

Watershed Agricultural Council (WAC) Easement Program Applicant Selection Guidelines

The intent of the Easement Program's Applicant Selection Guidelines defined herein is to ensure that: 1) compelling agricultural properties that can provide water quality protection within the New York City Watershed are selected for further consideration for the development of a Watershed Agricultural Council (WAC) Conservation Easement (CE), 2) WAC and DEP staff resources are effectively and efficiently administered to protect the maximum number of compelling properties, 3) land owners are treated fairly and equitably during the selection process.

The Following Guidelines will be used to consider eligibility and selection of applicants for the development of WAC Agricultural Conservation Easements.

1. General Eligibility

A. General Requirements In order to be eligible for a WAC CE a landowner must meet all of the eligibility requirements listed below:

1. Applicant's property must have an active and current Whole Farm Plan (WFP) that has been approved by the Agricultural Committee wholly or partially covering their property.
 - a. "Current" WFP means that the Best Management Practices (BMPs) prescribed in the Form WFP2 of the WFP correlate with current Agricultural Practices on the Property as determined by the Easement Program Agricultural Conservation Planner.
 - b. "Active" means that the property has active commercial agriculture occurring on it as determined by an Annual Status Review (ASR) of the property.
 - c. Properties that have current, active WFPs but are in need of substantial revision will be reviewed by the Easement Program Agricultural Planner to determine whether the revisions will be planned prior to appraisal of the property. Properties that are in need of major revisions affecting their status as "current" may be deemed ineligible by the Agricultural Conservation Planner until the revisions are approved by the Agricultural Committee.
2. Property's producer must be farming in accordance with the WFP.
 - a. Farming in Accordance with a WFP for purposes of application eligibility means that all structural best management practices (BMPs) identified in the Whole Farm Plan form WFP2 have been planned or implemented and relevant Operations and Maintenance (O&M) Agreements have been signed by the landowner and

Producer and that the landowner and producer are adequately adhering to the terms and conditions of the current WFP and its O&M agreements.

3. Applicants may not have a Suspended or Inactive Whole Farm Plan.
4. Property must be a minimum of 50 Acres in Size
 - a. Properties that are under 50 acres in size may be considered for eligibility on a case by case basis by the Easement Committee if there are :
 - 1.Substantial water resources and agricultural resources on the property outside the potential development area.
 - 2.Located within a DEP Area of High Focus (as defined in DEPs Long Term Land Acquisition Plan dated September 30, 2009.
 3. Consists of only one tax parcel
 - 4.Ratio of potential development area to remaining conservation easement area would not exceed standards established in the Land Planning Guidelines.
5. Applicant's property is not located in a 1997 New York City Memorandum of Agreement (MOA) hamlet designation area or a 2010 Proposed Hamlet Expansion Area (PHEA) where a municipality has adopted a resolution establishing a hamlet area.
6. Applicant or applicants must own the property (tax parcels) listed on the application.
7. The proposed property to be eased must be wholly or partially located within the jurisdictional boundaries of the New York City West of Hudson (WoH) Watershed. If partially located in the Watershed, the proposed portion to be eased must satisfy all the eligibility requirements outlined in Section 1.
8. If an applicant already has a WAC Conservation Easement, the applicant must be in good standing with the Easement Program and not have a history of violations or any open violations pertaining to their WAC conservation easement.
9. Property must have surface water resources -as identified by WACs hydrologic data resources.
 - a. Properties without surface water resources shall be considered for eligibility on a case by case basis by committee upon request of the landowner if the property has the following features:
 - 1.Complelling agricultural resources including but not limited to crop lands, pasture, soils, agricultural infrastructure, implemented Whole

B. Categories of Applicants

1. Because Whole Farm Plans are developed for agricultural producers and because a significant percentage of agricultural lands in the NYC Watershed are leased, WAC recognizes two categories of landowners that may apply for a WAC Conservation Easement, so long as the applicants meet the General Eligibility requirements established in Section 1:
 - a. **Producer/Landowners** – Agricultural Producers that have a WFP in their name and own the land covered and identified in their WFP.
 - b. **Leasor (landowner)/Lessee (Producer)** – a Landowner that leases their owned lands to a producer who has a WFP that covers the leasor's lands and identifies such leased lands through BMPs on the form WFP2 of the WFP.

