Agricultural Land Mitigation Program Application

This Application is for the 2017 Request for Grant Applications for the Agricultural Land Mitigation Grant Program (2017 RFGA), which details the requirements and guidelines to apply for funding to purchase permanent agricultural conservation easements (easements) in specified regions of California.

Applicants should familiarize themselves with the 2017 RFGA prior to completing this Application and refer to it for questions regarding the form contents.

Please upload each item **individually** into the Box.com account provided by the Department. Include your project name in either the title of the document or within the document.

|  |  |
| --- | --- |
| **Required Components:** | **Optional Components and Certifications:*These supporting documents are required if applicable*\***  |
| * Easement Grant Application Checklist
* Easement Application Cover Sheet
* Executive Summary (1 page maximum)
* Budget
* Easement Acquisition Summary Sheet
* Detailed Characteristics of the Proposed Easement (6 pages maximum)
* Documentation of Public Notice
* Preliminary Title Report and Assessor’s Parcel Map
* Landowner Letter of Support
* Conflict of Interest Certification
* Easement Monitoring Plan (3 page maximum)
 | * First Opportunity Provision Supplement for Affected Landowners
* Relevant Portions of the County General Plan
* Documentation of Organizational Eligibility (documents differ for nonprofit and governmental applicants)
* Letters of Support from Cooperating Entities
* Accreditation documents
* Location Map showing parcel boundaries, nearest Sphere of Influence, and Protected Lands
* Implementation Schedule (approved proposals will require this as part of the Grant Agreement process)

**\*Applicant will provide current documents and/or certify that documents on file with the Department are current.** |

# Easement Grant Application Checklist

All applications must include the following:

|  |  |
| --- | --- |
| [ ]  | Completed Easement Grant Application Checklist (*this document*) |
| [ ]  | Completed Easement Application Cover Sheet |
| [ ]  | Executive Summary (1 page maximum) |
| [ ]  | Budget |
| [ ]  | Easement Acquisition Summary Sheet |
| [ ]  | Detailed Characteristics of the Proposed Easement (6 page maximum) |
| [ ]  | Documentation of Public Notice and Local Government Resolution of Support\* |
| [ ]  | Preliminary Title Report and Assessor’s Parcel Map(s) |
| [ ]  | Landowner Letter of Support\*  |
| [ ]  | Conflict of Interest Certification\*  |
| [ ]  | Easement Monitoring Plan (3 page maximum) |
| [ ]  | Supplement: First Opportunity Landowner (if applicable) |
| [ ]  | Additional Components and Certifications |
| [ ]  | Certification Sheet |

\*Samples of these documents are available on the Department’s website.

# Application Cover Sheet

|  |  |
| --- | --- |
| **Project Title** |  |
|  | Location (County and Nearest City) |  |
|  | Grant Request Amount |  |
|  | Total Estimated Project Cost |  |
|  | Estimated $/ac |  |
|  | Total Acres |  |
| Applicant Name |  |
|  | Federal Employer ID Number |  |
|  | Mailing Address |  |
|  |
|  | Contact Person |  |
|  | Title |  |
|  | Phone Number |  |
|  | Email Address |  |
|  | Fax Number |  |

# Executive Summary

Provide a brief (not to exceed **one page**) but thorough description of:

* The proposed easement and its scope (farmland quality, location, size, and type of agricultural use).
* General description of location as it relates to the right of way or maintenance facilities for the high-speed rail project.
* An explanation of the potential or actual development pressure that may be impacting the surrounding area.
* The contributions the easement might make toward greenbelts or urban separators.
* Whether the landowner must meet any critical deadlines for concluding the transaction.

