

**LAND TRUST GRANTS PROGRAM - ROUND 4
REQUEST FOR PROPOSALS - RFP0254**

for State Assistance Payments for

APPRAISALS FOR PROPOSED AGRICULTURAL CONSERVATION EASEMENTS

Questions & Answers

(Posted April 22, 2022)

Q1a. The appraisal guidance document (GD#6) lists the checklist question “Is the effective date of the appraisal within three years of closing the project?” Is this 3-year “shelf life” accurate for the appraisals completed under this RFP and for future FPIG projects?

The 3-year reference in the appraisal guidance document refers to the date of closing of the conservation easement transaction(s) associated with FPIG projects. This grant opportunity is not intended to obtain appraisals for which the value of development rights will be determined for future FPIG-awarded projects. However, it would be appropriate to use appraisals funded with this grant opportunity as a basis for the estimated value of development rights included on a Financial Worksheet submitted as part of an application or proposal for a future Farmland Protection Implementation Grant (FPIG) grant opportunity. That Financial Worksheet should also reflect sufficient funding for the appraisal transaction cost line item to enable any such appraisal funded under this Land Trust Grants opportunity to be updated as part of the subsequent FPIG-awarded conservation easement project.

Q1b: If a property that has an appraisal completed under this RFP is subsequently awarded a Farmland Protection Implementation Grant (FPIG) by NYSDAM, and the purchase of development rights closes later than 3 years from the effective date of the appraisal, would an update to the appraisal be eligible costs under the FPIG project?

Yes, but please refer to the answer to Question 1a.

Q2a: A site plan, submitted as part of the Project File, must be approved by NYSDAM. If a property has an approved site plan under this RFP and an appraisal completed, and the property is the subject of a later Farmland Protection Implementation Grant (FPIG) application to NYSDAM, how will NYSDAM consider or handle a change to the site plan?

The site plan will be reviewed and evaluated as part of a complete application or proposal within the context of that future FPIG grant opportunity. If a site plan is proposed to be modified at any time after the awarding of an FPIG contract, the proposed revised site plan must be submitted as part of the next submission of documents required by that FPIG contract, whether that submission is the preliminary package or the project file. As part of its review of that contract

deliverable for that FPIG contract, the Department would then determine whether the proposed revised site plan is acceptable.

Q2b: Would a new appraisal be required as part of the FPIG project that contemplated the new site plan?

Whether a new appraisal or an updated/revised appraisal would be required cannot be determined from your question. Please see Question 1 and Question 2a.

Q2c: Are there particular site plan changes that would be acceptable and others that would be problematic?

Please refer to the Department's guidance document regarding land planning for an agricultural conservation easement. The answer to this question is site specific and would depend upon the change(s) being proposed. However, any exclusion that is proposed associated with a contract awarded under an FPIG Request for Proposals (RFP) may be denied since such a revision would likely have affected the score and ranking of that proposal within that specific round of FPIG funding.

Q3. An agricultural conservation easement is a required component of all appraisals submitted as part of this grant. If a property has an appraisal completed under this RFP and is subsequently awarded a Farmland Protection Implementation Grant (FPIG) by NYSDAM, it stands to reason that the contemplated agricultural conservation easement for the FPIG might evolve from the draft included in the appraisal under this RFP.

a) How will NYSDAM handle such changes?

The conservation easement document will be reviewed and evaluated as part of a complete application or proposal within the context of that future FPIG grant opportunity. The degree of latitude afforded to the Department to consider proposed revisions to the conservation easement submitted in an awarded application or proposal depends upon the State cost-share rate selected in that application or proposal.

b) Will an updated appraisal then be required for the FPIG project?

Please refer to the answers to Question 1 and Question 2a.

Q4: If a future Farmland Protection Implementation Grant (FPIG) application has a completed appraisal as part of an award under this RFP, will it receive preference or bonus points in its evaluation?

Any application submitted in response to any FPIG Request for Applications (RFA) is not scored; therefore, there would be no "preference or bonus points" earned. It is unknown at this time if a future FPIG Request for Proposals (RFP) will assign

any “preference or bonus points” associated with an award associated with this Land Trust Grants opportunity.

Q5: Specifically thinking about the FPIG Round 18 RFA and the new land categories and requirements for each – do the lands for this appraisal grant need to match or meet any of the land requirements listed in the Round 18 RFA?

The subject property included in a proposal submitted under this grant opportunity does not need to meet the requirements included in the FPIG Round 18 RFA.

Q6: Are there eligibility requirements on the lands that we apply to get appraisals for?

The subject property must be viable agricultural land and it must be included in agricultural land identified in a county or municipal farmland protection plan.

Q7: This question centers around title of the lands that we apply to get appraisals for. Our organization will not run title before the appraisal (if awarded) so the appraisal will be based on some assumptions of clean title – is this acceptable?

Yes.

Q8: How is "active farmer" defined?

Per section 1.5 of the RFP, to be eligible for state assistance payments under this program, an organization must have at least one active farmer on their board of directors at the time of application or shall provide for the appointment of a farmer to their board of directors in a manner approved by the Commissioner. An active farmer is engaged in the production of “crops, livestock, or livestock products” as part of a “Farm Operation” as those terms are defined in section 301 of the New York State Agriculture and Markets Law.

Documentation that an active farmer is currently a member of the applicant’s board of directors must be provided at the time of application. If an organization does not have an active farmer on the board of directors at the time of application, the application must include a Resolution from the board of directors authorizing the submission of the application and providing for the appointment of an active farmer to the organization’s board of directors within 60 days of receiving an award under this RFP.

AML 25AA Section 301 Definitions:

<https://www.nysenate.gov/legislation/laws/AGM/301>

Q9: Orleans County does not have a NYSDAM certified farmland protection plan. Does this mean that projects located in this county are ineligible for inclusion in an application for this grant round?

Per section 2.1 of the RFP, the subject property must be included in agricultural land identified in a county or municipal farmland protection plan. Property located

in a county without a Commissioner approved farmland protection plan could be eligible if they are included in an approved municipal farmland protection plan and the project is endorsed by the agricultural and farmland protection board for the county in which the project will be implemented.

Q10: Can Round 4’s appraisals contain valuations for PPRs as well as easement values, or do the appraisals need to be strictly just for easements (without PPRs)?

Yes, this round supports and encourages the conservation easement provision for Preemptive Purchase Rights (PPR’s). There is a checkbox available on your Appraisal Project Summary Worksheet found in Pre-Submission Uploads in the Grants Gateway.

Please mark which projects will be appraising PPR’s.

| Project Name | Town | County | Total Easement Acreage | Acres in Active Agriculture | Acres of Prime Soils | Acres of Statewide Importance | NYSDAM Model | Optional Easement Provisions (Y) | Preemptive Purchase Right (Y) | Estimated Cost of App |
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| Site Plan # 1 | | | | | | | | | | |
| Site Plan # 2 | | | | | | | | | | |
| Site Plan # 3 | | | | | | | | | | |