



# Agriculture and Markets

***Round 16 Farmland Protection Implementation Grants (FPIG)***

***REQUEST FOR PROPOSALS (RFP)***

## Applicant Webinar – Round 16 FPIG RFP

Welcome!

- For audio, please call ... **1-844-633-8697 (or 1-866-776-3553)**
- WebEx Meeting Number:
  - (1) Tuesday afternoon (6/5/2018) = **314 711 461** (followed by #)
  - (2) **Thursday morning (6/7/2018) = 313 885 608** (followed by #)
- This webinar begins promptly at –  
10:00am (morning session) *OR* 1:00pm (afternoon session)  
We'll be getting underway shortly.
- When the webinar starts, **please mute ( \*6 ) your phone until the Q&A period.** Thank you for your cooperation!

## **Applicant Webinar – Round 16 FPIG RFP**

### **WELCOME**

(~5 minutes)

**Eligible Applicants for this RFP**

(~5 minutes)

**Eligible Projects for this RFP**

(~30 minutes)

**Preemptive Purchase Right**

(~30 minutes)

**Match Contribution Requirements & Associated Stipulations**

(~30 minutes)

**Overview of Project Deliverables ~ Disbursements**

(~5 minutes)

**Policy Guidance**

(~45 minutes)

**Sample Financial Worksheets**

### **ADJOURN**

**NOTE:** All questions must be submitted in writing **by noon local time 6/22/2018**.  
Please feel free to send them via email to: [david.behm@agriculture.ny.gov](mailto:david.behm@agriculture.ny.gov)

## Applicant Webinar – Round 16 FPIG RFP

### Eligible Applicants for this RFP

- (1) any county agricultural and farmland protection board in a county with an approved county agricultural and farmland protection plan

OR

- (2) any municipality which has in place a **“local farmland protection plan”**<sup>2</sup>

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

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

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<sup>2</sup> A **“local farmland protection plan”** may include a town, village or city comprehensive plan as defined in the Town Law, the Village Law, or General City Law, if such plan includes an element which considers agricultural uses and needs; an open space plan adopted by the municipality which presents strategies for the preservation of viable agricultural land; or any other formal agricultural and farmland protection planning document *provided that if the plan was developed on or after January 1, 2006, it must comply with section 324-a of Article 25-AAA of the Agriculture and Markets Law. Any applicant intending to submit a proposal for the first time for a proposed farmland protection implementation project is urged to contact the Department regarding the applicant’s eligibility prior to submitting its proposal. (Refer to page 5 of the RFP.)*

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### Eligible Projects for this RFP

Perpetual conservation easement(s) *that result from a PDR or a TDR transaction or from the donation of the full value of development rights* are all acceptable as an eligible **Conservation Easement Project** under this RFP.

#### **NOTES:**

- (i) *Each proposed project must be associated with viable agricultural land that will result in a perpetual conservation easement.*
- (ii) *Location of 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.*
- (iii) *Each proposed project must be associated with at least **one** (1) Farm Operation (as that term is defined in Section 301 of Article 25-AA of the Agriculture and Markets Law). Any proposal that does not involve at least one (1) Farm Operation shall not be considered for funding under this RFP.*
- (iv) *Publically owned lands or lands subject to an existing conservation easement (regardless of its duration) are not eligible under this RFP.*

## Preemptive Purchase Right

A Preemptive Purchase Right may only be incorporated into a Conservation Easement Project *if* –

- **At least 25%** of the area to be encumbered by a conservation easement containing a Preemptive Purchase Right is comprised of Prime Soils (not “Prime, if drained,” or “Soils of Statewide Importance,” or “Unique Soils”).
  - For example: If a Conservation Easement Project is comprised of three conservation easements, each individual conservation easement area must be comprised of at least 25% Prime Soils before each easement document could include a PPR provision. If any one of those proposed easement areas is not covered by at least 25% Prime Soils, then PPR shall not be incorporated into that particular conservation easement. Therefore, a multiple easement Conservation Easement Project will not necessarily include PPR in each easement document.
- The local cash match (***none of which shall be from the participating landowner(s)***) fully covers the balance of the cost of the PPR not covered by the State contribution for each conservation easement containing a PPR provision **whenever the applicant is requesting up to 75.0% cost-share** for the Conservation Easement Project.

