

**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS**

REQUEST FOR APPLICATIONS

for State Assistance Payments for

**ROUND 17-B
FARMLAND PROTECTION IMPLEMENTATION GRANTS PROGRAM**

Farm Operations in Transition Farmland Protection Initiative

2019

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TIMELINE

Release Request for Applications (RFA)	Early December 2019
Questions and Answers	Questions and answers will be posted on an ongoing basis as they are received.
Deadline for Applications	NONE
Announce and Award Grants	Beginning late December 2019 and ongoing thereafter.

I. APPLICATION SUBMISSION REQUIREMENTS

Applications for funding under the Round 17-B Farmland Protection Implementation Grants (FPIG) Program – Farm Operations in Transition Farmland Protection Initiative must conform to the format provided in the Grants Gateway. **APPLICATIONS MUST BE SUBMITTED via the Grants Gateway** to be considered for funding. Faxed, mailed or e-mailed applications will not be accepted.

II. QUESTIONS AND ANSWERS

All questions about requirements contained in this RFA must be submitted in writing (via mail or delivery service or by facsimile or e-mail) to:

David Behm
NYS Dept. of Agriculture and Markets
10B Airline Drive
Albany, New York 12235
Fax: (518) 457-3412
E-mail: david.behm@agriculture.ny.gov

To the degree possible, each inquiry should cite the RFA title, section and paragraph to which it refers. Applicants should note that all clarifications are expected to be resolved prior to the submission of an application. A list of questions about the program received from potential applicants, and answers to those questions, as well as any changes, additions or deletions to the RFA, will be posted in the “Funding Opportunities” section of the **Department’s** web site, www.agriculture.ny.gov, under the heading “Questions and Answers” along with the electronic version of this RFA. Questions and responses will be posted as questions are received. **Applicants are urged to check the Department’s web site frequently for notices of any changes, additions or deletions to the RFA.** If you are unable to access the web site, please contact David Behm to arrange for alternate delivery. All questions and answers shall become a formal addendum to the RFA.

III. GENERAL PROGRAM INFORMATION

A. Intent of Request for Applications (RFA)

The New York State Department of Agriculture and Markets (the “**Department**”) invites applications for financial assistance to implement certain farmland protection activities described in or otherwise consistent with agricultural and farmland protection plans that have been adopted by counties or municipalities.

Grant applications will be accepted on a continuous basis. The RFA will remain open and awards will be made until such time as available funds are fully committed, or the RFA is closed.

B. Background

Article 25-AAA of the Agriculture and Markets Law authorizes the Commissioner to maintain a State agricultural and farmland protection program to provide financial and technical assistance, within funds available, to assist locally-led efforts in developing agricultural and farmland protection plans and in the implementation of such plans.

C. Purpose

The purpose of this funding opportunity is to provide State financial assistance for local initiatives that are intended to maintain the economic viability of the State's agricultural industry and its supporting land base and to protect the environmental and landscape preservation values associated with agriculture. This grant 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:

- trade disputes;
- increasing debt;
- changing consumer preferences; and
- climate change.

Impact of Trade Disputes

In the past few years, the Federal government has imposed trade tariffs on several foreign nations. Some of those nations have retaliated with tariffs targeting U.S. agricultural products. These trade disputes have resulted in increased financial uncertainty for many farmers.

Increasing Debt

According to a [report from CoBank](#) (a member of the Farm Credit System), agricultural production costs (particularly interest expense) are expected to continually rise in 2019, causing further erosion of profit margin. Farmers appear to be relying more heavily on debt to continue farm operations. The delinquency rate of existing agricultural loans is increasing. These trends increase the threat for an unprecedented conversion of viable agricultural land to non-farm development as farmers sell land to raise capital.

Changing Consumer Preferences

In the U.S. and abroad, each new generation of consumers brings a shift in consumer preferences. A change in consumer preferences impacts the demand for certain agricultural products and/or the methods used to produce those products. Changes in consumer preferences make it imperative for certain Farm Operations to modify their production methods and/or diversify in order to remain profitable.

Climate Change

Global climate change is predicted to bring greater extremes of temperature and precipitation and such changes will directly affect New York agriculture. Climate change may contribute to the disappearance of some crops and increase weather-related stresses on the production of other crops and livestock.

Each of the aforementioned negative influences is disproportionately contributing to the ongoing financial concerns of certain New York Farm Operations. If the trends continue, the conversion of agricultural land to non-farm uses is expected to accelerate. Some Farm Operations in New York may be impacted by more than one of these negative influences.

Opportunity to Convert Equity into Cash to Facilitate a Transition of the Farm Operation

The proceeds 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 a 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. With the prior announcement of Round 17 FPIG-RFA Dairy Transitions Farmland Protection Initiative (Phase 2) in September 2019, this grant opportunity will not address any dairy Farm Operation. The specific Farm Operations eligible for this grant opportunity are described in Section IV ("Eligibility"), part B ("Project Eligibility").

Therefore, this grant opportunity is being offered to enable eligible applicants to specifically implement **Conservation Easement Projects** with owners of viable agricultural lands that are associated with certain non-dairy Farm Operations in transition that are at risk of conversion to non-farm uses. The viable agricultural land permanently protected as the result of each awarded **Conservation Easement Project** will remain in continuing agricultural use.

IV. ELIGIBILITY

A. Applicant Eligibility

Applications for funding will only be accepted from:

- (1) any county agricultural and farmland protection board in a county with an approved county plan developed pursuant to Section 324 of Article 25-AAA of the Agriculture and Markets Law; **OR**
- (2) any municipality which has in place a local farmland protection plan, provided the proposed project is endorsed for funding in a letter provided by the agricultural and farmland protection board for the county in which the municipality is located; **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, provided the proposed project is endorsed for funding in a letter provided by the county agricultural and farmland protection board for the county in which the proposed project is located and the proposed project must also be endorsed for funding in a letter provided by the municipality in which the proposed project is located; **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, provided the proposed project is endorsed for funding in a letter provided by the county agricultural and farmland protection board for the county in which the proposed project is located and the proposed project must also be endorsed for funding in a letter provided by the municipality in which the proposed project is located.

For purposes of this section, 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 for a proposed farmland protection implementation project is urged to contact the Department regarding the applicant’s eligibility prior to submitting its application. Any application submitted by an ineligible applicant shall not be considered for funding under this RFA.**

The applicant must be the entity that is the Grantee (or “holder”) of the perpetual agricultural conservation easement. If there will be more than one Grantee, then each Grantee must be identified as a Joint Applicant on the application submitted in response to this RFA and only one of those Joint Applicants shall be identified in that application as the Lead Applicant. If awarded, the State will enter into a funding agreement with only the Lead Applicant.

New York State vendors must register in the Grants Gateway to become established users in the system. Therefore, **each entity that intends to submit an application in response to this RFA must be registered.** If your entity has not registered, you will be unable to access this grant opportunity and unable to submit any applications.

Furthermore, **all not-for-profit conservation organizations that intend to submit an application must also be pre-qualified prior to the submission of your application(s).** If your not-for-profit conservation organization has not pre-qualified in the Grants Gateway by the time you submit your application(s), each application you submit will be rejected. However, each rejected application may be resubmitted and considered for funding under this RFA once your not-for-profit conservation organization has become pre-qualified provided this RFA is open to receive applications and make awards by the time that the application is resubmitted.

B. Project Eligibility

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).

However, none of the following lands are eligible under this RFA:

- Lands under public ownership, or
- Lands subject to an existing conservation easement (regardless of its duration).

