

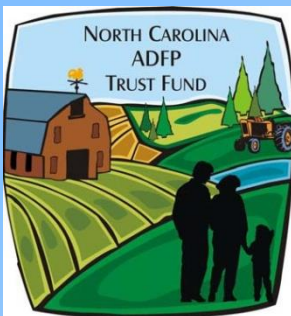
Sixteen Steps to Conservation Easement Acquisition Using ADFP Trust Fund Grants

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An NCDA&CS ADFP Trust Fund Prospective





**To Fund Projects to Encourage the
Preservation of Qualifying Agricultural,
Horticultural, and Forestlands to Foster
the Growth, Development, and
Sustainability of Family Farms....**

Who is eligible to submit a proposal?



North Carolina counties



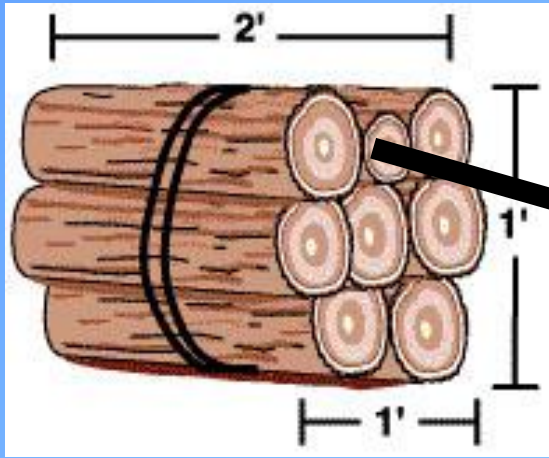
Non-profit conservation groups

To Fund Agricultural Plans & Development Projects

To Fund Term Easement Purchases

To Fund Perpetual Easement Purchases





- Water Rights
- Hunting Rights
- ~~Development Rights~~ → Development Rights
- Farming Rights
- Mineral Rights
- Timber Rights





ADFP Trust Fund Easement Requirements



- Working Land Use
 - Agriculture
 - Horticulture
 - Forestry
- Must Remain In Private Ownership
- North Carolina Only
- Monitoring of Easement on Land Required
 - County
 - Non-Profit Conservation Organization



Required Documents



- Working Lands Easement Language
- Land Appraisals
 - N.C. State Certified Residential or N.C. State Certified General Real Estate Appraiser
 - Uniform Standards of Professional Appraisal Practice
- Survey
 - Reliable Metes and Bounds
- Baseline Documentation
- Environmental Audit

The ADFP Grant Process

Proposals

- Request for Proposals (RFPs)

