

**RFA0393**

**NEW YORK STATE  
DEPARTMENT OF AGRICULTURE AND MARKETS  
REQUEST FOR APPLICATIONS  
for State Assistance Payments for**

**ROUND 20  
FARMLAND PROTECTION IMPLEMENTATION GRANTS PROGRAM  
Agricultural Conservation Easement Projects**

**2025**

***NYS SFS Grants Management Bid Event: FPIG20***

**TIMELINE**

Release Request for Applications (RFA)	December 2025
Questions and Answers	Questions and answers will be posted on an ongoing basis as they are received.
<b>Deadline for Applications</b>	<b>NONE</b>
Announce and Award Grants	Beginning mid-March 2026 and ongoing thereafter.

# **REQUEST FOR APPLICATIONS OVERVIEW**

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## I. APPLICATION SUBMISSION REQUIREMENTS

The New York State Department of Agriculture and Markets (the “Department”) is pleased to announce the availability of funds for the Round 20 Farmland Protection Implementation Grants (FPIG) Program – Agricultural Conservation Easement Projects. Applications for funding must conform to the format provided in the Statewide Financial System. **APPLICATIONS MUST BE SUBMITTED via the [Statewide Financial System \(SFS\) Vendor Portal](#)** to be considered for funding. Faxed, mailed, or e-mailed applications will not be accepted.

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.

## II. QUESTIONS & 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 Department of Agriculture and Markets  
10B Airline Drive  
Albany, New York 12235  
Fax: (518) 457-3412  
E-mail: [david.behm@agriculture.ny.gov](mailto: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](http://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. 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.

## **B. Intent of Request for Applications (RFA)**

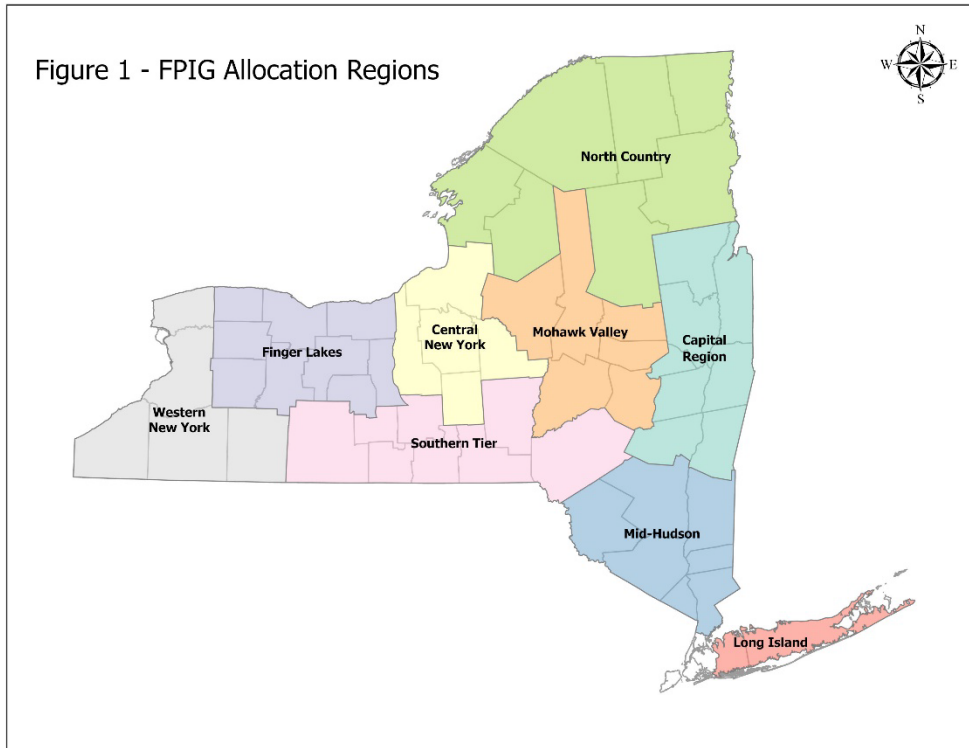
The intent of this RFA is to fund the implementation of certain farmland protection activities intended to maintain the economic viability of the State's agricultural industry and its supporting land base and to protect the environmental and landscape preservation values associated with agriculture. Such activities must be described in or otherwise consistent with agricultural and farmland protection plans that have been adopted by counties or municipalities.

Specifically, the Department invites applications for State financial assistance to enable eligible applicants to cover a portion of total eligible project costs for Agricultural Conservation Easement Projects with owners of viable agricultural lands that are at risk of conversion to non-farm uses. Each Agricultural Conservation Easement Project must result in a perpetual agricultural conservation easement.

## **C. Available Funds**

The Department has made available \$67.0 million for awards (including up to \$3.35 million for potential subsequent contingency awards as authorized (see [Section VI.C., "Contingency Awards"](#)) through an open application and awards process with \$6.365 million available within each of nine regions across the state (see Figure 1) for regional awards. \$17.0 million of the available funds are from past appropriations of Environmental Protection Fund (EPF) monies and \$50 million is available from the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 (Bond Act).

After June 1, 2026, the Commissioner may make supplemental awards with the remaining unawarded available funds (which shall be no less than \$6.365 million) 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.



#### D. 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 that intends to apply 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 an application. An 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.

## IV. PROJECT REQUIREMENTS

### A. Eligible Projects

Eligible projects are limited to those associated with viable agricultural land that will result in perpetual agricultural conservation easement(s). 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.

The following lands are NOT eligible under this RFA:

- Lands under public ownership, except for any *Access to Farmland* category project, or
- Lands subject to an existing conservation easement (regardless of its duration), or
- Lands subject to an easement (regardless of its duration) or a lease (regardless of its duration) associated with a cellular communications tower. As referenced herein, “lands subject to” refers to any portion of the land to be protected by a proposed project that is unreasonably restricted by that easement or lease.

Applicants can apply for projects associated with Farm Operations in these categories:

- Access to Farmland (see Appendix A-1)
- Agroforestry (see Appendix A-2);
- Climate Resiliency (see Appendix A-3);
- Equine (see Appendix A-4);
- Field Crops (see Appendix A-5);
- Food Security (see Appendix A-6);

- Livestock or Livestock Products (see Appendix A-7);
- Source Water Protection (see Appendix A-8);
- Specialty Crops (see Appendix A-9);
- Viable Agricultural Land – Other (see Appendix A-10); or
- Vineyard (see Appendix A-11).

Projects must meet the operation-and-region specific eligibility requirements for the selected category as set forth in Appendices A-1 through A-11. These requirements include minimum criteria for the following:

1. the type of Farm Operation and/or characteristics of the lands to be protected;
2. the size of a proposed project;
3. the percentage (%) of land proposed to be protected by an agricultural conservation easement that must be in active agricultural production. Except as noted for the Agroforestry and Equine categories, “Active agricultural production” refers to the production of “crops, livestock and livestock products” as that term is defined in section 301 of Article 25-AA of the New York State Agriculture and Markets Law); and
4. the percentage (%) of productive soils associated with the project. Except as noted on the respective Appendix A for the Food Security, Specialty Crops, and Vineyard categories, “Productive soils” refers to the sum of Prime Soils (not “Prime if drained”) plus Soils of Statewide Importance (not “Prime” or “Prime if drained”) as determined by the USDA - Natural Resources Conservation Service.

To be eligible for funding under this RFA, each proposed project must, at a minimum, be consistent with the location of any land or areas proposed to be protected in a county’s or a municipality’s agricultural and farmland protection plan (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 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 each municipality in which the proposed project is located.

Each proposed project must be associated with *at least one* 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 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 project are under the control of a written agricultural lease.

## B. Project Costs

The following are **eligible project costs**:

1. The value of the agricultural conservation easement(s) (without a Preemptive Purchase Right (PPR)) being acquired as determined by an appraisal deemed acceptable to the Department.
2. The value of a PPR (which is **required for any Food Security** category project), provided:
  - a. at least 25% of each conservation easement area is comprised of Prime Soils<sup>1</sup> (i.e., not “Prime, if drained” or “Soils of Statewide Importance”), and
  - b. such value is from an appraisal deemed acceptable to the Department.

