land through the purchase of the development rights will lower their tax burdens and make farming more economically viable and practical. Second, because of payment for their development rights, our farmers would have a large new source of capital with which to further upgrade the quality and efficiency of their operations, thus helping to assure their competitiveness and viability in the long run. Third, by reducing the value of the land, estate taxes could only be collected on the actual agricultural value of the land, thus reducing this tax obligation as well. Moreover, a farmland owner who distributed a portion of his estate during his lifetime could further reduce the tax obligation on his estate. Obviously, this benefit has a social value as well, since it would be likely to assure the continuation of family farming as a viable enterprise.

Turning to the benefits to the Township as a whole, this proposal would assure the continuation of agricultural activities, thus making a positive contribution to our economy and to the general desirability of the community, since open space and agricultural lands improve the quality of life for all residents of the community. And certainly, the availability of home-grown fruits and vegetables, and the ability to travel just a few blocks to purchase farm-fresh products is a value which is not inconsequential.

Perhaps the most amazing, politically significant outcome of all the studies, technical assistance, research and preparation accomplished by the Charter Township of Canton will be the implementation of this plan (aside from satisfaction of all critical social needs) and, perhaps for the first time in governmental history, effect an actual and significant tax savings on a local level by prohibiting full development and saving the farmland, instead of allowing total development. It must be noted, at this point, that the impact on local governmental operating budgets are directly and immediately effected by farmland preservation, far greater than can ever be realized on a county or state level. Since local government operating expenses increase on a per capita basis as the population increases, and cost of all mandated services are borne by local municipalities, a direct tax savings to local residents is extremely significant. (See attached study Wade, Trim & Associates—Impact, 1976). Given Canton's status as the fastest growing area in the Detroit area, a significant tax savings to its citizens through the preservation of farmland should be even more notable than in other areas. To summarize our findings concerning tax advantages to the people of Canton Township and the citizens of other local municipalities by supporting farmland preservation, we calculate that

the average single family homeowner in Canton Township of any other municipality with the same program will save in excess of twenty-five (25) percent tax savings over the next thirty year period. Such a savings would be clearly demonstrable in any Federal follow-up study of the Canton program should Federal assistance be obtained by this municipality. Since Canton Township has been actively engaged for the last six years developing strategy, studies, a complex master plan, zoning ordinance, fiscal impact study, extensive growth management studies, we are convinced, and believe we can show to you that the people of Canton Township are also convinced, that the suggested approach makes substantial economic, environmental and aesthetic sense. As a proposal which looks directly to the future, to greater local self reliance in an era of scarce and expensive fossil fuels and to a re-dedication on a local level to a commitment to the family farm, the question has been presented in a number of ways to the people of Canton Township. Their response has been overwhelming.

In the mid-decade census which was conducted under the direction of the Michigan Secretary of State, under a special State statute, the people of Canton Township responded to the question "Would you like to see Canton retain its agricultural areas?" as follows: Yes 3,403—No. 85. In 1976, a referendum was submitted to the people of Canton Township by ballot. The response was again overwhelming to the question of whether or not the people wish to retain agricultural lands within the Township. The results: Yes 3,054—No. 878. In 1979, the Canton Chamber of Commerce conducted a poll of the citizens of Canton Township and determined that in excess of eighty (80) percent of the residents of Canton Township wished to retain agricultural lands within the Township. I believe that we are able to submit to you clear proof that an activity which began in 1973 has in no way lost support, but has continued to gain support and commitment as our population continues to grow. The approximate population of the Charter Township of Canton in 1979 is 40,000 people.

As it now can be fairly implied that the citizens of our community have become extremely supportive of the proposition of saving farmland. I believe it is proper to look at the official positions as indicated on a State, Federal and Local level. Many of the Federal departments have recently indicated active support for the proposition of preservation of agricultural lands, not the least of which is the Environmental Protection Agency whose Director, in a recent communication, has dedicated his entire department to aiding and assisting in that activity. Many other Federal departments have within the last year also indicated the same position. The Secretary of Agriculture has issued a position paper stating that the Farmers Home Administration for the State of Michigan has recently announced its full commitment to following the Secretary's policy. Recently, the Charter Township of Canton had submitted its fully developed farmland preservation program to the Michigan Department of Agriculture and on May 9, 1979, received a written response from Mr. Dean Pridgeon, Director of the Michigan Department of Agriculture. That response is extremely favorable and is hereby attached hereto and made a part hereof.

THE CHARTER TOWNSHIP OF CANTON AND SENATE BILL 795

Mr. Chairman: I should like now to draw the committees attention to the facts that we on the local level of government perceive a relationship to your proposed bill and to somehow express to your committee the dire urgency of federal help. We believe that many local communities are in a death race with the developers' bulldozer. Canton Township has actively pursued the goal of farmland preservation since 1973. We have come to realize, however, that the actual innovativeness and newness of the concept has placed our Township in the position of desperately needing federal assistance in order to once and for all prove that the purchase of development rights to save farmland in an already impacted developed area is not only a sound fiscal program, but will also resolve in the savings of non-impacted farmland in abutting jurisdictions without the need to purchase development rights at further cost.

The Charter Township of Canton may be the only local municipal government which is prepared today to immediately begin a program of agricultural preservation through the purchase of development rights so as to totally accomplish the entire program within the three year limit of Senate Bill 795. Canton Township is the only local community which could be the subject of thorough study so as to afford the Department of Agriculture reliable data and truly become an effective demonstration project for other local municipalities. The test results using a local community such as Canton Township will very quickly provide conclusive data

on a potential strategies impact on a municipalities economy, taxes, population growth, compatibility of urban and agricultural uses within the same community, financial feasibility on a local basis and the economic effect on the individual farmer and the non-farmland owner within such a community. Such a study would also clearly show local government capital expenditures, local government operating costs, impact on school districts and their funding as well as enumerable other tangible and intangible results.

In my judgement, one of the greatest reasons to make certain that local governments such as the Charter Township of Canton are given an opportunity under Senate Bill 795 is that we believe we can demonstrate to the entire country the effectiveness of containing Urban Sprawl by preserving farmland in a highly impacted area and preventing further farmland destruction on our borders. We believe the effect of such containment would be to force builders and developers backwards toward the inner, core cities—in effect traveling the same ground which originally brought them out to suburban and farmland areas—recreating better housing and living conditions as they go. We believe the ultimate impact of refusing to allow builders and developers to take more farmland for development would be to guarantee a better quality of life for the low and middle income families of this country. It is clear that builders and developers will not stop the construction in development merely because they are excluded from virgin farmland.

