

Legislative Updates to the Farmland Preservation Program

Wisconsin Department of Agriculture, Trade and Consumer
Protection



What is the Farmland Preservation Program?

Wisconsin's Farmland Preservation Program is a tool that farmers and local governments can use to preserve farmland, protect soil and water resources, and minimize land use conflicts. Through participation in the program:

- Agricultural landowners can preserve their productive farmlands and participate through locally adopted farmland preservation zoning ordinances or by signing farmland preservation agreements in locally petitioned Agricultural Enterprise Areas (AEAs). Communities can layer the different participation options together to best fit their community's needs.
- Participating landowners who meet the state soil and water conservation standards are not only protecting their agricultural and natural resources, but are also eligible to claim the tax credit. .

2023 legislative updates make the following changes to the current Farmland Preservation Program:

- Decreases the minimum term of a farmland preservation agreement from 15 years to 10 years for new agreements signed after December 8, 2023.
- Increases the amounts of the tax credits that eligible landowners may receive for qualifying acres to the following amounts:
 - \$10 per acre for qualifying acres that are in a farmland preservation zoning district but are not subject to a farmland preservation agreement.
 - \$10 per acre for qualifying acres that are subject to a farmland preservation agreement in an AEA but are not located in a farmland preservation zoning district, OR qualifying acres that are subject to a farmland preservation agreement signed before July 1, 2009 that has been modified to meet current eligibility requirements.
 - \$12.50 per acre for qualifying acres that are in a farmland preservation zoning district and subject to a farmland preservation agreement in an AEA or a farmland preservation agreement signed before July 1, 2009 that has been modified to meet current eligibility requirements.
- Expands eligibility for farmland preservation tax credits to land that is subject to an agricultural conservation easement purchased under s. 93.73, Wis. Stats¹ to the extent planned for farmland preservation and not already eligible through a farmland preservation zoning district or farmland preservation agreement. Eligible landowners will receive \$10 per acre for qualifying acres.
- Requires DATCP to report on tax credits per qualifying acre and recommendations for the tax credit amounts in the program biennial report.

¹ Note: There are 17 easements acquired under s. 93.73, Wis. Stats located in Columbia, Dane, Dodge, Iowa, Jefferson, and Waupaca counties. 71.613 (1) (h) 4. does not create new eligibility for farms subject to Purchase of Agricultural Conservation Easements acquired outside of authority granted under s. 93.73, Wis. Stats. Contact DATCP for more information.



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How do these changes affect my participation?

Current Farmland Preservation Program Participants:

If you participate only through farmland preservation zoning, you will be able to claim the farmland preservation tax credit at the new rate starting in Tax Year 2023.

If you participate through a farmland preservation agreement, you will be able to claim the farmland preservation tax credit at the new rate starting in Tax Year 2023. Your expiration date will not change. Agreements signed after December 8, 2023 will be subject to the new minimum 10-year agreement term.²

You will not need to obtain an updated Certification of Compliance unless there has been a change in the number of acres that are eligible to participate in the program for your farm(s) in tax year 2023. If you need a copy or to update your Certification of Compliance, please contact your county land conservation department.

How do these changes affect back dated tax credit claims?

Current farmland preservation participants are eligible to file for the farmland preservation tax credit up to four years from the unextended due date for that tax credit. Back dated tax credit claims made for any tax year prior to 2023 will be subject to the original tax credit rates:

- \$5 per acre for qualifying acres that are subject to a farmland preservation agreement in an AEA but are not located in a farmland preservation zoning district, OR qualifying acres that are subject to a farmland preservation agreement signed before July 1, 2009 that has been modified to meet current eligibility requirements;
- \$7.50 per acre for qualifying acres that are in a farmland preservation zoning district but are not subject to a farmland preservation agreement; or
- \$10 per acre for qualifying acres that are in a farmland preservation zoning district and subject to a farmland preservation agreement in an AEA or a farmland preservation agreement signed before July 1, 2009 that has been modified to meet current eligibility requirements.

New Farmland Preservation Program Participants:

To find out if you are in an eligible Farmland Preservation area, please visit the interactive map at <https://datcpgis.wi.gov/maps/?viewer=fpp>. To participate in the Farmland Preservation Program, contact your local land conservation department to get started.

² If you are still the owner of all the land subject to your farmland preservation agreement, you may apply to add additional acres to a farmland preservation agreement at any time without changing your existing expiration date. Please contact your county land conservation department to start this process.