# Budget **(Part I)**

|  |  |
| --- | --- |
| **Project Name** |  |
| **Easement Acquisition** | **Department Request** | **Other Funding[[1]](#footnote-1)** | **Total Funding** |
|  |  |  |  |
| **Associated Costs[[2]](#footnote-2)**These costs include the appraisal, title, escrow, closing costs, technical consultants, and legal fees. The appraisal must be commissioned and paid for up front but is reimbursable if accounted for in the application budget and the application is approved.Note: Information regarding subcontractors and stewardship funds is entered on Part 2 of the Budget  |
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|  |  |  |  |
|  |  |  |  |
| Subtotal |  |  |  |
| **Stewardship Fund** |  |  |  |
| **Total Cost of Acquisition**  |  |  |  |

# Budget **(Part II)**

Subcontractors
The use of subcontractors to accomplish the project (totaled in the associated costs above) should be listed in this table. Contractors added at a later date are subject to competitive bid requirements.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category** | **Name** | **Rate** | **Hours** | **Total** |
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|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| **Subtotal** |  |  |  |  |

Additional Explanations

# Easement Acquisition Summary Sheet

|  |  |
| --- | --- |
| **Project Name** |  |
| **Affected Landowner[[3]](#footnote-3)?** | **Y N** | *If so, please attach Affected Landowner Supplement* |
| Landowner Name(s)/ Ownership Structure |  |
| Street Address of Property (or nearest cross streets) |  |
| Project APN(s) |  |
| Distance from nearest Sphere of Influence and City (name) |  |
|  |
| Total Project Acreage |  | Prime Farmland[[4]](#footnote-4) Acres |  |
|  | Farmland of Statewide Importance Acres |  |
| Farmland of Local Importance Acres |  |
| Unique Farmland Acres |  |
| Other Acres |  |
|  |
| Water Rights and Source(s) |  |
| Mineral Rights Description |  |
|  | *If Yes for items below, please explain:* |
| Third party mineral rights holder(s)? | **Y N** |  |
| Oil and/or gas lease(s)? | **Y N** |  |
| Severed mineral rights? | **Y N** |  |
|  |
| Number of **single-family (SF) residences** currently on the property |  |
| Approximate size of each SF residence (square footage of living area) |  |
| Number of additional SF residences to be reserved in easement (if any): |  |
| Size restriction (sq ft), if any, on reserved and/or existing SF residences |  |
|  |
| Number of **farm labor residential** structures/units currently on property |  |
| Approximate size of each farm labor residence (square footage of living area) |  |
| Number of additional farm labor residential structures/units to be reserved in easement (if any) |  |
| Size restriction (sq ft), if any, on reserved and/or existing farm labor residences |  |
|  |
| Existing Building Envelope(s) on the property? | **Y N** | Approximate Size(s): |  |
| Building Envelope to be reserved? | **Y N** | Approximate Size: |  |
|  |
| Minimum parcel size (current zoning) |  |
| Number of existing legal parcels[[5]](#footnote-5) |  |
| Proposed number of easements |  |
| Would proposed easement(s) prohibit further subdivision of existing legal parcels? (please explain) | **Y N** |  |
| Would proposed easement(s) prohibit sale of existing legal parcels separately from other parcels in easement area? (please explain) | **Y N** |  |
|  |
| Any special need to expedite? (please explain) |  |
| Other additional explanations? |  |

# Detailed Characteristics of the Proposed Easement

Answer the following questions, in no more than **six pages** and maintaining the lettering format below, to explain the attributes of the proposed easement, the applicant’s capabilities, and local government policies and actions that are relevant to the goals of the Program.