We believe that it is clearly demonstrable that, given no other alternative we will proceed to reinvest and rebuild in older urban areas which so desperately need their attention. We further believe that this type of development strategy makes superior policy; especially when it is made clear that the older urban areas of our country already possess all of the utilities, roads, sewers which builders and developers now find so very costly and prohibitive to construct. Rarely does one bill have the effect of meeting so many of our nations critical needs such as preserving agricultural land, containing Urban Sprawl, impacting favorably on the energy problem, improving the quality of life, and all without the necessity of substantial interference with private enterprise or huge input of Federal dollars. It is exciting to become a part of legislation which has direct benefit to the urban dweller, the suburbanite and the farmer without further increasing unduly the complexity of government.

I would like to take an opportunity to make a further point with reference to municipal government. It has been our experience on a local level that it is often impossible to gain agreement (whether for sewer projects, transportation projects, or other governmental functions) from the various regional councils of government which often include as many as four hundred (400) governmental units such as in the Detroit Metropolitan region. It should be further noted that counties have exactly the same problem trying to satisfy the needs of each of their local governmental units. However, a local government such as Canton Township deals with one small governmental group and such programs as the Farmland Preservation Act can be much more easily accomplished, both politically and economically. It is far more realistic to attempt such a program with a local governmental unit. It should be further noted that such a local government is far more easily studied and the results interpreted.

Title IV of the bill allows for a technical assistance program which would provide financial assistance to states and local governments to develop plans and methods for protecting agricultural land. The Charter Township of Canton has spent in excess of six years formulating its farmland preservation strategy using the most updated technical assistance available and often with Federal Funding. The Charter Township of Canton is ready to go today. Under Section 303 (A) (1) and (2) the bill calls for timely information to be reported back concerning the results of a broad range of demonstration programs. The Charter Township of Canton can begin almost at once with such information reporting since it will not be necessary to spend one or two years studying the feasibility and planning of the project.

The Charter Township of Canton wishes to call to the Committee's attention that Section 303 (a) (2) of the bill gives priority to demonstration projects which provide the secretary of agriculture with a broad range of projects to study in terms of geographic locations. Once again I wish to state that the Charter township of Canton, to our knowledge, is the only local municipal government to act under this bill.

The Charter Township of Canton would also like to respectively make suggestions which can only serve to improve Senate Bill 795. First, it seems that the Twenty-Five (25) percent assistance maximum as stated in Section 304 (a) will serve to eliminate the smaller units of local government, thus limiting the broad

geographic range of program as described in Section 303(a)(2). I would suggest that the assistance maximum be raised to fifty (50) percent for demonstration projects. Secondly, the provision that no more than fifteen (15) percent of the appropriated funds may be used with respect to any one project being carried out under Title III (Section 304(b)) also tends to limit the participation of smaller units of local government. I would suggest that twenty (20) percent of the appropriated funds is a more desirable figure which will increase the geographic range of demonstration projects. And, finally, it would seem that proposed demonstration program projects that have already developed a technical plan for implementing methods of protecting agricultural land and reducing the quantity of such land being converted to non-agricultural uses could be given priority under Section 303 of the Farmland Preservation Act.

Mr. Chairman: We should like to respectively cite the following addenda which is attached to this presentation for your information and study. You will find a compilation of six years, of technical assistance studies which range from a comprehensive land use plan to extensive growth management studies and economic analysis. In order to save space in this presentation, we have reproduced title pages of said studies and have indicated the number of pages contained in each. The Charter Township of Canton is prepared to furnish this material to your committee should you feel the need for the same.

Mr. Chairman: I cannot tell you how pleased I am personally, and how encouraged is my community that after all these years, the Federal government has taken an active interest in an area that we believe may deal with the ultimate issue of survival of the people of our nation. Without the products from our land, this nation, indeed the world, cannot long last.

Thank you for this opportunity to address the committee. I would be happy at this time to entertain any questions which you may have.

**MICHIGAN AGRICULTURAL LAND REQUIREMENTS—A PROJECTION TO 2000 A.D.
BY THE MICHIGAN DEPARTMENT OF AGRICULTURE—B. DALE BALL, DIRECTOR**

Michigan residents share with all United States citizens unique access to abundant supplies of nutritious and appealing food, available in quantities at levels of quality and price which amply satisfy public demand. Agriculture in Michigan is popularly known for a few crops such as dry beans, cherries, mint, cucumbers, and apples; however, commodities which are far more important in terms of acreage utilized, dollar value, and contributions to human nutrition are cattle, corn, wheat, hogs, and dairy products.

In order to ensure that the growing population of the state will continue to have adequate supplies of desirable foodstuffs in the future, food demands and production capabilities must be forecast and a land use plan created to assure adequate production for anticipated food needs. Based on the assumptions listed below, the Michigan Department of Agriculture puts the public and planners at all levels on notice that a certain minimum acreage of the lands which are today considered agricultural must be reserved exclusively for agricultural cropping purposes in the future.

To identify the amount of land that will be needed, the MDA made calculations based on very conservative estimates and projections. The projected agricultural land need is understated to the extent that the assumptions are conservative. The necessity of stopping encroachments upon agricultural lands is strongly underscored by the conservative bias of this estimate.

ASSUMPTIONS

1. Although agricultural technology will advance to a point well beyond current technology, society will continue to impose limitations which will limit per acre yields during the remainder of this century to what are essentially today's levels.

2. There will not be significant changes in consumer food preferences or consumption rates during the rest of this century.

3. Through the year 2000, Michigan agriculture will continue to produce the same proportion of foodstuffs per capita, for both the state and the national markets, as it does at this time.

4. Michigan will have the same percentage of the national population in 2000 AD that it had in 1970; the U.S. Bureau of Census' lowest projected fertility rate (1.8 births per woman) is reasonable, and there will be a continuation of 1960 to 1970 gross migration trends.

5. There will be no severe economic depression, major war, or other similar catastrophe.

Projections of agricultural land needs made by other analysts and planners appear to rely heavily upon an assumption not a part of this projection: that agricultural technology will continue to increase yields so that increasing amounts of foodstuffs can be produced on fixed acreage or that a constant amount of foodstuffs can be obtained from a diminishing number of acres. The Michigan Department of Agriculture believes that such an assumption is unreasonable, not because the technology will not be discovered, but rather because society has shown an increasing disposition to assert constraints upon such technology. Prohibition of agricultural use of DDT and many other pesticides, and the probable complete prohibition of diethylstilbestrol, are recent and well documented cases which illustrate the character of social constraints now being imposed. Similar constraints will increasingly affect agricultural uses of plant nutrients, water for irrigation, farm drainage and flood control, energy, and disposition of wastes. The Michigan Department of Agriculture does not believe that environmental concerns of paramount importance today will be considered unimportant in the future.