Viable agricultural land means land highly suitable for a Farm Operation as that term is defined in Section 301 of Article 25-AA of the Agriculture and Markets Law.

An eligible project must satisfy all project eligibility criteria:

- (1) eligible Farm Operations (including any beef cattle or hog Farm Operation that may have already sold its livestock within the 12 months prior to submitting an application);
- (2) operation-and-region-specific¹ minimum acreage (*i.e.*, size of Conservation Easement Project);
- (3) operation-and-region-specific¹ minimum percentage (%) for Extent of Active Agricultural Production;
- (4) a majority (*i.e.*, more than 50.0%) of the Active Agricultural Production acreage must be devoted to the production of one or more eligible crops or livestock as noted above (or any such combination of those specific crops or livestock);
- (5) operation-and-region specific¹ minimum percentage (%) for sum of Prime Soils (not “Prime if drained”) plus Soils of Statewide Importance (not “Prime if drained”);
- (6) site plan for the Conservation Easement Project that is fully consistent with Department guidance regarding land planning for an agricultural conservation easement project (please refer to “Policy Guidance” on page 13 of this RFA); and
- (7) use of **one of the following conservation easements:**
 - a. Department’s “**2016 Model Agricultural Conservation Easement**” (or the most current subsequent version available) without modification thereto, **OR**
 - b. applicant easement containing the Department’s “**FPIG Program Required Easement Provisions (2016 version)**” (or the most current subsequent version available) without modification thereto, **provided the applicant easement:**
 - i. contains no reference to §247 of New York State General Municipal Law, **and**
 - ii. shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the Agriculture and Markets Law, **and**
 - iii. must be consistent with the “Purpose” and “Implementation” provisions as required by the Department.

To be eligible for funding under this RFA, each proposed project must be located in areas proposed to be protected in a county’s or a municipality’s agricultural and farmland protection plan (*i.e.*, pursuant to Section 324 or Section 324-a, as applicable, of Article 25-AAA of the Agriculture and Markets Law). Furthermore, each proposed project must be endorsed for funding in a letter

¹ Please refer to Appendices A-1 through A-5 for the operation-and-region-specific minimum requirement for the specific eligible crops or livestock (*i.e.*, beef cattle or hogs; certain cash grains, sunflower seeds, or alfalfa hay; certain fruits or hazelnuts; maple sap; or certain vegetables) being produced in a particular region as associated with the proposed project.

provided by the agricultural and farmland protection board for the county in which the proposed project is located. If the applicant entity associated with the proposed project is a not-for-profit conservation organization or a soil and water conservation district, the application must also be endorsed for funding in a letter provided by the municipality in which the proposed project is located.

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). However, any given Farm Operation may be the subject of more than one application provided that requested funding does not overlap the same land. **Any application that does not involve at least one (1) Farm Operation will not be considered for funding under this RFA.** 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.

V. DETAILED SPECIFICATIONS AND DELIVERABLES OF THE FUNDING AGREEMENT

A. Anticipated Time Frames

The start date for initially awarded funding agreements (*i.e.*, those FPIG contracts between the State and the awarded applicant entity) resulting from this RFA is anticipated to be on or around December 30, 2019. Each funding agreement shall have a four-year contract period.

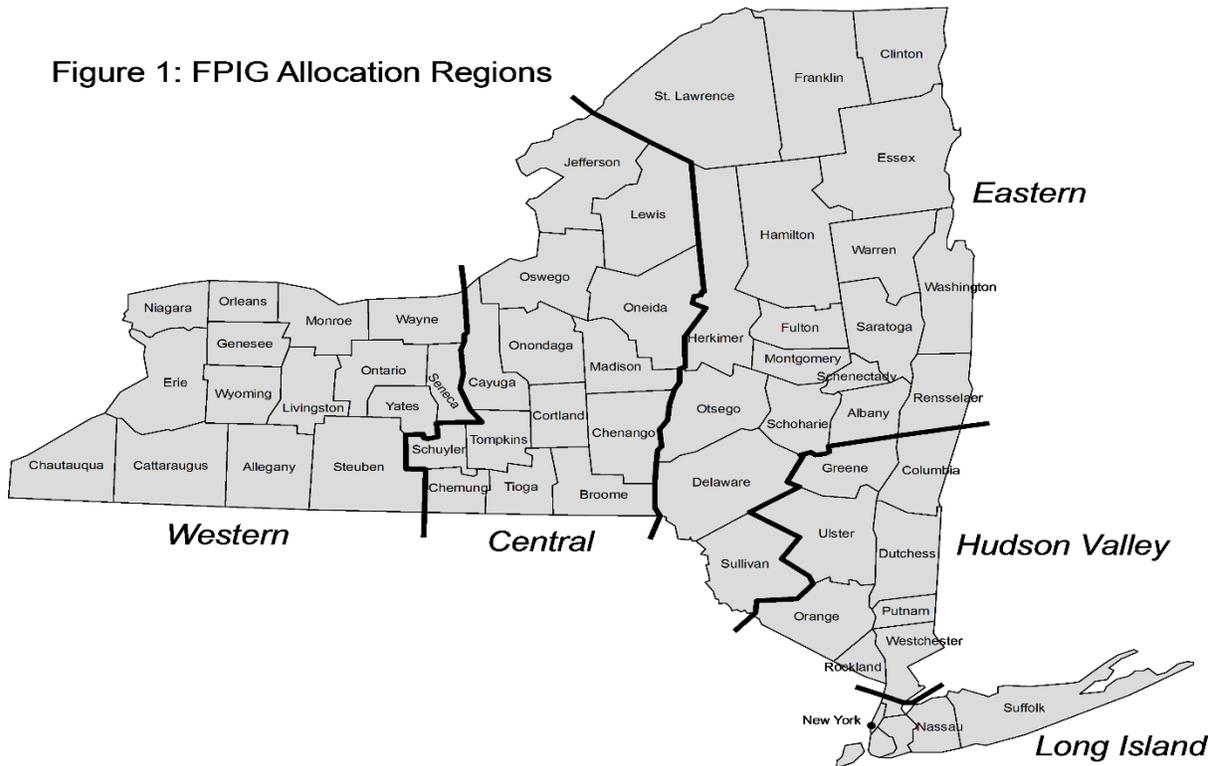
B. Available Funds

The **Department** has made available \$15.0 million for awards (including up to \$0.75 million for potential subsequent contingency awards as authorized (see "Contingency Awards" of Section VIII, "Application Review and Awarding of Successful Applications") under this RFA through an open application and awards process with \$2.85 million available within each of five (5) regions across the state (see Figure 1).

After November 30, 2020, the Commissioner may award available funds to eligible projects without regard to regional boundaries provided that all projects awarded thereafter are made in the order of the date on which the Department determined that each such project was eligible for an award.

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Figure 1: FPIG Allocation Regions



The following general limitations apply to all applications:

- No award shall exceed \$2.0 million.
- State contribution toward easement stewardship shall be \$10,000 per easement, subject to the maximum award amounts noted immediately above.

