

2009 Farm and Ranch Lands Protection Program (FRPP)

Request for Proposals

The purpose of the Farm and Ranch Lands Protection Program is to facilitate and provide funding to purchase easements. Funds may be used to match other funds and resources in order to purchase easements on farmland in North Carolina. There are several changes from the 2002 Farm Bill version of the program. The program will now become a continuous signup. This continuous signup will begin with this Request for Proposals. A batching period will be set and that date will be May 18, 2009. The NRCS State Conservationist will announce the batching date annually. Applications received before the 2009 batching date will be ranked and considered for the 2009 program funding. Applications received after the batching date will be deferred and considered for the following year's funding cycle. Applicants for parcels not selected in the 2009 batching period will be given the opportunity to update their applications in September, allowing for re-submittal in the 2010 program year.

Applications to be considered in the May 18, 2009 batching period must be received in the NRCS State Office by close of business on May 18, 2009. Applications shall be mailed or hand delivered to:

USDA-Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, North Carolina 27609
Attention: Greg Walker, Assistant State Conservationist-Programs

All questions regarding this Request for Proposals should be addressed to Greg Walker, Assistant State Conservationist – Programs. Phone number is 919-873-2104.

greg.walker@nc.usda.gov

Also see FRPP requirements at: <http://www.nc.nrcs.usda.gov/programs/frpp>

Additional changes and important information about FRPP are listed below:

- Eligible landowners must certify that they do not exceed the Adjusted Gross Income limitation eligibility requirements and are in compliance with Wetland Conservation and Highly Erodible Land provisions of the Farm Bill before the cooperative agreement is signed. Contact the local Farm Service Agency (FSA) and the NRCS office for additional assistance as needed.
- The 2008 Farm Bill will allow up to 67% of the offered easement area to be in forestland, however, forestland greater than 10% of the easement area must have a forest management plan. The forest management plan will be prepared by a registered forester or a NC Division of Forest Resources forester.

- FRPP can contribute no more than 50% of appraised fair market value (AFMV), the cooperating entity must contribute the balance of the cost. A cooperating entity may use a landowner donation as part of their contribution, however, the cooperating entity must pay a minimum of 25% of the purchase price (AFMV minus landowner donation).
- The 2008 Farm Bill version of the FRPP retains the 2% impervious surface limit. A waiver must be requested and granted to exceed 2% but cannot exceed 10% under any circumstances. Such waiver requests would be included in the application package. A waiver request would include a detailed account of the impervious surfaces and their respective uses/value to the parcel in order to justify exceeding 2%.
- The cooperating entity is responsible for the appraisal, survey, and title search.
- Easements will be held by the cooperating entity only. The United States will not pay or hold title insurance on deeds beginning with 2009 cooperative agreements.
- The 2008 Farm Bill rule will allow deeds to have a ‘Right of Enforcement’ clause. The United States no longer has the right to assume ownership of the easement if the entity does not enforce the provisions of the conservation easement deed.
- The 2008 Farm Bill and Rule allows cooperating entities to choose a standard on which to base compensation. Appraisals may be either USPAP or UASFLA (Yellow Book).
- A technical review of the first appraisal, of each appraiser, in each program year is required. All appraisals over \$1 million of FRPP contribution and all appraisals ‘flagged’ by an administrative review, will receive a technical review. No less than 10% of all appraisals will be reviewed each year.
- A hazardous materials records search and field visits are conducted on each parcel. Each landowner is interviewed to clarify FRPP policy on the funding requirements and easement acquisition process.
- Cooperating entities will submit conservation easement deed form for approval within 30 days of signing the cooperative agreement. Cooperating entities submit appraisals and title commitment for review 90 days before closing.

The following information is required for a valid application to the Farm and Ranch Lands Protection Program. Entities submitting multiple tracts should only document entity information once. Tract information will be prepared for each tract offered.

Entity Information

The entity must provide evidence of a commitment to long-term conservation of agricultural lands through the use of voluntary conservation easements that protect farm lands from conversion to nonagricultural uses. *Examples: State, Tribal, or Local government statute or ordinance or non-governmental organization mission statement attached.*

The entity must provide evidence of a capability to acquire, manage, and enforce conservation easements. *Examples: number of easements held and managed and current staff available.*

The entity must provide evidence of staff capacity that will be dedicated to monitoring and conservation easement stewardship.

