

# Introducing the Local Agricultural Easement Purchase Program (LAEPP)

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**BUILDING CAPACITY AND MAXIMIZING RESOURCES  
2013 OHIO FARMLAND PRESERVATION SUMMIT  
JANUARY 17, 2013, OSU 4-H CENTER**





# History

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## **Agricultural Easement Purchase Program (AEPP)**

- **Funded by the Clean Ohio Bond Fund**
- **Passed by the voters in 2000**
- **Renewed by voters in all 88 counties in 2008**
- **Purchases permanent easements on land in agricultural production from willing sellers**
- **Purpose of the easement: keep land in production and provide a nucleus of permanent farmland which supports other farms & agribusinesses**

# Office of Farmland Preservation: A Decade of Growth

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- **Created in 1998**
- **First funding: Tobacco easements: 2,940 acres**
- **Donated Easements: 6,390 acres**
- **Easements: 313 closed or in the pipeline**
- **Total acres permanently preserved 50,300**
- **55 of 88 counties involved**





# 2011 Review & Reassessment

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- Local Sponsors growing in number and expertise
- State office staff reduced
- As program matures, more easements pass from one owner to another
- Old owners received easement payment; new owners may not share their allegiance
- Owners use of the property evolves – some proposed uses are approved, others conflict with preservation
- Much more time required for legal review
- Easements will be enforced



# 2011: Local AEPP Proposed

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- Given the above factors, a review of the Farmland Preservation program began in January 2011
- June 2011 recommendation: convert from centrally run program to a locally operated program
- Goal: increase local responsibilities and local funding
- Recommendations presented to the Advisory Board and Technical Committee the summer of 2011 and again in 2012
- Proposed rule changes to localize the program filed 10/12, approved by JCARR 12/12, effective 01/13.

# Clean Ohio AEPP Easements

36 counties of 88  
counties have  
received funding

Lessons from the map:

Participation linked to  
strong local programs  
and effective local  
leaders

Increased funding  
would reach more  
counties: Policy  
Discussion Needed



# New Localized Ag Easement Purchase Program

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- **Local Sponsors: Counties, townships, cities, Soil & Water Conservation Districts and Land Trusts/non-profits**
- **Participation is voluntary**
- **Certified Local Sponsors means: the organization seeks ODA funding to conduct a landowner agricultural easement application period and select and arrange for the purchase of the easement**



# Application for Sponsor Certification

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## A. Organization Information

1. Organization Name
2. Primary and Secondary Contact Information

## B. Organization Capacity – Staff

1. Number of years of staff experience (add secondary's to Comments)
2. Other staff? Administration, Fundraising, Legal, GIS Easement monitoring
3. Comments: Space provided to individualize response
4. Number of years of real estate or land preservation experience

# Application for Certification - Sec. C

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## C. Budget

1. If the organization is a local government or soil and water conservation district (SWCD), what is your annual operating budget for farmland preservation?
2. If a land trust or non-profit, what is your annual operating budget?
3. Comments: add anything you feel we should know

# Application for Sponsor Certification - Sec. D

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## **D. Organization Capacity**

1. Years organization has administered an ag easement program (of any kind)
2. Years the organization has administered other easement programs (of any kind)
3. Number of ODA AEPP easements and acres they cover
4. Number of ODA donated ag easements and acres they cover
5. Number of FRPP easements held and acreage
6. Total easements and acres of easements (ag & conservation) managed
7. Does the organization intend to apply for FRPP if funded?

# FRPP

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- **Federal Farm and Ranch Lands Protection Program**
- **Participation is voluntary**
- **Participation increases funds for local farmland preservation programs: operations and acquisition**
- **Proposed easements applications are ranked individually on their own merit by NRCS.**
- **Funds reimburse the entities for up to 50 percent of the appraised fair market value of the conservation easement on approved applications**
- **For more information: Contact Matt Harbage, NRCS**

# Application for Certification - Sec. D - continued

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## **D. Organization Capacity – Easements (continued)**

