

What is a state farm conservation plan?



State of Alaska
Department of Natural Resources
Division of Agriculture

What is a state farm conservation plan?

- A State Farm Conservation Plan (SFCP) is a document unique to any given state agricultural parcel and its purchaser(s) that helps the state insure that appropriate site-specific soil and water conservation planning occurs prior to purchaser's assumption of management control of the land.
- A SFCP is completed by the purchaser, usually in cooperation with the local, federal, and state conservation specialists. It is then reviewed by the local Soil and Water Conservation District supervisors and subsequently submitted for approval to the director of the Division of Agriculture.

What is a state farm conservation plan?

- Development on the parcel by the purchaser and any subsequent purchaser(s) of the parcel is required to be in compliance with the basic ideas presented in the currently approved SFCP. A SFCP can be amended using the review and approval process outlined previously.
- Farm management decisions to adjust field size or placement, plant different crops, move building locations, etc that do not alter the basic plan concepts or counter the recognized conservational sound development practices do not require amendments to the plan.

Why get a SFCP?

- Must have a SFCP to enter into SOA land contract
- SFCP can protect against lawsuits
 - AS 09.45.235 Ag operation as private nuisance
 - Civil suit under AS 38.05.321(g)
- Responsibly develop land
- Planning process can reveal new ideas and practices
- NRCS Conservation Plan is required to participate in federal programs.

When are SFCPs Made?

- SOA requires a SFCP before an Agriculture land sale contract can be issued
- Before new development on farm
- Change in ownership
 - New owner (must follow previously approved plan)
 - Subdivision
 - New plans for each parcel created by subdivision

What Does the Law Say?

11 AAC 67.177. Farm conservation plan

(a) An approved farm conservation plan will be required as a condition of the sale. The successful purchaser must submit an approved conservation plan before consummation of the sale. For each disposal the director may accept, reject, or modify the farm conservation plan after consultation with the local soil and water conservation district.

What Does the Law Say?

11 AAC 67.177. Farm conservation plan

- (b) If the successful purchaser submits an acceptable conservation plan within the time specified in the sale notice, the plan will be incorporated into the sale contract and the conveyance document as a covenant and a condition subsequent, and will be recorded in that form.
- (c) If a successful purchaser fails to provide an acceptable farm conservation plan within the time specified in the sale notice, or within an extension of time granted by the director for good cause shown, he forfeits his bid deposit and the tract may be offered to the next highest bidder, or next qualified applicant, with the secondary award conditioned upon the submission of a farm conservation plan, within a time period equal to the time originally allowed.

What Does the Law Say?

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- (d) A previously approved farm conservation plan may be modified at the request of the purchaser. The director may approve, reject, or modify the farm conservation plan modification after consultation with the local soil and water conservation district.

What Does the Law Say?

Sec. 38.05.321. Restriction on sale, lease, or other disposal of agricultural land.

(d) For state land classified as agricultural land that is conveyed under (a) of this section,

(1) the commissioner may require the landowner to cooperate with the appropriate soil and water conservation district under AS 41.10 in the development and implementation of soil conservation plans as authorized by AS 41.10.110 (6);

What Does the Law Say?

Sec. 41.10.110. Powers of commissioner.

The commissioner has the power to

(6) develop comprehensive plans for the conservation of soil and control of soil erosion within the state, cropping programs, tillage practices and changes in land use, and publish plans and information and bring them to the attention of users of land within the state;

- This power was delegated to SWCDs

What Does the Law Say?

Sec. 38.05.321. Restriction on sale, lease, or other disposal of agricultural land.

(g) A perpetual covenant described in (a) of this section may be enforced only by a civil action brought by the state, a municipality, or a resident. If a municipality or a resident brings an action under this subsection, the municipality or resident shall also serve a copy of the summons and complaint on the state in the manner prescribed by the Alaska Rules of Civil Procedure for service on the state. An action may be maintained under this subsection only if

- (1) commenced within six years after the cause of action has accrued; and
- (2) the plaintiff has first notified in writing the appropriate soil and water conservation district under AS 41.10 of the violation of the covenant at least 90 days before the civil action is filed.

What Does the Law Say?

- **AS 09.45.235. Agricultural operations as private nuisances (a)**

An agricultural facility or an agricultural operation at an agricultural facility is not a private nuisance if the governing body of the local soil and water conservation district advises the commissioner in writing that the facility or operation is consistent with a soil conservation plan developed and implemented in cooperation with the district.

What Does the Law Say?

11 AAC 67.180. Contents of farm conservation plan

- The farm conservation plan must include
- (1) a map of the farm showing
 - (A) the planned location of any clearing and breaking of ground;
 - (B) location and size of the farm's real property improvements (if authorized);
 - (C) location of windbreaks, farm ponds, and similar conservation measures and improvements;
- (2) planned soil conservation measures.

Who Writes the Plan?

- SFCPs can be written by anyone.
- The purchaser can write their own plan,
- or request assistance from:
 - Local SWCD
 - Division of Agriculture
 - NRCS (provides most information needed)
 - or pay for the assistance of a professional.

NRCS Conservation Plan

- An NRCS Conservation Technical Assistance (CTA) Plan generally contains the information needed for a SFCP map & also provides information on soils and conservation practices
- Land owners should request a Highly Erodible Land (HEL) determination as part of their CTA.
- In addition to the NRCS plan land owners will need to create a written narrative for the SFCP that describes conservation practices and planned development.

Written Narrative?

- When complete, the narrative portion of this Plan should address conservation objectives as:
 - a) protection of wetland, streams and related water resources
 - b) protection of highly erodible land, farmsteads, animal rest areas, etc.
- The narrative should also include the location and need of any planned permanent structures, such as:
 - Family housing
 - Worker housing
 - Barns
 - Airstrips
 - Silos
 - Hay storage
 - Access roads
 - Sheds
 - Fencing
 - Shops
 - Slaughterhouses
 - Produce Stands