C. Project Costs

(1) Eligible Project Costs

Eligible project costs associated with **Conservation Easement Projects** are:

1. value of the development rights being acquired, provided such value associated with any perpetual conservation easement is from an appraisal deemed acceptable to the Department; and
2. value of a Preemptive Purchase Right (if applicable), provided:
 - (a) at least twenty-five percent (25%) of each conservation easement area is comprised of Prime Soils (not “Prime, if drained,” or “Soils of Statewide Importance”); and
 - (b) such value associated with any perpetual conservation easement is from an appraisal deemed acceptable to the Department; and
3. transaction costs acceptable to the Department, provided those are limited to:

- (a) title reports (including associated continuation fees until such time that title insurance is purchased);
- (b) title insurance;
- (c) property surveys;
- (d) appraisal(s);
- (e) applicant's and other project partners' legal fees to negotiate/close the conservation easement transaction and to review title reports and, as necessary, prepare title curatives;
- (f) applicant's and other project partners' staff time to negotiate/close the conservation easement transaction, manage the preparation/compilation of required deliverables, and locally administer the awarded funding agreement;
- (g) preparation of a baseline documentation report regarding the proposed Conservation Easement Project;
- (h) environmental site assessment (*if* deemed necessary);
- (i) recording fees;
- (j) easement stewardship fee; and
- (k) conservation easement defense liability insurance (if applicable).

(2) Ineligible Project Costs

Any costs incurred prior to the start date of a funding agreement shall not be deemed eligible costs under this RFA. Furthermore, the following are ineligible project costs:

- landowner's cost for legal or financial advisors;
- state or local real estate transfer taxes;
- any fee or other contribution deposited to a legal defense fund other than a conservation easement defense liability insurance policy; and
- indirect or overhead costs (*i.e.*, office rent, office utilities, and any other cost that is indirectly incurred).

D. Match Requirements

The following general requirements apply to **all** applications:

- Any governmental entity providing a cash contribution must provide a letter from an authorized representative formally acknowledging its proposed contribution².
- As applicable, any other entity (including participating landowners) providing a local cash match must provide a letter from an authorized representative formally acknowledging the amount of its contribution.
- None of the local cash contribution(s) shall be from a State source.
- Cash and in-kind match shall only be used to cover the expense of eligible project costs.

² If the applicant is a governmental entity and its proposal receives an award through this RFA, that governmental entity must submit a copy of a resolution from its governing body formally obligating its cash match before the State will approve a funding agreement with that successful applicant.

- Cash and in-kind match may be provided by the applicant or other supporters of the project.
- Local match may include in-kind contributions, but the amount of in-kind contributions shall be limited to no more than 80% of total administrative costs of the proposed project, or \$25,000, whichever is less.

Furthermore, there are particular match stipulations for each of the differing levels of State contribution awarded as noted below and in the table on the next page.

(1) Proposals seeking a State contribution of 87.5% of total eligible project costs:

- Landowner must **exclusively** provide the local match contribution of 12.5% of total eligible project costs. No other source shall provide any cash or an in-kind contribution of any amount toward the proposed **Conservation Easement Project**.

(2) Proposals seeking a State contribution of **up to** 75.0% of total eligible project costs:

- Local match contribution must be at least 25.0% of total eligible project costs, which must include a cash match of 5% of total project costs or \$5,000, whichever amount is less. However –
 - if a Preemptive Purchase Right is associated with the proposed Conservation Easement Project, then the local cash match contribution shall increase to also fully cover the balance of the total appraised value of that reserved right with no portion of that specific cost to be borne by any contribution from the participating landowner(s).
 - the local cash match requirement to cover the cost of the value of development rights is waived whenever a participating landowner donates the *full value* of development rights for the conservation easement(s) comprising the entire proposed project, provided that the value of any Preemptive Purchase Right associated with the proposed Conservation Easement Project is fully paid for from proceeds received from the State contribution and local cash match (none of which shall be derived from the participating landowner(s)).
- Local cash contribution may be provided, but only in part, by the participating landowner(s).

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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

E. Policy Guidance

The **Department** is providing the following guidance documents to assist in the compilation of an application 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”](#) (GD#5);
- [“2016 Model Agricultural Conservation Easement”](#) (*recommended for all Conservation Easement Projects*);
- [“Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions \(2016 version\)”](#) (*if the **Department’s** model conservation easement is not used, then these provisions are *required* to be incorporated into the applicant’s conservation easement document*);
- [“Appraisals for Conservation Easements \(GD#6\)”](#); **AND**
- [“Definition of ‘Qualified Farmer’ for a Preemptive Purchase Right.”](#)

The **Department’s** Division of Land and Water Resources shall evaluate the proposed conservation easement document and proposed site plan for conformance with **Department** policies contained in the guidance documents listed above.

Any conservation easement or site plan deemed by the **Department’s** Division of Land and Water Resources to be unacceptable shall not be eligible for a disbursement.

All applicants are urged to submit applications and subsequent project deliverables that embody the following expectations.

Pursuant to GD#1 (page 2):

The critical right to farm protections of the Agricultural Districts Law (Article 25-AA including Sections 303, 305 and 308) guide NYSDAM in its administration of the farmland protection program and in its review of various aspects of farmland protection projects including land use planning and conservation easement drafting. **Consequently, NYSDAM will review proposed easement language to determine that proposed projects are not *unreasonably restrictive of farm operations.***

Pursuant to GD#3 (page 1):

The land plan and conservation easement should:

- Provide opportunities for active, economically viable Farm Operations on protected farmland now and in the future.
- Establish adequate flexibility for farmers operating on protected farms to grow, adapt and change to new market conditions.
- Create opportunities for farmers to own protected farms with the ability to develop housing for farm families and farm labor, agricultural buildings and structures that support rural businesses compatible with agriculture.

- Reduce the likelihood of conflicts between farmers operating on protected farms and their non-farm neighbors.
- Facilitate the protection of natural resources in a manner compatible with commercial Farm Operations, consistent with the provisions of the Agricultural Districts Law and reasonably within the stewardship capacity of the conservation easement holder.

Ultimately, the right to farm protections of Article 25-AA of the Agricultural Districts Law (including Sections 303, 305 and 308) will guide NYSDAM in its review of various aspects of farmland protection projects including land planning and conservation easement drafting (See Guidance Document #1, “Farmland Protection and Agricultural Districts”).

F. Project Deliverables

Preliminary Review

All Conservation Easement Projects must receive the Department’s preliminary approval before proceeding to compile a complete project file. The project deliverables required for a preliminary review are described as follows:

- (1) **Title report *plus* title curatives letter** from Grantee attorney explaining how clear title will be ensured for the proposed conservation easement transaction;
- (2) **Draft conservation easement(s)** associated with the proposed project, *provided*:
 - For **Conservation Easement Projects** receiving an award of 87.5% of total project costs, the red-lined³ draft document submitted shall use the Department’s 2016 version as its template.
 - For **Conservation Easement Projects** receiving an award of up to 75.0% of total project costs, the red-lined⁴ draft document submitted shall be the Grantee’s proposed easement into which the Department’s required provisions (2016 version) have been incorporated without modifications thereto. Further, all other provisions of the Grantee’s proposed easement must be consistent with the “Purpose” and “Implementation” provisions as required by the Department.
- (3) **Site plan** (*only if* it has been modified from that represented in applicant’s grant proposal) for each draft conservation easement that has been signed by all owners of the land associated with each draft conservation easement and that has also been signed by a representative of the Grantee.

³ A “red-lined” version of the Department’s conservation easement is merely a digital file (Word document format) which had “track changes” feature turned on **before any modification** was made to the original digital file of the Department’s 2016 version. Thus, the resulting “red-lined” version **shall reveal all modifications** made to it.

⁴ A “red-lined” version of the applicant’s conservation easement is merely a digital file (Word document format) which had “track changes” feature turned on **before any of the Department-required provisions (2016 version) were incorporated into it**. Thus, the resulting “red-lined” version **shall reveal all of the required insertions**.

These project deliverables must be submitted within six (6) months of state approval of the funding agreement.

