

New York State Department of Agriculture and Markets

**GUIDANCE DOCUMENT SERIES
FARMLAND PROTECTION IMPLEMENTATION GRANT PROGRAM**

Developing a Baseline Documentation Report

GD # 7

Overview

The Baseline Documentation Report (BDR) documents the conditions of the Property to be placed under conservation easement at the time of closing. The BDR includes a variety of technical and descriptive information (including illustrations and maps) pertaining to the Property.

Background

A good BDR is an essential element of any conservation easement project. It includes photographs and maps depicting the current conditions of the Property and must be signed by the preparer of the BDR, the easement holder and landowner to acknowledge that the information provided is true and accurate at the time of closing. The BDR may be used for a diverse set of purposes depending upon the easement holder, including as a communication tool with the current and future landowners, staff training on easement stewardship and conservation easement defense, and if applicable, to satisfy Internal Revenue Service (IRS) requirements for tax deductions. As issues arise regarding the prohibitions, restrictions, or reserved rights associated with uses or activities on the Property, the BDR will likely be referenced in the future to determine if such uses or activities are in compliance with the Purpose and provisions of the conservation easement.

NYSDAM requires the submission of a ***draft*** BDR as one of the documents necessary to close an FPIG project. A ***final*** BDR must be submitted as part of the post-closing file and must contain any updates of those components required in the draft version.

The draft BDR must include the items listed below. The review of NYSDAM will be restricted to the presence of each required item. NYSDAM shall not conduct a qualitative review of any of these items. Any additional item contained in a draft or final BDR beyond the requirements listed below shall not be reviewed or commented upon by NYSDAM. In addition, NYSDAM will not comment on the layout, design or format of the draft or final BDR.

Required items in the ***draft*** BDR for submission to close an FPIG project shall include:

1. table of contents (listing all items that will eventually be inserted into this document);
2. certification statement/page to be signed by landowner(s), the easement holder(s) and the preparer of the BDR;
3. inventory of amount/extent of Impervious Surfaces existing within the Farm Area; and
4. easement map or legal survey that designates all areas (i.e., each Farmstead Complex, each Resource Protection Area, and the Farm Area) within the proposed easement area;
5. aerial photograph depicting the conditions of the entire property under easement at the time of closing (may be multiple aerial photographs if necessary to show the entire easement area).

Any other specific components and the particular layout/design/format of the draft and final BDR are at the discretion of the easement holder and will not be reviewed by NYSDAM.

Requirements of the Draft BDR

Table of Contents

The BDR must begin with a table of contents listing what is to be included and the order in which it appears.

Certification Statement

- The draft BDR must include a statement and signature blocks for the landowner(s), the easement holder(s) and the preparer of the BDR to acknowledge that the information contained in the BDR is true and accurate at the time of closing.

Inventory of Impervious Surfaces in the Farm Area

The total impervious surface coverage of the Farm Area that exists on the property at the time of closing must be included in the BDR. This information may be presented in a format at the discretion of the easement holder, but must include all structures, buildings and improvements that meet the definition of Impervious Surface as defined in the Conservation Easement.

Maps

NYSDAM requires a current soils map be included in the BDR. In addition, the BDR must include both of the following illustrations of the easement area:

- easement map, and
- legal survey of the Property or placeholder for it.

Any and all other maps are at the discretion of the easement holder.

Photographs

Aerial photography that represents the condition of the Property at the time of closing is required. Depending on the date of the most recent available aerial photography, the preparer of the BDR may amend photos to show any new structures not documented in the photograph. The photograph must be signed by the preparer, the easement holder(s) and the landowner(s).

NYSDAM will not review ground photography if included in the draft BDR submitted as part of the closing file. The following suggestions are provided to assist those interested in doing ground photography. None of the items below are required by NYSDAM as components of the BDR.

Guidelines for Ground Photography

- May be digital or 35 mm film, color or black and white;
- Size and resolution clear enough to identify all pertinent elements in the photo;
- As many as necessary to adequately document for the landowner(s) and easement holder(s) the existing conditions of the Property at the time of closing;
- May consider including all “use areas” in the Conservation Easement, including the Farm Area, Farmstead Area, Resource Protection Area(s) if included;
- Include reference points to identify where and when the photograph was taken.

Requirements of the Final BDR

The final BDR submitted as part of the post-closing file must include the following elements:

- all final items included in the Table of Contents;
- a fully executed certification statement by the landowner(s), easement holder(s) and preparer(s) of the BDR;
- final easement map;
- final recorded survey or legal reference to it;
- recorded Conservation Easement.

Conclusion

Baseline Documentation Reports serve many purposes and are critical to monitoring and stewarding the conservation easement in perpetuity. The requirements set forth by NYSDAM represent the minimum standard that must be met in order to complete the FPIG project file. Easement holders may refer to other standards and practices in the preparation and compilation of a BDR including those of the Land Trust Alliance or the IRS.

Samples and additional guidance available online:

LTA website/IRS website
Sample draft BDR
Sample final BDR

Baseline Documentation Report Checklist

- Does the draft BDR include a Table of Contents that lists all elements of the BDR and their order of appearance?
- Does the draft BDR include a certification statement for the landowner(s) and easement holder(s) to sign?
- Does the draft BDR include aerial photography depicting the current conditions of the Property at the time of closing and signed by the preparer, landowner(s) and easement holder(s)?
- Does the draft BDR include an inventory of the total current amount of impervious surfaces within the Farm Area ?
- Does the draft BDR include a current soils map, easement map and legal survey or placeholder for it?
- Does the final BDR include all the elements listed above?

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