Other projections have estimated a need for as little as 2.5 million acres of crop land in Michigan in the year 2000. These projections have probably been based on assumptions of rapidly increasing per acre yields, extrapolation of the historic trend of agricultural crop land in Michigan since World War II, and an assumption that Michigan citizens' food needs will be increasingly provided from sources outside the state. As shown in Figure 1, a curve fit mathematically to the points which describe the history of agricultural land use in Michigan since World War II suggests that in the year 2000 we will have 2.5 million acres of agricultural crop land. Were we to arrive at that acreage, our ratio then of four humans to one acre of agriculturally productive land would be substantially higher than the ratio of humans to crop acres in Taiwan today. Massively increased amounts of foodstuffs would have to be imported into Michigan if our diet in the year 2000 were to avoid taking on the characteristics of today's diet in Taiwan.

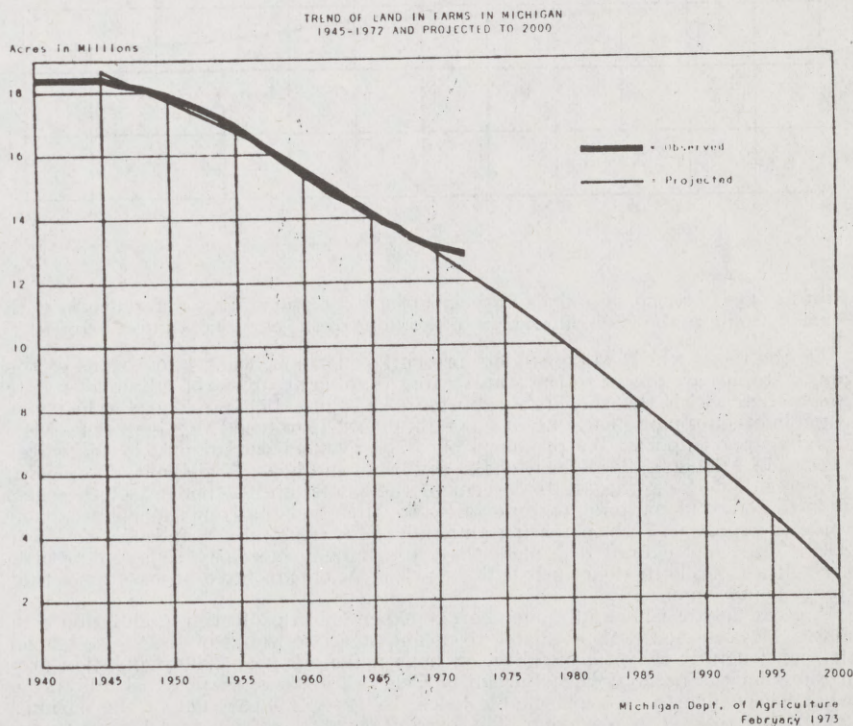


FIGURE 1.—A projection based on historical data commencing in 1945 and terminating in 1972, produces a much steeper slope than figure 2.

Based purely on historical data points and the quadratic equations derived therefrom, as illustrated in Figure 2, total "land in farms" projected to the year 2000 continues to diminish to approximately 8.5 million acres. On the other hand, acres in "harvested crop land" reaches a minimum about 1996 and then commences a gradual rise to 4.7 million acres in the year 2000. It is worth emphasizing that neither of these curves considers rising population nor a static yield projection. They are purely and simply based upon agricultural history in Michigan over the past quarter century.

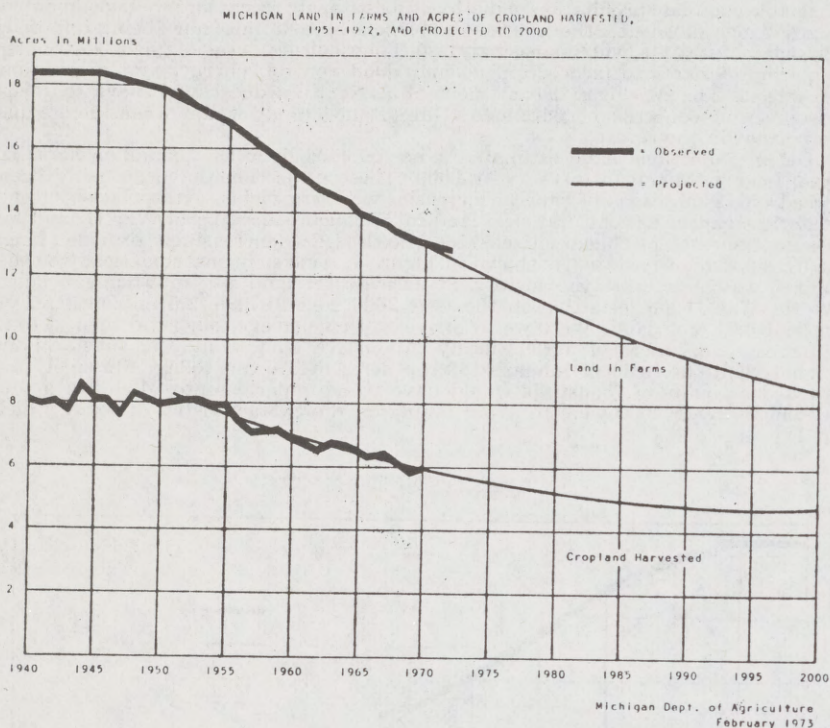


FIGURE 2.—Is based on only a 20-year observed history. This difference in data base produces the wide differences in the slope of the curves of figures 1 and 2.

Of the foods which Michiganders presently consume, what proportions of the major staples are grown in the state? More than eight times the edible beans are grown here, with the surpluses exported. And the Michigan dairy industry is capable of supplying nearly all of our milk needs. However, Michigan relies very heavily upon imports: We produce only 37 percent of the amount of the wheat needed in Michigan, 28 percent of the soybeans and hogs, 65 percent of the corn, 70 percent of the potatoes, 21 percent of the cattle, and 47 percent of the eggs. It is therefore of paramount importance to Michigan that our sister states continue to supply us with increasing amounts of foodstuffs up to and past the year 2000. This they cannot do unless they, too, move vigorously today to reserve agricultural lands in their jurisdictions; we in Michigan have no assurance that this is being done.

A great deal of time and money can be expended in projecting population estimates. Because neither is available to us and since we would prefer to use official data of generally accepted validity, we have made our year 2000 population projections on the basis of U.S. Bureau of Census forecasts, factored as follows on what we believe to be a reasonable basis. In 1940, 3.98 percent of the nation's population resided in Michigan. The percentage rose in 1950 to 4.13 and again in 1970 to 4.27. Projections by the Bureau of the Census indicate that in 1990

the percentage will have risen to 4.5.¹ To maintain the conservatism which underlies the projections of this paper, however, we will continue to project a percentage of 4.27 to the year 2000. The Bureau of the Census² has projected births per woman at four widely differing rates: Series C=2.8, Series D=2.5, Series E=2.1, and Series F=1.8. Use of these series produces projections of national population in the year 2000 at 300.4 million, 285.9 million, 264.4 million, and 250.6 million respectively.

