**Section 700.APPENDIX I Illinois Department of Transportation's Agricultural Land Preservation Policy Statement and Cooperative Working Agreement**

PREFACE

The Farmland Preservation Act (Ill. Rev. Stat. 1991, ch. 5, par. 1301 et seq.) [505 ILCS 75] requires the Department of Transportation (DOT) and nine other State agencies to develop a policy statement specifying the agency's policy toward farmland preservation. The following statement has been prepared in response to that requirement. A working agreement has also been prepared to describe the administrative process that will be used to implement the policy. The Agricultural Land Preservation Policy prepared in response to Executive Order 80-4, signed by Governor James R. Thompson on July 22, 1980, will also remain in effect in accordance with Section 4 of the Farmland Preservation Act.

POLICY

Recognizing that its transportation objectives must be in concert with the overall goals of the State, it is the policy of the DOT, in its programs, procedures, and operations, to preserve Illinois farmland to the extent practicable and feasible, giving appropriate consideration to the state's social, economic, and environmental goals.

BACKGROUND/PERSPECTIVE

Highways, rail systems, airports, and port terminals by their nature, occupy land. The extent that transportation facilities will occupy today's farmland in the future primarily will depend on the DOT's programs, safety and operational requirements, and the degree to which a responsible balance is established among the various development and preservation interests of the State of Illinois.

With the existence of a comprehensive and largely complete transportation system in Illinois, the DOT's major program emphasis is directed toward preservation and rehabilitation of existing facilities, rather than expansion. Rehabilitation of the system for full and effective use, however, will require some additional land acquisitions to satisfy current safety and operational requirements. A limited number of new or expanded transportation facilities will be required in order to attract business and industry and improve service and access to Illinois markets. Expansion efforts must be carefully managed to preserve the agricultural community while serving the rural areas of the State.

In the past, new transportation facilities often were constructed on farmlands. This was due, in part, to a number of Federal laws and regulations pertaining to the protection of other sensitive areas, such as flood plains, wetlands, wildlife habitats, etc. Special protection is also provided for parks and historic sites. Federal law requires that such lands not be used for Federal-aid highway purposes, unless no feasible and prudent alternative is available. Executive Order 80-4 and the Farmland Preservation Act increase the protection afforded farmland, so that it is commensurate with the importance of the resource.

AGRICULTURAL IMPACTS OF HIGHWAY CONSTRUCTION

During FY 92, approximately 280 acres of agricultural land were purchased for the State highway system. This represents slightly less than 1 percent of the total farmland acquired or impacted during that period by the 10 State agencies regulated by the Farmland Preservation Act. It is anticipated that future conversions of farmland for highway purposes will average less than 1,000 acres per year.

The rate of farmland conversion for highway usage is expected to remain near current levels for three reasons. First, the current emphasis on rehabilitation of the existing system is expected to continue in the future. Because much of today's system was constructed in the 1920's and 1930's, an extensive and continuing program is necessary to rehabilitate and replace narrow and deteriorated bridges and pavements. Such a program is not expected to require significant land acquisitions. Secondly, certain mitigating factors for reducing adverse agricultural impacts already have been introduced into highway designs, and more are expected. For example, current design practices now encourage use of narrower medians and smaller interchanges. The third reason is the increased importance given agricultural conversions in decisions regarding highway projects.

AGRICULTURAL IMPACTS OF AIRPORT DEVELOPMENT

The publicly owned State airport system currently consists of 79 airports, serving 51 air carrier or commuter airlines and thousands of private pilots. The public airports outside Chicago occupy 39, 089 acres. Since 1983, public airports have acquired 4,433 acres, often without State financial support.

With a few exceptions, the system of airports envisioned in the State Airport System Plan is in place. Scott Air Force Base near Belleville, Illinois will be expanded within the immediate future to accommodate joint military-civilian operations. Studies are in progress for a third major airport to serve the Chicago area and its environs. In addition, construction of four or five new small airports is anticipated over the next 20 years. Limited expansion of existing airports will also be undertaken. Safety requirements of proposed airport projects will be balanced with an analysis of farmland impacts as required by Executive Order 80-4, the Farmland Preservation Act, and this Departmental Policy Statement.

AGRICULTURAL IMPACTS OF RAILROADS

The Illinois railroad system is a mature network of approximately 7,900 route miles (as of January 1, 1992) which includes mainlines and branchlines. This system has been gradually shrinking over the years as light density lines are abandoned and traffic is concentrated on fewer lines. Occasionally, the net result of branchline abandonment has been an increase in the amount of land in agricultural production since abandoned right-of-way can be restored to farmland usage.

The DOT does not own or operate railroad lines and does not exercise jurisdiction over most railroad projects which might affect farmland. However, in those instances where future Departmental decisions regarding railroad projects might impact the State's farmland resources, due consideration will be given to preserving agricultural land and minimizing adverse impacts on its productive capacity.

AGRICULTURAL IMPACTS OF WATER RESOURCES PROJECTS

Water resources projects, such as reservoirs, waterways, levees, and flood channels, involve land taking and damages and may cause production losses through conversion of farmland. However, the DOT's projects in recent years have concentrated on urban flood control. Where farmland is involved, a special evaluation will be made of the related impacts.

