

QUESTIONS AND ANSWERS

Round 15 Farmland Protection Implementation Grants Request For Applications

(Funding Opportunity announced January 18, 2018)

PLEASE NOTE: Errors were discovered in the following document associated with this grant opportunity. We apologize for any confusion and inconvenience to you.

Errata:

Financial Worksheet-Option Agreement Project with Landowner Bargain Sale Donation (Excel) = Please use [this link](#) instead.

UPDATED November 2018 (NEW information appears near the end of this document): The following questions were submitted to the Department of Agriculture and Markets regarding this Request For Applications (RFA) for Round 15 Farmland Protection Implementation Grants (Option Agreement Projects). Each question appears as it was submitted in the order each was received.

Each question is answered below.

1. **Q:** The listed “award date” is March 12, 2018. However, the application workshops are scheduled for well after that date. Is the award date supposed to be 2019?

A: No. The date of March 12, 2018, is an estimate of the earliest possible date for which the Department would have been able to make an award under this grant opportunity. That date has no other significance or relevance.

2. **Q:** If there a deadline for this grant? Can applicants apply at any time?

A: No, there is no application deadline. Yes, you may apply at any time until the Department either chooses to close this grant opportunity for any reason or the Department awards all available funds to eligible projects.

3. **Q:** How was the minimum acreage for each region determined?

A: As noted on page 5 of 14 of the Applicant Webinar presentation: “*Each minimum amount (acres or %) is the average amount associated with farmland protection implementation activities that have been awarded in each region since October 2014. Those awarded projects arose from:*

- *Round 13 Farmland Protection Implementation Grants (FPIG) Request For Proposals (RFP),*
- *Hudson Valley Agricultural Enhancement Program (HVAEP) RFP,*
- *Round 14 FPIG-RFP, and*
- *Legislative appropriations for the U.S. Army Compatible Use Buffer (ACUB) program associated with Ft. Drum.”*

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4. **Q:** How will this RFA and projects awarded under this RFA intersect with future FPIG-RFPs for Conservation Easement Projects?

A: Any Option Agreement Project awarded under this RFA will enable that project to receive a pre-determined number of bonus points when it is subsequently submitted as a Conservation Easement Project for funding consideration associated with a future FPIG-RFP.

5. **Q:** Will there be a webinar offered in relation to this RFA?

A: Yes; there are two webinars scheduled in association with this RFA. Those webinars will occur on [March 20, 2018](#) and [September 20, 2018](#).

6. **Q:** (a) Is this grant opportunity only available to municipalities, counties and soil and water conservation districts?

(b) Are there “target areas” associated with this grant opportunity? If so, where are the target areas located?

A: (a) No; four entities are eligible applicants as noted on pages 4-5 of the RFA:
“(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.”

(b) No, there are no targeted areas associated with this grant opportunity.

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7. **Q:** If we were to submit an application for the ----- Farm (contiguous to ---a previously awarded--- Farm) as an option agreement project, would that exclude us from applying for PDR funding?

A: The Department expects that any awarded Option Agreement Project would indeed be subsequently submitted as a Conservation Easement Project for funding consideration in a future FPIG-RFP. However, since this RFA and the Round 16 FPIG-RFP for Conservation Easement Projects are currently accepting applications at this time, you should NOT submit the same farm to both – instead, please submit this farm for ONE grant opportunity. If you decide to submit it at this time for Round 15 FPIG-RFA funding as an Option Agreement Project and it is selected for an award, you may submit this farm in a grant proposal in response to any future FPIG-RFP for Conservation Easement Projects. PLEASE NOTE: We anticipate that the next RFP will be announced in approximately two years (presumably in spring 2020).

8. **Q:** The Option Agreement has an expiration date on the easement where the PDR does not. Am I understanding that correctly?