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Match Contribution Requirements and Associated Stipulations for Conservation Easement Projects					
Maximum State Award	Maximum State Contribution	Other "Caps" on State Contribution	Minimum Local Match		Other State Requirements
			%	Cash	
\$2,000,000	87.5% of total project costs	(a) 40% of value of development rights, or \$250,000, whichever is less, toward Preemptive Purchase Right, <b>AND</b> (b) \$10,000 per easement toward easement stewardship	12.5% of total project costs (solely from landowner)	None specified	Use of Department conservation easement
\$2,000,000	Up to 75.0% of total project costs	(a) 40% of value of development rights, or \$250,000, whichever is less, toward Preemptive Purchase Right, <b>AND</b> (b) \$10,000 per easement toward easement stewardship	25.0% of total project costs	5.0% of total project costs or \$5,000, whichever is less, and entire amount shall not be provided by landowner (waived if development rights value fully donated) <b>EXCEPT IF</b> Preemptive Purchase Right (PPR), then local cash match must increase to fully cover the cost of the PPR (none of which shall be borne by the landowner(s))	Use of Department-required conservation easement provisions provided remainder of conservation easement – (a) “shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the AML,” <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 purchase price plus all transaction costs	(a) 40% of value of development rights, or \$250,000, whichever is less, toward Preemptive Purchase Right, <b>AND</b> (b) \$10,000 per easement toward easement stewardship	remainder of all project costs	Federal farmland protection grant award	Purpose of conservation easement will (minimally) ensure that the land remains available for agricultural use

## **Project Deliverables – Conservation Easement Projects**

### **Preliminary Review**

**All Conservation Easement Projects** must receive the Department’s preliminary approval before compiling a project file.

To be submitted within 6 months of State approval of your awarded contract:

- (1) **Title report *plus* title curatives letter** from Grantee attorney;
- (2) **Draft conservation easement(s)**; and
- (3) **Site plan** (*only if* it has been modified from that represented in grant proposal) associated with each draft conservation easement.

#### **NOTE:**

- (i) *Preliminary review may include site visit by Department’s Farmland Protection Program Manager, Grantee and participating landowner(s) to review the proposed site plan. If inconsistent with Department guidance documents or otherwise deemed unacceptable **and** unable to resolve to the satisfaction of the Department, the Department may terminate the funding agreement and withdraw the State award.*
- (ii) *Department review of the title report and title curatives proposed by the Grantee’s attorney at this stage will help ensure that substantive title matters are properly resolved early in the overall process.*



**Project Deliverables – Conservation Easement Projects** *(continued)*

**Project File**

To be submitted within 18 months after receiving State approval of your awarded contract:

- (1) **Landowner Letter(s) of Intent to Convey Conservation Easement(s) on Viable Agricultural Land** signed by each owner of the subject land;
- (2) **Financial Worksheet;**
- (3) **Appraisal report;**
- (4) **Final draft conservation easement(s);**
- (5) **Certification of Title Curatives** from Grantee attorney *plus* associated attachments; and
- (6) **Waiver (of preliminary/final notice of intent)** *(only if* subject land is in an agricultural district *AND only if (a)* Grantee is a governmental entity *or (b)* public funding is contributed from a Federal agency or a county or a municipality).

**Project Deliverables – Conservation Easement Projects** *(continued)*

**Final Report**

To be submitted within 120 calendar days after receiving interim payment #2:

- (1) **Conservation Easement Closing Certification;**
- (2) **Title insurance policy;**
- (3) **Conservation easement defense liability insurance policy** (if applicable);
- (4) copy of each recorded **Conservation Easement;** and
- (5) **FPIG Project Closing Statement** spreadsheet *plus* supporting documentation.

