



Agriculture and Markets

Round 17-B Farmland Protection Implementation Grants (FPIG)

REQUEST FOR APPLICATIONS (RFA)

Farm Operations in Transition Farmland Protection Initiative

Applicant Webinar – Round 17-B FPIG RFA

Welcome!

- For audio, please call ... **1-844-633-8697 (Local: 518-549-0500)**
- WebEx Meeting Number:
 - (1) Tuesday morning (12/17/2019) = **646 619 538** (followed by #)
 - (2) **Thursday afternoon (1/9/2020) = 649 940 345** (followed by #)
- This webinar begins promptly at –
10:00am (morning session) *OR* 1:00pm (afternoon session)
We'll be getting underway shortly.
- When the webinar starts, **please mute (*6) your phone until the Q&A period.** Thank you for your cooperation!

Applicant Webinar – Round 17-B FPIG RFA

WELCOME

- (~5 minutes) Purpose of this RFA
- (~5 minutes) Eligible Applicants for this RFA
- (~10 minutes) Eligible Projects for this RFA
- (~15 minutes) Preemptive Purchase Right
- (~10 minutes) Match Contribution Requirements & Associated Stipulations
- (~20 minutes) Overview of Project Deliverables ~ Disbursements
- (~5 minutes) Policy Guidance
- (~10 minutes) Program Specific Questions
- (~15 minutes) Sample Financial Worksheets

ADJOURN

NOTE: All questions must be submitted in writing.
Please feel free to send them via email to: david.behm@agriculture.ny.gov

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Purpose of this RFA

The purpose of this funding opportunity will enable the acquisition of perpetual conservation easements on viable agricultural land that is associated with certain types of Farm Operations believed to be particularly vulnerable to one or more of the following negative influences:

- Unfair trade practices,
- Increasing debt,
- Changing consumer preferences, and
- Climate change.

The proceeds arising from the sale of a perpetual agricultural conservation easement may provide the necessary capital to that landowner to initiate or complete a transition to help ensure the long-term financial security of their Farm Operation. Such funds might enable any given Farm Operation to transition to:

1. the next ownership of a continuing Farm Operation, which will be or has been modified to ensure greater financial sustainability,
2. a more diversified overall Farm Operation, or
3. a different type of non-dairy Farm Operation.

Accordingly, ensuring that the viable agricultural land base of certain Farm Operations are protected from conversion to non-farm uses will be essential to help ensure the long-term viability and sustainability of the agricultural sector of the state's economy.

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Eligible Applicants for this RFA

- (1) any county agricultural and farmland protection board in a county with an approved county agricultural and farmland protection plan

OR

- (2) any municipality which has in place a **“local farmland protection plan”**¹

OR

- (3) any not-for-profit conservation organization that will assist a county or municipality to implement a county or municipal agricultural and farmland protection plan approved by the commissioner

OR

- (4) any soil and water conservation district that will assist a county or municipality to implement a county or municipal agricultural and farmland protection plan approved by the commissioner

¹ A **“local farmland protection plan”** may include a town, village or city comprehensive plan as defined in the Town Law, the Village Law, or General City Law, if such plan includes an element which considers agricultural uses and needs; an open space plan adopted by the municipality which presents strategies for the preservation of viable agricultural land; or any other formal agricultural and farmland protection planning document *provided that if the plan was developed on or after January 1, 2006, it must comply with section 324-a of Article 25-AAA of the Agriculture and Markets Law. Any applicant intending to submit an application for the first time is urged to contact the Department regarding the applicant’s eligibility prior to submitting its application. (Refer to page 12 of the RFA.)*

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Eligible Projects for this RFA

An eligible **Conservation Easement Project** under this RFA must result in perpetual conservation easement(s) arising from PDR or TDR or DDR transaction(s).

NOTES:

- (i) *Each proposed project must be associated with viable agricultural land that will result in a perpetual conservation easement arising from a Purchase of Development Rights (PDR) or Transfer of Development Rights (TDR) or Donation of Development Rights (DDR) transaction.*
- (ii) *Location of each proposed project must, at a minimum, be consistent with the location of any land or areas proposed to be protected in a county's or a municipality's agricultural and farmland protection plan.*
- (iii) *Each proposed project must be associated with at least **one** (1) Farm Operation (as that term is defined in Section 301 of Article 25-AA of the Agriculture and Markets Law). Any proposal that does not involve at least one (1) Farm Operation shall not be considered for funding under this RFA.*
 - *NOTE: See page 14: "Any portion of a Farm Operation comprised of leased land will be eligible provided that a majority (i.e., more than 50.0%) of the Lessor's acres to be included in the Conservation Easement Project are under the control of a written agricultural lease."*
- (iv) *Publically owned lands or lands subject to an existing conservation easement (regardless of its duration) are not eligible under this RFA.*

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Eligible Projects for this RFA *(continued)*

Eligible projects are limited only to Conservation Easement Projects on certain Farm Operations on viable agricultural land that are transitioning to:

1. the next ownership of a continuing Farm Operation, which will be or has been modified to ensure greater financial sustainability,
2. a more diversified overall Farm Operation, **or**
3. a different type of non-dairy Farm Operation.