By way of comparison with our work, the Great Lakes Basin Framework Study,³ utilizes Series C for its calculations. We selected Series F, the most conservative series, and computed a figure of 10.704 million residents of Michigan in 2000 by multiplying the projected 250.6 million Americans by the Michigan percentage of 4.27. An increase of 1.829 million residents of Michigan is thus projected over the 8.875 Michiganders of 1970. The figure of 10.704 million is, incidentally, the lowest projection we have seen of the Michigan population in 2000.

The U.S. Department of Commerce, Bureau of the Census, in cooperation with the U.S. Department of Agriculture, conducts censuses of agriculture at five year intervals. The most recent such census in Michigan, conducted in 1969, identified 5,501,729 acres of harvested crop land and 1,090,891 acres of crop land used only for pasture or grazing; these two figures add to 6,592,620 acres of crop land in Michigan in foodstuff production.

Excluded from the 6,592,620 figure are 1,987,771 acres of crop land identified with soil improvement crops, crop failure, cultivated summer fallow, and idle crop lands. Neither have we included either 1,843,581 acres of farm woodlands (whether pastured or not) or 1,476,717 acres now being used for house lots, barn lots, ponds, roads, wasteland or pastureland other than crop land and woodland pasture.

This has been done, again, in the interest of conservatism even though it is apparent to an agriculturalist that the 75,000 farms in the state require about five acres each for the house and barn lots incident to the farming operation—more than a third of a million acres—and virtually every farm utilizes some lands in field roads or ponds, while substantial numbers have swamps or gullies which render some lands unusable.

Using the premises thus developed, we can project the Michigan agricultural land need in the year 2000 from the equation:

Michigan population in the year 2000 over Michigan population in the year 1970 times Michigan harvested, pastured and grazed crop lands in the year 1969 equals Michigan harvested, pastured and grazed crop lands in the year 2000.

10,704,000 over 8,875,000 times 6,592,256 equals 7,951,256.

The case, then is clearly and conservatively made for reserving 7,951,256 acres for agricultural production in the year 2000. But, will there be nearly eight million acres of agricultural crop land available in Michigan at that time on which to grow foodstuffs for our grandchildren? The stark and unpleasant truth of the matter is that there will almost certainly not be.

The 1969 Census of Agriculture identifies 11,900,689 acres of land in agriculture in Michigan. We have taken the decidedly conservative position that 1,987,771 acres of "All other crop land," 1,476,717 acres of "All other land," and 1,843,581 acres of "Woodland including woodland pasture" have no food production utility.⁴ These increments of land sum to 5,308,069 acres and that number subtracted from the 11,900,689 acres of agricultural lands of all kinds indicates that there were only 6,592,620 acres of suitable agricultural land available in Michigan in 1969 for the growing of foodstuffs—a deficit 1,358,636 acres as against the projected need of 7,951,256 acres in the year 2000.

¹ U.S. Department of Commerce, Social and Economic Statistics Administration, Bureau of the Census, Series P-25, No. 477, March 1972.

² U.S. Department of Commerce, Social and Economic Statistics Administration, Bureau of the Census, Series P-25, No. 493, December 1972.

³ Great Lakes Basin Framework Study, Appendix No. 19, Economic and Demographic Studies, September 1972.

⁴ Timber production needs are not included in this MDA study, which is limited to food production needs.

Does this mean that the Michigan Department of Agriculture believes there will be famine in Michigan in 2000? This is a possibility, and we view the situation with utmost concern. Returning to and reviewing our initial assumptions, we find that a number of things might happen to forestall severe, protracted and widespread food shortages:

1. If famine should seem likely, society may relax constraints on application of food production technology, even though the constraints were originally imposed in hopes of precluding environmental damage.

2. We may be willing to accept changes in our food preferences away from meat protein sources and toward alternative vegetable protein sources, or less protein altogether.

3. Michigan may become a more thoroughly food deficient state and import from our sister states and foreign countries a greater proportion of our foodstuffs per capita than at present. This presupposes, of course, that those states and countries will have surpluses and that Michigan will have the wealth to import them.

4. Michigan may lose part of its population, the projected fertility rate may drop below 1.8 births per woman, and migration into Michigan may cease.

5. Though it is an undesirable direction from which to accept help, war or another catastrophe may diminish the population which must be fed in Michigan in 2000 AD.

6. Lastly, any acute food shortage of significant duration will be accompanied by sharply rising food prices. It will then become economic to farm some lands classified in the 1969 Census of Agriculture as "All other crop lands." It may also be that persons who know how and possess the capability will undertake labor-intensive growing of foodstuffs for their own personal use.

It is of absolutely critical concern that conversions of agricultural crop lands stop immediately. Analysis of the actual Michigan land inventory when it becomes available will make possible a more detailed sequel to this initial position paper. We will then expect to identify specific areas where land must be preserved for agricultural use.

The essential and emphasized conclusion to be drawn from this initial study is that land use plans for Michigan must not further reduce land available for intensive agricultural production in the state. The specific identity of the required minimum of 7,951,256 acres—some of which must necessarily come from those categories of land acknowledged to be inferior—must be performed quickly, and a statewide land use plan must be adopted which will ensure the continued availability of these lands for agricultural production.

PURCHASING DEVELOPMENT RIGHTS VERSUS COST FOR SERVICING 100,000 PEOPLE

Development rights	Services	Standards	Unit needs	Capital expenditures		Operative expenditures per year	
				Cost per unit	Total capital costs	Cost standards	Cost per year
AG-Ind. acres, \$5,665	Elementary	1 per 672 students	10	\$1,535,350	\$15,353,500	\$883 per pupil	\$13,245,000
	Middle school	1 per 800 students	4	\$3,600 per student	12,240,000		
	High school	1 per 2,000 students	2	\$3,600 per student	16,200,000		
Average cost per acre, \$2,824	Fire protection	1 station per 4 mi. ²	2	\$400,000 building and equipment	800,000	\$50.81 per capita for safety.	5,081,000
Total cost, \$16,000,000	Police protection	Central police station	1		1,064,000		
	Library	0.4 ft ² per capita	40,000 ft ²	\$38.45 per square foot	1,538,000		
	Recreation land required	10.5 acres per 1,000 population	1,050 acres	\$5,000 per acre	5,250,000		427,000
	Recreation land improvement		1,050 acres	\$7,000 per acre	7,350,000		1,400,000
	Sewer capacity	1 CFS per 2,500 people	40 CFS	\$100,000 per CFS	4,000,000		
	Garbage collection					\$1.80 per family per month.	583,200
	Administrative		33,000 ft. ²	\$40.	1,320,000		3,252,087
	Utility maintenance	84,000 lin ft per 640 acres	11 mi. ²			\$0.40 per lin foot per year.	389,600
	Street lights	84,000 lin ft per 640 acres	11 mi. ²			\$162 per year per 180 ft of street.	831,546
Total					65,115,500		25,189,433

Source: IMPACT, a division of Wade, Trim & Associates, January 1976.