Some projects requiring DOT permits have the potential to cause increased flood damages on adjacent farmland. Flood impacts on adjacent farmland uses are considered, and permits are conditioned or denied in order to minimize such damages.

IMPACT MITIGATION

The DOT is committed to initiating special measures when transportation projects affect agricultural lands. Design standards are periodically reviewed and revised, and the new standards tend to favor minimal land acquisition, taking only those lands needed for construction and maintenance. For example, standardized right-of-way requirements for certain types of highways have been eliminated in favor of flexible requirements that stipulate acquisition of only those lands essential for construction and maintenance. The DOT will place a high priority on selecting lands which are not Prime farmlands for wetland mitigation purposes in devising wetland compensation plans. Consideration will also be given to mitigating wetland impacts on publicly owned lands (State or federal lands). Where land is purchased to prevent developments incompatible with transportation system safety or noise standards, such as land adjacent to airports, the DOT will give priority to acquiring easements on its own projects and will encourage other agencies to acquire only the development rights in the surrounding areas, so that the acreage can continue in agricultural use.

Planning studies for transportation or water resources projects will include an early determination of the potential for farmland impacts. The DOT will carefully consider the impacts of farmland conversion on the agricultural economy of the State.

Studies conducted in conjunction with transportation and water resources projects will include coordination and consultation with the Illinois Department of Agriculture and, when appropriate, other agricultural representatives. This interdisciplinary approach should assure that the impacts of DOT projects on the agricultural community are adequately and accurately assessed.

Although the DOT's mitigation measures will not necessarily eliminate the conversion of farmland to non-agricultural purposes, impact analysis and coordination will assure that a given conversion is consistent with our programmatic responsibilities, Executive Order 80-4, and the Farmland Preservation Act.

Illinois Department of Transportation – Illinois Department

of Agriculture Cooperative Working Agreement

Pursuant to Section 4 of the Farmland Preservation Act, the Illinois Department of Transportation ("DOT") and the Illinois Department of Agriculture ("DOA") hereby mutually agree to the following:

1. This Cooperative Working Agreement ("AGREEMENT") sets the guidelines for the implementation of the DOT's Agricultural Land Preservation Policy.

2. This AGREEMENT shall apply to those projects which the DOT authorizes, or in which it participates, except the following:

a) Those non-linear (spot) projects acquiring 10 acres or less of land;

b) Those linear projects acquiring 3 acres or less of land per project mile;

c) Those projects located within the boundary of an incorporated municipality;

d) Those projects located within the official one and one-half mile planning area of the comprehensive plan, if one exists, of an incorporated municipality;

e) Current projects as described by Section 7 of the Farmland Preservation Act.

3. The DOT agrees to notify, in writing, the DOA of projects that will have an impact on farmland in Illinois. The notice from the DOT should always be sent to the DOA within the location and environmental study phase and prior to the holding of any public hearings related to the project. This notice may be accomplished by the transmission of documents such as, but not limited to, the following:

a) proposed airport layout plans,

b) draft and final environmental analyses,

c) Illinois Rail Plan,

d) FY Highway Improvement Plan,

e) Water Resources Planning Reports, and

f) documents containing project descriptions.

4. The DOA shall determine, within 10 days, whether a Study of Agricultural Impacts is needed or not. When DOA finds that such study is necessary, the study shall be conducted as provided in paragraph 8 below.

5. The DOT will update its notices of farmland impacts as plans are changed and new information becomes available.

6. The DOT will cooperate in DOA's preparation of its annual report to the Governor and to the General Assembly on the amount of farmland converted to non-agricultural uses as a result of State action. The DOA will attempt to advise the DOT of the type of information needed a year in advance of the request for that information.

7. The DOT will mitigate the agricultural impacts of its projects covered by this AGREEMENT as provided in the Illinois Department of Transportation Agricultural Land Preservation Policy and its subsequent amendments. Minimum median widths and compressed diamond interchanges are representative of the mitigative measures that reduce the adverse impacts of highway construction on agricultural resources. The DOT will place a high priority on selecting lands which are not Prime farmlands for wetland mitigation purposes in devising wetland compensation plans. Consideration will also be given to mitigating wetland impacts on publicly owned lands (State or federal lands). In accordance with Sections 2 and 3 of this AGREEMENT, wetland compensation plans will be furnished to the DOA for review to determine compliance with the Farmland Preservation Act.

8. The DOA further agrees to the following:

a) To follow its project review process contained in its "Agricultural Land Preservation Policy" as amended, or other procedures upon which the parties have agreed, in carrying out its reviews under this AGREEMENT;

b) To complete its review of DOT projects within 30 days after notice with all required project information from the DOT;

c) To provide information and assistance to the DOT and its consultants upon request; and

d) To provide its comments in accordance to the procedures specified in the relevant documents or as otherwise agreed between it and the DOT.

9. The Illinois Departments of Agriculture and Transportation further agree that this AGREEMENT shall bind each only to the other and creates no rights in third parties.

10. All changes to this AGREEMENT shall be made after consultation with, and concurrence by, both parties.

11. This AGREEMENT shall become effective upon its signature by the Secretary of Transportation and the Director of Agriculture and shall remain in effect until 30 June 1996.

(Source: Amended at 17 Ill. Reg. 19469, effective October 29, 1993)