NOTE: The state contribution toward a PPR shall be no more than 40% of the appraised value of the agricultural conservation easement(s) (without PPR) being acquired, or \$250,000, whichever is less.<sup>2</sup>

3. A one-time incentive payment<sup>3</sup> (**applicable only to Climate Resiliency or Source Water Protection** category projects), which shall be equivalent to 10% of the value of the agricultural conservation easement(s) (including PPR, if applicable) being acquired, as determined by an appraisal deemed acceptable to the Department.
4. Transaction costs deemed reasonable by the Department. Eligible transaction costs are limited to:
  - title reports (including associated continuation fees until such time that title insurance is purchased);
  - title insurance;
  - property surveys;
  - appraisal(s);
  - applicant’s and other project partners’ legal fees to negotiate/close the agricultural conservation easement transaction and to review title reports and, as necessary, prepare title curatives;
  - applicant’s and other project partners’ staff time to negotiate/close the agricultural conservation easement transaction, manage the preparation/compilation of required deliverables, and locally administer the awarded funding agreement;

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<sup>1</sup> This stipulation is waived for any *Food Security* category project whose size is no more than five acres above the minimum size of projects as noted in [Appendix A-6](#).

<sup>2</sup> This limitation is waived for any *Food Security* category project whose size is no more than five acres above the minimum size of projects as noted in [Appendix A-6](#), provided the amount shall be subject to the maximum award amounts noted in [Section IV.C](#).

<sup>3</sup> Such payment shall be separate and distinct from the purchase price of the proposed agricultural conservation easement and *should not be included in the amount of consideration referenced in the easement document*. While the incentive payment should be provided to the landowner at the closing of the agricultural conservation easement transaction, it should be presented as a separate payment from the proceeds of the landowner’s sale of the easement to the Grantee(s).

- preparation of a baseline documentation report regarding the proposed Agricultural Conservation Easement Project;
- soil health assessment of each conservation easement area (**required for any Climate Resiliency** category project **or any Food Security** category project; **for all other categories**, an allowable expense **if** deemed necessary);
- environmental site assessment(s) (**if** deemed necessary);
- recording fees;
- easement stewardship fee\*; and
- conservation easement defense liability insurance (if applicable).

\*NOTE: The state contribution toward easement stewardship shall not exceed \$10,000 per easement OR 50% of total transaction costs for each easement comprising the proposed project if easement stewardship costs are based on annual costs as determined in a policy adopted by the applicant's governing body and deemed reasonable by the Department. The amount shall be subject to the maximum award amounts noted in Section IV.C. below.

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;
- indirect or overhead costs (i.e., office rent, office utilities, and any other cost that is indirectly incurred); and
- any costs incurred prior to the start date of a funding agreement.

### **C. Maximum Award Amounts/Match Requirements**

No award shall exceed \$3.0 million. Any project that includes Federal farmland protection funding shall not be awarded more than \$500,000.

1. For applications seeking a State contribution of 87.5% of total eligible project costs, the participating landowner(s) 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 project.
2. For applications seeking a State contribution of up to 75.0% of total eligible project costs, the 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. The following stipulations apply to the local match contribution:
  - If a Preemptive Purchase Right is associated with the proposed project, then the local cash match contribution must be increased to cover the balance of the total appraised value of that reserved right with no portion of that specific cost to be paid for by the participating landowner(s).

- The local cash match requirement to cover the cost of the value of the agricultural conservation easement(s) being acquired (without PPR) is waived whenever a participating landowner donates the *full value* of the agricultural conservation easement(s) comprising the entire proposed project, provided that the value of any PPR associated with the proposed project is fully paid for from proceeds received from the State contribution and local (non-landowner) cash match..
  - Local match (whether cash or in-kind contribution) may be supplied by the applicant, participating landowner(s), or other non-Federal supporters of the proposed project, provided the participating landowner(s) will not solely supply any local cash match.
3. For applications seeking a State contribution of 25% of the value of the agricultural conservation easement(s) (including PPR, if applicable) being acquired plus eligible transaction costs, the local match must cover **all** of the remaining eligible total project costs and may be provided, but only in part, by the participating landowner(s). The following stipulation applies to the local match contribution:
- Applicant must obtain Federal farmland protection funding (e.g., Agricultural Conservation Easement Program administered by U.S. Department of Agriculture-Natural Resources Conservation Service; Readiness and Environmental Protection Integration Program administered by U.S. Department of Defense; or any other Federal source of funding that may be used on farmland protection implementation activities) within the funding agreement term or prior to notification of a State award associated with this RFA. Such Federal farmland protection funding awarded to the applicant (or to any Joint Applicant, if applicable) shall be deemed part of the required local match contribution.

PLEASE NOTE: This cost-share rate is not available for *Food Security, Climate Resiliency, or Source Water Protection* category projects.

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

- Any governmental entity providing matching funds must provide a letter from an authorized representative formally acknowledging its proposed contribution<sup>4</sup>.
- As applicable, any other entity (including participating landowners) providing matching funds must provide a letter from an authorized representative formally acknowledging the amount of its contribution.
- None of the local cash match shall be from a State source.
- Cash and in-kind match shall only be used to cover eligible project costs.

The above cost-share requirements are summarized in the following Table.

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<sup>4</sup> If the applicant is a governmental entity and its application 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 contract with that successful applicant.

### Match Contribution and Conservation Easement Requirements

Max State Award	Maximum State Contribution <i>(* = including PPR, if applicable; see below)</i>	Other "Caps" on State Contribution <i>(* = without PPR; see below)</i>	Minimum Local Match		Conservation Easement Requirements
			%	Cash <i>(* = without PPR; see below)</i>	
\$3,000,000	87.5% of total project costs <sup>+</sup>	(a) Preemptive Purchase Right <sup>5</sup> : 40% of value of agricultural conservation easement(s) being acquired*, or \$250,000, whichever is less <sup>6</sup> , <b>AND</b> (b) Easement Stewardship Fee <sup>7</sup> : \$10,000 per easement OR 50% of total transaction costs per easement.	12.5% of total project costs <i>(solely from land-owner)</i>	None specified	Use of Department agricultural conservation easement
\$3,000,000	Up to 75.0% of total project costs <sup>+</sup>	(a) Preemptive Purchase Right <sup>5</sup> : 40% of value of agricultural conservation easement(s) being acquired*, or \$250,000, whichever is less <sup>6</sup> , <b>AND</b> (b) Easement Stewardship Fee <sup>7</sup> : \$10,000 per easement OR 50% of total transaction costs per easement.	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 the full value* of the agricultural conservation easement(s) comprising the entire project is donated)</i> ; <b>EXCEPT IF</b> 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 agricultural conservation easement provisions provided remainder of agricultural conservation easement – (a) shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the AML, <b>AND</b> (b) contains no reference to §247 of New York State General Municipal Law, <b>AND</b> (c) must be consistent with the "Purpose" and "Implementation" provisions as required by the Department.
\$500,000	25.0% of value of agricultural conservation easement(s) being acquired <sup>+</sup> <b>plus</b> all transaction costs <i>[Not available for Climate Resiliency, Food Security, or Source Water Protection categories.]</i>	(a) Preemptive Purchase Right <sup>5</sup> : 40% of value of agricultural conservation easement(s) being acquired*, or \$250,000, whichever is less <sup>6</sup> , <b>AND</b> (b) Easement Stewardship Fee <sup>7</sup> : \$10,000 per easement OR 50% of total transaction costs per easement.	Balance of all project costs.	Federal Farmland Protection grant award	Purpose of agricultural conservation easement will (minimally) ensure that the land remains available for agricultural use.

<sup>5</sup> **If the agricultural conservation easement includes a Preemptive Purchase Right**, these additional stipulations must be met: (a) 25% of the land subject to that agricultural conservation easement must be comprised of Prime Soils (i.e., NOT "Prime, if drained" or "Soils of Statewide Importance"), and (b) use of Department-required definition of "Qualified Farmer." However, regarding stipulation (a), please refer to [footnote "1"](#) in Section IV.B.

<sup>6</sup> The cap on Preemptive Purchase Right is waived for any *Food Security* category project whose acreage is no more than five acres above the minimum size of projects noted in Appendix A-6.

<sup>7</sup> See Section IV.B., "Project Costs" for more detail on the limits on easement stewardship amounts.