Preliminary review of the proposed project may include the Department's Farmland Protection Program Manager conducting a site visit with the Grantee and participating landowner(s), **but only if** the site plan has been modified from that represented in the applicant's grant proposal. If the site visit reveals information or landscape conditions that are either inconsistent with the Department's guidance documents or deemed otherwise unacceptable to the Department **and** any such matters cannot be resolved to the satisfaction of the Department, the Department may terminate the funding agreement and withdraw the State award.

Project File

After the Department has given its preliminary approval of the proposed **Conservation Easement Project**, the local project manager shall compile and must submit (within eighteen (18) months of state approval of the funding agreement) these required project deliverables (referred to as a project file):

- (1) **Landowner Letter of Intent to Convey Conservation Easement(s) on Viable Agricultural Land** that has been signed by each owner of the land to be subject to each conservation easement comprising the proposed project;
- (2) **Financial Worksheet**;
- (3) **Appraisal report** (submitted as one (1) digital file (PDF) plus two (2) paper copies of each appraisal report);
- (4) **Final draft conservation easement(s)** associated with the proposed project, *provided* each such final draft is an updated red-lined version of the document that received the Department's preliminary approval as noted above;
- (5) **Certification of Title Curatives** from Grantee attorney **plus**
 - (a) copies of any attachments referenced in the certification,
 - (b) copies of all proposed title curatives,
 - (c) a copy of the cover sheet of commitment for title insurance indicating the amount of proposed coverage, and
 - (d) (only if any new title issues have been discovered during the preparation of the commitment for title insurance that must now also be addressed) a boundary survey of the proposed easement area; and
- (6) **Waiver⁵ (of preliminary/final notice of intent)** that is fully executed by all signatory parties.

Final Report

After the Department approves the project file, a complete final report must be submitted by the local project manager to the Department within one hundred twenty (120) calendar days of receipt of interim payment #2. The compilation of required project deliverables (referred to as a final report) are as follows:

- (1) **Conservation Easement Closing Certification** that has been signed by the local project manager and the Grantee's attorney;

⁵ This document is **not required IF** the Grantee is a not-for-profit conservation organization.

- (2) **Title insurance policy;**
- (3) **conservation easement defense liability insurance policy** (if applicable);
- (4) **Conservation easement(s)** as recorded in the county(ies) in which the subject lands are located; and
- (5) **FPIG Project Closing Statement** (spreadsheet) *plus* supporting documentation as noted thereon.

VI. ADMINISTRATIVE REQUIREMENTS AND RELATED CONSIDERATIONS

A. The Department's Reserved Rights

The **Department** reserves the right to:

1. Reject any or all applications received in response to this RFA.
2. Withdraw the RFA at any time, at the **Department's** sole discretion.
3. Make an award under the RFA in whole or part.
4. Award more than one funding agreement to the same successful applicant resulting from this RFA.
5. Disqualify any applicant whose conduct and/or application fails to conform to the requirements of the RFA.
6. Seek clarifications and revisions of applications.
7. Amend the RFA specifications to correct errors or oversights, or to supply additional information, as it becomes available and with appropriate written notice to all potential applicants by posting amendments on the **Department** web site (www.agriculture.ny.gov) and on the New York State Grants Gateway (https://grantsgateway.ny.gov/IntelliGrants_NYSGG/module/nysgg/goportal.aspx).
8. Direct applicants to submit application modifications addressing subsequent RFA amendments.
9. Change any of the scheduled dates.
10. Waive any requirements that are not material.
11. Waive or modify minor irregularities in applications received after prior notification to the applicant.
12. Require clarification at any time during the grant process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offeror's application and/or to determine an offeror's compliance with the requirements of the RFA.
13. Negotiate with successful applicants any matter within the scope of the RFA in the best interests of the State.
14. Eliminate any mandatory, non-material specifications with which all applicants cannot comply.

15. The value of in-kind services must be reasonable and documented to the satisfaction of the **Department**, and such value and documentation are subject to adjustment by the **Department**.
16. Make all final decisions with respect to the amount of State funding and the timing of payments to be provided to an applicant.

B. Term of Funding Agreement

Each funding agreement shall be for a four-year term. However, if each performance measure is achieved by the contract milestone described in Attachment D of the funding agreement, each proposed **Conservation Easement Project** should be completed within two (2) years from the date of State approval of the funding agreement.

Continued funding throughout this period is contingent upon satisfactory contractor performance and availability of funds. The **Department** also reserves the right to revise the funding amounts for awards as necessary due to changes in the availability of funds.

C. Payment & Reporting Requirements of Successful Applicants

The following Payment and Reporting Schedule provides an outline of the payment and reporting requirements that will be included in each funding agreement.

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Conservation Easement Projects - PAYMENT AND REPORTING SCHEDULE

TIMING	MILESTONES / DELIVERABLES ⁶	SCHEDULED PAYMENT ⁷ (State Contribution)
Contract Approval Date	Approval of funding agreement by New York State.	Advance Payment includes: <ul style="list-style-type: none"> • Title report stipend (\$1,500) • Project partners' staff time (1/2 of state contribution) • Project partners' legal fees (1/2 of state contribution)
Month 1 to 6 (After State approval of funding agreement)	Submission for Preliminary Review: <ul style="list-style-type: none"> • Title report and title curatives letter • Draft conservation easement(s) • Site plan(s) (<i>only if modified</i> since grant application) 	
Month 7 to 8 (After State approval of funding agreement)	Department Preliminary Approval of project.	Interim Payment #1 includes: <ul style="list-style-type: none"> • State share of appraisal • State share of survey • State share of baseline documentation report • Project partners' staff time (1/2 state contribution) • Project partners' legal fees (1/2 state contribution)
Month 9 to 18 (After State approval of funding agreement)	Submission of Project File: <ul style="list-style-type: none"> • Landowner Letter of Intent • Financial Worksheet • Appraisal report • Final draft conservation easement(s) • Certification of Title Curatives • Waiver (of preliminary/final notice of intent) 	
- -	Department approval of Project File.	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 for Review: <ul style="list-style-type: none"> • Conservation Easement Closing Certification • Title insurance policy • Easement defense liability insurance policy (if applicable) • Copy of each recorded Conservation Easement • Closing Statement spreadsheet 	
- -	Department approval of Final Report.	Final Payment includes: <ul style="list-style-type: none"> • Easement stewardship (@ \$10,000 per easement) • Conservation easement defense liability insurance

⁶ 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.

⁷ 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.

D. Vendor Access to Grants Gateway

New York State vendors must register in the Gateway and establish users in the system. To start this process, from the Grant Opportunity Portal (https://grantsgateway.ny.gov/IntelliGrants_NYSSGG/module/nysgg/goportal.aspx), under Registration, click "Request Access Now!" to view your options.

For existing NYS vendors, there is only one step. You must submit a Registration Form for Administrators identifying a Delegated Administrator responsible for managing your organization's profile and users.

To find out if your organization has already registered, enter its SFS Vendor ID number and search. If your organization is registered, the search result will include contact information for its delegated administrator, and you can contact this individual to request access to the system. If your organization is not registered, the search result will provide a link to the Request Form for Administrator, which you will need to complete and submit pursuant to the instructions provided.

If your organization is not currently doing business with NYS, you will need to submit a Substitute W-9 Form to obtain a NYS SFS Vendor ID, in addition to the Registration Form for Administrators, in order to register.

Therefore, **each entity that intends to submit an application in response to this RFA must be registered.** If your entity has not registered prior to the submission of your application(s), each application you submit will be rejected and not considered for funding under this RFA.