STATE OF MICHIGAN,
DEPARTMENT OF AGRICULTURE,
Lansing, Mich., May 9, 1979.

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45192 Ford Road,
Canton, Mich.

DEAR MR. GREENSTEIN: On behalf of all of us who attended last Monday's departmental staff meeting, I thank you and Mr. Manore for a most interesting presentation on the Canton township master land use plan and proposal for preservation of the township's remaining farmland.

We were particularly impressed with the concept under which farmland in established industrial-agricultural zones would be assessed for taxing purposes as farmland and not on the basis of its development potential. Purchasing the development rights in farmland with local tax revenues as you suggested would be an effective approach to creating a permanent agricultural land reserve.

I can assure you that this department endorses the proposed Canton township agricultural plan and we will be happy to assist with local efforts to generate the necessary public support for its adoption.

Sincerely,

DEAN PRIDGEON, *Director.*

TECHNICAL ASSISTANCE STUDIES

Volume I: Planning Considerations of Growth Management—A study prepared for Canton, Northville, Plymouth, and Van Buren Townships, November 1978—Prepared by Impact: Improved Planning Action.

Technical assistance studies prepared for Canton Township in support of the agricultural preservation program—These studies indicate that the Township has studied and analyzed the program in a comprehensive manner.

Final study draft proposed zoning ordinance, Charter Township of Canton, Wayne County, Mich. Reviewed by Canton Township Planning Commission. Prepared by Impact: Improved Planning Action, 25185 Goddard Road, Taylor, Mich. Revisions: September 11, 1978 and November 6, 1978.

Legal Considerations of Growth Management, a study prepared for Canton, Northville, Plymouth, and Van Buren Townships, October 1978. Prepared by Michael H. Feiler, Feiler and Glass, P.C., 32969 Hamilton Court, Suite G 100, Farmington Hills, Mich. 553-9300

Charter township of Canton development rights acquisition study, May 1978.

FUTURE LAND USE PLAN, CHARTER TOWNSHIP OF CANTON, WAYNE COUNTY,
MICHIGAN

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Mr. Gus Matzo
Mr. Carl Parsell

Adopted by the Canton Township Planning Commission on April 20, 1976.
Impact: Improved Planning Action. January 1976.

PROPOSED COMMUNITY FACILITIES PLAN, CHARTER TOWNSHIP OF CANTON
WAYNE COUNTY, MICHIGAN

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*Formerly member of Planning Commission.

The preparation of this document was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development, Administered by the State of Michigan. Impact: Improved Planning Action, July 1976.

PROPOSED CAPITAL IMPROVEMENTS PROGRAM, CHARTER TOWNSHIP OF CANTON,
WAYNE COUNTY, MICHIGAN

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*Formerly member of Planning Commission.

The preparation of this document was financed in part through a comprehensive planning grant from the Department of Housing and Urban Development, Administered by the State of Michigan. Impact: Improved Planning Action. August 1976.

PROPOSED SUBDIVISION CONTROL ORDINANCE FOR THE CHARTER TOWNSHIP OF
CANTON, WAYNE COUNTY, MICH.

Impact: Improved Planning Action, 25185 Goddard Road, Taylor, Mich. January, 1976. Revised April 4, 1977. Adopted May 23, 1977. By Township Planning Commission.

A PLAN FOR RECREATION DEVELOPMENT, CHARTER TOWNSHIP OF CANTON,
WAYNE COUNTY, MICH. FEBRUARY 2, 1977

Impact: Improved Planning Action, A Division of Wade, Trim & Associates, Inc., 25185 Goddard Road, Taylor, Mich.

96TH CONGRESS
1ST SESSION

S. 795

To establish a Federal policy concerning protection of certain agricultural land; to provide for a land review study by the Secretary of Agriculture; to establish a research and pilot project program relating to methods of protecting certain agricultural land from being used for nonagricultural purposes; and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27 (legislative day, FEBRUARY 22) 1979

Mr. MAGNUSON (for himself and Mr. LEAHY, Mr. JACKSON, Mr. HEINZ, Mr. MELCHER, Mr. MCGOVERN, Mr. STEVENS, Mr. NELSON, Mr. PELL, Mr. MATSUNAGA, Mr. WILLIAMS, Mr. SARBANES, Mr. PRESSLER, Mr. BRADLEY, Mr. HATFIELD, Mr. MOYNIHAN, Mr. CULVER, and Mr. RIEGLE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To establish a Federal policy concerning protection of certain agricultural land; to provide for a land review study by the Secretary of Agriculture; to establish a research and pilot project program relating to methods of protecting certain agricultural land from being used for nonagricultural purposes; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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of land (between two and three million acres), including

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1 land in and around urban areas, are being converted
2 from actual or potential agricultural uses to nonagricul-
3 tural uses;

4 (6) despite a history of increasing yields per acre,
5 further increases in agricultural production will
6 depend—

7 (A) upon variable and unpredictable factors
8 such as changing weather patterns, population
9 growth, soil erosion, air pollution, competition for
10 and availability of water, genetic vulnerability, in-
11 creased costs, and scarcities of fuels and fertiliz-
12 ers, and other factors; and

13 (B) upon the quantity, quality, location, and
14 financing of agricultural land;

15 (7) urban and industrial encroachment into high
16 productive agricultural areas adversely affects agricul-
17 tural yields as a result of air pollution and competition
18 for water;

19 (8) agricultural lands are a unique resource and
20 should be protected because such lands—

21 (A) provide fresh agricultural products for
22 consumers at affordable prices by means of direct
23 marketing;

24 (B) provide beautiful and natural scenery and
25 physical separation between developed areas; and

1 (C) contribute to the quality of life urban
2 residents enjoy;

3 (9) information on the quantity and location of ag-
4 ricultural land being converted from agricultural uses
5 to nonagricultural uses is incomplete and, therefore,
6 unavailable to States and units of local governments
7 which need such information to make informed deci-
8 sions concerning the utilization of agricultural land
9 within their respective jurisdictions; and

10 (10) information on the types of programs that are
11 best suited for protecting and maintaining the quantity
12 and quality of agricultural land is also incomplete and
13 the feasibility and effectiveness of implementing such
14 programs needs to be studied and tested.