## D. Project Application Requirements

In addition to the operation and region-specific minimum eligibility requirements, all project applications must include the following:

1. a site plan for the project that is fully consistent with Department guidance regarding land planning for an agricultural conservation easement project (please refer to [Section IV.E, "Policy Guidance"](#));
2. a completed and signed NYS Farmland Protection Implementation Grant (FPIG) Agricultural Environmental Management (AEM) Participation Verification Cover Form;
3. one of the following agricultural conservation easements:
  - a. Department's Model Agricultural Conservation Easement without any substantial modification thereto (*required when requesting 87.5% State cost-share assistance*), **OR**
  - b. Applicant's easement containing the most current version of the Department's "FPIG Program Required Easement Provisions" without modification thereto (*required when requesting up to 75.0% State cost-share assistance if applicant chooses not to use Department's Model Agricultural Conservation Easement*) provided the applicant's 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, **OR**
  - c. Applicant's easement version as required by the Federal agency administering the Federal farmland protection grant; (ONLY allowed when requesting "25.0% plus" State cost-share assistance; see [Section IV.C, "Match Requirements"](#) for more information about this cost share rate).

## E. Policy Guidance

The following guidance documents are available 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);
  - *For any project that incorporates Agricultural Tourism:* Multiple Limited Compatible Use Areas may be designated or reserved and more than one Compatible Enterprise Area may also be designated or reserved to accommodate the diverse range of potential customers identified elsewhere in the application provided that the subject property offers a suitable location for each such Use Area.

- *For any Climate Resiliency category project:* A Limited Compatible Enterprise Area of up to 30.0 acres (provided the land uses within it are subordinate to the Agricultural Use of the lands to be protected) that is properly sited/scaled/configured *exclusively for* (a) community methane digester, or (b) community solar array (provided its siting/construction/decommissioning adheres to Department guidelines) may be incorporated into an agricultural conservation easement.
- [“Title Commitment and Curatives for Conservation Easements \(GD # 5\)”](#) (and, if applicable: [“Option 5 SAMPLE Easement Language”](#));
- [“Model Agricultural Conservation Easement”](#) (*recommended for all* Agricultural Conservation Easement Projects);
- [“Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions”](#) (*if the Department’s Model Agricultural Conservation Easement is not used, then these provisions are required to be incorporated into the applicant’s agricultural conservation easement document for any proposed project requesting State financial assistance of up to 75.0% of total project costs*);
- [“Appraisals for Conservation Easements \(GD # 6\)”](#); AND
- [“Definition of ‘Qualified Farmer’ for a Preemptive Purchase Right.”](#)
- *For any Food Security category project:* The Department will consider (and only with its prior approval) some modification to the definition of “Qualified Farmer” provided that any revision:
  - (a) is limited to the “gross sales of any one or more Crops, Livestock and Livestock Products of at least \$10,000 in the most recent taxable year” provision therein, and
  - (b) does not result in an unreasonable restriction on the land to be protected or on the Farm Operation associated with said land.

Program staff from the Department’s Division of Land and Water Resources shall evaluate the proposed agricultural conservation easement document and proposed site plan for conformance with Department policies contained in the guidance documents listed above. The Department will not approve state funding for any agricultural conservation easement or site plan deemed to be inconsistent with the Department’s policies.

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 agricultural 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 the Department 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”).

## **V. APPLICATION SUBMISSION - SFS**

### **A. Accessing the SFS Vendor Portal**

Interested applicants must be registered in SFS and have access to the [Grants Management System](#) to apply for this grant. If you have access to login to the [SFS Vendor Portal](#) and are interested in applying for this Grant Opportunity you can [search for this Grant Opportunity in SFS](#) using the Event ID: **FPIG20** click the *Log into SFS and Apply for Grant* button to access the SFS Vendor portal. If you do not have access to the SFS Vendor Portal, but your organization is already established within the SFS Vendor portal, an SFS Delegated Administrator has been authorized within your organization to provide user login credentials, unlock accounts, or reset passwords. Please reach out to your SFS Delegated Administrator directly.

### **B. SFS Registration**

If your organization is new to the SFS Vendor portal, does not have a login, and would like to establish an account for the purposes of applying for this Grant Opportunity and doing business with the State of New York please read the instructions found here: <https://grantsmanagement.ny.gov/register-your-organization-sfs>.

NOTE: New York State Grants Management reserves 5-10 business days from the receipt of complete materials to process a registration request. Due to the length of time this process could take to complete, it is advised that new registrants send in their registration form as soon as possible. Failure to register early enough may prevent potential applicants from being able to complete a grant application on time.

Organizations are notified by email once registration is complete.

### **C. Pre-Qualification in SFS**

All not-for-profit organizations that intend to submit a proposal in response to this RFP must be prequalified by the date and time applications are due. **Your proposal will be rejected and not considered for funding under this RFP if your organization is not prequalified in SFS by the date and time applications are due.**

To prequalify, a not-for-profit organization must first register with SFS and complete an online Prequalification Application. This includes answering basic questions regarding the organization and uploading key organizational documents.

Note: Once prequalified, it is the responsibility of the organization to maintain its prequalification. Three essential financial documents of a not-for-profit organization – the IRS990, Financial Statement, and Charities Bureau filing – expire on an annual basis. A not-for-profit organization must upload current versions of these documents and submit an updated prequalification application for review and approval each year to maintain its prequalification status. Not-for-profit organizations are provided a full 10.5 months from the end of their fiscal year to provide a current IRS990 or Financial Statement without the interim requirement of uploading extension requests. For more information regarding the prequalification process, please view the [Prequalification Manual for Grantees](#).

Note: New York State reserves 5-10 business days from the receipt of complete Prequalification Applications to conduct its review. If supplementary information or updates are required, review times will be longer. Due to the length of time this process could take to complete, it is advised that not-for-profit organizations prequalify as soon as possible. Failure to successfully complete the prequalification process early enough may result in a grant application being disqualified.

### **D. Completing an Application in SFS**

Applicants must respond to each of the sections and upload all requested attachments as directed in the Grant Opportunity posted in SFS to create an application to be submitted to the Department. A complete application will be comprised of the applicant's responses to the "Applicant Questions" including all required document uploads. Before beginning an application in SFS, please read through the "How to Apply for Farmland Protection Implementation Grants NYS AGM FPIG20 in SFS" document for detailed information and assistance in preparing your individual grant applications. This document is posted on the [Department's website](#) with the RFA and in the Event Comments and Attachments section of the Grant Opportunity posted in SFS.

## **E. Technical Assistance with SFS**

Resources are available on the Grants Management website for Grantees applying to funding opportunities on the New York SFS Vendor Portal. Please visit <https://grantsmanagement.ny.gov/resources-grant-applicants>.

To reach the technical assistance team, regarding user roles, prequalification and registration questions, contact:

**SFS Help Desk:**

**Email:** [sfs@its.ny.gov](mailto:sfs@its.ny.gov) (fastest method of contact)

**Phone:** 518-474-5595

**Hours:** Monday thru Friday 8am to 4pm

## **F. 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.

# **VI. APPLICATION REVIEW AND AWARDS**

## **A. Application Review**

### 1. Pass / Fail Criteria

Applications must be submitted via SFS. Applications will be assigned a unique number based on the order of its creation in SFS. All applications will be reviewed for eligibility and completeness in the order that they are received based upon the operation-and-region specific Project Eligibility Criteria for the category of project being proposed (Appendices A-1 to A-11 of this RFA). Any application that fails any one of the following pass / fail criteria will be rejected:

1. describes a project that meets the current farm operation requirements for the category of project being proposed;
2. describes a project that meets or exceeds the operation-and-region specific minimum acreage requirement;
3. describes a project that meets or exceeds the operation-and-region specific minimum percentage (%) for extent of Active Agricultural Production;
4. describes a project that meets or exceeds the operation-and-region specific minimum percentage (%) for extent of Productive Soils;
5. contains a site plan for the Agricultural Conservation Easement Project that is fully consistent with Department guidance regarding land planning for an agricultural conservation easement;
6. contains a completed Financial Worksheet that evidences compliance with the [Project Costs](#) and [Match Requirements](#) in Section IV of this RFA;
7. contains a proposed agricultural conservation easement as outlined in [Section IV.D.](#) of this RFA; and

8. answers all “Applicant Questions” and includes all required document uploads as required by the Grant Opportunity published in SFS.