Furthermore, **all not-for-profit conservation organizations that intend to submit an application in response to this RFA must also be pre-qualified prior to the submission of your application(s).** If you have not pre-qualified in the Grants Gateway by the time that you submit your application(s), each application you submit will be rejected and not considered for funding under this RFA. For more information regarding the pre-qualification process, please view the [Vendor Prequalification Manual](#) and [Maintaining Prequalification](#) as provided by the New York State Grants Reform Team.

Grants Gateway Help Desk:

Email: grantsgateway@its.ny.gov

Phone: 518-474-5595

Hours: Monday through Friday 8:00 am to 4:00 pm

(User Roles, Application Completion, Policy, Registration, and Prequalification questions)

Agate Technical Support Help Desk:

Phone: 1-800-820-1890

Hours: Monday through Friday 8:00 am to 8:00 pm

Email: helpdesk@agatesoftware.com

(User roles and system questions)

E. Miscellaneous Considerations

1. New York State Environmental Quality Review Act Requirements (SEQRA). Some projects may be subject to review under SEQRA. Municipalities should go to the New York State Department of Environmental Conservation web site www.dec.ny.gov for further information regarding applicability.

2. Freedom of Information Law (FOIL). All applications submitted and all related funding agreements and reports may be subject to disclosure under the Freedom of Information Law.
3. Liability. The **Department** shall not be held liable for any costs incurred by any party for work performed in the preparation of and production of an application or for any work performed prior to the formal execution of a funding agreement.

VII. COMPLETING THE APPLICATION

A. Application Format

Applications must be submitted through the New York State Grants Gateway. All sections of the application must be completed in order for you to be enabled to submit your digital application.

B. Application Content

Applicants must respond to each of the sections as provided in the Grants Gateway to create each application to be submitted to the **Department**. Each application is comprised of responses to Program Specific Questions (including the uploading of certain completed forms or other required documentation) and developing a scope of work for the proposed Conservation Easement Project.

Please be advised that there are space limits for your response to each question in the online application. Evaluation of your application will be limited to review and consideration of only the information contained in your responses comprising your application. Material that is not required or otherwise specifically requested to be included in the application should not be submitted.

For information regarding how to navigate the online application, please refer to the "Grants Gateway Application Submission Instructions" document available on Grants Gateway associated with this grant opportunity or as posted on the **Department's** web site ("[Funding Opportunities](#)" web page).

C. Number of Applications

There is no limit to the number of applications that may be submitted by an eligible applicant (whether as a single or joint applicant or in combination thereof) in response to this RFA.

VIII. APPLICATION REVIEW AND AWARDING OF SUCCESSFUL APPLICATIONS

A. Review Process

1. Pass / Fail Criteria

Applications must be submitted via the New York State Grants Gateway. Applications will be assigned a unique number based on the order of its creation in the Grants Gateway.

Grant applications will be accepted on a continuous basis. The RFA will remain open and awards will be made until such time as available funds are fully committed, or the RFA is closed.

All applications will be reviewed on the following pass/fail criteria. Any application that fails any one of these criteria will be rejected:

- (1) application describes a project that meets or exceeds the operation-and-region-specific minimum acreage requirement;
- (2) application describes a project that meets or exceeds the operation-and-region-specific minimum percentage (%) for extent of active agricultural production;
- (3) application describes a project that meets or exceeds the operation-and-region specific minimum percentage (%) for the sum of Prime Soils (not “Prime if drained”) plus Soils of Statewide Importance (not “Prime if drained”);
- (4) application contains a site plan for the Conservation Easement Project that is fully consistent with **Department** guidance regarding land planning for an agricultural conservation easement, and;
- (5) application contains one of the following as its proposed conservation easement:
 - a. **Department’s** most current [“Model Agricultural Conservation Easement”](#) without modification thereto, **OR**
 - b. applicant conservation easement containing the Department’s most current [“FPIG Program Required Easement Provisions”](#) without modification thereto, provided the applicant easement:
 - i. contains no references to §247 of New York State General Municipal Law, **and**
 - ii. shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the Agriculture and Markets Law, **and**
 - iii. must be consistent with the “Purpose” and “Implementation” provisions as required by the Department.

Eligible applicants may resubmit a previously rejected application after addressing each failed criteria.

2. Advisory Council on Agriculture (ACA)

ACA members will be notified about and afforded the opportunity to provide comments to the **Department’s** Program Manager regarding those applications eligible for an award. Any comments received by the Program Manager shall be considered prior to an award being made to an applicant.

B. Determination of Awardees and Non-Awardees

The **Department** shall compile a list of eligible projects for award consideration. Awards shall be determined pursuant to the procedures described below.

1. Funding of Acceptable Projects and Notification of Awardees

All applications will be reviewed for eligibility and completeness based upon the respective regional Project Eligibility Criteria Checklist. All eligible applicants shall receive funding for approved project costs in the order that complete eligible applications are deemed acceptable for an award until all funds allocated for awards arising from the RFA are exhausted or until this RFA is closed. The Commissioner will notify successful applicants and provide information regarding funding agreements that will be forthcoming from the **Department**.

Applicants whose projects were not funded will be notified by the Land and Water Resources Division Director.

2. Funding Agreements

A funding agreement defining all terms, conditions and responsibilities of the successful applicant shall be developed by the **Department** after funds have been awarded. New York State has developed a “Master Contract” containing standard clauses required in all State Contracts. The Master Contract will be used for all projects awarded under this RFA, and applicants are responsible for complying with the terms and conditions contained therein. The Master Contract can be found at <https://grantsmanagement.ny.gov/system/files/documents/2018/09/sample-complete-nys-mcq.pdf>. Attachments to the Master Contract will include: (A-1) “Specific Terms and Conditions of this Agreement”; (B-2) “Performance Based Budget”; (C) “Work Plan”; and (D) “Payment and Reporting Schedule”. Upon agreement by the awardee and the Department to the provisions of the funding agreement, it will be submitted for approval to the Attorney General of the State of New York and the Comptroller of the State of New York.

Once the funding agreement has been fully executed, State funds will be disbursed on the basis of scheduled payments subject to the “Payment and Reporting Schedule” described in the “Payment & Reporting Requirements of Successful Applicants” section of this RFA.

The **Department** and State Comptroller’s Office reserve the right to audit the Applicant’s books and records relating to the performance of the project during and up to six years after the completion of the project.

3. Contingency Awards

In addition to the funds that are initially awarded under this RFA, the **Department** will set aside approximately \$1.5 million for a contingency fund to allow up to twenty percent (20%) in additional funding for unanticipated project cost increases. Subject to the 20% cap on additional funding, the applicant must provide a match for the total unanticipated project cost increases that is at least equal to the same percentage of match that was committed in the budget and the financial worksheet contained in the initially awarded funding agreement. Contingency funds will be made available to successful applicants on a first-requested, first-awarded basis based on the following criteria:

- i. justification of need for supplemental funding;
- ii. likely adverse consequences to project if supplemental funding is not provided;
- iii. documentation of additional costs supporting a request for funding; and
- iv. likelihood that the project will be successfully completed if funding is provided.

There will be no additional state monies available for cost increases once the contingency funds are exhausted. *Requests for contingency funds should not be included in the initial proposal; successful applicants may only request these funds after a funding agreement is in place.*

4. Debriefings

Following the announcement of the applicants awarded funding agreements under this RFA, unsuccessful applicants may request a debriefing from the **Department’s** Program Manager no later than fifteen (15) calendar days from the date of the non-award notification. This debriefing will be limited to a discussion of the failed aspects of the subject application. To request a review of an unsuccessful application, contact Ms. Judy Giovannetti, Division of Fiscal Management via e-mail at procurement.info@agriculture.ny.gov.