1. Is the parcel proposed for conservation expected to continue to be used for, and is it large enough to sustain, commercial agricultural production? Is the land in an area that possesses the necessary market, infrastructure, and agricultural support services? Are the surrounding parcel sizes and land uses likely to support long-term commercial agricultural production? How does the subject property’s size compare to typical agricultural operations in the vicinity?
2. What agricultural infrastructure exists on the property? Describe irrigation systems, any permanent crops, agricultural employee housing, other housing, agricultural buildings and facilities.
3. How do the general plan and other land use policies[[6]](#footnote-6) of the affected city or county demonstrate a long-term commitment to agricultural land conservation in general, and this proposal specifically? (Descriptions and website links to specific current policies is sufficient.)
4. Without conservation, is the land proposed for protection likely to be converted to non-agricultural use in the foreseeable future? Provide any direct evidence supporting this forecast.
5. Is the proposed project currently within a Williamson Act Agricultural Preserve? Is the property currently under a Williamson Act contract or in a Farmland Security Zone? If so, how might this status impact the timeframe for future conversion from agricultural use?
6. What is the quality of the agricultural land based upon NRCS soil survey, Farmland Mapping and Monitoring Program (FMMP)[[7]](#footnote-7), or other measures? Are there soil, climate, or vegetative factors that are particularly significant for this property?
7. Are there secondary natural resource considerations associated with this proposal, including factors such as open space preservation, wetland protection, or wildlife habitat conservation?
8. Is there evidence that, by acquiring an agricultural conservation easement on the proposed project, development pressures on neighboring agricultural lands will be reduced?
9. Is there coordination among affected landowners, local governments, and non-profit organizations concerning this proposed project as well as other local agricultural land conservation activities? Written support from any individuals and/or entities that are affected by the project may be submitted with the application.
10. Are there any innovative agricultural land conservation approaches that would be utilized in this project that might have application to other regions of the state?
11. What are the fiscal and technical capabilities of the applicant to carry out this project? (Technical capability may be demonstrated by agricultural land conservation expertise on the governing board or staff of the applicant, through partnership with an organization that has that expertise, or professional accreditation.)
12. As the stewardship fund holder, would the applicant have the capacity to effectively manage the endowment and ensure that the funds are tied to the specific property? Does the applicant have the capacity to achieve reasonable rates of return on the investment of the endowment funds similar to those of other prudent investors for endowment funds? Can the applicant demonstrate good faith and care in managing and investing the endowment?

# Documentation of Public Notice and Local Government Resolution of Support

There are two options to notify the public and neighboring landowners of the intention to place a conservation easement on property. The timing for these notifications is important. Please refer to Chapter 3 of the 2017 RFGA for more information on the public notification process, or contact the Department for additional information.

Please note that the names of landowners whose property is being considered for an agricultural conservation easement are not released to the public as part of this process. The applicant is the contact listed in these notifications.

State which option is being followed and include the supporting documents for that option. Sample documents for this purpose are posted on the Department’s website.[[8]](#footnote-8)

|  |  |
| --- | --- |
| **OPTION A** | **OPTION B** |
| [ ]  | Written documentation of local government notice, requesting resolution of support | [ ]  | A copy of letter to planning director notifying them of proposed easement  |
| [ ]  | A copy of the letter sent to adjacent landowners | [ ]  | A copy of notice published in a local general circulation newspaper |
| [ ]  | A list of those to whom the letter was sent | [ ]  | Statements that the following will be sent to Department\* after Funding Decision under the required timeframes : |
| [ ]  | A copy of the Local Government Resolution of Support | [ ]  | Neighboring Landowner Notification |
| [ ]  | A copy of the Board of Supervisors agenda | [ ]  | A copy of the Local Government Resolution of Support |
| \*The neighboring landowner notification in Option B is the same as that in Option A--the difference is in the timing of the process. |

# Preliminary Title Report and Assessor’s Parcel Map(s)

The Preliminary Title Report must be included with the application. If available, provide a hyperlinked Preliminary Title Report. Please note any exceptions that are in the process of being resolved. Be sure to indicate on the Parcel Map(s) the proposed parcels.

Landowner Letter of Support

The applicant must provide a letter from the landowner(s) stating their support for proceeding with the easement. The landowner states their intent to work with the applicant to secure the easement. An option agreement, option to purchase agreement, purchase agreement, or similar document may be sufficient if it states that the owner intends to pursue an easement funded through the Department.

A sample document for this purpose is posted on the Department’s website.

# Conflict of Interest Certification

Applicants must provide certification that no conflict of interest or appearance of conflict of interest exists for any members of their Board of Directors or staff as it relates to the proposed agricultural easement application. In most instances, governmental applicants may submit a resolution from the governing body that no conflict of interest exists. Governmental applicants should refer to Government Code §§1090-1099 for more information on potential conflicts and policies.

Sample documents for this purpose are posted on the Department’s website.

