

Watershed Agricultural Program Guideline

1.1.01

ELIGIBILITY FOR PARTICIPATION/WHOLE FARM PLAN (West of Hudson)

The purpose is to determine if a person or entity is eligible to participate in the NYC Watershed Agricultural Program (WAP). Participants shall be the owner of a “Farm Operation” or the lessor of farmland to a “Farm Operation” (See exception in Section 2 below). “Farm Operation” being defined as the land and on-farm buildings, equipment, processing and handling facilities and practices which contribute to the commercial production, preparation and marketing of “crops, livestock, and livestock products” (as defined in §301 (2) of Article 25-AA of NYS Agriculture and Markets Law). Such farm operations may consist of one or more parcels of owned or rented land, which may be contiguous or noncontiguous to each other.

SECTION 1 (ELIGIBILITY FOR WFP)

1. Farms must fill out a WAP AEM Tier I application and return to the Agricultural Program office.
2. Standards for eligibility for farming operations on active WOH farms include:
 - a. Farmstead must be located within the boundaries of the New York City Watershed. Farmstead includes the principle production facilities and housing.
 - b. Minimum requirements for a farm operation to enter the program (effective 2020):
 - i. Farming operations engaged in the production of livestock and livestock products: annual gross sales of such products must average \$10,000 during the preceding two-year period and have 5 Animal Units (A.U.s) for active eligibility.
 - ii. Farming operations without livestock: annual gross sales of \$10,000 and 7 acres. In addition to the sales of crops, livestock and livestock products, “farm sale” may also include the sale of maple syrup products, honey, honey products, ornamental trees (including Christmas trees) and plants and fees from horse boarding operations.
 - iii. The WAP reserves the right to request financial documentation of an agricultural operation to show that the applicant meets program eligibility.
 - iv. Farming operations engaged in the production of livestock and livestock products need to show capacity to handle the manure generated from their livestock either by export, composting or spreading on fields.
 - v. Existing WFP participants that may fall below minimum eligibility criteria refer to guideline ‘1.1.08 Participant Status’.
3. For new land bases that have not previously participated in the WAP and determined to be eligible, a preliminary AEM Tier II investigation will be conducted and score be calculated for prioritization of new WFP development. New WFP development is prioritized annually. The number of new plans developed is at the discretion of the Ag Program Manager.

4. Farm operations that purchase or transition to a farmstead previously covered under a WFP must meet eligibility requirements outlined in section 2bi or 2bii to become a program participant.
5. For new Farms that don't meet the minimum income threshold: the increase in the value of raised livestock or farm commodities can be included in "farm sales" for startup operations. Inventory calculations will describe the type, number and value of raised livestock and commodities at the beginning and end of the most recent income tax year.
 - a. Concerning protections afforded under Ag & Markets Law §305-a to farm operations, including "start-up farms," The Department considers the following start-up periods to be reasonable for a farm to achieve the level of production of its own goods that may be required by a local government for certain processing and marketing activities conducted by the farm. To be eligible for a WFP the WAP will require that a farm is in business as follows:
 - Crops: 2 years
 - Hops: 3 years
 - Livestock: 2 years
 - Nurseries and Greenhouses: 2 years
 - Aquaculture: 2 years
 - Apiaries: 2 years
 - Christmas Trees: 8-10 years
 - Maple: 2 years
 - Orchards and Berries: 3-5 years
6. By signing the participation and funding agreement (WFP-1), the participant is verifying that the farm or agricultural operation has agricultural sales of at least \$10,000 for the prior two year average.

SECTION 2 (CONSERVATION PARTICIPANT)

1. Conservation Reserve Enhancement Program (CREP) and Catskill Stream Buffer Initiative (CSBI) participants are eligible for status as a Conservation Participant.
2. On a Case by Case Basis - Cropland or grazing land in the NYC Watershed boundaries leased to farms outside the NYC Watershed boundaries with a current CNMP or equivalent will be eligible for status as a Conservation Participant. The development of WFPs on these properties may be based on water quality criteria limited to stream buffers and cover crops.