APPENDIX A-1 (**SAMPLE ILLUSTRATION**): Project Eligibility Checklist
 Farm Operations in Transition Farmland Protection Initiative
 "Beef Cattle or Hog Farm Operation"

FOR NYSDAM USE ONLY

**Project Eligibility Criteria Checklist for Round 17-B FPIG-RFA0224
 Farm Operations in Transition Farmland Protection Initiative
 Beef Cattle or Hog Farm Operation**

Application #:
 Submitted =
 Determination =

			RESULT
			PASS FAIL
Size of Conservation Easement Project =	0.0000 acres		<input type="checkbox"/> <input type="checkbox"/>

- Central NY: If <94 acres, this project shall not be awarded.
- Eastern NY: If <70 acres, this project shall not be awarded.
- Hudson Valley: If <45 acres, this project shall not be awarded.
- Long Island: If <9 acres, this project shall not be awarded.
- Western NY: If <70 acres, this project shall not be awarded.

Extent of Active Agricultural Production =	0.0 acres	#DIV/0!	<input type="checkbox"/> <input type="checkbox"/>
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- Central NY: If <50%, this project shall not be awarded.
- Eastern NY: If <32%, this project shall not be awarded.
- Hudson Valley: If <35%, this project shall not be awarded.
- Long Island: If <95%, this project shall not be awarded.
- Western NY: If <54%, this project shall not be awarded.

Extent of Active Agricultural Production devoted to production of: (1) Beef Cattle or Hogs; (2) certain Cash Grains (i.e., field corn, rye, soybeans, triticale, wheat, winter wheat, or oats) or Sunflower Seeds or Alfalfa Hay; (3) certain Fruits (i.e., apples, concord grapes, fresh grapes, or fresh sweet cherries); (4) Maple Sap; or (5) certain Vegetables (i.e., cabbage, potatoes, snap beans, or sweet corn) =

	0.0 acres	#DIV/0!	<input type="checkbox"/> <input type="checkbox"/>
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If <50.0% of the Active Agricultural Production acreage as devoted to the production of the specific eligible crops or livestock as noted immediately above (or any such combination of those specific crops or livestock), this project shall not be awarded.

For all regions:

Extent of Productive Soils =		#DIV/0!	<input type="checkbox"/> <input type="checkbox"/>
Extent of Prime Soils (NOT "Prime if drained")	0.0 acres		
Extent of Soils of Statewide Importance (NOT "Prime" or "Prime if drained")	0.0 acres		

- Central NY: If sum of Prime Soils and Soils of Statewide Importance <25%, this project shall not be awarded.
- Eastern NY: If sum of Prime Soils and Soils of Statewide Importance <25%, this project shall not be awarded.
- Hudson Valley: If sum of Prime Soils and Soils of Statewide Importance <25%, this project shall not be awarded.
- Long Island: If sum of Prime Soils and Soils of Statewide Importance <25%, this project shall not be awarded.
- Western NY: If sum of Prime Soils and Soils of Statewide Importance <25%, this project shall not be awarded.

Site Plan for Conservation Easement Project

If site plan is not fully consistent with Department guidance, this project shall not be awarded.

Conservation Easement Document

Select ONE:

Department Model Agricultural Conservation Easement

Applicant Easement containing Department-required provisions

This project shall not be awarded if:

- (1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or
- (2) conservation easement contains any unreasonably restrictive provision, or
- (3) conservation easement has omitted any Department-required provision, or
- (4) conservation easement is not consistent with the "Purpose" and "Implementation" provisions as required by the Department
- (5) (if applicable) Department model easement has had any modification made to its template language.

Application includes all required content of the online application.

Application requests State contribution of no more than \$2,000,000.

For an application requesting -

87.5% State cost-share assistance:

- (1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and
- (2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.

up to 75.0% State cost-share assistance:

- (1) no more than 75.0% of total project costs are shown to be paid by the requested State award.

Application contains no ineligible project cost.

**APPENDIX A-2 (SAMPLE ILLUSTRATION): Project Eligibility Checklist
Farm Operations in Transition Farmland Protection Initiative
“Farm Operation with Cash Grains or Sunflower Seeds or Alfalfa Hay”**

FOR NYSDAM USE ONLY

**Project Eligibility Criteria Checklist for Round 17-B FPIG-RFA0224
Farm Operations in Transition Farmland Protection Initiative
Farm Operation with Cash Grains or Sunflower Seeds or Alfalfa Hay**

Application #:
Submitted =
Determination =

		RESULT	
		PASS FAIL	
Size of Conservation Easement Project =	<input type="text" value="0.0000"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
Central NY:	If <94 acres, this project shall not be awarded.		
Eastern NY:	If <70 acres, this project shall not be awarded.		
Hudson Valley:	If <45 acres, this project shall not be awarded.		
Long Island:	If <9 acres, this project shall not be awarded.		
Western NY:	If <70 acres, this project shall not be awarded.		

Extent of Active Agricultural Production =	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
Central NY:	If <67%, this project shall not be awarded.			
Eastern NY:	If <67%, this project shall not be awarded.			
Hudson Valley:	If <67%, this project shall not be awarded.			
Long Island:	If <67%, this project shall not be awarded.			
Western NY:	If <67%, this project shall not be awarded.			

Extent of Active Agricultural Production devoted to production of: (1) Beef Cattle or Hogs; (2) certain Cash Grains (i.e., field corn, rye, soybeans, triticale, wheat, winter wheat, or oats) or Sunflower Seeds or Alfalfa Hay; (3) certain Fruits (i.e., apples, concord grapes, fresh grapes, or fresh sweet cherries); (4) Maple Sap; or (5) certain Vegetables (i.e., cabbage, potatoes, snap beans, or sweet corn) =

	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
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If <50.0% of the Active Agricultural Production acreage as devoted to the production of the specific eligible crops or livestock as noted immediately above (or any such combination of those specific crops or livestock), this project shall not be awarded.

For all regions:

Extent of Productive Soils =		<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extent of Prime Soils (NOT "Prime if drained")	<input type="text" value="0.0"/> acres			
Extent of Soils of Statewide Importance (NOT "Prime" or "Prime if drained")	<input type="text" value="0.0"/> acres			
Central NY:	If sum of Prime Soils and Soils of Statewide Importance <50%, this project shall not be awarded.			
Eastern NY:	If sum of Prime Soils and Soils of Statewide Importance <50%, this project shall not be awarded.			
Hudson Valley:	If sum of Prime Soils and Soils of Statewide Importance <50%, this project shall not be awarded.			
Long Island:	If sum of Prime Soils and Soils of Statewide Importance <50%, this project shall not be awarded.			
Western NY:	If sum of Prime Soils and Soils of Statewide Importance <50%, this project shall not be awarded.			

Site Plan for Conservation Easement Project

If site plan is not fully consistent with Department guidance, this project shall not be awarded.

Conservation Easement Document

Select ONE:

- Department Model Agricultural Conservation Easement
- Applicant Easement containing Department-required provisions

This project shall not be awarded if:

- (1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or
- (2) conservation easement contains any unreasonably restrictive provision, or
- (3) conservation easement has omitted any Department-required provision, or
- (4) conservation easement is not consistent with the "Purpose" and "Implementation" provisions as required by the Department
- (5) (if applicable) Department model easement has had any modification made to its template language.

Application includes all required content of the online application.

Application requests State contribution of no more than \$2,000,000.

For an application requesting -

87.5% State cost-share assistance:

- (1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and
- (2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.

up to 75.0% State cost-share assistance:

- (1) no more than 75.0% of total project costs are shown to be paid by the requested State award.

Application contains no ineligible project cost.