15 (b) It is, therefore, the purpose of this Act—

16 (1) to establish a procedure requiring Federal
17 agencies to consider the effects of their major actions
18 on agricultural land;

19 (2) to establish the following programs under the
20 Secretary of Agriculture:

21 (A) a program to study the quantity, quality,
22 location, availability, ownership, and public fi-
23 nancing of agricultural land in the United States
24 and to study the effect of availability of agricul-
25 tural land in relation to the national concern for

5

1 other major problems including energy, the econo-
2 my, the environment, urban growth and develop-
3 ment, foreign relations and trade, and humanitar-
4 ian assistance to other countries; and to report on
5 efforts by States and localities to preserve farm-
6 lands;

7 (B) a research program to develop, test, and
8 demonstrate methods of protecting and maintain-
9 ing the quantity and quality of agricultural land;

10 (C) a program to provide technical assistance
11 to States and units of local government concern-
12 ing methods of protecting and maintaining the
13 quantity and quality of agricultural land within
14 their respective jurisdictions and to provide finan-
15 cial assistance to such governments for the pur-
16 pose of selecting and developing plans to imple-
17 ment methods of protecting and maintaining the
18 quantity and quality of such land.

19 TITLE I—FARMLAND PROTECTION POLICY

20 DECLARATION OF PURPOSE

21 SEC. 101. It is the purpose of this title—

22 (1) to recognize and respect the rights and respon-
23 sibilities of private landholders in making decisions
24 with regard to the use of their land and the rights and
25 responsibilities of State and units of local government

6

1 in developing public policies regarding the use of non-
2 Federal lands;

3 (2) to provide for—

4 (A) the management of Federal lands in a
5 manner which requires Federal departments and
6 agencies to consider the effects of such manage-
7 ment have on nearby agricultural land; and

8 (B) the coordination of such management
9 with the management of adjacent agricultural
10 lands;

11 (3) to conduct Federal programs so that such pro-
12 grams contribute to the Nation's short and long range
13 needs for protecting the natural environment and to
14 assure adequate supplies of food, fiber, wood, water,
15 and agricultural land.

16 (4) to assure that Federal actions do not cause ag-
17 ricultural land to be irreversibly converted to nonagri-
18 cultural uses unless other national interests override
19 the importance of preservation, or otherwise outweigh
20 the environmental benefits derived from their protec-
21 tion; and

22 (5) to provide technical assistance and financial
23 support for State and local programs to preserve the
24 quantity and quality of the farmland located in State
25 and local areas.

7

1 (6) to assist practicing farmers in protecting their
2 land from pressures that impact on their livelihood.

3 POLICY

4 SEC. 102. (a) The Congress authorizes and directs that,
5 to the fullest extent possible—

6 (1) the policies, regulations, and laws of the
7 United States shall be interpreted and administered
8 consistent with the policies set forth in this title; and

9 (2) all departments and agencies of the Federal
10 Government shall—

11 (A) identify and develop methods and proce-
12 dures, which will insure that presently unquanti-
13 fied agricultural values may be given appropriate
14 consideration in decisionmaking along with eco-
15 nomic, technical, and environmental consider-
16 ations;

17 (B) identify the effects of any action they
18 may undertake on agricultural lands and specify
19 in the Federal Register what alternative proposals
20 may be available to such action that would lessen
21 any negative impact upon such agricultural lands;

22 (C) recognize the worldwide and long-range
23 character of problems concerning agricultural land
24 and, where consistent with the foreign policy of
25 the United States, lend appropriate support to ini-

1 tiatives, resolutions, and programs designed to
2 maximize international cooperation in anticipating
3 and preventing a decline in the quantity and qual-
4 ity of mankind's agricultural land;

5 (D) make available to States, units of local
6 government, institutions, Indian tribes, and indi-
7 viduals, advice and information useful in restoring,
8 maintaining, and enhancing the quantity and
9 quality of agricultural land;

10 (E) promote retention of agricultural land for
11 agricultural purposes in any case in which conver-
12 sion of any such land (A) is proposed by a Federal
13 department or agency, (B) is licensed by, or re-
14 quires the approval of, a Federal department or
15 agency, or (C) is inconsistent with State or local
16 government plans regarding the use of such land;
17 and

18 (F) give public notice in any instance in
19 which any Federal department or agency proposes
20 to use or proposes to authorize the use of any ag-
21 ricultural land for a nonagricultural purpose and
22 solicit the views of interested persons regarding
23 such proposed action.

1 CONFORMITY OF ADMINISTRATIVE PROCEDURES

2 SEC. 103. All Federal departments and agencies shall
3 review their present statutory authority, administrative regu-
4 lations, and current policies and procedures for the purpose of
5 determining whether there are any deficiencies or inconsis-
6 encies therein which prohibit full compliance with the pur-
7 poses and provisions of this title and shall propose not later
8 than July 1, 1980, such measures as may be necessary to
9 bring their authority and policies into conformity with the
10 intent, purposes, and procedures set forth in this title. Ad-
11 ministrative proposals shall be published in the Federal Reg-
12 ister and legislative proposals shall be submitted to the Presi-
13 dent.

14 CONFORMITY OF FEDERAL ACTIONS

15 SEC. 104. Each Federal department or agency conduct-
16 ing or supporting any activity or development project, or ad-
17 ministering a regulatory authority affecting agricultural land
18 in any State, shall conduct such activity or development proj-
19 ect, or administer such regulatory authority, in a manner
20 consistent, to the maximum extent practicable, with an agri-
21 cultural land retention program established by such State or
22 the unit of local government concerned.

1 TITLE II—FARMLAND REVIEW STUDY

2 STUDY AND REPORT

3 SEC. 201. (a) It shall be the duty of the Secretary of
4 Agriculture (hereinafter in this title referred to as the "Secre-
5 tary")—

6 (1) to develop, gather, and make available such
7 information as may be necessary to allow States and
8 units of local government to make informed decisions
9 concerning agricultural land; and

10 (2) to conduct a comprehensive study of—

11 (A) the quantity, quality, location, availabil-
12 ity, ownership, and financing of agricultural land
13 in the United States;

14 (B) the relationship of such land to the
15 supply, demand, and production of food;

16 (C) the relationship between the national
17 concern for agricultural land and other national
18 concerns (including energy, the economy, the en-
19 vironment, population growth, urban growth and
20 development, foreign relations and trade, and hu-
21 manitarian aid);

22 (D) the effects of urbanization, industrial de-
23 velopment, and other nonagricultural activities
24 (such as air and water pollution, soil contamina-
25 tion, and losses due to theft, trespassing, and van-

11

1 dalism) on agricultural land, including the produc-
2 tivity of such land;

3 (E) the effects of existing Federal laws and
4 regulations on the use of agricultural land, includ-
5 ing the productivity of such land;

6 (F) the effects of variable and unpredictable
7 factors (including climate, agricultural technology,
8 air pollution, genetic vulnerability, availability of
9 future supplies of energy and fertilizer, and soil
10 salinity) on productivity of agricultural land;

11 (G) the acquisitions of agricultural land by
12 persons who are not engaged in farming activities
13 in the United States (including acquisitions by ag-
14 ricultural land investment funds, trusts, foreign
15 citizens or agents of foreign citizens, or other sim-
16 ilar entities) and the effects of such acquisitions on
17 agricultural production;

18 (H) the effects of competition for water be-
19 tween agricultural and nonagricultural users;

20 (I) methods of protecting and improving agri-
21 cultural land, including an analysis of the relative
22 costs and benefits of such methods; and

23 (J) methods of reducing the amount of agri-
24 cultural land, especially in and around urban

12

1 areas, being converted from agricultural uses to
2 nonagricultural uses.