**NOTES:**

- (i) *If Final Report is not submitted in a timely fashion or if it is not deemed acceptable, the final payment (equivalent to the State contribution toward (1) easement stewardship and (2) easement defense liability insurance (if applicable), per each conservation easement comprising the project) may be retained by the Department.*

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### Disbursements – Conservation Easement Projects

TIMING	MILESTONES / DELIVERABLES <sup>3</sup>	SCHEDULED PAYMENT <sup>4</sup> (State Contribution)
<b>Contract Approval Date</b>	Final approval of funding agreement by New York State.	<b>(1) Advance Payment</b> includes: <ul style="list-style-type: none"> <li>• \$1,500 title report stipend</li> <li>• 50% of cost for applicant’s &amp; other project partners’ staff time</li> <li>• 50% of cost for applicant’s legal fees</li> </ul>
<b>Month 1 to 6</b> (After Department notification of State approval of funding agreement)	<b>Submission for Preliminary Review:</b> <ul style="list-style-type: none"> <li>• Refer to page 12 of RFP</li> </ul>	
<b>Month 7 to 8</b> (After State approval of funding agreement)	Department Preliminary Approval of project.	<b>(2) Interim Payment #1</b> includes: <ul style="list-style-type: none"> <li style="width: 50%;">• Total cost of appraisal</li> <li style="width: 50%;">• Total cost of survey</li> <li style="width: 50%;">• Total cost of baseline documentation report</li> <li style="width: 50%;">• Balance of total cost of applicant’s legal fees</li> <li style="width: 50%;">• Balance of total cost of applicant’s and other project partners’ staff time</li> </ul>
<b>Month 9 to 18</b> (After State approval of funding agreement)	<b>Submission of Project File:</b> <ul style="list-style-type: none"> <li>• Refer to page 13 of RFP</li> </ul>	
- -	Department approval of Project File.	<b>(3) 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:</b> <ul style="list-style-type: none"> <li>• Refer to page 13 of RFP</li> </ul>	
- -	Department approval of Final Report.	<b>(4) Final Payment</b> includes: <ul style="list-style-type: none"> <li>• \$10,000 per conservation easement</li> <li>• Conservation easement defense liability insurance (if applicable)</li> </ul>

<sup>3</sup> Please adhere to the anticipated dates to ensure prompt completion of the project; doing so will enable efficient and predictable State disbursements. Failure to achieve the noted milestone may result in termination of the funding agreement.

<sup>4</sup> Payments disbursed on a first approved, first paid basis. All disbursements to successful applicants are as authorized by the NYS Division of the Budget and the NYS Office of State Comptroller. For a project associated with Federal farmland protection monies, no advance payment shall be disbursed by the State until the successful applicant provides proof of a Federal funding agreement to the Department.

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### Policy Guidance

The **Department** is providing the following guidance documents to assist in the compilation of a grant proposal and all required project deliverables:

- [“Farmland Protection and Agricultural Districts \(GD#1\)”](#);
- [“Developing a Land Plan for an Agricultural Conservation Easement \(GD#3\)”](#);
- [“Conservation Easements – Title Curative Letter”](#);
- [“2016 Model Agricultural Conservation Easement”](#) (only for easement projects awarded a State contribution of 87.5% of eligible total project costs);
- [“Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions \(2016 version\)”](#) (only for easement projects awarded a State contribution of up to 75% of eligible total project costs, EXCEPT those awarded 25% of easement purchase price plus all transaction costs);
- [“Appraisals for Conservation Easements \(GD#6\)”](#); **AND**
- [“Definition of ‘Qualified Farmer’ for a Preemptive Purchase Right.”](#)

### SAMPLE Financial Worksheets

Please view a Preemptive Purchase Right associated with each cost-share rate:

- [Sample #1](#) (87.5% cost-share rate)
- [Sample #2](#) (up to 75.0% cost-share rate)
- [Sample #3](#) (“25%+” cost-share rate)

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### NOTE:

- Please remember to submit all questions in writing **by noon local time 6/22/2018.**
- For your convenience, feel free to send them via email to:  
[david.behm@agriculture.ny.gov](mailto:david.behm@agriculture.ny.gov)

**Good luck!**

***Cheers!***



**ADJOURN**