

Addendum to RFA 0181 – Source Water Buffer Program

RFA 0181 – Request for Applications

2. ELIGIBILITY

2.1 Eligible Applicants

Applications for funding will be accepted from Soil and Water Conservation Districts, or a group of Districts acting jointly, who will be referred to as "Project Sponsors." Groups of Districts acting jointly should submit one application with one District assuming lead sponsor status. It will be the lead sponsor's responsibility to ensure project completion and necessary reports are accepted and filed with the New York State Soil and Water Conservation Committee.

The Project Sponsor(s) may, but are not required to, partner with other eligible entities for the purposes of holding the conservation easement or as a third party with right of enforcement. These entities are:

- Municipalities
- Not-for-Profit Conservation Organizations (Land Trusts)

The Project Sponsor(s) may apply for this opportunity on behalf of farm operations that are privately owned and operated¹ or on behalf of private owners of land rented to eligible farm operations. Educational institutions are not eligible to apply for funding through the Source Water Buffer Program.

2.2 Eligible Projects

The land that will be encumbered by the conservation easement must be owned by the participating farm(s) landowner(s). If there are multiple owners, each owner of the land to be encumbered by the conservation easement must be identified. Project Sponsors requesting State funding through this program must have completed, at a minimum, an AEM Tier 1 inventory and an AEM Tier 2 assessment on all participating farms. ~~These farms may apply for ONE of the following conservation easement terms: 50-year term easement OR Perpetual easement.~~ Conservation easements may be for a 50 year term or perpetual duration.

Conservation easements can be established on:

- Cropland that has been used for crop production 3 of the last 5 years
- Riparian lands

¹ The definition of a farm in the Agriculture and Markets Law is: "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch, or other biomass crops" as defined in subdivision seventeen of this section and "commercial equine operation" as defined in subdivision eighteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other (AGM Article 25-AA § 301).

- Pasturelands
- Agricultural woodlots

Land placed into a conservation easement must be:

- Directly adjacent to surface waters or ground water source under the direct influence of surface water designated as an active public drinking water sources;
- Directly adjacent to tributaries that drain into surface waters used as an active public drinking water source;
- Wetland areas directly adjacent to surface waters designated as an active public drinking water source;
- Within an active public water system groundwater wellhead protection area designated by the NYS Department of Health;
- Within the contributing area directly adjacent to an aquifer sinkhole that supplies an active public water system

Additionally, the conservation easement area must adhere to the following considerations/requirements:

- Easements may encompass portions of parcels, an entire parcel, or multiple parcels. However, whole farm easements will not be allowed.
- The easement area adjacent to surface waters (streams, rivers, lakes, reservoirs, ground water source under the direct influence of surface water) must, at a minimum, meet the applicable NRCS NY standard size requirements for the buffer being established or encumbered. The width of the easement area must not exceed 1,000 feet.
- The easement area for groundwater wellhead protection area or aquifer sinkholes must be entirely within the 1,000-foot radius from the wellhead or sinkhole, and cannot exceed the 1,000-foot radius from the wellhead or sinkhole.
- The easement area must include a buffer area.
 - Buffer Area Restrictions include (see Appendix 1: Conservation Easement Template):
 - Agricultural use of the buffer area is prohibited.
 - Recreational use of the buffer area is prohibited with the exception of an access to the source water for:
 - fishing or hunting in or on the Source Water
 - launch a kayak, canoe, or boat onto the Source Water for Recreational Use
 - operate a snowmobile or similar motorized vehicle for Recreational Use only during the months of November through March
- The easement area may include a farm area, in addition to a designated buffer area.
 - Farm Area Restrictions include (see Appendix 1: Conservation Easement Template):
 - For groundwater wellhead protection areas or aquifer sinkholes, no farm area will be allowed within the inner well zone of the wellhead protection area or 500-foot radius from the sinkhole.
 - The Farm Area cannot be more than 90% of the total easement area.
 - To ensure farm viability, the Farm Area cannot encompass more than 50% of the total acreage operated by the farm.
 - No annual cropping will be allowed within a Farm Area.
 - Allowable agricultural uses within a farm area are:
 - Managed Grazing

2. Pasturing
 3. Haying
- b. Farm Area may intersect with the buffer area to allow for:
- i. A constructed road or stream crossing for farm implements or livestock
 - ii. An access to the source water for:
 1. the purpose of providing a source of drinking water to supply an off-stream watering system for livestock associated with an Agricultural Use of the Farm Area.
 2. provide an access to the source of water for irrigation purposes

Conservation easements must protect and/or enhance water quality of the water source identified in the application. At a minimum, a buffer area (forested or herbaceous) must be established adjacent to and upland from the surface water resource. If the source water to be protected is a groundwater aquifer, a buffer area must be established surrounding the wellhead or sinkhole. Easements may also encumber previously established buffer areas. All best management practices, either pre-existing or proposed, must meet the New York State NRCS Standards and Specifications. For projects proposing to implement best management practice systems, all component practices must be implemented, and the system must be properly certified after the conveyance of the conservation easement.