A: No. An Option Agreement is a contract between participating landowner(s) and the “holder” of that Option Agreement. A PDR project involves a perpetual conservation easement. While each document encumbers real property for a particular purpose and duration, each legal document is very different from the other. Please request your attorney to review the Department’s template for an Agricultural Conservation Easement and the Department’s template for an Option Agreement and then discuss those similarities/differences with your attorney.

9. **Q:** (a) Does this grant opportunity have any maximum per acre value associated with it?

(b) Is there a cap of \$500,000 per transaction?

A: (a) Yes; please refer to the table on page 10 of the RFA.

(b) Yes; please refer to the table on page 10 of the RFA.

10. **Q:** Farm A is the primary operation and owns 500 acres. It rents 90 of 100 acres from another landowner (Farm B), who would retain a hobby farm on the remaining land.

(a) Would this qualify as a single farm operation using all 600 acres, or would the hobby farm land need to be excluded?

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(b) Would it be a different answer if the hobby farm acreage was less than 7 acres?

A: (a) As noted on page 6 of the RFA: "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). 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 (1) Farm Operation shall not be considered for funding under this RFA." You must determine if the "hobby farm" is "a commercial enterprise" as referenced within the statutory definition of "Farm Operation;" if not, then the "hobby farm" portion of the property would NOT be eligible as (or part of) a Conservation Easement Project. However, if 90 acres (of 100 total acres) of the rented property is desired to be part of this overall project, the 10-acre exclusion will only be acceptable if it is consistent with the Department's land planning guidance document.

(b) No.

11.Q: (a) Is the conservation easement due at time of submitting an application expected to be in final form (other than NYS review)?

(b) If "yes" to (a), is there an avenue to account for any changes in project partnership between the time of submitting the Option Agreement application, and submitting the PDR application?

(c) If "yes" to (a), a considerable number of staff hours and legal review goes into drafting and finalizing a conservation easement. Is there any way of having those expenses reimbursed to the land trust through either the option agreement grant or the PDR grant?

A: (a) No. If you will be using the Department's model agricultural conservation easement, then simply fill in as many blanks as possible and also remove any optional language that is not pertinent to this particular project. If you will use your organization's easement, then similarly fill in as many blanks as possible and, if applicable, remove any optional language that is not pertinent to this particular project.

(b) (Not applicable; refer to answer in (a) immediately above.)

(c) (Not applicable; refer to answer in (a) immediately above.)

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12. Q: The option payment/consideration is characterized as a “per year” payment over three years. Are the payments made annually, or as one lump sum at execution of the option agreement?

A: The option payment amount is a lump sum payment at execution of the option agreement.

13. Q: The application calls for “a signed letter from a local planning official that describes and documents the extent of development pressure on the subject property...”. Is this intended to be someone from the Town Planning Board, County Department of Planning, or other?

A: A letter composed and signed by any of the individuals you identified would be acceptable.

14. Q (NEW): Would the Department consider adjusting the regional criteria to instead follow a County criteria (more closely following what is actually awarded per County)? It would be greatly appreciated if the Department would reconsider how regional criteria are calculated.

A: While the Department is willing to adjust the regional criteria, we will not offer an alternative minimum size based on county-by-county data. Please remember that if the Option Agreement Project is subsequently submitted as a Conservation Easement Project, it will be initially considered for funding on a regional basis. Therefore, the Department will not offer county-by-county minimum acreages for Option Agreement Projects. However, based on each regional average of the average farm size of those counties in each region, the Department has revised the regional minimum size of projects as follows:

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Option Agreement Projects <i>(Minimum Acreage Allowed)</i>	
Region	Number of Projects
Central	209
Eastern	177
Hudson Valley	120
Long Island	23
Western	224

Notes:

- [County Average Farm Size](#) as reported by National Agricultural Statistics Service as part of its 2012 Census of Agriculture, which is the most recent statewide survey of such statistical data.
- The Long Island minimum acreage remains unchanged from that originally stipulated in the RFA because the regional average of the average farm size in that region is actually larger. However, the minimum acreage allowed for all other regions has been reduced from that originally stipulated in the RFA.

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