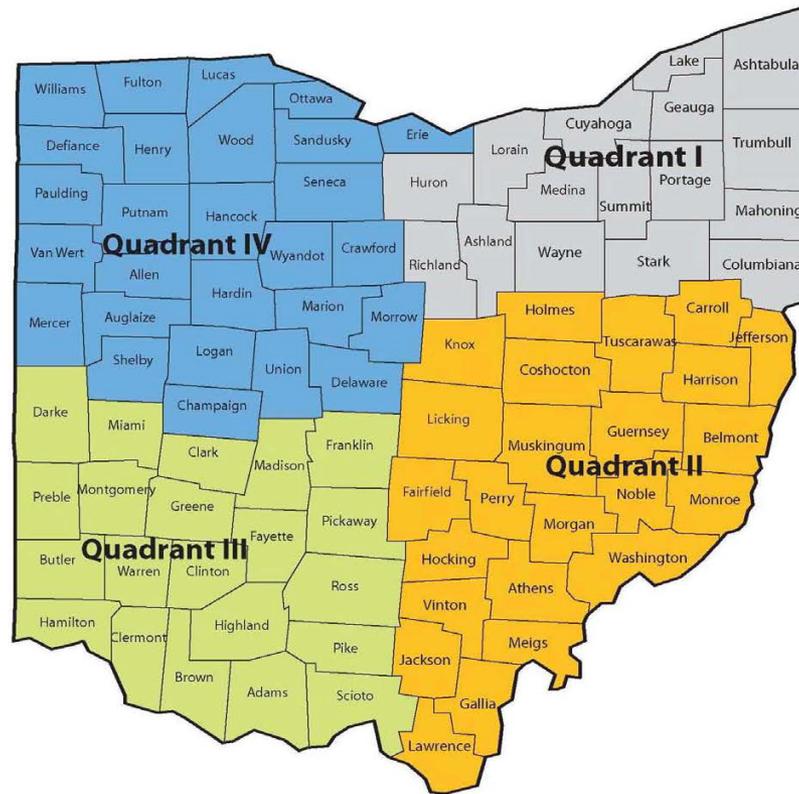
8. Memorandum of Agreement (MOA) necessitated by NRCS requirements

Explanation by Mike Rodgers, ODA Chief Legal Counsel

purpose of the MOA,  
how it came to be required  
why it is important

9. List counties where easements are held (or intend to hold)  
Note: County numbers used here are repeated in Sec. F & G
10. Which quadrant on Regional Balance Map best matches your organization's service area?

**Regional Balance** – Regional Balance, as defined in § 901-2-01 of the OAC, will again be considered in the evaluation of AEPP applications. For the 2011 funding year, the regional distribution will be the same as the 2010 and 2009 funding years. Each quadrant will be distributed equal portions of the available funding, regardless of the amount of applications received from the quadrant or county. See the map below with the delineated quadrants.



# Application for Sponsor Certification - Sec. E

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## E. Organizational Capacity: Other

1. Is the organization working with a more experienced mentor organization? Name:
2. If the organization is experienced, is it mentoring less experienced organization(s)? Name:
3. For Land Trusts/Non-Profits: Do you have a:
  - Governing Board
  - By-laws
  - Stewardship Fund
  - Annual Minutes
  - Is the organization accredited?
  - Is the organization tax exempt for the purposes of preservation of agricultural land?

# Application for Sponsor Certification - Sec. F

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## F. Local Support

1. Does the county have a comprehensive land use plan or Balanced Growth plan that identifies the preservation of land in agriculture as a priority? (Provide plan date and attach relevant pages)
2. Has the county established Agricultural Security Areas?
3. Has the county adopted an agricultural economic development plan? (attach)
4. Will your organization specifically encourage and solicit applications from landowners in areas where local governments have committed to preserve farmland?

While there are other criteria, the Department of Agriculture's position is that if the applicant's community demonstrates that preserving the state's largest industry is important to them, that community is more likely to receive AEPP funds.



# Application for Sponsor Certification - Sec. G

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## G. Service Area Statistics

