Letting Localities Lead: State Programs that Assist and Guide Local Efforts – The New York Approach

Before proceeding any further, two questions about “farmland protection”:

- For what?
- From what?
New York State Department of Agriculture and Markets

Farmland Protection Assertions

Any farmland protection program should consider –

- Productive farmland
- Farming as a business enterprise and as land use activities
- Achieving a strategic relevance of a protected farm to the community's / region's / State's agricultural industry

Productive agricultural lands are the fundamental asset of a sustainable agricultural industry: one is inseparable from the other.

Farmland protection is not limited to the acquisition of conservation easements, much less only Purchase of Development Rights.

Effective implementation of farmland protection activities can only be preceded with good land use planning.

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The New York Approach: Enabling Statute – Article 25-AAA of AML

- Agricultural and Farmland Protection Program

  - Financial and technical assistance provided via –
    - Farmland Protection Planning Grants (FPPG) – counties & municipalities
    - Farmland Protection Implementation Grants (FPIG) – counties, municipalities, soil & water conservation districts, and not-for-profit conservation organizations (called “land trusts”)

  - "Land Trust Grants"

  - Source of funding: Environmental Protection Fund, which principally receives real estate transfer taxes collected statewide
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Statutory Priorities of FPIG

- Viable agricultural land *(For what)*
- Facing significant development pressure *(From what)*
- Serving as buffer for significant natural public resource containing important ecosystem or habitat characteristics *(For what)*

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Key Considerations

- What makes agricultural land “viable”?
  - Soil quality
  - Extent of acreage in productive use
  - Surrounding land use
  - Proximity to markets/processors and equipment/service providers
  - Community support for farming & agricultural industry
  - Relevance of farm to community/region/state agricultural industry
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Key Considerations

What does “significant development pressure” look like in your community/area?

- Non-farm development of agricultural lands
- Conversion of agricultural lands to non-farm use

What is the “significant natural public resource” and how does the subject farm “serve as a buffer” to it?

- Named/identified/designated, not generic, that adjoins the farm
- Scale of farm in relation to the “significant natural public resource” must also be considered – i.e., a 100-acre farm on the banks of the Hudson River would not serve as a “buffer” to the Hudson River
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FPIG Highlights

Request For Proposals (competitive)
- 12 prior rounds awarded perpetual conservation easements
  - awards were up to 75% of total project costs
- Next proposed round will include perpetual conservation easements
  - Revised statute now allows an award of up to 87.5% of total project costs

Request For Applications (non-competitive)
- First-ever offering (December 2013; open application period)
- Eligible applicants: exclusively for municipalities
- Eligible Activities:
  - Amend local laws to remove unreasonable restrictions on farm operations and agricultural lands
  - Amend local law to establish implementation-ready Transfer of Development Rights (TDR) program to protect farmland
For more information regarding the Agricultural & Farmland Protection Program:

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For more specific information regarding County & Municipality planning activities:

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