## 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 deemed complete. Any comments received by the Program Manager shall be considered prior to an award being made to an applicant.

### **B. Awards**

Funds will be awarded to eligible applicants in the order that applications are deemed complete and eligible for an award. Funds will be awarded until available funds are exhausted or until this RFA is closed. The Commissioner will notify successful applicants and provide information regarding contracts that will be forthcoming from the Department.

Applicants whose projects are deemed ineligible will be notified by the Director of the Division of Land and Water Resources. Subject to the availability of funds, eligible applicants may resubmit a previously ineligible application after addressing each failed project criteria.

### **C. Contingency Awards**

In addition to the funds that are initially awarded under this RFA, the Department will set aside \$3.35 million for a contingency fund to allow up to 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:

- a. justification of need for supplemental funding;
- b. likely adverse consequences to project if supplemental funding is not provided;
- c. documentation of additional costs supporting a request for funding; and
- d. 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 application; successful applicants may only request these funds after a funding agreement is in place.

### **D. Debriefings**

Unsuccessful applicants may request a debriefing from the Department’s Program Manager no later than 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 the Division of Fiscal Management via e-mail at [procurement.info@agriculture.ny.gov](mailto:procurement.info@agriculture.ny.gov).

## VII. CONTRACTS & PAYMENT TERMS

### A. Contracts

A contract defining all terms and conditions and responsibilities of the successful applicant shall be developed by the Department after funds have been awarded. Upon agreement by the awardee and the Department to the provisions of the contract, 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.

Each contract shall be for a four-year term. However, if each project deliverable is achieved according to the timeline described in [Appendix C](#) of this RFA, each proposed Agricultural Conservation Easement Project should be completed within two years from the date of state approval of the contract.

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

### B. State of New York Contract for Grants

New York State has developed a standard contract for grants that is required for all state grant contracts. The State of New York Contract for Grants will be executed for all projects awarded under the Farmland Protection Implementation Grants Program, and successful applicants will be responsible for complying with the terms and conditions contained therein. A sample contract will be posted with this RFA on the Department's website.

### C. Project Deliverables

#### Preliminary Review

**All** Agricultural 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's attorney explaining how clear title will be ensured for the proposed agricultural conservation easement transaction;
2. **Draft agricultural conservation easement(s)** associated with the proposed project, *provided*:
  - *For projects receiving an award of 87.5% of total project costs, the red-lined<sup>8</sup> draft document submitted shall use the most current version of the Department's Model Agricultural Conservation Easement as its template.*
  - *For projects receiving an award of 25% of the value of the agricultural conservation easement(s) being acquired plus transaction costs, the draft*

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<sup>8</sup> A "red-lined" version of the Department's agricultural conservation easement is a digital file (Word document format) which had the "track changes" feature turned on **before any modifications** were made to the original digital file of the most current version of the Department's Model Agricultural Conservation Easement. Thus, the resulting "red-lined" version **shall reveal all modifications** made to the document.

document submitted will be the easement required by the Federal agency administering the Federal farmland protection grant.

- *For all other awarded projects if applicant chooses not to use the most current version of the Department's Model Agricultural Conservation Easement, the red-lined<sup>9</sup> draft document submitted shall be the Grantee's proposed easement into which the most current version of the Department's required provisions 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 application) for each draft agricultural conservation easement that has been signed by all owners of the land associated with each draft agricultural conservation easement and that has also been signed by a representative of the Grantee.

These project deliverables must be submitted as separate digital files within six 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 application. 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 Agricultural Conservation Easement Project, the local project manager shall compile and submit a Project File that includes the following required deliverables (submitted as separate digital files):

1. **Landowner 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 agricultural conservation easement comprising the proposed project;
2. **Financial Worksheet;**
3. **Appraisal Report;**
4. **Final draft agricultural 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;

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<sup>9</sup> A "red-lined" version of the applicant's agricultural conservation easement is a digital file (Word document format) which had the "track changes" feature turned on **before the most current version of any of the Department-required provisions were incorporated into it**. Thus, the resulting "red-lined" version of the document **shall reveal all the required insertions**.

5. **Attorney Pre-Closing Certification** from Grantee's attorney *plus*
  - a. current commitment for title insurance that includes the amount of proposed coverage,
  - b. copies of any attachments referenced in the certification, and
  - c. copies of all proposed title curatives;
6. **boundary survey** of the proposed easement area;
7. **Status of Conservation Plan Certification Form**;
8. **environmental site assessment(s)** (*required for* any project for which State funds were requested for this specific project cost); and
9. **Waiver**<sup>10</sup> (**of preliminary/final notice of intent**) that is fully executed by all signatory parties.

The Project File must be submitted to the Department within 18 months of state approval of the funding agreement.

### **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 120 calendar days of receipt of Interim Payment No. 2. The Final Report must include the following project deliverables (submitted as separate digital files):

1. **Conservation Easement Closing Certification** that has been signed by the local project manager and the Grantee's attorney;
2. **title insurance policy**;
3. **conservation easement defense liability insurance policy** (*required for* any project for which State funds were requested for this specific project cost);
4. **agricultural conservation easement(s)** as recorded in the county(ies) in which the subject lands are located;
5. **soil health assessment** (*required for* any *Climate Resiliency* category project, any *Food Security* category project, *or for* any other category project for which State funds were requested for this specific project cost); and
6. **FPIG Project Closing Statement** (spreadsheet) *plus* supporting financial documentation regarding each eligible project cost as noted thereon.

The Department and the Office of the State Comptroller (OSC) 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.

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<sup>10</sup> This document is **not required IF** no Grantee is a governmental entity (i.e., a county or a municipality or a soil and water conservation district) **OR** none of the land to be protected is located in a County-designated, State-certified Agricultural District pursuant to Article 25-AA of Agriculture and Markets Law.

## D. Payment

Once the contract has been executed, State funds will be disbursed based on satisfactory performance of contract requirements resulting in earned payments. There will be a total of four payments over the course of the contract term. Those payments include: (1) Advance Payment, (2) Interim Payment No. 1, (3) Interim Payment No. 2, and (4) Final Payment. Each payment is triggered when the Contractor achieves the required milestone per the Project Deliverables detailed Section C above.

Earned payments are derived as follows (all references below are to the State's share of the total project costs).

**Advance Payment**, issued upon contract execution, includes:

- a. \$1,500 title report stipend;
- b. 50% of the State contribution toward the cost for Contractor's and other project partners' staff time;
- c. 50% of the State contribution toward the cost for Contractor's legal fees.

**Interim Payment No. 1**, issued upon Department's approval of the Contractor's *Preliminary Review Package*, includes the State contribution toward:

- a. appraisal costs;
- b. survey costs;
- c. baseline documentation report costs;
- d. balance of the cost for Contractor's and other project partners' staff time; and
- e. balance of the cost for Contractor's legal fees.

**Interim Payment No. 2**, issued upon Department's approval of the Contractor's *Project File*, includes:

- a. balance of contract award less final payment amount.

**Final Payment**, issued upon Department's approval of the Contractor's *Final Report*, includes the State contribution toward:

- a. easement stewardship fee; and
- b. conservation easement defense liability insurance premiums.

Payment to the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, at the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary state procedures and practices. The Contractor shall comply with the State Comptroller's procedures to authorize electronic payments. The Contractor will not receive payment on any Claim for Payment if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

## **E. Workers' Compensation & Disability Insurance**

New York State Workers' Compensation Law sections 57 and 220 require that the Department obtain proof of Workers' Compensation and Disability Insurance in a form satisfactory to the New York State Workers' Compensation Board prior to entering into any contract. Please visit the New York State Workers' Compensation Board website, [www.wcb.ny.gov](http://www.wcb.ny.gov), for more information. You may contact the Board's Bureau of Compliance with any questions related to workers' compensation or disability insurance at (866) 298-7830.

## **F. Liability**

The State will 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 an agreement. Any contract resulting from this RFA will not be valid, effective, or binding upon the Department, or the state until it is signed by the awardee and the Department and approved by the Attorney General and the State Comptroller.