C. Required Documentation of WFP for Purposes of Eligibility

1. Landowners must have the following WFP documentation attached to their applications:
 - a. **Producer /Landowners** – a copy of the most recent, active, current version of the form WFP2 which lists the name(s) of the Producer(s)/Landowner(s) at the top of the form and which is signed by the producer(s)/landowner(s) at the bottom of the form.
 1. Names on the WFP2 should match the name(s) of the landowner(s) that appear on the title to the property in consideration.
 - b. **Leasor/leasee** - a copy of the WFP2 Appendix created by the Easement Agricultural Planner. The appendix lists all the BMPs in a producer's WFP2 that are physically located on leasor's property.
 1. The leasor's property may be covered by one or more producer's WFPs. In the event the property is covered by multiple WFPs, BMPs from each producer's WFP must be identified in the leasor's WFP2 Appendix.
 2. The leasor's name and the names of all the producers operating on the leasor's lands must appear on the WFP2 Appendix. Additionally, the leasor and all producers listed on the appendix must sign the WFP2 appendix.
 3. Easement Program staff must schedule a meeting with the leasor and all producers listed on the WFP2 appendix to explain the requirements of the WFP on properties proposed for a WAC easement.
 4. The leasor(s) name on the WFP2 Appendix should match the names appearing on title for the property in consideration.

D. All Documentation Required to Confirm Eligibility and Complete Application Prior to Scoring and Ranking

1. In order for a landowner's Application to the Easement Program to be considered complete, the landowner's property must meet the Eligibility Requirements outlined in section A 1-8 and their application packet must include the following materials:

- a. Completed Application
- b. Copy of WFP2 or WFP2 Appendix as described in section 3
- c. Map of property (Created by Program Staff) identifying Tax parcel boundaries, water resources, watershed boundary (where applicable), adjacent DEP fee land or easements WAC easements (where applicable), DEP priority areas (where applicable), total acreage of property, hamlet designation areas (where applicable).
- d. If property is a leasor/leasee property, a map depicting the location of the producers BMPs (identified on the WFP2 Appendix) on the leasors property is also required.

2. WAC Easement Program staff will notify applicants if their Application is complete or incomplete and when they can expect their application to be scored and ranked.

2. Project Scoring and Ranking: Selection Criteria Methodology

- A. In order to provide an unbiased method of selecting properties for the Easement Program, WAC will utilize the scoring system as prescribed in attachment "A" "Selection Criteria Worksheet" to score all eligible applicants. The scoring system, based on a series of points per category will enable Easement Staff to score properties based upon agricultural and water quality characteristics.
- B. The eligibility requirements for a Whole Farm Plan outlined in section 1 are established to ensure the viability of the agricultural enterprise, while the Selection Criteria Worksheet is utilized to evaluate the natural resource features of the property.
- C. The contents of Attachment "A" may be amended by the Easement Committee periodically to reflect changes in agricultural practices, land ownership, economics, or water quality in the region.
- D. The Selection Criteria Worksheet (attachment "Appendix A") will award points to properties for the following four categories:

1. Water Resources

Points will be awarded to properties that contain the following hydrologic features:

- Streams, Lakes, & Ponds buffered by 300ft
- Reservoirs buffered by 1000ft

- NWI wetlands
- NYSDEC wetlands
- FEMA 100 yr floodplain boundary

*These surface water features and buffer distances are based upon the Natural Features Selection Criteria identified in the MOA Paragraph 63(b).