An AEM Tier 3 Plan that incorporates the conservation easement area and associated best management practices will need to be completed or updated prior to the conveyance of the conservation easement. The AEM Tier 3 plan can include a Tier 3A, a Tier 3B Comprehensive Nutrient Management Plan (CNMP), or a Tier 3C Whole Farm Plan (WFP). If the conservation easement includes a Farm Area, the AEM Tier 3 plan must include a Nutrient Management component.

2.7 Eligibility Criteria

Applications must meet ALL of the following criteria in order to be awarded funding. Applications that do not meet any one of these criteria will be rejected.

- The application form must be complete and all necessary attachments are included in the application packet.
- State cost share percentage cannot exceed 75% of the total project costs.
- Sponsor and/or Landowner cost share percentage are 25% or greater of the total project cost.
- Easement Stewardship Fee does not exceed 50% of the total project cost.
- All ~~farms~~ **participating landowners** included in the application must own the land to be encumbered by the easement and have completed at least an AEM Tier 1 Inventory and AEM Tier 2 Assessment. **If the participating landowner rents the land to be encumbered to an eligible farm operation, that farm operation must have completed at least an AEM Tier 1 Inventory and AEM Tier 2 Assessment.**
- Project has clearly demonstrated a connection to a designated drinking water source.
- Proposed easement area(s) meets all applicable size requirements identified in the RFA.
- Project will provide source water protection through pre-established riparian buffer/buffer area(s) or project proposes to implement riparian buffer/buffer area(s).

- If a Farm Area is included within the easement area, the farm area does not encompass more than 50% of the total acreage (owned and rented) operated by the ~~participant~~ **eligible farm operation**.
- Proposed project timeline does not exceed the standard contract term of 5 years.
- Applicant clearly identifies participating agencies and project roles.

RFA 0181 – Source Water Buffer Program – Application Form

2. Easement Area Description

- a. The land that will be encumbered by the conservation easement(s) is owned by the participating farm(s) or is owned by a private owner and rented to eligible farm operations.**
- Yes
- No (If No, the application is not eligible to be funded)
- g. If yes, please identify the size, in acres, of each use area below for each easement area that will include a farm area. Please indicate if this will maintain the viability of the participating farm operation or the farm operation currently renting the land to be encumbered (the farm area may not encompass more than 50% of the total operated acreage). If additional space is needed please copy and paste the table onto a separate sheet and attach to the application.**

RFA 0181 - Source Water Buffer Program Checklist for Completeness

ELIGIBILITY:

- Application submitted to the NYS Department of Agriculture and Markets on the NYS Soil Water Conservation Committee Sharepoint site
- Application submitted by a Soil and Water Conservation District or group of Districts
- State funds requested are less than or equal to 75% of the total project cost
- Sponsor and/or Landowner contributions are 25% or greater of the total project cost
- Easement Stewardship Fee does not exceed 50% of the total project cost
- Proposed project timeline does not exceed the standard contract term of 5 years
- All participating ~~farms~~ **landowners** own the land to be encumbered by the easement
- All participating ~~farms~~ **landowners** have completed, at a minimum, an AEM Tier 1 Inventory and AEM Tier 2 Assessment. **If the participating landowner rents the land to be encumbered to an eligible farm operation, that farm operation must have completed at least an AEM Tier 1 Inventory and AEM Tier 2 Assessment.**
- Project is located directly adjacent to one of the following:
 - Surface Water designated as a public drinking water source or public Ground Water Source under the direct influence of surface water
 - Tributary that drains into a surface water designated as a public drinking water source
 - Wetland areas directly adjacent to surface waters designated as a public drinking water source
 - Within a public water system groundwater wellhead protection area designated by the NYS Department of Health

- Within the contributing area directly adjacent to an aquifer sinkhole

- Proposed easement area meets all applicable size requirements identified in the RFA, Section 2.2 – Eligible Projects
- Project proposes to encumber a pre-existing riparian buffer/buffer or proposes to establish a riparian buffer/buffer
- The Farm Area cannot be more than 90% of the total easement area
- If a Farm Area is included in the conservation easement, the Farm Area will not encompass more than 50% of the total acreage operated (owned and rented) by the participant **eligible farm operation**
- Applicant clearly identifies participating agencies and associated project roles