

Request for Applications (RFA)
RFA 0181 - Source Water Buffer Program
New York State Department of Agriculture and Markets

ADDENDUM
(May 29, 2020)

Section 2.2.2 of the RFA is amended as follows:

2.2.2 Conservation Easement Requirements

The conservation easement area must adhere to the following considerations/requirements (see Appendix 1 - Conservation Easement Template):

- Easements may encompass portions of parcels, an entire parcel, or multiple parcels. However, whole farm easements will not be allowed.
- The easement area adjacent to surface waters (streams, rivers, lakes, reservoirs, ground water source under the direct influence of surface water) must, at a minimum, meet the applicable NRCS NY standard size requirements for the buffer being established or encumbered. The width of the easement area must not exceed 1,000 feet.
- The easement area for groundwater wellhead protection area or aquifer sinkholes must be entirely within the 1,000-foot radius from the wellhead or sinkhole and cannot exceed the 1,000-foot radius from the wellhead or sinkhole.
- The easement area must include a buffer area.
 - Agricultural use of the buffer area is prohibited.
 - Recreational use of the buffer area is prohibited except for access to the source water for:
 - fishing or hunting in or on the Source Water;
 - launching a kayak, canoe, or boat onto the Source Water for recreational use; or
 - operating a snowmobile or similar motorized vehicle for recreational use only during the months of November through March.
- The easement area may include a farm area, in addition to a designated buffer area.
 - For groundwater wellhead protection areas or aquifer sinkholes, no farm area will be allowed within the inner well zone of the wellhead protection area or 500-foot radius from the sinkhole.
 - The Farm Area cannot be more than 90% of the total easement area
 - To ensure farm viability, the Farm Area cannot encompass more than 50% of the total acreage operated by the farm
 - ~~No annual cropping will be allowed within a Farm Area~~
 - The production of corn, wheat, oats, rye, barley, potatoes, dry beans, fruits, vegetables, horticultural specialties, Christmas trees, aquaculture products, woody biomass, or industrial hemp will not be allowed within a Farm Area
 - Allowable agricultural uses within a farm area are:
 - Prescribed Grazing;
 - Pasturing; and
 - Haying Production of hay, maple sap, apiary products, and log-grown woodland mushrooms.

- Farm Area may intersect with the buffer area to allow for:
 - A constructed road or stream crossing for farm implements or livestock;
 - An access to the source water to 1) provide a source of drinking water to supply an off-stream watering system for livestock associated with an Agricultural Use of the Farm Area; or 2) provide an access to the source of water for irrigation purposes.

Conservation easements must protect and/or enhance water quality of the water source identified in the application. At a minimum, a buffer area (forested or herbaceous) must be established adjacent to and upland from the surface water resource. If the source water to be protected is a groundwater aquifer, a buffer area must be established surrounding the wellhead or sinkhole. Easements may also encumber previously established buffer areas. All best management practices, either pre-existing or proposed, must meet the New York State NRCS Standards and Specifications. For projects applicants may proposing to implement best management practice systems, all component practices must be implemented and the system must be properly certified after the conveyance of the conservation easement.

An AEM Tier 3 Plan that incorporates the conservation easement area and associated best management practices will need to be completed or updated prior to the conveyance of the conservation easement. The AEM Tier 3 plan can include a Tier 3A, a Tier 3B Comprehensive Nutrient Management Plan (CNMP), or a Tier 3C Whole Farm Plan (WFP). If the conservation easement includes a Farm Area, the AEM Tier 3 plan must include a Nutrient Management component.

Appendix 1. SAMPLE Conservation Easement Template is amended as follows:

6(a). Prohibitions and Restrictions on Agricultural Uses.

The Agricultural Use (including any associated buildings) of the Buffer Area is prohibited, except as expressly associated with the Agricultural Use of:

- i. a road constructed pursuant to Section 5(h) (“Road Construction”), or
- ii. an access to Source Water pursuant to Section 5(i) (“Access to the Source Water”)

~~Within the Farm Area, no annual cropping will be permitted. The production of corn, wheat, oats, rye, barley, potatoes, dry beans, fruits, vegetables, horticultural specialties, Christmas trees, aquaculture products, woody biomass, or industrial hemp will not be permitted within a Farm Area.~~ The Agricultural Use (including any associated buildings) of the Farm Area is limited to:

- i. prescribed grazing
- ii. pasturing
- iii. haying production of hay, maple sap, apiary products, and log-grown woodland mushrooms.