2. Priority Areas in Watershed

New York City has established priority areas within the watershed to designate those areas most critical to the long-term water quality of its reservoirs. The permanent protection of farmland with Agricultural Easements within these priority areas will aid in the long-term water quality of the reservoirs. Points will be awarded to farms located within the top priority areas within the watershed.

3. Agricultural Conservation Corridors

Adjacent farm land allows for the future expansion of agricultural operations and supports the future viability of farming. Points will be awarded to properties that are immediately adjacent to other WAC easements or DEP fee land.

4. Acreage

In an effort protect the maximum amount of natural resources within the watershed, points will be awarded to property based on size.

3. Selection Committee and the Applicant Selection Process

- A. Once an applicant's property has been deemed eligible and the landowner's application has been verified to be complete by WAC staff as per section 1 D, all complete, eligible applications will be forwarded to a working group for scoring using the Applicant Selection Criteria worksheet.
- B. The Application Selection Working Group (ASWG) shall consist of 3 staff members, one from DEP and two from WAC, appointed by the Easement Committee through a motion, based upon the production needs of the program..
- C. ASWG members will utilize the Selection Criteria Worksheet (Attachment "A") to evaluate each property. ASWG Members will score each category based on points available for each category.
- D. Applicants will not be considered qualified for scoring by members of the selection group unless they have all required documents attached to the application as described in section 1 D.
- E. Scores for individual properties will be determined by averaging the three Selection Criteria worksheets completed by each of the ASWGs members.
- F. Once the average score is calculated for each property, the properties will be ranked from highest to lowest score. A ranked list of the properties, referred to as the "Eligible Applicants List" will be presented to the committee for review. All scored and ranked

properties will be reviewed by the Easement Committee. The Easement Committee must approve the "Eligible Applicant List" via formal motion.

1. The easement Committee's review of the list cannot remove or exclude properties from the ranked list of properties. Committee will review the list to determine the effectiveness of the Applicant Selection Criteria Worksheet.
 2. If the committee determines that the properties are not appropriately prioritized, the committee may reject the list and direct staff to develop a new applicant Selection Criteria Worksheet that will more effectively evaluate properties based upon the needs and mission of the program.
- G. Applicants will be contacted by Easement Program Staff in the order they were ranked to determine interest in proceeding with the development of a conservation easement. Easement Program staff will work with approved applicants to develop a conservation easement based upon staffing capacity, available funding and willingness of the landowner to pursue the development of a conservation easement.
- I. Applicants who were scored and approved by the EAsemetn Committee who do not wish to proceed with a conservation easement will be sent a letter confirming WACs understanding that they do do wish th to proceed with the development of a conservation easement at this time.

4) Applicant Properties with Incomplete Form WFP2

- A. Only properties that have the required documentation defined in Section 1D "All Documentation" will be considered eligible for review by easement program staff.
- B. Applicants, who have incomplete Whole Farm Plans based on required documentation established in Section 1C, shall be notified via letter that their application requires further administrative action by the Agricultural Program before they can become eligible to apply to the Easement Program.
 - A. Applicant's whose Whole Farm Plans require administrative action by the Agricultural Program may be scored by the selection group as outlined in Section 3 if they meet all of the other Eligibility Requirements established in Section 1. Properties will be ranked highest to lowest based on scores on a separate "Ineligible List" which will be given to the Agricultural Program Staff. Agricultural Staff will work to develop complete Whole Farm Plans for applicants based upon their rank on the list and the capacity and priorities of the Agricultural Program to complete the WFPs.
 - B. Once the WFP for the property has been completed by Agricultural Program Staff, and if the property has already been reviewed , scored and ranked by the Application Selection Working Group utilizing the Selection Criteria Worksheet, the property may then be inserted into the existing "Eligible Applicants List" described in section 3 F based upon its score.