Specifically, only those Farm Operations that rely upon a majority (i.e., more than 50.0%) of their acreage devoted to the production of one or more of the following are eligible for funding consideration under this grant opportunity:

1. beef cattle or hogs;
2. certain cash grains (i.e., field corn, rye, soybeans, triticale, wheat, winter wheat, or oats), sunflower seeds, or alfalfa hay;
3. certain fruits (i.e., apples, concord grapes, fresh grapes, or fresh sweet cherries) or hazelnuts;
4. maple sap; or
5. certain vegetables (i.e., cabbage, potatoes, snap beans or sweet corn).

Preemptive Purchase Right

A Preemptive Purchase Right may only be incorporated into a Conservation Easement Project *if* –

- **At least 25%** of the area to be encumbered by a conservation easement containing a Preemptive Purchase Right is comprised of Prime Soils (not “Prime, if drained,” or “Soils of Statewide Importance,” or “Unique Soils”).
 - For example: If a Conservation Easement Project is comprised of three conservation easements, each individual conservation easement area must be comprised of at least 25% Prime Soils before each easement document could include a PPR provision. If any one of those proposed easement areas is not covered by at least 25% Prime Soils, then PPR shall not be incorporated into that particular conservation easement. Therefore, a multiple easement Conservation Easement Project will not necessarily include PPR in each easement document.
- The local cash match (***none of which shall be from the participating landowner(s)***) fully covers the balance of the cost of the PPR not covered by the State contribution for each conservation easement containing a PPR provision **whenever the applicant is requesting up to 75.0% cost-share** for the Conservation Easement Project.
- Department-required definition of “Qualified Farmer” is incorporated “as is.”

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Match Contribution Requirements and Associated Stipulations for Conservation Easement Projects					
Maximum State Award	Maximum State Contribution	Other "Caps" on State Contribution	Minimum Local Match		Other State Requirements
			%	Cash	
\$2,000,000	87.5% of total project costs	(a) 40% of value of development rights, or \$250,000, whichever is less, toward Preemptive Purchase Right, AND (b) \$10,000 per easement toward easement stewardship	12.5% of total project costs <i>(solely from landowner)</i>	None specified	Use of Department conservation easement
\$2,000,000	Up to 75.0% of total project costs	(a) 40% of value of development rights, or \$250,000, whichever is less, toward Preemptive Purchase Right, AND (b) \$10,000 per easement toward easement stewardship	25.0% of total project costs	5.0% of total project costs or \$5,000, whichever is less, which shall not be borne entirely by landowner <i>(waived if development rights value fully donated)</i> EXCEPT IF Preemptive Purchase Right (PPR), then local cash match must increase to fully cover the balance of the cost of the PPR (none of which shall be borne by the landowner(s))	Use of Department-required conservation easement provisions provided remainder of conservation easement – (a) “shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the AML,” AND (b) contains no reference to §247 of New York State General Municipal Law, AND (c) must be consistent with the “Purpose” and “Implementation” provisions as required by the Department

Project Deliverables – Conservation Easement Projects

Preliminary Review

All Conservation Easement Projects must receive the Department's preliminary approval before compiling a project file. **No Conservation Easement Project** may proceed to closing without the Department's written authorization.

To be submitted within 6 months of State approval of your awarded contract:

- (1) **Title report *plus* title curatives letter** from Grantee attorney;
- (2) **Draft conservation easement(s)**; and
- (3) **Site plan** (*only if* it has been modified from that represented in grant proposal) associated with each draft conservation easement.

Project Deliverables – Conservation Easement Projects *(continued)*

Project File

To be submitted within 18 months after receiving State approval of your awarded contract:

- (1) **Landowner Letter(s) of Intent to Convey Conservation Easement(s) on Viable Agricultural Land** signed by each owner of the subject land;
- (2) **Financial Worksheet**;
- (3) **Appraisal report** (two paper copies plus one digital copy);
- (4) **Final draft conservation easement(s)**;
- (5) **Certification of Title Curatives** from Grantee attorney ***plus*** associated attachments; and
- (6) **Waiver (of preliminary/final notice of intent)** *(only if* subject land is in an agricultural district *AND* *only if* (a) Grantee is a governmental entity *or* (b) public funding is contributed from a Federal agency or a county or a municipality).

Project Deliverables – Conservation Easement Projects *(continued)*

Final Report

To be submitted within 120 calendar days after receiving interim payment #2:

- (1) **Conservation Easement Closing Certification;**
- (2) **Title insurance policy;**
- (3) **Conservation easement defense liability insurance policy** (if applicable);
- (4) copy of each recorded **Conservation Easement;** and
- (5) **FPIG Project Closing Statement** spreadsheet *plus* supporting documentation.

