

Sequence of Communications Regarding a Conservation Plan Associated with an FPIG-Awarded Agricultural Conservation Easement Project

Application/Proposal Phase:

Each new FPIG grant opportunity will require the applicant entity to submit a NYS Farmland Protection Implementation Grant (FPIG) **Agricultural Environmental Management (AEM) or Equivalent Landowner Participation Verification Form** (*attached*) as part of its application/proposal for the subject property. One of these is required for each conservation easement comprising the proposed project.

Award Notification:

One of the attachments to an FPIG award notification letter, which is sent to the applicant entity and “cc” to the participating landowner(s), will be a notification directed at the participating landowner(s) to alert each landowner of the FPIG requirement to obtain or document an existing AEM Tier 3 (or higher) Conservation Plan (or its equivalent) for the land to be protected by each Agricultural Conservation Easement associated with the proposed project. Any participating landowner whose property is to be encumbered by an agricultural conservation easement that is the subject of an AEM Tier 2 environmental assessment (or its equivalent) that indicates a high level of existing stewardship and no resource concerns needing attention shall be considered to have satisfied the minimum requirement for a Tier 3 conservation plan. (*Please note: This does not preclude any landowner or any farmer leasing such lands to pursue enhanced levels of conservation through further conservation planning.*) However, please note that for any project receiving an FPIG award under the (a) Climate Resiliency or (b) Source Water Protection category, its acceptable Conservation Plan (whether a Tier 2 assessment or a Tier 3 or higher plan) must also document the (a) agricultural practices and management that will increase the resiliency of the Farm Operation to changing climate impacts (e.g., intense storms, drought, increased pests, heat stress, etc.) or (b) soil and water conservation practices and agricultural management that will provide protection to known or potential source(s) of public drinking water that underlie, abut, or transect the Property, respectively. This notification will stipulate that the required Conservation Plan is expected to be completed prior to the awarded applicant entity’s submission of a complete Project File to the Department, which is anticipated no later than 18 months after State approval of the FPIG contract. (*See attachment*)

Project File Submission (i.e., contract deliverable):

Every FPIG grant opportunity will contain the text shown below regarding one of the required contract deliverables; this is the third of three contract deliverables submitted to the Department in association with an awarded FPIG contract. Item #6 is a document (*attached*) that is now a required component in each submitted Project File.

Project File

After the Department has given its preliminary approval of the proposed Agricultural Conservation Easement Project, the local project manager shall compile and must submit (within eighteen (18) months of state approval of the funding agreement) these required project deliverables (referred to as a project file):

- (1) **Landowner Letter of 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 conservation easement comprising the proposed project;
- (2) **Financial Worksheet;**

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- (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;
- (5) **Certification of Title Curatives** from Grantee attorney *plus*
 - (a) copies of any attachments referenced in the certification,
 - (b) copies of all proposed title curatives,
 - (c) a copy of the cover sheet of commitment for title insurance indicating the amount of proposed coverage, and
 - (d) (only if any new title issues have been discovered during the preparation of the commitment for title insurance that must now also be addressed) a boundary survey of the proposed easement area;
- (6) **Status of Conservation Plan Certification Form;** and
- (7) **Waiver¹ (of preliminary/final notice of intent)** that is fully executed by all signatory parties.