# Appendix B: Easement Pre-proposal

Submittal Requirements

Submittal of a pre-proposal worksheet for prospective grant applications is mandatory to be eligible for CFCP funding. Grant applications are due January 6, 2023 and will not be accepted unless a pre-proposal worksheet was received for the project by the November 25, 2022 deadline.

Applicants interested in receiving technical assistance prior to submission of a pre-proposal may contact the Department with questions. Pre-proposals will be reviewed to determine project eligibility, and technical assistance provided to facilitate the development of competitive grant applications. Applicants will be notified regarding their project’s eligibility following the pre-proposal review.

Projects deemed eligible, or eligible with conditions, may be submitted as applications for further evaluation and scoring. In cases where reviewers have questions regarding eligibility or title concerns, applicants will be given the opportunity to respond to those concerns prior to an eligibility determination. For projects deemed eligible with conditions, applicants must provide substantive responses to the conditions identified in the pre-proposal feedback in their application in order for their application to be considered for funding.

Please submit the items below to the Department of Conservation via email to cfcp@conservation.ca.gov**.**

**Agricultural Conservation Acquisition Pre-proposal Checklist**

*(All components are required unless otherwise noted)*

☐ Acquisition Summary Sheet

☐ Documentation of Organizational Eligibility

☐ Applicant-Landowner Letter of Intent

☐ Narrative Questions

☐ Preliminary Title Report, Underlying Documents, Assessor’s ParcelMaps

☐ Project Boundary Map

☐ Building Envelope(s) Map and Excluded Area(s) Map

☐ Associated Costs Budget Table *(only required if applying for more than $60,000)*

**Acquisition Summary Sheet**

**Basic Information**

|  |  |
| --- | --- |
| Project Title |  |
| Location (County and Nearest City) |  |
| Distance to nearest city or census designated place |  |
| Located within a [priority population](https://webmaps.arb.ca.gov/PriorityPopulations/)  | [ ]  **Y** [ ]  **N** *[Census tract number]* |

**Project Funding**

|  |  |
| --- | --- |
| A: CFCP Easement Request Amount | $  |
| B: CFCP Associated Costs Request: | *[Up to $60,000]* |
| C: CFCP Management Plan or Carbon Farm Plan Request | *[Up to $10,000 for a management plan or up to $10,000 for a carbon farm plan]* |
| D: CFCP Total Grant Request (A+B+C) | $ |
| Match Amount *(toward easement value only)* | $ |
| Matching Funds Source | *[i.e., NRCS-ACEP, WCB-CAPP, etc.]* |
| Status of Match | *[i.e., application submitted, in grant agreement, etc.]* |
| Estimated Easement Fair Market Value | $ |

**Applicant Information**

|  |  |
| --- | --- |
| Applicant |  |
| Federal Employer ID Number |  |
| Mailing Address |  |
| Contact Person |  |
| Title |  |
| Phone Number |  |
| Email Address |  |

**Co-Applicant/Intended Interest Holder Information *(complete if applicable)***

|  |  |
| --- | --- |
| Name |  |
| Federal Employer ID Number |  |
| Mailing Address |  |
| Contact Person |  |
| Title |  |
| Phone Number |  |
| Email Address |  |

**Parcel Information**

|  |  |
| --- | --- |
| Project APN(s) |  |
| Current Zoning/ Minimum Parcel Size |  |
| Number of existing legal parcels (Please confirm this information with the relevant County Planning Department.) |  |
| Proposed number of easements |  |

**Project Acreage**

|  |  |
| --- | --- |
| Total Project Acreage (Assessor’s Acreage) |  |
| Irrigated Acres |  |
| Non-irrigated / Grazing Acres |  |
| Nonagricultural Acres |  |

**Sale and Subdivision**

|  |  |
| --- | --- |
| Would proposed acquisition prohibit further subdivision of existing legal parcels? (please explain) | [ ]  **Y** [ ]  **N** Explanation: |
| Would proposed acquisition prohibit sale of existing legal parcels separately from other parcels in project area? (please explain) | [ ]  **Y** [ ]  **N** Explanation: |

**Water and Mineral Rights**

|  |  |
| --- | --- |
| Water Rights and Source(s) |  |
| Third party mineral rights holder(s)? | [ ]  **Y** [ ]  **N** Explanation: |
| Severed mineral rights? | [ ]  **Y** [ ]  **N** Explanation: |
| Evidence of past mining? | [ ]  **Y** [ ]  **N** Explanation: |

**Existing and Reserved Single-family Residences**

|  |  |
| --- | --- |
| 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** |  |

**Existing Farm Labor Residences**

|  |  |
| --- | --- |
| Number of **farm labor residential** structures/units currently on property |  |
| Approximate size of each **farm labor residence** (square footage of living area) |  |

**Building Envelopes**

|  |  |
| --- | --- |
| **Existing Building Envelope(s)**on the property? | Number:      Approximate Acres (each):       |
| **Additional Building Envelope(s)** to be reserved (e.g., residential, ag. employee, agricultural infrastructure)? | Number:      Approximate Acres (each):       |
| If the location(s) of the additional Building Envelopes have not been identified, will the deed language establish a process for the identification of the future building envelope(s)?  | [ ]  **Y** [ ]  **N** |

**Additional Information**

|  |  |
| --- | --- |
| **Other Reserved Rights** (e.g., oil and gas site, solar, communication towers)  | Please list:  |
| **Any critical deadlines?** | Please describe:  |

**Eligibility and Organizational Capacity Documentation**

Organizational Eligibility

Non-profit applicants and proposed interest holders must submit the following documentation:

* + - Internal Revenue Service 501(c)3 status as a charitable non-profit;
		- Articles of Incorporation and by-laws documenting the principal charitable or public purposes of the nonprofit organization; and,
		- Adopted policy that details the organization’s goals and purposes, including the organization’s primary purpose of preserving, protecting, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open space condition or use.