# Easement Monitoring Plan

The applicant, who will become the easement holder, must submit a plan that describes how the easement will be monitored following its completion. The plan, up to **three pages** in length, must address all of the following:

* The plan for compiling a baseline conditions report. The Department must have this document before escrow can close. This is the basis for future condition comparisons.
* The process and frequency of monitoring.
* Who will be responsible for monitoring on behalf of the applicant?
* How monitoring documents will be archived.
* How the Stewardship Fund budget reflects the costs of monitoring and any necessary enforcement, and the plan for managing the Stewardship Fund.

# Additional Components and Certifications

For the following items,[[9]](#footnote-9) please attach the requested documents or certify on the Grant Application Checklist that the most recent versions of these documents have been submitted and are on file at the Department.

* Relevant Portions of County General Plan
Documentation of local government goals, objectives, policies, and implementation measures that support a long-term commitment to agriculture and agricultural land conservation.
* Documentation of Organizational Eligibility
Documentation of Internal Revenue Service 501(c)3 status from nonprofit applicants, along with the organization’s Articles of Incorporation and Bylaws documenting the principal charitable or public purposes of the nonprofit organization, a statement describing the organization’s goals and purposes, the beneficiaries of its programs, and a statement describing the organization’s commitment to conservation of agricultural land resources.
* Letters of Support from Cooperating Entities
While optional unless requested by the Department, applicants frequently submit letters of support from local officials, agricultural groups, conservation organizations, or other entities with an interest in conserving farmland through easements.
* Accreditation Documents
Applicants may submit documentation of fiscal and professional expertise to demonstrate their technical capacity to hold permanent conservation easements. This may take the form of Land Trust Alliance Accreditation or similar certifications.
* Location Map
Applicants may submit maps depicting the proposed easement parcel boundaries relative to Important Farmland data, nearest Sphere of Influence, priority planning areas, and other protected lands in the vicinity. If the applicant can document additional conserved lands or resource values that support the proposal they are encouraged to provide supplemental maps.

In the event that proposed easement boundaries are complicated--multiple or unusually configured APNs, for example—a location map with the outer boundaries may assist in evaluation. In addition, detailed maps depicting property infrastructure, such as home sites, farm buildings, farm labor housing, and future building envelopes, are helpful in describing the overall proposal. These maps will be required for inclusion in the easement exhibits and baseline conditions report. The accuracy of these exhibits is important as they will be incorporated into and therefore be a part of the easement.

* Implementation Schedule
The applicant may provide a timeline and anticipated completion date for the easement acquisition, as well as any issues on which the project timing will hinge, including the timeframe of a willing seller to complete a transaction. Please attach any necessary explanation, not to exceed one page. The Implementation Schedule is optional for the application phase, it will be required for the Grant Agreement should the application be selected. State contracting requirements limit Grant Agreements to a maximum of two years.

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| Task | Term(start and end dates of expected work period) |
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# Supplement: First Opportunity for Affected Landowner

This supplement applies only to an application for an easement submitted on behalf of a landowner whose farmland has been purchased in fee for the construction of the high-speed rail system’s right of way or maintenance facilities.

|  |  |
| --- | --- |
| **Project Name** |  |
| APN(s) of property proposed for conservation easement  |  |
| Landowner name(s)/ ownership structure |  |
| APN(s) to be purchased by the High Speed Rail Authority (Authority) |  |
| Purchase date(s) by Authority (if purchase has already occurred) or expected date of purchase. |  |
| Approximate number of acres to be purchased by Authority |  |
| Are there any differences in the ownership structure of the proposed easement property from that of the property to be purchased by the Authority? If so, please explain. |  |
| Approximate distance of property proposed for conservation easement from land to be purchased by the Authority. |  |
| Additional Explanations |
|  |

Additional Components and Certifications

Provide these supporting documents or certify that the documents on file with the Department are current.