3 (b) Within forty-two months after the effective date of
4 this Act, the Secretary shall transmit to the President and to
5 the Congress the results of the study conducted under sub-
6 section (a)(2) of this section. In preparing such report, the
7 Secretary shall hold public hearings and invite public com-
8 ment on such study.

9 (c) Such report shall include findings, conclusions, and
10 recommendations of the Secretary concerning—

11 (1) Federal policies, programs, regulations, and
12 laws which affect the quantity or quality of agricultural
13 land in the United States;

14 (2) identification and coordination of activities
15 (such as issuing permits and making grants or loans)
16 which are being carried out by Federal departments
17 and agencies and which affect agricultural land;

18 (3) methods of ensuring that major actions of the
19 Federal Government are consistent with the retention,
20 protection, and improvement of agricultural land; and

21 (4) methods of retaining, protecting, and improv-
22 ing the quantity and quality of agricultural land and
23 the relative costs and benefits of such methods.

1 **TITLE III—RESEARCH PROGRAM**2 **DEMONSTRATION PROJECTS**

3 SEC. 301. The Secretary of Agriculture (hereinafter in
4 this title referred to as the "Secretary") shall, during the
5 three-year period beginning on the effective date of this Act,
6 provide financial and technical assistance to States and units
7 of local governments for the purpose of developing, demon-
8 strating, and testing methods of reducing the quantity of agri-
9 culture land (including agricultural land in and around urban
10 areas) being converted from agricultural uses to nonagricul-
11 tural uses.

12 **APPLICATION**

13 SEC. 302. Any State or unit of local government inter-
14 ested in conducting a project, developing, demonstrating, or
15 testing a method of reducing the quantity of agricultural land
16 being converted from agricultural uses to nonagricultural
17 uses may submit to the Secretary an application at such time,
18 in such form, and containing such information as the Secre-
19 tary may, by rule, require. Such application shall, at least,
20 contain a description of the proposed project.

21 **APPROVAL OF APPLICATIONS**

22 SEC. 303. (a) The Secretary shall establish and publish
23 in the Federal Register within four months of the enactment
24 of this Act, criteria for selecting applicants to receive assist-

1 ance under this title. Such criteria shall give priority to appli-
2 cations which the Secretary is satisfied will:

3 (1) provide timely and new information useful to
4 the Secretary in carrying out his duties under this Act
5 at a reasonable cost;

6 (2) provide the Secretary with a broad range of
7 projects to study in terms of geographical locations and
8 methods of reducing the quantity of agricultural land
9 being converted from agricultural uses to nonagricul-
10 tural uses.

11 (b) The Secretary may only provide assistance under
12 this title with respect to an application—

13 (1) which meets the criteria established under sub-
14 section (a) of this section;

15 (2) which provides the Secretary with satisfactory
16 written assurance from the applicant that the applicant
17 has the ability to finance its share of the cost of carry-
18 ing out such project and the capability of carrying out
19 such project;

20 (3) which demonstrate that the applicant has
21 agreed to—

22 (A) make good-faith efforts to cooperate with
23 any Federal study on the conversion of agricultur-
24 al land to nonagricultural uses.

1 (B) transmit to the Secretary such reports
2 and evaluations at such times, in such form, and
3 containing such information as the Secretary deter-
4 mines are necessary to carry out the purposes
5 of this title; and

6 (C) provide such fiscal control and account-
7 ing procedures as the Secretary determines are
8 necessary to assure proper disbursement and ac-
9 counting of Federal funds appropriated to carry
10 out the purposes of this title.

11 (c) The Secretary may provide financial assistance
12 under this title only for projects which he determines will no
13 longer be dependent upon Federal funds for their operation
14 after assistance under this title has terminated. In no case
15 may assistance be made available for any project for more
16 than three years.

17 (d) The Secretary shall provide assistance under this
18 title for a broad range of methods for reducing the quantity of
19 agricultural land being converted to nonagricultural uses.
20 The Secretary may provide assistance for no more than three
21 demonstration projects that acquire an interest in land. The
22 Secretary shall give highest priority to new techniques and
23 methods of reducing the conversion of agricultural land to
24 nonagricultural purposes.

1 AMOUNT OF ASSISTANCE

2 SEC. 304. (a) Subject to the provisions of subsection (b)
3 of this section, the amount of assistance which may be pro-
4 vided under this title with respect to any project shall be
5 determined by the Secretary except that in no case may such
6 amount exceed an amount equal to 25 per centum of the total
7 cost of preparing, establishing, demonstrating, conducting,
8 and testing such project. The remainder of such costs shall be
9 the responsibility of the applicant and shall be provided in a
10 manner which the Secretary determines is satisfactory. In
11 determining the share of costs provided by the applicant, the
12 Secretary shall include the value of services provided by the
13 applicant in planning, preparing, and issuing reports concern-
14 ing such project.

15 (b) Not more than 15 per centum of the funds appropri-
16 ated to carry out the purposes of this title in any fiscal year
17 may be used with respect to any one project being carried out
18 under this title during such year.

19 (c) In providing assistance under this title, the Secretary
20 may make payments as the projects progress toward comple-
21 tion.

22 REPORT OF THE SECRETARY

23 SEC. 305. On or before September 30, 1983, the Secre-
24 tary shall prepare and transmit a report to the President and
25 to the Congress. Such report shall contain a detailed state-

1 ment of the findings and conclusions of the Secretary con-
2 cerning the effectiveness of methods of reducing the quantity
3 of agricultural land being converted from agricultural uses to
4 nonagricultural uses, together with the Secretary's recom-
5 mendations for such legislation or administrative action as
6 the Secretary considers appropriate to reduce the quantity of
7 agricultural land being so converted.

8 TITLE IV—TECHNICAL ASSISTANCE PROGRAM

9 AUTHORIZATION FOR PROGRAM: TECHNICAL AND

10 FINANCIAL ASSISTANCE

11 SEC. 401. (a) The Secretary, acting through the Soil
12 Conservation Service of the Department of Agriculture, shall
13 provide to States and units of local government upon their
14 request—

15 (1) technical assistance concerning methods of
16 protecting agricultural land and reducing the quantity
17 of such land being converted from agricultural uses to
18 nonagricultural uses; and

19 (2) financial assistance to enable such govern-
20 ments to select and develop plans for implementing
21 methods of protecting agricultural land and reducing
22 the quantity of such land being so converted.