**APPENDIX A-3 (SAMPLE ILLUSTRATION): Project Eligibility Checklist
Farm Operations in Transition Farmland Protection Initiative
“Farm Operation with Fruits or Hazelnuts”**

FOR NYSDAM USE ONLY

**Project Eligibility Criteria Checklist for Round 17-B FPIG-RFA0224
Farm Operations in Transition Farmland Protection Initiative
Farm Operation with Fruits or Hazelnuts**

Application #:
Submitted =
Determination =

			RESULT
			PASS FAIL
Size of Conservation Easement Project =	<input type="text" value="0.0000"/> acres		<input type="checkbox"/> <input type="checkbox"/>
Central NY:	<i>If <47 acres, this project shall not be awarded.</i>		
Eastern NY:	<i>If <35 acres, this project shall not be awarded.</i>		
Hudson Valley:	<i>If <23 acres, this project shall not be awarded.</i>		
Long Island:	<i>If <5 acres, this project shall not be awarded.</i>		
Western NY:	<i>If <35 acres, this project shall not be awarded.</i>		

Extent of Active Agricultural Production =	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/> <input type="checkbox"/>
Central NY:	<i>If <75%, this project shall not be awarded.</i>		
Eastern NY:	<i>If <75%, this project shall not be awarded.</i>		
Hudson Valley:	<i>If <75%, this project shall not be awarded.</i>		
Long Island:	<i>If <75%, this project shall not be awarded.</i>		
Western NY:	<i>If <75%, this project shall not be awarded.</i>		

Extent of Active Agricultural Production devoted to production of: (1) Beef Cattle or Hogs; (2) certain Cash Grains (i.e., field corn, rye, soybeans, triticale, wheat, winter wheat, or oats) or Sunflower Seeds or Alfalfa Hay; (3) certain Fruits (i.e., apples, concord grapes, fresh grapes, or fresh sweet cherries); (4) Maple Sap; or (5) certain Vegetables (i.e., cabbage, potatoes, snap beans, or sweet corn) =

	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/> <input type="checkbox"/>
For all regions:	<i>If <50.0% of the Active Agricultural Production acreage as devoted to the production of the specific eligible crops or livestock as noted immediately above (or any such combination of those specific crops or livestock), this project shall not be awarded.</i>		

Extent of Productive Soils =		<input type="text" value="#DIV/0!"/>	<input type="checkbox"/> <input type="checkbox"/>
Extent of Prime Soils (NOT "Prime if drained")	<input type="text" value="0.0"/> acres		
Extent of Soils of Statewide Importance (NOT "Prime" or "Prime if drained")	<input type="text" value="0.0"/> acres		
Central NY:	<i>If <25%, this project shall not be awarded.</i>		
Eastern NY:	<i>If <25%, this project shall not be awarded.</i>		
Hudson Valley:	<i>If <25%, this project shall not be awarded.</i>		
Long Island:	<i>If <25%, this project shall not be awarded.</i>		
Western NY:	<i>If <25%, this project shall not be awarded.</i>		

Site Plan for Conservation Easement Project

If site plan is not fully consistent with Department guidance, this project shall not be awarded.

Conservation Easement Document

Select ONE:

- Department Model Agricultural Conservation Easement
- Applicant Easement containing Department-required provisions

This project shall not be awarded if:

- (1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or
- (2) conservation easement contains any unreasonably restrictive provision, or
- (3) conservation easement has omitted any Department-required provision, or
- (4) conservation easement is not consistent with the "Purpose" and "Implementation" provisions as required by the Department
- (5) (if applicable) Department model easement has had any modification made to its template language.

Application includes all required content of the online application.

Application requests State contribution of no more than \$2,000,000.

For an application requesting -

87.5% State cost-share assistance:

- (1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and
- (2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.

up to 75.0% State cost-share assistance:

- (1) no more than 75.0% of total project costs are shown to be paid by the requested State award.

Application contains no ineligible project cost.

**APPENDIX A-4 (SAMPLE ILLUSTRATION): Project Eligibility Checklist
Farm Operations in Transition Farmland Protection Initiative
"Maple Sap Farm Operation"**

FOR NYSDAM USE ONLY

**Project Eligibility Criteria Checklist for Round 17-B FPIG-RFA0224
Farm Operations in Transition Farmland Protection Initiative
Maple Sap Farm Operation**

Application #:
Submitted =
Determination =

		RESULT	
		PASS	FAIL
Size of Conservation Easement Project =	<input type="text" value="0.0000"/> acres	<input type="checkbox"/>	<input type="checkbox"/>
Central NY:	If <94 acres, this project shall not be awarded.		
Eastern NY:	If <70 acres, this project shall not be awarded.		
Hudson Valley:	If <45 acres, this project shall not be awarded.		
Long Island:	If <9 acres, this project shall not be awarded.		
Western NY:	If <70 acres, this project shall not be awarded.		

Extent of Active Agricultural Production =	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
Central NY:	If <50%, this project shall not be awarded.			
Eastern NY:	If <32%, this project shall not be awarded.			
Hudson Valley:	If <35%, this project shall not be awarded.			
Long Island:	If <95%, this project shall not be awarded.			
Western NY:	If <54%, this project shall not be awarded.			

Extent of Active Agricultural Production devoted to production of: (1) Beef Cattle or Hogs; (2) certain Cash Grains (i.e., field corn, rye, soybeans, triticale, wheat, winter wheat, or oats) or Sunflower Seeds or Alfalfa Hay; (3) certain Fruits (i.e., apples, concord grapes, fresh grapes, or fresh sweet cherries); (4) Maple Sap; or (5) certain Vegetables (i.e., cabbage, potatoes, snap beans, or sweet corn) =

	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
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For all regions: If <50.0% of the Active Agricultural Production acreage as devoted to the production of the specific eligible crops or livestock as noted immediately above (or any such combination of those specific crops or livestock), this project shall not be awarded.

Extent of Productive Soils =		<input type="text" value="#DIV/0!"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extent of Prime Soils (NOT "Prime if drained")	<input type="text" value="0.0"/> acres			
Extent of Soils of Statewide Importance (NOT "Prime" or "Prime if drained")	<input type="text" value="0.0"/> acres			
Central NY:	If <10%, this project shall not be awarded.			
Eastern NY:	If <10%, this project shall not be awarded.			
Hudson Valley:	If <10%, this project shall not be awarded.			
Long Island:	If <10%, this project shall not be awarded.			
Western NY:	If <10%, this project shall not be awarded.			

Site Plan for Conservation Easement Project

If site plan is not fully consistent with Department guidance, this project shall not be awarded.

Conservation Easement Document

Select ONE:

- Department Model Agricultural Conservation Easement
- Applicant Easement containing Department-required provisions

This project shall not be awarded if:

- (1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or
- (2) conservation easement contains any unreasonably restrictive provision, or
- (3) conservation easement has omitted any Department-required provision, or
- (4) conservation easement is not consistent with the "Purpose" and "Implementation" provisions as required by the Department
- (5) (if applicable) Department model easement has had any modification made to its template language.

Application includes all required content of the online application.

Application requests State contribution of no more than \$2,000,000.

For an application requesting -

87.5% State cost-share assistance:

- (1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and
- (2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.

up to 75.0% State cost-share assistance:

- (1) no more than 75.0% of total project costs are shown to be paid by the requested State award.

Application contains no ineligible project cost.

