

Farmland Protection Implementation Grants (FPIG) Program Required Definition of “Qualified Farmer” for a Preemptive Purchase Right

{Bold italics text in { } is instruction to easement drafter}

[Text in [brackets] is optional language for the easement depending upon the project]

Required definition:

{Definition shall be inserted “as is” therein.}

“Qualified Farmer” shall be defined as

- an individual or corporation, OR
- family partnership, OR
- a member of a limited liability company, OR
- a shareholder of an S corporation, OR
- a beneficiary of an estate or trust

that receives an average of at least 2/3 of its federal gross income from Agricultural Use associated with a Farm Operation over the most recent taxable year and the two previous consecutive taxable years, *except that, alternatively*, any new or beginning farmer may be deemed to be a Qualified Farmer if each of the following criteria are met:

1. the above-referenced individual or entity must be in the first ten (10) years of having an ownership interest in the Farm Operation; and
2. gross sales of any one or more Crops, Livestock and Livestock Products of at least \$10,000 in the most recent taxable year.