

Watershed Agricultural Program Guideline

1.1.09

PARTICIPANT COST SHARE GUIDELINE (East of Hudson)

The implementation of Best Management Practices (BMPs) that exceed the approved Whole Farm Plan cost guideline will require a 50% participant cost share. Cost guidelines may be adjusted either with increases in the Consumer Price Index (CPI) (Refer to WAC Guideline 2.0.05), changes to numbers of Animal Units (AUs) or Agricultural Environmental Management (AEM) Tier 2 evaluation scores, which may affect the cost share amounts.

The 50% participant cost share applies to final contractor costs associated with WAC-approved BMPs including the following:

- The installation of new BMPs
- BMP modifications
- BMP investigative work
- BMP repair and/or replacement

If the participant meets the WAC BMP procurement requirements to complete a given BMP as a contractor, they may contribute the value of their labor and/or materials (approved by certifying engineer) toward the 50% cost share.

Cost Share Waiver:

Participants that receive greater than 50% of their income from farming can be evaluated to see if they meet all eligibility requirements for the cost share waiver. New BMPs or implemented BMPs that have failed or ceased to function as they were intended will be eligible for a cost share waiver on a case by case basis. In the event of a new BMP or repair and/or replacement of a particular BMP associated with one of the six highest pollutant categories, the 50% participant cost share may be waived with both Committee and DEP approvals. The six pollutant categories are:

- I. Parasites & Phosphorus – Animal Waste Storage
- II. Pesticides – Storage Facilities, Mixing/Loading Areas
- III. Phosphorus – Fertilizer Storage
- IV. Parasites – Animal and Manure Management
- V. Nutrient Management
- VI. Nutrients – Concentrated Sources

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Participants eligible for cost share waiver must meet the following:

- Be engaged in the business of farming as an individual, partnership, association, cooperative, corporation, or LLC business entity, and meet the definition of “farm operation” as defined in section 301 of the Agriculture and Markets Law.
- Provide WAC staff with verification from US Form 1040, Schedule F, or equivalent, that greater than 50% of their gross annual income is derived from farming in 3 of the 5 years prior to submitting a cost share waiver request.

OR

Has received the Farmers School Property Tax Credit in 3 of the 5 years prior to submitting a cost share waiver request. Participants must include copies of NYS Department of Tax and Finance Claim for Farmers School Tax Credit IT – 217, or equivalent, or Claim for farmers School Tax Credit CT – 47, or equivalent, as filed for each qualifying year. All documents will be required at the time of waiver request. Note: Farms in transition of ownership may not be required to have US Form 1040, Schedule F, or the Farmers School Property Tax Credit in 3 of the 5 years prior to submitting a cost share waiver request. This will be evaluated on a case by case basis. (For example if a farm was transferred from the parent to a son or daughter within the last 2 years, the son or daughter would not have US Form 1040, Schedule F, or the Farmers School Property Tax Credit listed under their name for the minimum of 3 years. However the intent of the farming operation would be similar to the prior operation and should be granted the waiver)

Any deviation from this guideline must be pre-approved by the EoH Program Committee and by DEP.