## **VIII. CONSIDERATIONS**

### **A. 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 contract 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's web site](#) and on the [New York State Statewide Financial System](#).
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 application and/or to determine an applicant'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.

All proposals submitted in response to this RFA become the property of the Department upon receipt.

#### **B. Freedom of Information Law**

All applications submitted and all related funding agreements and reports may be subject to disclosure under the Freedom of Information Law (FOIL).

#### **C. State Environmental Quality Review Act Requirements**

Some projects selected for funding may be subject to review under the State Environmental Quality Review Act (SEQRA). The Department reserves the right to request additional information as needed to comply with SEQRA requirements.

## APPENDIX A-1

### Project Eligibility Criteria – Access to Farmland

To qualify for the *Access to Farmland* category, lands to be protected must meet the criteria below depending upon which type of *Access to Farmland* project is proposed.

The *Access to Farmland* category is offered to help:

- **Farmland in Transition** = facilitate the transfer of ownership to a farmer who may be from amongst a diversity of owner-operators, **or**
- **Buy-Protect-Sell Viable Agricultural Land** = engage conservation buyers to acquire imperiled farmland who will then sell the farmland to a farmer who may be from amongst a diversity of owner-operators after conveying a perpetual agricultural conservation easement.

A “diversity of owner-operators” would be demonstrated by applicants engaging the participation of farmers who may be:

- i. Members of a group who have been subjected to discrimination because of their identity as members of that group without regard to their individual qualities. Such groups may include, but not be limited to American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, Hispanic, and women, **or**
- ii. any limited resource farmer (i.e., a person whose total household income is at or below the [national poverty level for a family of four](#) or less than 50 percent of the county median household income), **or**
- iii. an individual who has not operated a farm for more than 10 cumulative years, **or**
- iv. any farmer who served in the Armed Forces of the United States, **or**
- v. any farmer with whom the seller has no family relationship, **or**
- vi. any farmer who owns land located in any designated Distressed Community<sup>11</sup>.

“Conservation buyers” include social investors, philanthropic individuals or corporations, or not-for-profit organizations.

The table below sets forth the minimum region-specific requirements for 1) the size of an *Access to Farmland* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<b>REGION</b>	<b>Size of Agricultural Conservation Easement Project</b>	<b>Extent of Active Agricultural Production</b>	<b>Extent of Productive Soils</b>
<i>Western NY</i>	8 acres	60%	40%
<i>Finger Lakes</i>	7 acres	60%	40%
<i>Southern Tier</i>	9 acres	60%	40%
<i>Central NY</i>	9 acres	60%	40%
<i>Mohawk Valley</i>	11 acres	60%	40%
<i>North Country</i>	9 acres	60%	40%
<i>Capital Region</i>	6 acres	60%	40%
<i>Mid-Hudson</i>	4 acres	60%	40%
<i>Long Island</i>	2 acres	60%	40%

<sup>11</sup> Applicant must use [NYS Department of Agriculture & Markets Mapping Tool](#) to obtain a screenshot to verify the subject property is located within a designated Distressed Community.

## APPENDIX A-2

### Project Eligibility Criteria - Agroforestry

To qualify for the *Agroforestry* category, lands to be protected must meet the criteria below.

More than 50% of the Farm Operation acreage must be associated with one or more of the following (as each is defined or otherwise referenced in AML 25-AA):

- Production of maple sap, actively managed log-grown woodland mushrooms, or woody biomass, or the production of farm woodland products (e.g., logs, lumber, posts, firewood, special forest product for food or medicinal uses);
- Livestock operation that incorporates silvopasturing; or
- Managed Christmas tree operation.

The table below sets forth the minimum region-specific requirements for 1) the size of an *Agroforestry* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<i>REGION</i>	Size of Agricultural Conservation Easement Project	Extent of Active Agricultural Production <sup>12</sup>	Extent of Productive Soils
<i>Western NY</i>	38 acres	60%	10%
<i>Finger Lakes</i>	35 acres	60%	10%
<i>Southern Tier</i>	46 acres	60%	10%
<i>Central NY</i>	45 acres	60%	10%
<i>Mohawk Valley</i>	53 acres	60%	10%
<i>North Country</i>	45 acres	60%	10%
<i>Capital Region</i>	29 acres	60%	10%
<i>Mid-Hudson</i>	20 acres	60%	10%
<i>Long Island</i>	9 acres	60%	10%

<sup>12</sup> For the *Agroforestry* category, “Active Agricultural Production” shall include the production of products from Farm Woodland (as defined in AML 25-AA) in addition to the production of Crops, Livestock and Livestock Products.

## APPENDIX A-3

### Project Eligibility Criteria – Climate Resiliency

To qualify for the *Climate Resiliency* category, lands to be protected must meet the criteria below.

Lands to be protected **must not be directly affected** by any of the following: (i) rising ocean levels; (ii) storm surge; OR (iii) flooding associated with a river/stream/reservoir/lake (*i.e.*,  $\geq 90\%$  of the Farm Area acreage depicted on site plans(s) of the proposed project shall be located within Zone C or Zone X (unshaded) as designated on Flood Insurance Rate Map (FIRM) published by the U.S. Federal Emergency Management Agency (FEMA)).

Lands to be protected must also meet the criteria of “a” **or** “b”:

(if “a,” all region-specific requirements shown in the table below are waived)

- a. any portion of the property is the subject of a Climate Resilient Farming project<sup>13</sup>, **and**
  - i. any parcel under the same ownership that abuts or is embedded within the land to be protected that is the subject of a [Forest Conservation Easements for Land Trusts Program](#) project<sup>14</sup> or the subject of a Regenerate New York project<sup>15</sup>; or
  - ii. at least 10% but no more than 25% of the lands to be protected shall be designated as a managed carbon reserve<sup>16</sup>; **OR**
- b. otherwise exhibiting agricultural climate resiliency via one or both of the following:
  - i. documentation of agricultural practices and management that increase resiliency of the Farm Operation to changing climate impacts (e.g., intense storms, drought, increased pests, heat stress, etc.), or
  - ii. lands to be protected comprised of at least 40% permanent vegetative cover (e.g., grassland, pasture or silvopasture, hayland, woodland or forest, riparian buffer, or wetland).

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<sup>13</sup> Awarded by the NYS Soil and Water Conservation Committee provided it is associated with a proposal that received a score of at least 60% of possible points for the adaptation/resiliency criterion. Applicant should contact Jennifer Clifford ([Jennifer.Clifford@agriculture.ny.gov](mailto:Jennifer.Clifford@agriculture.ny.gov)) to verify and obtain award documentation.

<sup>14</sup> Awarded by the NYS Department of Environmental Conservation and the Land Trust Alliance provided that the Ecosystem Services and Resilience Values portion of the letter of interest stage of that applicant's submission to FCELT addresses how the forest offers resilience to climate change. Applicant must provide that information as well as award notification for verification.

<sup>15</sup> Awarded by the NYS Department of Environmental Conservation provided that a majority (>50%) of the project acreage is devoted to (1) afforestation/reforestation, (2) forest stand regeneration, or (3) a combination of (1) and (2). Applicant must provide that information as well as award notification for verification.

<sup>16</sup> A “managed carbon reserve” shall be an area designated within the Climate Resiliency category project within which the long-term storage of carbon in soil and especially in vegetation (preferably trees), as quantified in the baseline documentation report for this project, shall be the primary goal of the conservation plan pertaining to such area. Therefore, **subsequent** to any (1) allowed soil disruption pursuant to the conservation plan, (2) allowed harvest of vegetation pursuant to the conservation plan, or (3) disturbance arising exclusively from a natural cause (e.g., weather event, flood, wild fire, etc.) within such area must then be followed, to the maximum practicable extent, by management actions that maximize annual sequestration of carbon (in soil and/or vegetation) until such time that the onsite storage of carbon in soil and vegetation once again achieves the quantity noted in the baseline documentation report.

