



## Agriculture and Markets

### Source Water Buffer Program Questions and Answers

January 27, 2020

#### Eligible Projects

- 1. Knowing the surface-groundwater connections present in a active gravel aquifer, is a property that sits atop a mapped and designated sole source aquifer eligible for this program?**

A property that is located within the boundaries of a sole source aquifer may be eligible but must meet one of the land location requirements indicated in section 2.2.1 Land Eligibility Requirements of the RFA. If the property does not meet any of these requirements it would not be eligible through the Source Water Buffer Program.

- 2. I see land enrolled in CREP is not eligible. Is land already protected from development under the Farmland Protection Implementation Grant Program eligible for this environmental protection program?**

No. Land that has already been protected from development by a conservation easement is not eligible for the Source Water Buffer Program.

- 3. If an Agricultural Woodlot is part of the Easement and located in the Farm Area, can a landowner perform woodlot management practices and conduct a timber harvest?**

The Conservation Easement document has been appended to the RFA as Appendix 1. Please refer to Section 5(e) – of the Conservation Easement document. This section discusses the permitted uses within the entire easement area specific to Forest Management.

- 4. Are all farms located in the New York City Watershed eligible to participate in the SWBP?**

A property that is located within the boundaries of the New York City watershed may be eligible but must meet one of the land location requirements indicated in section 2.2.1 Land Eligibility Requirements of the RFA. If the property does not meet any of these requirements it would not be eligible through the Source Water Buffer Program. The applicant would need to describe the connection to the drinking water source in the application form.

- 5. Are all farms located in the Susquehanna Watershed portion of Delaware County eligible to participate in the SWBP? (The Susquehanna River, which is downstream of Delaware County is used by the City of Binghamton as a drinking water supply.)**

A property that is located within the boundaries of the Susquehanna watershed may be eligible but must meet one of the land location requirements indicated in section 2.2.1 Land Eligibility Requirements of the RFA. If the property does not meet any of these requirements it would not be eligible through the Source Water Buffer Program. The applicant would need to describe the connection to the drinking water source in the application form.

- 6. What is the procedure for when a stream moves (i.e. onto an adjacent property)?**  
The location of the easement will be monumented by a property survey and will not move if the stream moves. Secondary purposes were written into the Easement to ensure it will remain relevant even if the immediate source water concern is eliminated.
- 7. Can a morph template be used in lieu of the sample template provided?**  
No.
- 8. Are landowners with existing easements eligible for the program?**  
Land that has already been placed under an easement is not eligible for the Source Water Buffer Program.
- 9. Who can we contact with questions regarding SWAP maps or locations of public water systems?**  
Please contact Courtney Davis, or Ashley Inzerillo at 518-402-7650.
- 10. Are Non-Community Transient water systems eligible for the Source Water Buffer Program?**  
Yes, this type of water system would be eligible. A Transient Non-Community water system is considered a public water system by the NYS Department of Health.
- 11. Can an easement be placed on land that is rented to a farm operation?**  
Please refer to the Addendum to the RFA that was posted on January 28, 2019.
- 12. If a property is enrolled in the Conservation Reserve Enhancement Program (CREP) is it eligible for the Source Water Buffer program?**  
No, a property already enrolled in CREP would not be eligible for the Source Water Buffer Program.
- 13. Will an appraisal be allowed in lieu of the cost calculator?**  
No.
- 14. If established buffers do not meet NRCS Standards, can restoration of the buffer be cost shared?**  
Yes.
- 15. Can Landowner's donate a portion of their conservation easement value to count as match?**  
Yes, Landowner's may choose to donate a portion of their conservation easement costs. In other words, they may accept less than the full purchase price for the proposed easement. This is called a bargain sale donation. This donation will count as Landowner Match and should be documented on the Conservation Easement Cost Calculator, as well as the SW 2 – Budget Form.
- 16. Are we required to use the conservation easement template?**  
Yes, no other conservation easement may be used for projects funded through the Source Water Buffer Program.
- 17. Can the farmstead be placed into an easement, but not the whole farm?**  
The farmstead area shall not be solely enrolled in this program (since its land use would not qualify).

## **Application**

- 1. SWCD Resolution – can the District pass one resolution for each application or do separate resolutions need to be passed for all applications submitted?**

A District Board of Directors may pass one resolution for all applications or separate resolutions for each application submitted. In any case, a copy of the signed resolution must be included with each application.

- 2. Which TDML list do we utilize to answer Question 1h in the Application? The Final 2016 List or the 2018 draft?**

Please use the Final 2016 NYS 303(d) List that was approved in July 2017.