Governmental applicants and proposed interest holders should submit a copy of the relevant statute or other policy outlining their purpose and authority regarding the conservation of agricultural land.

Applicants and proposed interest holders that have submitted documentation of organizational eligibility through a previous application may certify that the most current versions of these documents are on file with the Department in lieu of submitting the documents themselves (see next page).

**Applicant Certifications**

Please certify that the most current versions of the applicant’s eligibility documents are on file with the Department, or attach the most current versions here.

Documentation of Organizational Eligibility

*I certify here that the most current versions of the documents below are on record at the Department or attached:*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Print Name, Title] Date

[ ]

[ ]  IRS 501(c)3 status

[ ]  Articles of Incorporation

[ ]  Bylaws

[ ]  Documentation of Primary Purpose

[ ]  Copy of relevant statute *(governmental applicants only)*

**Interest Holder Certifications**

*This section is only applicable when the applicant is not the intended holder of the real property interest.*

Please certify that the most current versions of the interest holder’s eligibility and organizational capacity documents are on file with the Department or attach the most current versions here.

Documentation of Organizational Eligibility

*I certify here that the most current versions of the documents below are on record at the Department or attached:*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name, Title

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

[ ]  IRS 501(c)3 status

[ ]  Articles of Incorporation

[ ]  Bylaws

[ ]  Documentation of Primary Purpose

[ ]  Copy of relevant statute *(governmental applicants only)*

**Applicant-Landowner Letter of Intent**

The applicant must provide a letter from the landowner(s) stating the landowner’s intent to work with the applicant to conserve the property via sale of an easement. All landowners listed on title must sign the letter of intent. This letter must address the following items:

1. Landowner’s pursuit of sale of the easement is voluntary;
2. Use of the property will be restricted to agricultural and compatible conservation uses in perpetuity;
3. The landowner is aware of the estimated acquisition value provided to CFCP as the basis for this funding request and understands that the final easement value used to establish CFCP’s contribution to the purchase price of the easement may change upon completion of a full appraisal of the property; and
4. No government agency has conditioned the issuance of an entitlement to use on the proposed acquisition.

The applicant may provide an option agreement in lieu of a letter of intent if the option agreement includes the above information.

Sample documents are posted on the Department website.

**Narrative Questions**

Please answer the following questions. Please limit responses to **five pages or less.**

1. Provide a brief description of the project, including the current agricultural use of the property.
2. Does the applicable city or county general plan demonstrate a long-term commitment to agricultural land conservation? This commitment shall be reflected in the goals, objectives, policies, and implementation measures of the plan, as they relate to the area of the county or city where the acquisition is proposed.
3. Is the proposed acquisition part of a local government’s condition placed upon the issuance of an entitlement for use of a specific property? If yes, please describe.
4. Does the property have any known agricultural constraints (e.g., due to soil or water contamination)? If so, please describe.
5. Describe how the proposal will result in public benefits that address the most critical statewide needs and priorities for statewide funding.
6. Describe how the project may serve or benefit a severely disadvantaged community, disadvantaged community, and/or socially disadvantaged farmer or rancher.
7. Is the land in an area that possesses the necessary market, infrastructure, and agricultural support services? Will the surrounding parcels sizes support long-term commercial agricultural production?
8. Is the parcel proposed for conservation expected to continue to be used for, and is it large enough to sustain, commercial agricultural production?
9. Explain how the primary purpose for which the easement is being sought will be consistent with continuing agricultural use of the property.
10. Will the easement substantially prevent agricultural uses on the property?
11. Are there nonagricultural qualities proposed for protection? If yes, please describe how they are inherent to the property.
12. Is the property under pressure of being converted to non-agricultural uses? If so, how?
13. Explain how the proposal will a) improve a community’s ability to adapt to the unavoidable impacts of climate change, b) improve and protect coastal or rural economies, agricultural viability, wildlife corridors, or habitat, c) develop future recreational opportunities, or d) enhance, drought tolerance, landscape resilience, and water retention.
14. Provide a brief discussion of how the project meets one or more of the Program Goals. (1/2 page max)

Provide any other comments, potential concerns, etc.

**Title**

Applicants are expected to exercise due diligence to discover and disclose potential title issues in the pre-proposal and application. A preliminary title report that is less than twelve (12) months old and a plan to address each title issue must be submitted with the pre-proposal.

The title report should be submitted as a separate file from the pre-proposal and should be accompanied by all relevant underlying documents, associated assessor’s parcel maps, and a plotted easements map. Underlying documents should be submitted as hyperlinks in the preliminary title report unless extenuating circumstances exist.

In the space below, list any exceptions that may pose a cloud on title. For each exception noted, describe what steps will be taken to resolve the issue, including a timeline for resolution. If no potential clouds on title are identified in the Preliminary Title Report, write N/A.

Examples of exceptions that are not typically a concern are easements or encumbrances for utilities, roads, or neighbor rights-of-way. Examples of exceptions that require explanation are deeds of trust, third party mineral interests, existing conservation easements, or possible interests in the fee held by third parties.

**Project Boundary Map**

Applicants must submit a legible pdf map of the project boundary and APNs with their pre-proposal.

Applicants are encouraged to provide GIS shapefiles of any data included in their maps.

**Map of Building Envelope and any Excluded Areas**

If building envelope(s) is/are to be designated within the project area, applicants must submit a map depicting the location and size/dimensions of existing and/or proposed envelope(s). Building envelopes must be designated around existing residences.

Similarly, if certain areas of the property are to be excluded from the acquisition, applicants should identify the location and, if possible, approximate acreage of such proposed exclusions on the map.