The entity must provide evidence of the availability of funds equal to at least 50 percent of the estimated fair market value of the conservation easement (including landowner donation). *Example: State, Tribal, or local government appropriation or statement from non-government organization that funds are available.*

The entity must provide its title and appraisal policy.

Parcel Information

State

County

Map of the parcel showing the proposed protected area. **(Attach Map)**

Names of the landowners of the parcel and ownership document. **(Attach)**

Address of the parcel.

Location map of the parcel. **(Attach Map)**

Legal Description of the parcel. **(Attach Document)**

Size of the parcel (acres).

Pending offer for the parcel **(Signed written offer attached)**

Acres of the prime, unique, or Statewide and locally important soil in the parcel is required. Consult the local NRCS/SWCD office for assistance through the NRCS

WebSoil Survey tool. Attach the map and table of the prime, unique, or Statewide or locally important soils for the parcel.

Provide a brief description of the historical or archaeological resources proposed to be protected, and the site's significance as well as the site's listing on the Federal, Tribal, or State register. The listing document that describes the significance of the site must be included in the application to compare with the cooperating entity's ability to manage and enforce the easement for historic preservation of the site.

Provide a description of the manner that each parcel supports a State or local farm or ranch land protection program, if applicable. (*Evidence of how parcel supports the policy such as location within a focus area or statement from the unit of government indicating that the parcel supports the unit of government's policy, map or statement attached*).

Acres of cropland

Acres of Pastureland

Acres of Forest (Sum of Wetland and Non-Wetland Forest)

Acres of Incidental Land (including farmstead and non-forested wetland)

Acres of Forested Wetlands (forest with hydric soil)

Acres of Non-wetland Forest (forest without hydric soil)

Acres of Non-Forested Wetland (hydric soil without forest cover) (part if incidental land)

A map showing the location of other protected parcels in relation to the land parcels proposed to be protected. (**Attach and label map**)

The estimated value of the easement/parcel (should equal the sum of the estimated cooperating entity contribution, landowner donation, and Federal contribution).

The estimated contribution by the cooperating entity (dollars).

The estimated landowner donation (the appraised fair market value minus the amount that the landowner will accept for the easement) (**not a cash donation**) (dollars).

The expected Federal contribution. This contribution cannot be more than 50% of the appraised fair market value of the land (dollars).

Provide written documentation that matching funds are secured in order to close the easement.

An estimated cooperating entity's recommended stewardship fee to be paid by the landowner (dollars), if applicable.

An indication of the accessibility to markets for the parcel (miles to grain elevators, livestock markets, milk processors, cotton gins, etc).

An indication of an existing agricultural infrastructure, on-and off-farm, and other support system(s) (miles to tractor dealers, agricultural chemical, feed and fertilizer dealers).

A statement regarding the level of threat from urban development for the parcel (**attach**).

The percent of impervious surface. (*See discussion regarding impervious surfaces on page 2 of this document*)

Subsurface Mineral Rights

Mining is prohibited on FRPP easements. Subsurface mineral rights owned by third parties must be subordinated or a mineral remoteness test conducted to assess the chance of the minerals being extracted by the third party. Parcels that have a high potential of being mined will not be accepted into FRPP. Exploration and extraction of oil and gas is negotiable and deeds must be written to minimize the disturbance caused by the exploration and extraction. Provide information of the status of mineral rights for this parcel (s).

Subdivision

Subdivision in FRPP is generally prohibited. Parcels for which landowners know the exact locations and dimensions of the subdivided parcels should submit the parcels as separate parcels to be ranked at their subdivided size. If a landowner wants the option to subdivide at a date after the application is submitted, permission must be written into the conservation easement deed. The size of the subdivided parcels must be an economically viable size for a farm or ranch in the county in which the parcel is located. Lot sizes less than the size of the average farm in the county at the time of deed approval will not be permitted.

Additional Residences

Construction of new residences is generally prohibited on FRPP easements. If a landowner wants the option to construct additional residences for children returning to the farm or full time farm employees after the application is submitted, permission must be written into the conservation easement deed. The size and location of the residences must also be specified in the conservation easement deed. The deed must state that occupant of each residence must be a full time farm or ranch employee.