5) New Applicants

- A. Any new applications for properties that are received after the Applicant Selection Deadline will be keep on file.
- B. Applicant Selection Deadline is determined by the Program Manager based upon the anticipated formation of the Working Group.
- C. A file folder will be developed for all new applicants and new applicants will be tracked on a spreadsheet to determine the category of applicant as described in Section 1B and the completeness of their application as described in Section 1 D. The Executive Assistant will notify new applicants when their applications are complete as per Section 1 D and when the next applicant selection round is anticipated.
- D. New Working groups to score and rank eligible applicants will be established via Easement Committee motion based upon production needs, capacity and funding of the Easement Program as identified by the Easement Program Manager.

Staff Standard Operating Procedures

1. General Administration of Applications

- A. The Executive Assistant (EA) will maintain files of all qualified applicants and compile applicant information as it is received. The EA will receive and organize all applications and notify landowners if all required documentation has been received via letter.
- B. The EA will send a letter to landowners either 1) notifying them that their application is complete as defined in Section 1 D or that their application is incomplete and requires additional information.
- C. In the event that their application is incomplete as defined in Section 1D and further administrative action for the WFP is required, the letter shall include information on how to contact the Agricultural Program to complete their Whole Farm Plan.

2. Selection of Applicants

- A. Once the Easement Committee has passed a motion to create a Working Group to score and rank applicants, Easement Program staff will review all applications to determine which applicants are eligible and which are ineligible based upon Section 1 of these Guidelines.
- B. All eligible applicants will be submitted to the working group for scoring and ranking
- C. Working Group Members will be responsible for scoring all qualified applicants presented to them by the Easement Program Manager and returning them to the Program Manager by a time specified by the Program Manager.
- D. Easement Program Manager (EPM) will present a list of properties scored by the Working Group (ranked highest to lowest score) to Easement Committee for approval as per the Section 3 of the easement committee guidelines.
- E. After all eligible properties have been approved by the Easement Committee, the EA will send a letter to all applicants to notify them of their status (Approved, Ineligible (because of WFP issues) or Ineligible because of Guideline Standards.
 - 1. Applicants who were deemed ineligible because of administrative issues pertaining to their WFP, but otherwise eligible according to Section 1, General Eligibility Requirements, will be sent a letter instructing them how to complete their WFP in order to become eligible.

Attachment "A"

Selection Criteria Worksheet

I. Water Resources: 30 Possible Points

Emphasis will be given to properties which contain the greatest percent of hydrologic activity based upon the following categories:

- Streams, Lakes, & Ponds buffered by 300ft
- Reservoirs buffered by 1000ft
- NWI wetlands
- NYSDEC wetlands
- FEMA 100 yr floodplain boundary

Scoring:

<u>Points</u>	<u>Criteria (Acres with Water)</u>
30	> or = to 27 acres
15	15 – 26.99 acres
5	< 15 acres

II. Priority Areas in Watershed

New York City has established priority areas within the watershed to designate those areas most critical to the long-term water quality of its reservoirs. The permanent protection of farmland with Whole Farm Easements within these priority areas will aid in the long-term water quality of the reservoirs. Emphasis will be placed on farms located within the top priority areas within the watershed.

NYC DEP Priority Areas: 10 Possible points

<u>Points</u>	<u>Criteria</u>
5	Within a Priority I or II area
5	Wholly or partially within an area of High Focus

III. Conservation Corridors: 20 Possible Points

Adjacent farm land allows for the future expansion of agricultural operations and supports the future viability of farming

Conservation Corridors and Prospects for Continued Agricultural Use: May receive points both categories.

<u>Points</u>	<u>Criteria</u>
15	Adjacent to WAC protected farm
5	Adjacent to DEP fee or easement

IV Acreage: 40possible points

In an effort to protect the maximum natural resources within the watershed, emphasis will be given to farms greater than 300 acres.

Acreage to be protected by Applicant under a Conservation Easement:

<u>Points</u>	<u>Criteria</u>
40	> 300
35	200 – 299
25	100-199
15	50 -99

Total Score _____ / 100