23 (b) As a part of the technical assistance provided under
24 this section, the Secretary shall disseminate the latest infor-
25 mation available concerning the study and other activities

1 being carried out by the Secretary under title II of this Act
2 and concerning the research projects being conducted under
3 title III of this Act.

4 (c)(1) The amount of financial assistance which the Sec-
5 retary may provide to any State or unit of local government
6 under this section shall not exceed 25 per centum of the costs
7 of developing a program for protecting agricultural land and
8 reducing the quantity of such land being converted in such
9 State or unit from agricultural uses to nonagricultural uses.

10 (2) Such financial assistance shall be subject to such
11 conditions and requirements (including fiscal control and fund
12 accounting procedures) as the Secretary may determine to be
13 reasonable and consistent with the objectives of this section.

14 (3) The Secretary shall provide no financial assistance
15 under this title for the implementation or continuation of local
16 or State farmland protection plans.

17 TITLE V—GENERAL PROVISIONS

18 DEFINITIONS

19 SEC. 501. For purposes of this Act—

20 (1) the terms “agricultural land” and “farmland”
21 mean any land (including cropland, pastureland, range-
22 land, or forest land but excluding urban land or water)
23 which—

24 (A) has the combination of physical and
25 chemical characteristics for producing food, feed,

1 forage, fiber, and oilseed crops, or a specific food
2 or fiber crop, and is also available for any such
3 use;

4 (B) has the soil quality, growing season, and
5 moisture supply needed to economically produce
6 sustained yields of food, fiber or wood when treat-
7 ed and managed, including water management,
8 according to acceptable farming methods;

9 (C) has an adequate and dependable water
10 supply from precipitation or irrigation, a favorable
11 temperature and growing season, acceptable acid-
12 ity or alkalinity and acceptable salt and sodium
13 content;

14 (D) is permeable to water and air;

15 (2) The term "State" means any of the fifty
16 States, the District of Columbia, the Commonwealth of
17 Puerto Rico, or any territory or possession of the
18 United States.

19 (3) The term "unit of local government" means
20 the government of a county, municipality, town, town-
21 ship, village, other unit of general government below
22 the State level (determined on the basis of the same
23 principles as are used by the Bureau of the Census for
24 general statistical purposes), or a combination of local
25 governments acting through an areawide agency which

1 under state law or joint exercise of power agreements
2 have responsibilities for the formulation of regional de-
3 velopment policies and plans.

4 LIMITATIONS

5 SEC. 502. Nothing in this Act authorizes, or may be
6 construed to authorize, the Federal Government or any de-
7 partment or agency, or official thereof—

8 (1) to restrict or otherwise regulate in any way
9 the use of privately owned land;

10 (2) to deprive land owners of their rights to prop-
11 erty or to income from the sale of property;

12 (3) to abrogate, restrict, or in any way diminish
13 existing authority and responsibilities of the various
14 States and units of local government respecting land
15 use, zoning, taxation, or any other aspect of the regu-
16 lation, utilization, and disposition of public or private
17 lands within their respective jurisdictions; or

18 (4) to violate the right of privacy of any person in
19 carrying out the programs and studies provided for in
20 this Act.

21 EFFECTIVE DATE

22 SEC. 503. The provisions of this Act shall become effec-
23 tive October 1, 1979.

AUTHORIZATIONS FOR APPROPRIATIONS

1
2 SEC. 504. (a) (1) To carry out the provisions of title III
3 of this Act, there is authorized to be appropriated \$9,000,000
4 for the fiscal year ending September 30, 1980, \$25,000,000
5 for the fiscal year ending September 30, 1981, and
6 \$15,000,000 for the fiscal year ending September 30, 1982.

7 (2) There is authorized to be appropriated \$500,000 for
8 the fiscal year ending September 30, 1983, for the prepara-
9 tion of an analysis and comparison of demonstration projects
10 carried out under title III of this Act.

11 (b) To carry out the provisions of title IV of this Act,
12 there is authorized to be appropriated for the fiscal year
13 ending September 30, 1980, and each of the three succeeding
14 fiscal years such sums as may be necessary.

15 SEC. 505. If any provision of this Act, or the application
16 of such provision to any person or circumstances, is held in-
17 valid, the remainder of this Act, or the application of such
18 provision to persons or circumstances other than those to
19 which it is held invalid, shall not be affected thereby.

STAFF SUMMARY OF FARMLAND PROTECTION ACT—S. 795

The Farmland Protection Act, effective October 1, 1979, provides for a national farmland protection policy. To implement this policy, all Federal agencies are directed to propose procedures, by July 1, 1980, that consider the effects of major Federal actions on agricultural land unless other national interests override the importance or outweigh the environmental benefits derived from farmland preservation. Such procedures must: (1) insure that the value of farmland for agricultural purposes be given consideration along with economic, technical, and environmental considerations; and (2) apply in any situation in which conversion of farmland to a non-agricultural use is proposed by any Federal department or agency, or is licensed by or requires the approval of a Federal department or agency, or is inconsistent with State or local land-use plans.

S. 795 also requires that the Secretary of Agriculture develop, gather and make available information necessary to assist states and units of local government making decisions concerning agricultural lands. The focus of this effort is a three and one-half year study of the quantity, quality, location, ownership and financing of agricultural land; the relation of such land to the supply, demand, and production of food; the relationship between the national need for agricultural land and other national concerns; and the effects of Federal actions on the use of farmland. The report would also identify methods of protecting and improving farmland, including an analysis of the relative costs and benefits of such methods.

The Farmland Protection Act establishes a program of financial assistance to States and units of local government that initiate farmland presentation programs.

Under this program, state and local governments could apply to the Secretary of Agriculture for matching funds to conduct demonstration programs testing methods to reduce the quantity of farmland being converted to nonagricultural uses. The Secretary must give priority to applications that provide timely and new information on a broad range of methods for reducing the loss of farmland.

The Secretary cannot provide funds to programs that require Federal assistance for more than three years. Moreover, the Secretary cannot provide assistance for more than three demonstration projects that acquire interests in land. Finally, the Secretary must give highest priority to new techniques of reducing farmland conversion to nonagricultural uses.

The amount of assistance for any demonstration project is determined by the Secretary and cannot exceed 25 percent of the total cost of the project. No demonstration program may receive more than 15 percent of the total annual appropriation. The Act authorizes \$9 million in fiscal year 1980, \$25 million in fiscal year 1981, and \$15 million in fiscal year 1982. In fiscal year 1983, \$500,000 is authorized for the analysis of the demonstration programs.

In addition, S. 795 requires that the Secretary of Agriculture, through the Soil Conservation Service, provide to States and local governments, upon their request: (1) technical assistance concerning methods of protecting agricultural land; and (2) financial assistance for up to 25 percent of the costs of developing, though not implementing a program to protect agricultural land. To provide financial assistance for developing a program S. 795 authorizes appropriations in such sums as may be necessary for fiscal years 1980 through 1983.

○