|  |  |
| --- | --- |
| [ ]  | First Opportunity Provision Supplement for Affected Landowners (if applicable) |
| [ ]  | Relevant Portions of the County General Plan (*cite or attach* )* Name and Approval Date of General Plan Section(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Internet Link(s) to Current General Plan Documents:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| [ ]  | Statement of Purpose for the preservation of agricultural land and other relevant documents |
| [ ]  | Documentation of Organizational Eligibility – Nonprofits (as applicant)Attach, or check here to certify that the most current version is on record with the Department: \_\_\_\_\_\_\_\_\_\_\_\_* IRS 501(c)3 status
* Articles of Incorporation
* Bylaws
 |
| [ ]  | Documentation of Organizational Eligibility - Local Governments (as applicant)Attach, or check here to certify that the most current version is on record with the Department: \_\_\_\_\_\_\_\_\_\_\_\_ |

Optional Components

|  |  |
| --- | --- |
| [ ]  | Letters of support from any cooperating entities |
| [ ]  | Accreditation Documents (Land Trust Alliance or similar professional certifications) |
| [ ]  | Location Map showing boundaries of subject parcel(s), parcel number(s), and proximity to closest Spheres of Influence and other protected lands. (Note: detailed maps depicting home sites, farm buildings, farm labor housing, and future building envelopes are helpful in proposal review. These maps are required for easement exhibits and baseline conditions reports.) |
| [ ]  | Implementation Schedule (Note: approved projects will require an implementation schedule as part of the Grant Agreement process.) |

# Certification Sheet

This Certification Sheet must be signed. By signing this Certification Sheet, the applicant is declaring that:

* All required attachments are included with this certification sheet.
* The signature affixed hereon and dated certifies compliance with all the requirements of this solicitation.
* The signature below is the authorized signer and authorizes the verification of this certification.

**AN UNSIGNED CERTIFICATION SHEET MAY BE CAUSE FOR REJECTION**

|  |  |  |
| --- | --- | --- |
| 1. Company Name | 2. Telephone Number | 3. Email Address |
|       | (   )       |          |
| 4. Address |
|       |
| Indicate your organization type: |
| 5. [ ]  Sole Proprietorship | 6. [ ]  Partnership | 7. [ ]  Corporation | 8. [ ]  Other \_\_\_\_\_\_\_\_\_\_\_\_ |
| Indicate the applicable employee and/or corporation number: |
| 9. Federal Employee ID No. (FEIN) |       | 10. California Corporation No. |       |
| 11. Indicate applicable license and/or certification information: |
| 12. Applicant’s Name (Print) | 13. Title |
|       |       |
| 14. **Signature** | 15. Date |
|  |  |

End of Application

1. Match funding is not required for the Program, however, funds from multiple sources may be pooled to complete larger projects. [↑](#footnote-ref-1)
2. Direct costs reimbursed to the applicant shall have been incurred after the complete application was submitted to the Department and no more than 180 days before the execution of the grant agreement or during the grant term, and shall not exceed 10 percent of the value of the easements for which the costs were incurred (PRC §10231). [↑](#footnote-ref-2)
3. Under the Program, applications for an easement that are submitted on behalf of landowners whose farmland has been purchased in fee for the construction of the high-speed rail system’s right of way or maintenance facilities will be reviewed prior to others. Please see the 2017 RFGA for more information. [↑](#footnote-ref-3)
4. Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Unique Farmland as mapped by [Farmland Mapping and Monitoring Program](https://authoring.consrv.ca.gov/dlrp/fmmp/Pages/Index.aspx). (<http://maps.conservation.ca.gov/ciff/ciff.html>) [↑](#footnote-ref-4)
5. Please confirm this information with the County Planning Department. [↑](#footnote-ref-5)
6. Including: Policies of the Local Agency Formation Commission, California Environmental Quality Act policies, the use of an effective right-to-farm ordinance, approved greenbelts or urban separators, applied strategies for the economic support and enhancement of agricultural enterprise (e.g., water policies or public education), and other relevant policies and programs (PRC §10252(c)). [↑](#footnote-ref-6)
7. Important Farmland Maps are available at: http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx [↑](#footnote-ref-7)
8. [http://www.conservation.ca.gov/dlrp](https://authoring.consrv.ca.gov/dlrp) [↑](#footnote-ref-8)
9. See Chapter 3 of the 2017 RFGA for more information about these components. [↑](#footnote-ref-9)