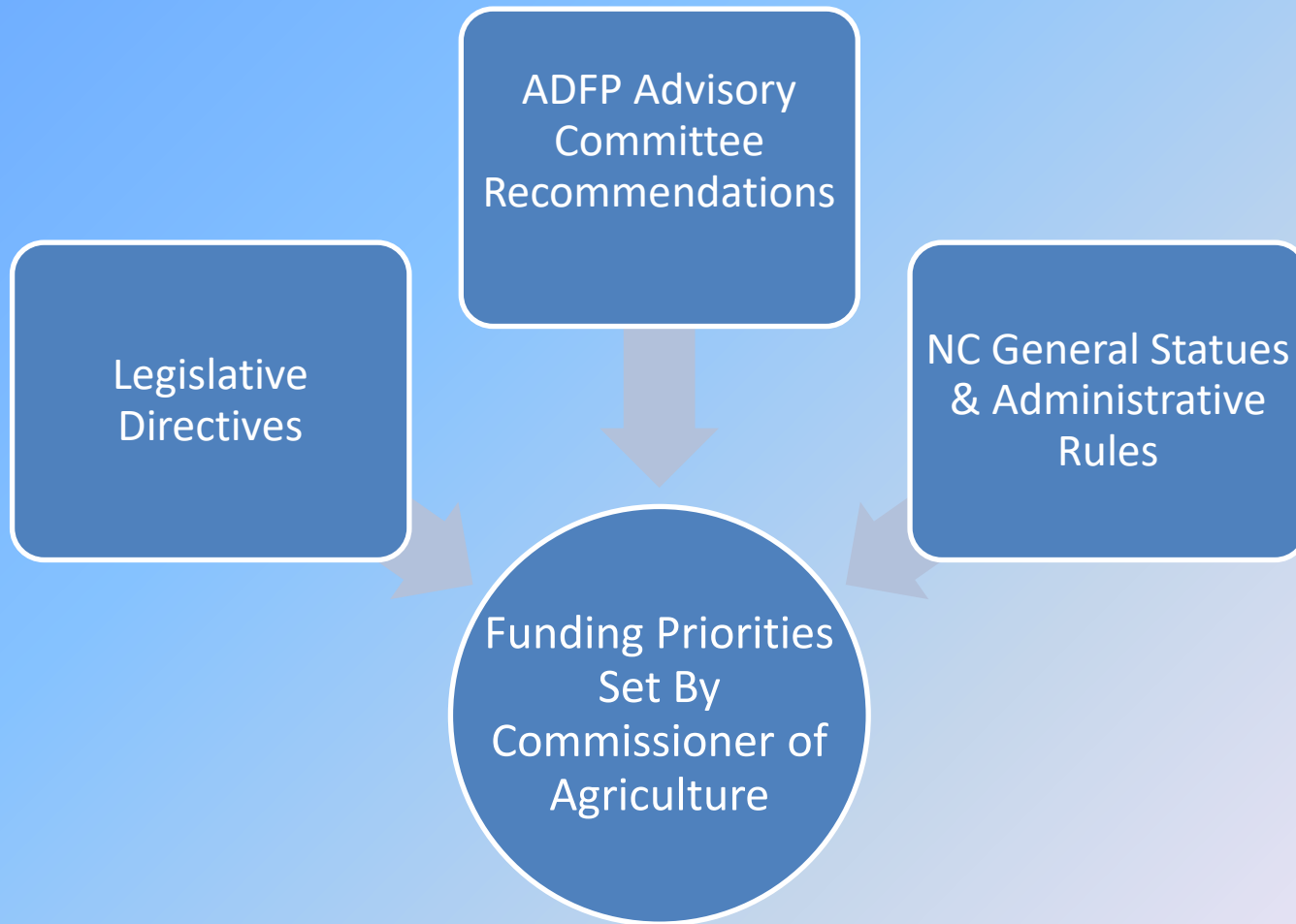
Proposal Evaluation

- ADFP Trust Fund Staff Evaluation & Recommendation
- ADFP Advisory Committee Review & Recommendation
- Commissioner of Agriculture Review & Approval

Contract

- Signed Contract Between NCDA&CS and Grantee

Setting ADFP Trust Fund Priorities



Time Required To Disburse Funds

Contracts For 2 Years

- Easements
- Projects
- Plans

One Year Extension Option Based Upon Hardship

- Funding Partner Issues
- Permits / Inspection Issues
- Death or Ownership Change (Easements)

ADFP Grant Monitoring

Grant Monitoring

- Budget & Progress Reports
 - Quarterly - <\$250,000
 - Semi-Annual - >\$250,000

Project Monitoring

- Project Visitation (Temp Staff)
- Ownership Maintenance Agreement (Equipment / Structures)

Grantee Reports & Visits

- Voluntary Project Updates After Conclusion of Grant
- Spot Checks For Compliance

Our Partners Outside The Land Trust Family



ADFP Trust Fund Partnering *Agriculture & Military*



Steps To A Successful Agricultural Easement

- An Agreed Upon Objective
 - Promote environmental conservation, water quality and farmland preservation
- Method of Achievement
 - A Conservation Easement

Step One – Landowner Contact

- Landowner meeting to discuss conservation and preservation desires and ideas.
- Encourage landowner to invite children or potential heirs to the discussion.
(Farm Transition Plan)

Step Two - Landowner Questionnaire

- Discuss and complete questionnaire to help landowner identify conservation goals and objectives.
 - Landowner Questionnaire

Step Three – Preliminary Site Visit

- Visit site to evaluate its conservation values and any potential environmental hazards. Encourage the landowner to be present

Step Four – Landowner Plan of Action

- Encourage the landowner to give the cooperating entity a written outline of the project that includes their desires and intent.
- Landowner and cooperating entity develop and accept a plan of action prior to seeking funding.

Step Five – Funding Source

- Complete appropriate request for funding documentation for specific program.
- Cooperating entity needs to be prepared to provide documentation for their business plan.

Step Six – Funding Contract Approval

- Complete appropriate contract between cooperating entities and program funding source.
- Reimbursement for expenditures are not guaranteed until funding contract is completed.

Step Seven – Property Assessment

- Landowner should be notified of site visits
- Complete Baseline Documentation
- Complete Environmental Audit and hazardous materials search
 - Hazardous Materials Checklist
 - Baseline Documentation Report

Step Eight – Project Development

- Prepare and/or update conservation and forest management plans along with project plans
- Review objectives of landowner and funding source with all parties.