## APPENDIX A-3

### Project Eligibility Criteria – Climate Resiliency

The table below sets forth the minimum region-specific requirements for 1) the size of a *Climate Resiliency* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<i>REGION</i>	Size of Agricultural Conservation Easement Project	Extent of Active Agricultural Production	Extent of Productive Soils <sup>17</sup>
<i>Western NY</i>	38 acres	60%	60%
<i>Finger Lakes</i>	35 acres	60%	60%
<i>Southern Tier</i>	46 acres	60%	60%
<i>Central NY</i>	45 acres	60%	60%
<i>Mohawk Valley</i>	53 acres	60%	60%
<i>North Country</i>	45 acres	60%	60%
<i>Capital Region</i>	29 acres	60%	60%
<i>Mid-Hudson</i>	20 acres	60%	60%
<i>Long Island</i>	9 acres	60%	60%

<sup>17</sup> No more than 10% of the Farm Area acreage depicted on the site plan(s) of the proposed project shall be comprised of land capability subclasses (as defined by the USDA).

## APPENDIX A-4

### Project Eligibility Criteria - Equine

To qualify for the *Equine* category, lands to be protected must meet the criteria below.

More than 50% of the Farm Operation acreage must be associated with a commercial horse boarding operation and/or a commercial equine operation as defined in AML 25-AA.

The table below sets forth the minimum region-specific requirements for 1) the size of an *Equine* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<i>REGION</i>	Size of Agricultural Conservation Easement Project	Extent of Active Agricultural Production <sup>18</sup>	Extent of Productive Soils
<i>Western NY</i>	38 acres	50%	10%
<i>Finger Lakes</i>	35 acres	50%	10%
<i>Southern Tier</i>	46 acres	50%	10%
<i>Central NY</i>	45 acres	50%	10%
<i>Mohawk Valley</i>	53 acres	50%	10%
<i>North Country</i>	45 acres	50%	10%
<i>Capital Region</i>	29 acres	50%	10%
<i>Mid-Hudson</i>	20 acres	50%	10%
<i>Long Island</i>	9 acres	50%	10%

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<sup>18</sup> For the *Equine* category, “Active Agricultural Production” shall include any portion of the property to be protected on which the horses being produced or boarded are associated with, but not limited to, riding lessons, trail riding activities, horseback riding for therapeutic purposes, or training (including, but not limited to, for the purpose of racing), including any associated structures and improvements (including, but not limited to, horse barn(s), paddocks, race track, riding arena, run-in shed(s), steeplechase course, or trails).

## APPENDIX A-5

### Project Eligibility Criteria – Field Crops

To qualify for the *Field Crops* category, lands to be protected must meet the criteria below.

More than 50% of the Farm Operation acreage must be devoted to the production of one or more of the following field crops (including, but not limited to): barley, corn, dry beans, hay, oats, potatoes, rye, or wheat.

The table below sets forth the minimum region-specific requirements for 1) the size of a *Field Crops* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<b>REGION</b>	<b>Size of Agricultural Conservation Easement Project</b>	<b>Extent of Active Agricultural Production</b>	<b>Extent of Productive Soils</b>
<i>Western NY</i>	38 acres	50%	50%
<i>Finger Lakes</i>	35 acres	50%	50%
<i>Southern Tier</i>	46 acres	50%	50%
<i>Central NY</i>	45 acres	50%	50%
<i>Mohawk Valley</i>	53 acres	50%	50%
<i>North Country</i>	45 acres	50%	50%
<i>Capital Region</i>	29 acres	50%	50%
<i>Mid-Hudson</i>	20 acres	50%	50%
<i>Long Island</i>	9 acres	50%	50%

## APPENDIX A-6

### Project Eligibility Criteria – Food Security

To qualify for the *Food Security* category, lands to be protected must meet the criteria below.

More than 50% of the Farm Operation acreage must be (a) devoted to the production of Crops, Livestock, and Livestock Products for human consumption and (b) located<sup>19</sup> within any of the following recognized “foodshed” areas:

- As designated on the “Foodshed Map” contained in Appendix B of this RFA;
- As designated in any locally-adopted Agricultural and Farmland Protection Plan; OR
- As designated in any published document (i.e., available to the general public) that has been adopted by the governing body of a municipality, county or any not-for-profit organization (recognized by the NYS Charities Bureau Registry).

The table below sets forth the minimum region-specific requirements for 1) the size of a *Food Security* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils (including "Unique and irreplaceable agricultural land" as defined in AML 25-AA).

<i>REGION</i>	Size of Agricultural Conservation Easement Project	Extent of Active Agricultural Production	Extent of Productive Soils <sup>20</sup>
<i>Western NY</i>	19 acres	60%	60%
<i>Finger Lakes</i>	18 acres	60%	60%
<i>Southern Tier</i>	23 acres	60%	60%
<i>Central NY</i>	22 acres	60%	60%
<i>Mohawk Valley</i>	26 acres	60%	60%
<i>North Country</i>	22 acres	60%	60%
<i>Capital Region</i>	15 acres	60%	60%
<i>Mid-Hudson</i>	10 acres	60%	60%
<i>Long Island</i>	5 acres	60%	60%

<sup>19</sup> Stipulation (b) is waived for any *Food Security* category project if (i) any project acreage is located within a designated Disadvantaged Community or a designated Distressed Community, OR (ii) the participating Farm Operation participates in any farm market located within a designated Disadvantaged Community or a designated Distressed Community AND the manager of said market provides a letter acknowledging same.

<sup>20</sup> No more than 10% of the Farm Area acreage as depicted on the site plan(s) of the proposed project shall be comprised of land capability subclass s (as defined by the U.S. Department of Agriculture).

## APPENDIX A-7

### Project Eligibility Criteria – Livestock or Livestock Products

To qualify for the *Livestock or Livestock Products* category, lands to be protected must meet the criteria below.

More than 50% of the acreage of the Farm Operation (as defined by AML-25-AA) must be devoted to the production of livestock or livestock products as referenced in Crops, Livestock and Livestock Products (as defined in AML-25-AA).

The table below sets forth the minimum region-specific requirements for 1) the size of a *Livestock or Livestock Products* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<b>REGION</b>	<b>Size of Agricultural Conservation Easement Project</b>	<b>Extent of Active Agricultural Production</b>	<b>Extent of Productive Soils</b>
<i>Western NY</i>	38 acres	50%	10%
<i>Finger Lakes</i>	35 acres	50%	10%
<i>Southern Tier</i>	46 acres	50%	10%
<i>Central NY</i>	45 acres	50%	10%
<i>Mohawk Valley</i>	53 acres	50%	10%
<i>North Country</i>	45 acres	50%	10%
<i>Capital Region</i>	29 acres	50%	10%
<i>Mid-Hudson</i>	20 acres	50%	10%
<i>Long Island</i>	9 acres	50%	10%

## APPENDIX A-8

### Project Eligibility Criteria – Source Water Protection

To qualify for the *Source Water Protection* category, lands to be protected must meet the criteria below.

Any portion of the lands to be protected by the proposed agricultural conservation easement must:

- Abut or be embedded within other land of the Farm Operation that is the subject of a Source Water Buffer Project awarded<sup>21</sup> by the NYS Soil and Water Conservation Committee (*if so, all region-specific requirements shown below are waived*);
- Directly adjoin surface waters (including wetland areas directly adjoining the surface water) that is designated by the NYS Department of Health as an active or potential source of public drinking water or as designated<sup>22</sup> by the NYS Department of Environmental Conservation as Class A, Class A-Special, Class AA, or Class AA-Special;
- Lie atop an aquifer designated by the U.S. Environmental Protection Agency as a Sole Source Aquifer<sup>23</sup>;
- Lie atop an aquifer designated by the NYS Department of Health as a Primary Aquifer<sup>24</sup>; OR
- Lie atop an aquifer designated by the NYS Department of Environmental Conservation as a Principal Aquifer<sup>25</sup>.

The table below sets forth the minimum region-specific requirements for 1) the size of a *Source Water Protection* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<b>REGION</b>	<b>Size of Agricultural Conservation Easement Project</b>	<b>Extent of Active Agricultural Production</b>	<b>Extent of Productive Soils</b>
<i>Western NY</i>	38 acres	60%	50%
<i>Finger Lakes</i>	35 acres	60%	50%
<i>Southern Tier</i>	46 acres	60%	50%
<i>Central NY</i>	45 acres	60%	50%
<i>Mohawk Valley</i>	53 acres	60%	50%
<i>North Country</i>	45 acres	60%	50%
<i>Capital Region</i>	29 acres	60%	50%
<i>Mid-Hudson</i>	20 acres	60%	50%
<i>Long Island</i>	9 acres	60%	50%

<sup>21</sup> Applicant should contact Jason Kokkinos ([Jason.Kokkinos@agriculture.ny.gov](mailto:Jason.Kokkinos@agriculture.ny.gov)) to verify and obtain award documentation.