**APPENDIX A-5 (SAMPLE ILLUSTRATION): Project Eligibility Checklist
Farm Operations in Transition Farmland Protection Initiative
"Vegetable Farm Operation"**

FOR NYSDAM USE ONLY

**Project Eligibility Criteria Checklist for Round 17-B FPIG-RFA0224
Farm Operations in Transition Farmland Protection Initiative
Vegetable Farm Operation**

Application #:
Submitted =
Determination =

			RESULT
			PASS FAIL
Size of Conservation Easement Project =	<input type="text" value="0.0000"/> acres		<input type="checkbox"/> <input type="checkbox"/>
Central NY:	If <47 acres, this project shall not be awarded.		
Eastern NY:	If <35 acres, this project shall not be awarded.		
Hudson Valley:	If <23 acres, this project shall not be awarded.		
Long Island:	If <5 acres, this project shall not be awarded.		
Western NY:	If <35 acres, this project shall not be awarded.		

Extent of Active Agricultural Production =	<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/> <input type="checkbox"/>
Central NY:	If <75%, this project shall not be awarded.		
Eastern NY:	If <75%, this project shall not be awarded.		
Hudson Valley:	If <75%, this project shall not be awarded.		
Long Island:	If <75%, this project shall not be awarded.		
Western NY:	If <75%, this project shall not be awarded.		

Extent of Active Agricultural Production devoted to production of: (1) Beef Cattle or Hogs; (2) certain Cash Grains (i.e., field corn, rye, soybeans, triticale, wheat, winter wheat, or oats) or Sunflower Seeds or Alfalfa Hay; (3) certain Fruits (i.e., apples, concord grapes, fresh grapes, or fresh sweet cherries); (4) Maple Sap; or (5) certain Vegetables (i.e., cabbage, potatoes, snap beans, or sweet corn) =

<input type="text" value="0.0"/> acres	<input type="text" value="#DIV/0!"/>	<input type="checkbox"/> <input type="checkbox"/>
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If <50.0% of the Active Agricultural Production acreage as devoted to the production of the specific eligible crops or livestock as noted immediately above (or any such combination of those specific crops or livestock), this project shall not be awarded.

For all regions:

Extent of Productive Soils =		<input type="text" value="#DIV/0!"/>	<input type="checkbox"/> <input type="checkbox"/>
Extent of Prime Soils (NOT "Prime if drained")	<input type="text" value="0.0"/> acres		
Extent of Soils of Statewide Importance (NOT "Prime" or "Prime if drained")	<input type="text" value="0.0"/> acres		
Central NY:	If sum of Prime Soils and Soils of Statewide Importance <60%, this project shall not be awarded.		
Eastern NY:	If sum of Prime Soils and Soils of Statewide Importance <60%, this project shall not be awarded.		
Hudson Valley:	If sum of Prime Soils and Soils of Statewide Importance <60%, this project shall not be awarded.		
Long Island:	If sum of Prime Soils and Soils of Statewide Importance <60%, this project shall not be awarded.		
Western NY:	If sum of Prime Soils and Soils of Statewide Importance <60%, this project shall not be awarded.		

Site Plan for Conservation Easement Project

If site plan is not fully consistent with Department guidance, this project shall not be awarded.

Conservation Easement Document

Select ONE:

Department Model Agricultural Conservation Easement

Applicant Easement containing Department-required provisions

This project shall not be awarded if:

- (1) conservation easement contains any reference to §247 of General Municipal Law as authority to acquire conservation easements, or
- (2) conservation easement contains any unreasonably restrictive provision, or
- (3) conservation easement has omitted any Department-required provision, or
- (4) conservation easement is not consistent with the "Purpose" and "Implementation" provisions as required by the Department
- (5) (if applicable) Department model easement has had any modification made to its template language.

Application includes all required content of the online application.

Application requests State contribution of no more than \$2,000,000.

For an application requesting -

87.5% State cost-share assistance:

- (1) no more than 87.5% of total project costs are shown to be paid by the requested State award; and
- (2) no less than 87.5% of total project costs are shown to be paid by the requested State award, UNLESS a "cap" stipulated in the RFA otherwise requires the actual State contribution to be less than 87.5% of total project costs.

up to 75.0% State cost-share assistance:

- (1) no more than 75.0% of total project costs are shown to be paid by the requested State award.

Application contains no ineligible project cost.

INSTRUCTIONS FOR FILLING OUT FPIG PROJECT CLOSING STATEMENT.

- (1) Enter actual costs (or, as necessary, final estimated costs) for each item associated with this transaction. Value of development rights will automatically fill from above. All costs should be based on the most accurate data available, just prior to the scheduled closing of this conservation easement transaction. The value of development rights shall be that stipulated in the appraisal as contained in the Department-approved project file.
- (2) State contribution shall not exceed the \$ amount of the award and shall not exceed the % of total project cost that is stipulated in the award's FPIG contract. However, the State contribution toward any individual cost item may be greater than that %, perhaps as high as 100.0%. Project managers should enter the State contribution for each cost item based on how the State proceeds will actually be disbursed for this project, including those disbursed at the closing of this conservation easement transaction.
- (3) If a county is contributing funding to the project, project manager must allocate how that funding shall actually be used to complete this project. This form is certifying the actual use of State funds and all local cash match.
- (4) If a town is contributing funding to the project, project manager must allocate how that funding shall actually be used to complete this project. This form is certifying the actual use of State funds and all local cash match.
- (5) Any "Other" funding for this project must allocate how that funding shall actually be used to complete this project (in the same manner as that for county and/or town funds). Each source and the specific amount actually contributed from each source must be identified in supplemental budget documentation.
- (6) This pair of columns automatically sum all sources of cash estimated and actually used to cover the project costs.
- (7) This pair of columns automatically sum all contributions of in-kind services estimated and actually used to certain project costs.
- (8) The Landowner Contribution for each item is calculated as the difference between total cost of the item and funding available for it. In the case of "I and Costs" this represents a landowner donation resulting from a bargain sale of the conservation easement. For each transaction cost that the landowner will pay for or towards, that amount must be paid by the landowner prior to his/her receipt of any payment from the proceeds of the State disbursement.
- (9) Proposed Purchase Price is the amount of consideration that the landowner will receive for the sale of this conservation easement. That amount must be entered into the purchase and sale contract and the conservation easement. This number is automatically calculated as the difference between the value of the development rights and the sum of the funding sources available.
- (10) Value of staff time necessary to complete the conservation easement transaction for this project. Staff includes paid or volunteer employees of any project partner (including consultants). Direct costs should be entered in the appropriate columns as a "cash" amount whereas any non-cash contribution of staff time should be entered in the appropriate column as an "in-kind" amount. (Do not include cost of baseline documentation report anywhere along this line; that item is identified elsewhere on this form.)
- (11) State contribution shall not exceed \$10,000 per conservation easement.
- (12) This amount is typically in the range of \$40 to \$65 per conservation easement.
- (13) Other transaction costs must be identified separately. Examples include title report (including continuation of such report following Department approval of project file up to the closing of the conservation easement transaction), GIS mapping, printing, Phase I Environmental Site Assessment, etc. Be sure to reflect any in-kind contribution toward any such item in the appropriate County, Town and/or Other column.
- (14) State funding % shall not exceed the % of total project cost that is stipulated in the FPIG contract as awarded by the State.
- (15) Applicant must provide documentation ascertainable to the Department that fully accounts for the encumbrance or expenditure of the required local match for this project, including any costs borne by the landowner that shall not be reimbursed by either State proceeds or a local cash source, prior to the time of closing of this conservation easement transaction.
- (16) In-kind contributions shall not exceed 80% of the local match or \$25,000, whichever is less.
- (17) Auto math check confirms that the total project costs sum correctly and that the sum of the local match (%) and state share (%) shall equal 100.0%.