NOTES:

- (i) *If Final Report is not submitted in a timely fashion or if it is not deemed acceptable, the final payment (equivalent to the State contribution toward (1) easement stewardship and (2) easement defense liability insurance (if applicable), per each conservation easement comprising the project) may be retained by the Department.*

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TIMING	MILESTONES / DELIVERABLES ³	SCHEDULED PAYMENT ⁴ (State Contribution)		
Contract Approval Date	Final approval of funding agreement by New York State.	(1) Advance Payment includes: <ul style="list-style-type: none"> • \$1,500 title report stipend • 50% of cost for applicant's & other project partners' staff time • 50% of cost for applicant's legal fees 		
Month 1 to 6 (After Department notification of State approval of funding agreement)	Submission for Preliminary Review: <ul style="list-style-type: none"> • Refer to page 12 of RFP 			
Month 7 to 8 (After State approval of funding agreement)	Department Preliminary Approval of project.	(2) Interim Payment #1 includes: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> • Total cost of appraisal • Total cost of baseline documentation report • Balance of total cost of applicant's and other project partners' staff time </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> • Total cost of survey • Balance of total cost of applicant's legal fees </td> </tr> </table>	<ul style="list-style-type: none"> • Total cost of appraisal • Total cost of baseline documentation report • Balance of total cost of applicant's and other project partners' staff time 	<ul style="list-style-type: none"> • Total cost of survey • Balance of total cost of applicant's legal fees
<ul style="list-style-type: none"> • Total cost of appraisal • Total cost of baseline documentation report • Balance of total cost of applicant's and other project partners' staff time 	<ul style="list-style-type: none"> • Total cost of survey • Balance of total cost of applicant's legal fees 			
Month 9 to 18 (After State approval of funding agreement)	Submission of Project File: <ul style="list-style-type: none"> • Refer to page 13 of RFP 			
- -	Department approval of Project File.	(3) Interim Payment #2 includes: <ul style="list-style-type: none"> • Balance of contract award less final payment amount. 		
120 Calendar Days (After receipt of Interim Payment 2)	Submission of Final Report: <ul style="list-style-type: none"> • Refer to page 13 of RFP 			
- -	Department approval of Final Report.	(4) Final Payment includes: <ul style="list-style-type: none"> • \$10,000 per conservation easement • Conservation easement defense liability insurance (if applicable) 		

³ Successful applicant must adhere to the anticipated dates for the specified milestones and project deliverables to ensure prompt completion of the projects associated with funding agreements awarded through this RFA; doing so will enable efficient and predictable State disbursements. Failure to achieve the noted milestone may result in termination of that funding agreement upon the **Department's** examination of the circumstances surrounding the delay.

⁴ All payments are disbursed on a first approved, first paid basis. All disbursements to successful applicants are as authorized by the NYS Division of the Budget and the NYS Office of State Comptroller.

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Policy Guidance

The **Department** is providing the following guidance documents to assist in the compilation of a grant proposal and all required project deliverables:

- [“Farmland Protection and Agricultural Districts \(GD#1\)”](#);
- [“Developing a Land Plan for an Agricultural Conservation Easement \(GD#3\)”](#);
- [“Title Commitment and Curatives for Conservation Easements”](#);
- [“2016 Model Agricultural Conservation Easement”](#) (only for easement projects awarded a State contribution of 87.5% of eligible total project costs);
- [“Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions \(2016 version\)”](#) (only for easement projects awarded a State contribution of up to 75% of eligible total project costs, EXCEPT those awarded 25% of easement purchase price plus all transaction costs);
- [“Appraisals for Conservation Easements \(GD#6\)”](#); **AND**
- [“Definition of ‘Qualified Farmer’ for a Preemptive Purchase Right.”](#)

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Program Specific Questions

- b Please select ONE category for the proposed Conservation Easement Project: - Beef Cattle or Hog - Cash Grain or Sunflower Seeds or Alfalfa Hay - Fruit or Hazelnut - Maple Sap - Vegetable *

- Current Farm Operation: Each applicant must respond to Part 1 and Part 2 of this question. Part 1: Please identify the principal type of Farm Operation associated with this proposed project. Please ENTER ONE of the following: • Beef Cattle or Hog Farm Operation • Farm Operation with Cash Grains or Sunflower Seeds or Alfalfa Hay • Vegetable Farm Operation • Maple Sap Farm Operation • Farm Operation with Fruits or Hazelnuts Part 2: Please upload a ONE PAGE narrative to describe the current farm enterprise and how each (if each applies) of the following negative factors has individually affected this Farm Operation: • Unfair trade practices, • Increasing debt, • Changing consumer preferences, and • Climate change. *

10a

Upload: Browse... *

- 10b Is your proposed project in the Beef Cattle or Hog category? If "yes," you must upload a legible copy of a completed AEM Participation Verification Cover Form that has been signed by both the (1) owner or operator and the (2) SWCD or planner. (You may download this form from the "Pre-Submission Uploads" page.) *

Upload: Browse...

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SAMPLE Financial Worksheets

- Sample #1 (87.5% cost-share rate) with Preemptive Purchase Right
- Sample #2 (up to 75.0% cost-share rate) with Preemptive Purchase Right

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NOTE:

- Please remember to submit all questions in writing.
- For your convenience, feel free to send them via email to:
david.behm@agriculture.ny.gov

Good luck!

Cheers!



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