



Agriculture and Markets

***Round 16 Farmland Protection Implementation Grants (FPIG)
REQUEST FOR APPLICATIONS (RFA)***

Welcome!

- For audio, please call ... **1-844-633-8697 (or 1-866-776-3553)**
- WebEx Meeting Number:
 - (1) Tuesday morning (7/17/2018) = **645 247 261** (followed by #)
 - (2) Thursday afternoon (1/10/2019) = **640 855 575** (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!

WELCOME

(~5 minutes)

Purpose of this RFA

(~5 minutes)

Eligible Applicants for this RFA

(~5 minutes)

Eligible Projects for this RFA

(~30 minutes)

Match Contribution Requirements & Associated Stipulations

(~30 minutes)

Overview of Project Deliverables ~ Disbursements

(~5 minutes)

Policy Guidance

(~20 minutes)

Sample Financial Worksheet

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NOTE: All questions must be submitted in writing.
Please feel free to send them via email to: david.behm@agriculture.ny.gov

Purpose of this RFA

Dairy farming is the largest component of New York's agricultural economy and a dairy is typically the largest-sized type of farm operation in New York. Accordingly, ensuring that the viable agricultural land base of an operating dairy farm is protected from conversion to non-farm uses will be essential to help ensure the long-term viability and sustainability of the agricultural sector of the state's economy. The continuing financial crisis affecting dairy farmers due to prolonged historic low milk price supports has increased the threat for an unprecedented conversion of some of these viable agricultural lands to be lost to non-farm development.

This grant opportunity is being offered to implement Conservation Easement Projects with owners of viable agricultural lands that are associated with a dairy Farm Operation at risk of conversion to non-farm uses. Proceeds from the PDR transaction on viable agricultural land will offer these landowners an opportunity to either reinvest those monies to enable greater diversification of the farm operation or the transfer of ownership to a new owner of the same or different type of farm operation. Moreover, the viable agricultural land permanently protected as the result of each awarded Conservation Easement Project will remain in continuing agricultural use.

Eligible Applicants for this RFA

- (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”**²

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

² 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 an application for the first time is urged to contact the Department regarding the applicant’s eligibility prior to submitting its application. (Refer to page 5 of the RFA.)*

Eligible Projects for this RFA

Perpetual conservation easement(s) *that result from a PDR transaction* are deemed an eligible **Conservation Easement Project** under this RFA.

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 RFA.*
- (iv) *Publically owned lands or lands subject to an existing conservation easement (regardless of its duration) are not eligible under this RFA.*

Applicant Webinar – Round 16 FPIG RFA

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	\$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	\$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 borne entirely by landowner (waived if development rights value fully donated)	<p>Use of Department-required conservation easement provisions provided remainder of conservation easement –</p> <p>(a) “shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the AML,” AND</p> <p>(b) contains no reference to §247 of New York State General Municipal Law, AND</p> <p>(c) must be consistent with the “Purpose” and “Implementation” provisions as required by the Department</p>

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)** associated with the proposed project, *provided*:
 - For **Conservation Easement Projects** receiving an award of 87.5% of total project costs, the red-lined draft document submitted shall use the Department’s 2016 version as its template.
 - For **Conservation Easement Projects** receiving an award of up to 75.0% of total project costs, the red-lined draft document submitted shall be the Grantee’s proposed easement into which the Department’s required provisions (2016 version) 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 proposal) for each draft conservation easement that has been signed by all owners of the land associated with each draft conservation easement and that has also been signed by a representative of the Grantee.

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.*

Applicant Webinar – Round 16 FPIG RFA

TIMING	MILESTONES / DELIVERABLES³	SCHEDULED PAYMENT⁴ (State Contribution)
Contract Approval Date	Approval of funding agreement by New York State.	Advance Payment includes: <ul style="list-style-type: none"> Title report stipend (\$1,500) Project partners' staff time (1/2 of state contribution) Project partners' legal fees (1/2 of state contribution)
Month 1 to 6 (After State approval of funding agreement)	Submission for Preliminary Review: <ul style="list-style-type: none"> Title report and title curatives letter Draft conservation easement(s) Site plan(s) (<i>only if modified</i> since grant application) 	
Month 7 to 8 (After State approval of funding agreement)	Department Preliminary Approval of project.	Interim Payment #1 includes: <ul style="list-style-type: none"> State share of appraisal State share of survey State share of baseline documentation report Project partners' staff time (1/2 state contribution) Project partners' legal fees (1/2 state contribution)
Month 9 to 18 (After State approval of funding agreement)	Submission of Project File: <ul style="list-style-type: none"> Landowner Letter of Intent Financial Worksheet Appraisal report Final draft conservation easement(s) Certification of Title Curatives Waiver (of preliminary/final notice of intent) 	
- -	Department approval of Project File.	Interim Payment #2 includes: <ul style="list-style-type: none"> Balance of contract award less Final Payment amount.
120 Calendar Days (After receipt of Interim Payment #2)	Submission of Final Report for Review: <ul style="list-style-type: none"> Conservation Easement Closing Certification Title insurance policy Easement defense liability insurance policy (if applicable) Copy of each recorded Conservation Easement Closing Statement spreadsheet 	
- -	Department approval of Final Report.	Final Payment includes: <ul style="list-style-type: none"> Easement stewardship (@ \$10,000 per easement) Conservation easement defense liability insurance

³ Successful applicant must adhere to the anticipated dates for the specified milestones and project deliverables to ensure prompt completion of the projects associated with funding agreements awarded through this RFA; doing so will enable efficient and predictable State disbursements. Failure to achieve the noted milestone may result in termination of that funding agreement upon the **Department's** examination of the circumstances surrounding the delay.

⁴ All payments are 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.

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”](#) (*recommended for all Conservation Easement Projects*);
- [“Farmland Protection Implementation Grants \(FPIG\) Program Required Easement Provisions \(2016 version\)”](#) (*if the **Department’s** model conservation easement is not used, then these provisions are required to be incorporated into the applicant’s conservation easement document*); **AND**
- [“Appraisals for Conservation Easements \(GD#6\).”](#)

The **Department’s** Division of Land and Water Resources shall evaluate the proposed conservation easement document and proposed site plan for conformance with **Department** policies contained in the guidance documents listed above.

SAMPLE Financial Worksheet

- [Gateway Dairy project](#) (up to 75.0% cost-share rate)

NOTE:

- Please remember to submit all questions in writing.
- For your convenience, feel free to send them via email to:
david.behm@agriculture.ny.gov

Good luck!

Cheers!



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