Step Nine – Easement Documents Development

- Survey of easement area
- Easement Language
- Appraisal
- Title search and preliminary opinion
- Preliminary Title Policy

Step Ten – Finalize the Conservation Easement

- Obtain prior approval from funding source
- Provide draft to owner for review and comment
- Encourage landowner to seek legal and financial representation

Step Eleven – Final Inspection

- Determine that conditions have not changed since baseline report prepared
- Encourage landowner to be present
- Cooperating entity needs to ensure funding source checklist is completed

Step Twelve – Closing of Easement Acquisition

- Easement signed before notary public
- Update title to property
- Record easement and survey in local registry

Step Thirteen – Post Closing Documentation

- Recorded copy of easement
- Signed copy of HUD-1 Closing statement
- Final title opinion
- Final title policy

Step Fourteen – Publicity

- Opportunity for all partners involved to get positive PR
- Contact Media
- Contact local newspapers and other conservation and farmland preservation publications

Step Fifteen – Finalize Grant Obligations

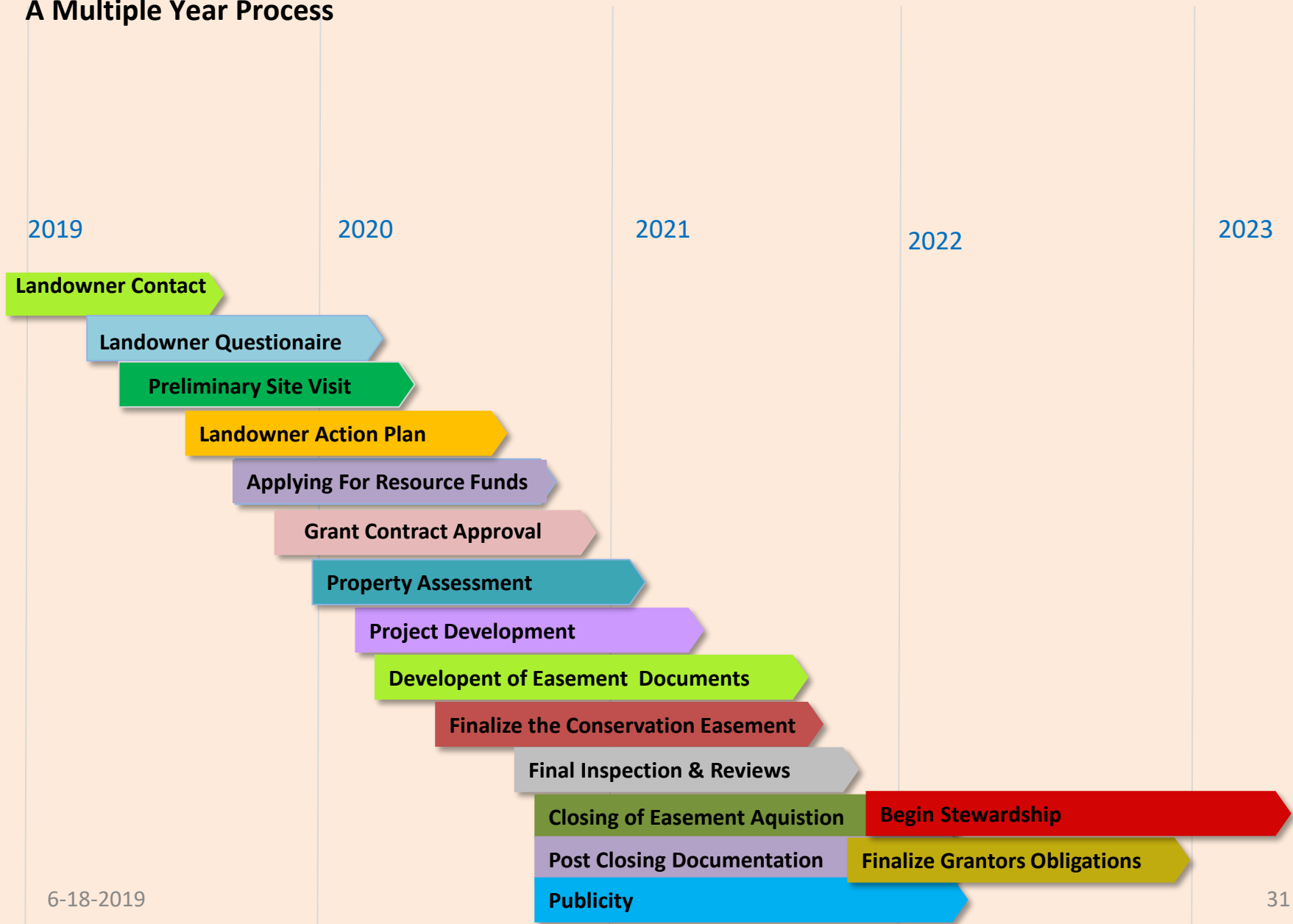
- Ensure all required items are submitted per program checklist.
 - Final Budget Reports
 - Final Progress Reports
 - All Closing Documents

Step Sixteen – Begin Stewardship

- Annual inspection of property
- Encourage landowner to be present
- Discuss compliance with easement
- Maintain positive working relationship with landowner

Conservation Easement Planning

A Multiple Year Process





Questions?