<sup>22</sup> Applicant must use [NYS Department of Agriculture & Markets Mapping Tool](#) to obtain a screenshot to verify the classification assigned to the surface water directly adjoining the subject property; Turn on the Waterbody classifications for Rivers/Streams and also Waterbody classifications for Lakes, then zoom in until the layers appear, and then locate and click on the waterbody - a pop up screen will appear indicating the classification.

<sup>23</sup> Applicant must use [NYS Department of Agriculture & Markets Mapping Tool](#) to obtain a screenshot to verify the subject property lies atop a Sole Source Aquifer.

<sup>24</sup> Applicant must use [NYS Department of Agriculture & Markets Mapping Tool](#) to obtain a screenshot to verify the subject property lies atop a Primary Aquifer

<sup>25</sup> Applicant must use [NYS Department of Agriculture & Markets Mapping Tool](#) to obtain a screenshot to verify the subject property lies atop a Principal Aquifer.

## APPENDIX A-9

### Project Eligibility Criteria – Specialty Crops

To qualify for the *Specialty Crops* category, lands to be protected must meet the criteria below.

More than 50% of the Farm Operation acreage must be devoted to the production of:

- (a) **floriculture and beddings crops** as reported to USDA National Agricultural Statistics Service for the 2022 Census of Agriculture,
- (b) **fruits** (including, but not limited to, apples, cherries, figs, peaches, pears, plums, or table grapes),
- (c) **melons** (including, but not limited, to, cantaloupes, muskmelons, or watermelons),
- (d) **nursery crops** as reported to USDA National Agricultural Statistics Service for the 2022 Census of Agriculture,
- (e) **nuts** (including, but not limited to, chestnuts, hazelnuts, pecans, or walnuts),
- (f) **propagation materials** as reported to USDA National Agricultural Statistics Service for the 2022 Census of Agriculture,
- (g) **sod** as reported to USDA National Agricultural Statistics Service for the 2022 Census of Agriculture,
- (h) **vegetables** (including, but not limited to, asparagus, beans, beets, broccoli, brussel sprouts, cabbage, carrots, cauliflower, celery, cucumbers, eggplant, garlic, herbs, lettuce, peas, peppers, potatoes, pumpkins, onions, radishes, rhubarb, spinach, squash, sweet corn, sweet potatoes, tomatoes, or turnips), or
- (i) any combination of (a) through (h).

The table below sets forth the minimum region-specific requirements for 1) the size of a *Specialty Crops* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils (including “Unique and irreplaceable agricultural land” as defined in AML 25-AA).

<i>REGION</i>	Size of Agricultural Conservation Easement Project	Extent of Active Agricultural Production	Extent of Productive Soils
<i>Western NY</i>	19 acres	60%	10%
<i>Finger Lakes</i>	18 acres	60%	10%
<i>Southern Tier</i>	23 acres	60%	10%
<i>Central NY</i>	22 acres	60%	10%
<i>Mohawk Valley</i>	26 acres	60%	10%
<i>North Country</i>	22 acres	60%	10%
<i>Capital Region</i>	15 acres	60%	10%
<i>Mid-Hudson</i>	10 acres	60%	10%
<i>Long Island</i>	5 acres	60%	10%

## APPENDIX A-10

### Project Eligibility Criteria – Viable Agricultural Land - Other

To qualify for the *Viable Agricultural Land - Other* category, lands to be protected must meet the criteria below.

The table below sets forth the minimum region-specific requirements for 1) the size of a *Viable Agricultural Land - Other* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils.

<i>REGION</i>	Size of Agricultural Conservation Easement Project	Extent of Active Agricultural Production	Extent of Productive Soils
<i>Western NY</i>	75 acres	74%	27%
<i>Finger Lakes</i>	70 acres	67%	52%
<i>Southern Tier</i>	91 acres	52%	12%
<i>Central NY</i>	89 acres	62%	41%
<i>Mohawk Valley</i>	105 acres	49%	20%
<i>North Country</i>	89 acres	62%	34%
<i>Capital Region</i>	59 acres	41%	28%
<i>Mid-Hudson</i>	40 acres	46%	21%
<i>Long Island</i>	19 acres	86%	97%

## APPENDIX A-11

### Project Eligibility Criteria – Vineyard

To qualify for the *Vineyard* category, lands to be protected must meet the criteria below.

More than 50% of the Farm Operation acreage must be located within any of the following American Viticultural Areas of New York<sup>26</sup>:

- Champlain Valley of New York Region;
- Finger Lakes Region;
- Hudson River Region;
- Lake Erie Region;
- Long Island Region;
- Niagara Escarpment and Greater Niagara Region; OR
- Upper Hudson Region.

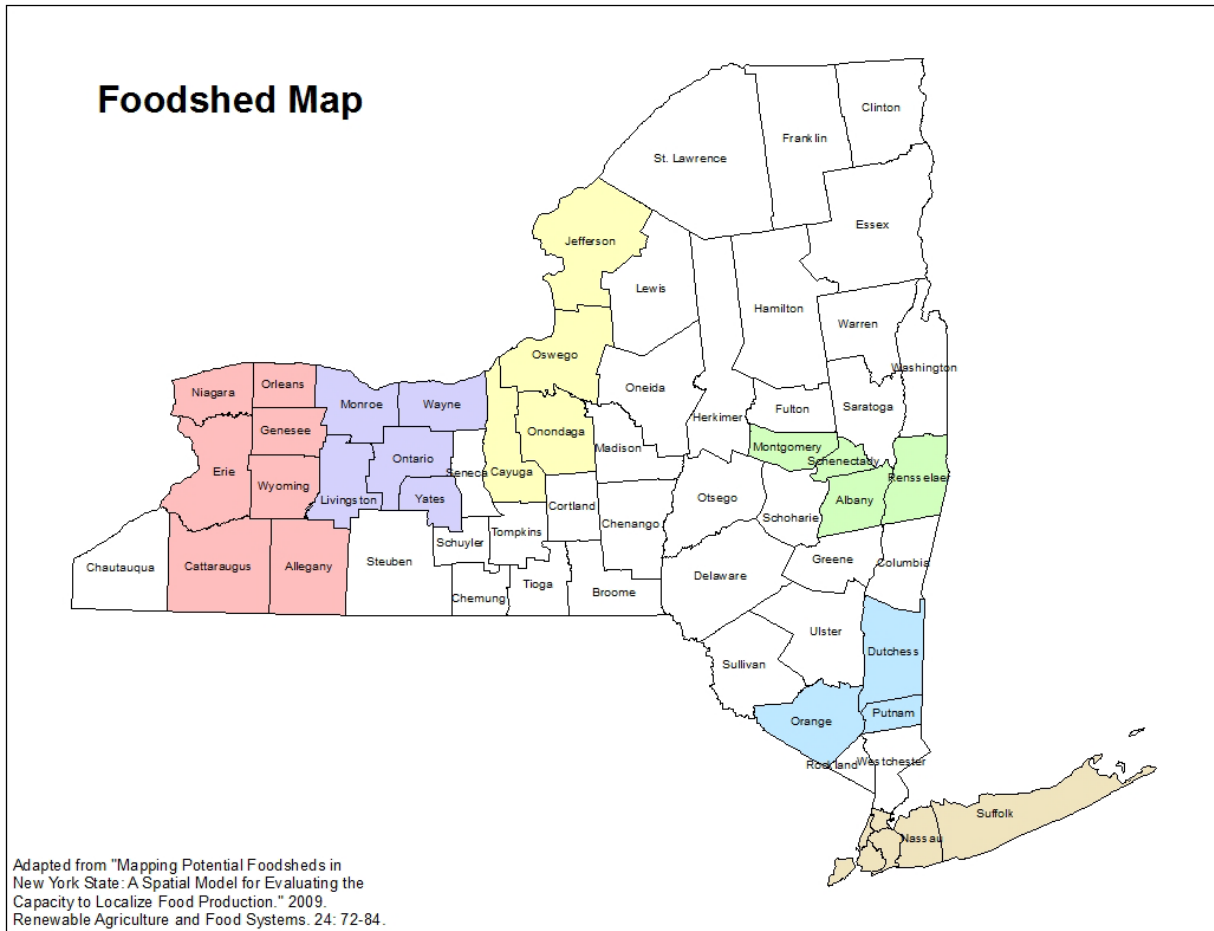
The table below sets forth the minimum region-specific requirements for 1) the size of a *Vineyard* category project; 2) the extent of active agricultural production; and 3) the extent of productive soils (including "Unique and irreplaceable agricultural land" as defined in AML 25-AA).

<b>REGION</b>	<b>Size of Agricultural Conservation Easement Project</b>	<b>Extent of Active Agricultural Production</b>	<b>Extent of Productive Soils</b>
<i>Western NY</i>	19 acres	60%	25%
<i>Finger Lakes</i>	18 acres	60%	25%
<i>Southern Tier</i>	23 acres	60%	25%
<i>Central NY</i>	22 acres	60%	25%
<i>Mohawk Valley</i>	26 acres	60%	25%
<i>North Country</i>	22 acres	60%	25%
<i>Capital Region</i>	15 acres	60%	25%
<i>Mid-Hudson</i>	10 acres	60%	25%
<i>Long Island</i>	5 acres	60%	25%

<sup>26</sup> Applicant must use the [American Viticultural Area \(AVA\) Map Explorer](#) to obtain a screenshot to verify that more than 50% of the Farm Operation acreage is located within designated American Viticultural Areas of New York.

# APPENDIX B

## Foodshed Map



**Appendix C**  
Table of Project Deliverables & Scheduled Payments

TIMING	DELIVERABLES <sup>27</sup>	SCHEDULED PAYMENT <sup>28</sup> (State Contribution)
<b>Contract Approval Date</b>	Approval of contract by New York State.	<b>Advance Payment</b> includes: <ul style="list-style-type: none"> <li>• Title report stipend (\$1,500)</li> <li>• Project partners' staff time (1/2 of state contribution)</li> <li>• Project partners' legal fees (1/2 of state contribution)</li> </ul>
<b>Month 1 to 6</b> (After State approval of contract)	<b>Submission for Preliminary Review:</b> <ul style="list-style-type: none"> <li>• Title report and title curatives letter</li> <li>• Draft agricultural conservation easement(s)</li> <li>• Site plan(s) (<i>only if modified</i> since grant application)</li> </ul>	
<b>Month 7 to 8</b> (After State approval of contract)	<b>Department</b> Preliminary Approval of project.	<b>Interim Payment #1</b> includes: <ul style="list-style-type: none"> <li>• State share of appraisal</li> <li>• State share of survey</li> <li>• State share of baseline documentation report</li> <li>• Project partners' staff time (1/2 state contribution)</li> <li>• Project partners' legal fees (1/2 state contribution)</li> </ul>
<b>Month 9 to 18</b> (After State approval of contract)	<b>Submission of Project File:</b> <ul style="list-style-type: none"> <li>• <b>Landowner Intent to Convey</b> • <b>Financial Worksheet</b></li> <li>• <b>Status of Conservation Plan Certification Form</b></li> <li>• Appraisal report • Environmental assessment(s) (if applicable)</li> <li>• Final draft agricultural conservation easement(s)</li> <li>• <b>Certification of Title Curatives</b> • Boundary survey</li> <li>• <b>Waiver</b> (of preliminary/final notice of intent) (if applicable)</li> </ul>	
	<b>Department</b> approval of Project File.	<b>Interim Payment #2</b> includes: <ul style="list-style-type: none"> <li>• Balance of contract award less Final Payment amount.</li> </ul>
<b>120 Calendar Days</b> (After receipt of Interim Payment #2)	<b>Submission of Final Report for Review:</b> <ul style="list-style-type: none"> <li>• <b>Conservation Easement Closing Certification</b></li> <li>• Title insurance policy • Soil health assessment (if applicable)</li> <li>• Easement defense liability insurance policy (if applicable)</li> <li>• Copy of each recorded agricultural conservation easement</li> <li>• <b>Closing Statement</b> spreadsheet and documentation</li> </ul>	<b>Final Payment</b> includes (State share, as applicable): <ul style="list-style-type: none"> <li>• Easement stewardship fee</li> <li>• Conservation easement defense liability insurance</li> </ul>

<sup>27</sup> The successful applicant must adhere to the anticipated dates for the specified project deliverables to ensure prompt completion of the project; doing so will enable more predictable state disbursements. Failure to timely achieve the deliverables may result in termination of the contract upon the Department's examination of the circumstances surrounding the delay.

<sup>28</sup> All payments are disbursed on a first approved, first paid basis. All payments are as authorized by the NYS Division of the Budget and the Office of the State Comptroller.

**APPENDIX D**

**Closing Statement Spreadsheet for Agricultural Conservation Easement Project  
(SAMPLE ILLUSTRATION)**

RFA0393: FPIG Project Closing Statement - Farmland Protection Implementation Project Involving a Perpetual Agricultural Conservation Easement														
Farm Name: _____		Grantee: _____		FPIG Contract: _____		Preemptive Purchase Right as % of Value of Conservation Easement (without PPR) = #DIV/0!								
Value of Agricultural Conservation Easement (without PPR) = _____		Value of Preemptive Purchase Right = #DIV/0!		Value of Preemptive Purchase Right = _____		Preemptive Purchase Right as % of Value of Conservation Easement (without PPR) = _____								
LAND COSTS	SOURCE(S) AND USE OF NON-LANDOWNER CASH					IN-KIND CONTRIBUTIONS					LANDOWNER CONTRIBUTIONS			
	Estimated Costs <sup>1</sup> Per Approved Budget	Actual Costs	State Contribution <sup>2</sup>	Local Government(s)	Other <sup>5</sup>	Estimated Sum of All Cash <sup>6</sup> Per Approved Budget	Actual Sum of All Cash	Estimated Sum of All In-Kind Contributions <sup>7</sup> Per Approved Budget	Actual Sum of All In-Kind Contributions	Estimated Landowner Contributions <sup>8</sup> Per Approved Budget	Actual Landowner Contributions	Proposed Purchase Price of Conservation Easement <sup>9</sup> Per Approved Budget	Actual Purchase Price of Conservation Easement	
Total Value of Conservation Easement to be Acquired	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>TRANSACTION COSTS</b>														
Title Insurance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Incentive Payment <sup>10</sup>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Survey(s)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Appraisal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Project Partners' Staff Time <sup>11</sup> (e.g., contract administration, project management, outside easement expertise, etc.)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Legal Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Recording Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Stewardship Fee <sup>12</sup>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Baseline Documentation Report	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Easement Defense Liability Insurance <sup>13</sup>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Soil Health Assessment <sup>14</sup>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other transactional cost <sup>15</sup>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Subtotal =	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>TOTAL PROJECT COSTS</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Percentage of Total Project Cost from Each Contributor <sup>16</sup>	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	
Auto Match Check <sup>17</sup>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Local Match Total <sup>17</sup>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Percentage of Local Match that is In-Kind <sup>18</sup>	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	

**PLEASE NOTE: ADDITIONAL DOCUMENTATION TO BE INCLUDED IN FINAL REPORT SUBMITTED TO NY'S DEPARTMENT OF AGRICULTURE & MARKETS -**

- (1) Invoices or other acceptable documentation regarding each eligible project cost incurred (supporting documentation is attached); and
- (2) Proof of payment regarding each eligible project cost incurred (supporting documentation is attached).

**CERTIFICATION STATEMENT - Must be signed by each party at the closing of this agricultural conservation easement project.**

We, the undersigned parties, do hereby certify that this FPIG Project Closing Statement accurately reflects the use of State monies received by the FPIG awardee as well as the delivery and use of all eligible local match contribution(s) associated with this farmland protection project.

On behalf of the FPIG Awardee: \_\_\_\_\_ Closing Date: \_\_\_\_\_  
(signature of authorized person)

Landowner(s): \_\_\_\_\_ Closing Date: \_\_\_\_\_  
signature(s) of each party signing associated conservation easement(s)