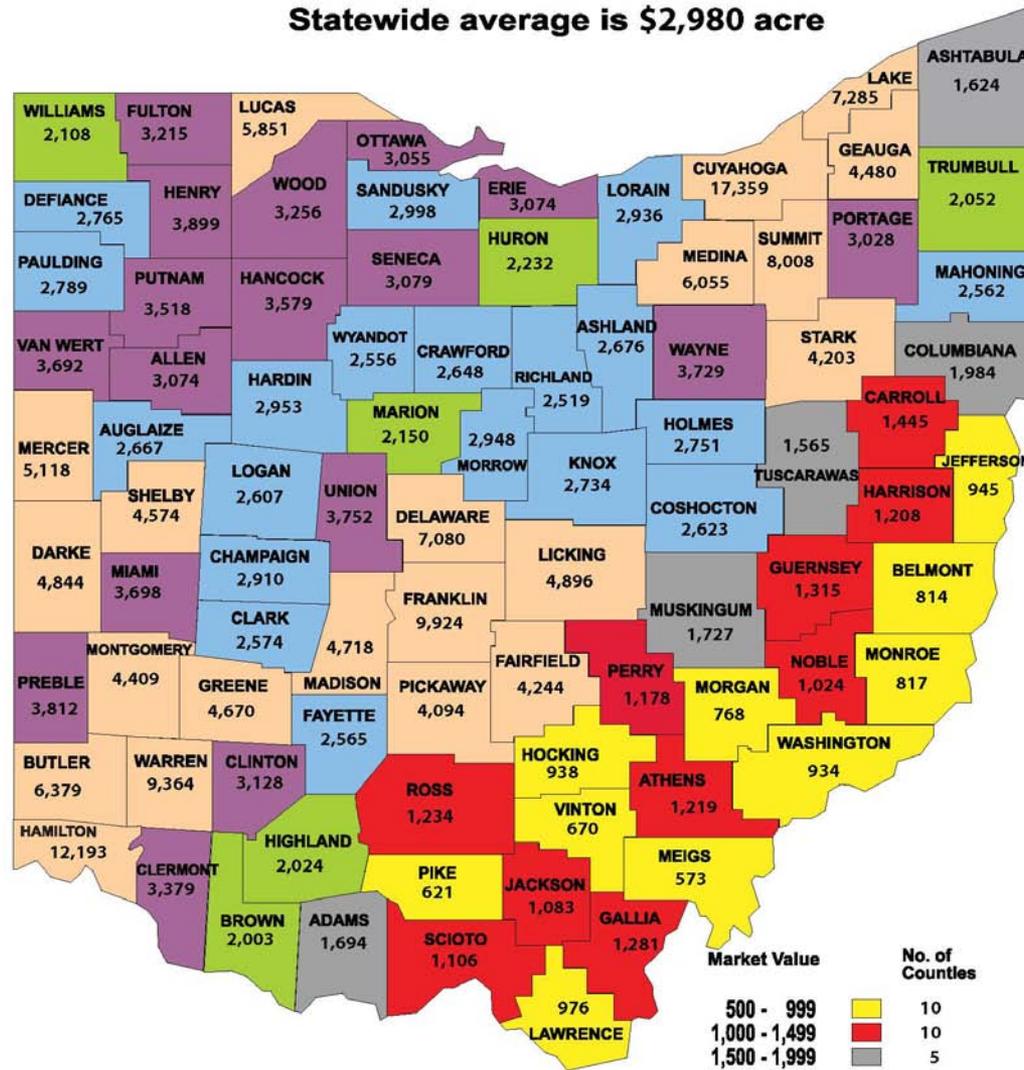
Defined as the county or counties within which the organization holds or plans to acquire easements *during this funding round*

1. Has your county previously received AEPP funds?
2. Average Market Value (AMV): Used to calculate grant amount
3. Average Farm Size in acres.

# 2011 Market Value per Acre Land on CAUV Program

Statewide average is \$2,980 acre

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Market Value	No. of Counties
500 - 999	10
1,000 - 1,499	10
1,500 - 1,999	5
2,000 - 2,499	6
2,500 - 2,999	19
3,000 - 3,999	17
4,000 and up	21

# Average Farm Size in Acres

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## County Examples:

<b>County</b>	<b>Average Acres</b>	<b>AMV \$</b>	<b>Potential Easement Value</b>	<b>Max % Allowed</b>	<b>Max Potential Value (before cap)</b>
<b>Pickaway</b>	352	\$4094	\$1.44 million	75%	\$1.00 million
<b>Logan</b>	211	\$2667	\$562 thousand	75%	\$422 thousand
<b>Highland</b>	176	\$2024	\$356 thousand	75%	\$267 thousand
<b>Licking</b>	156	\$4896	\$763 thousand	75%	\$572 thousand
<b>Hocking</b>	105	\$938	\$98 thousand	75%	\$73 thousand

# Application for Sponsor Certification - Sec. G – cont.

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4. County developmental pressure: enter the % of population change from the US Census map, examples:

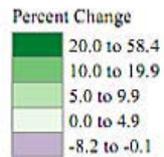
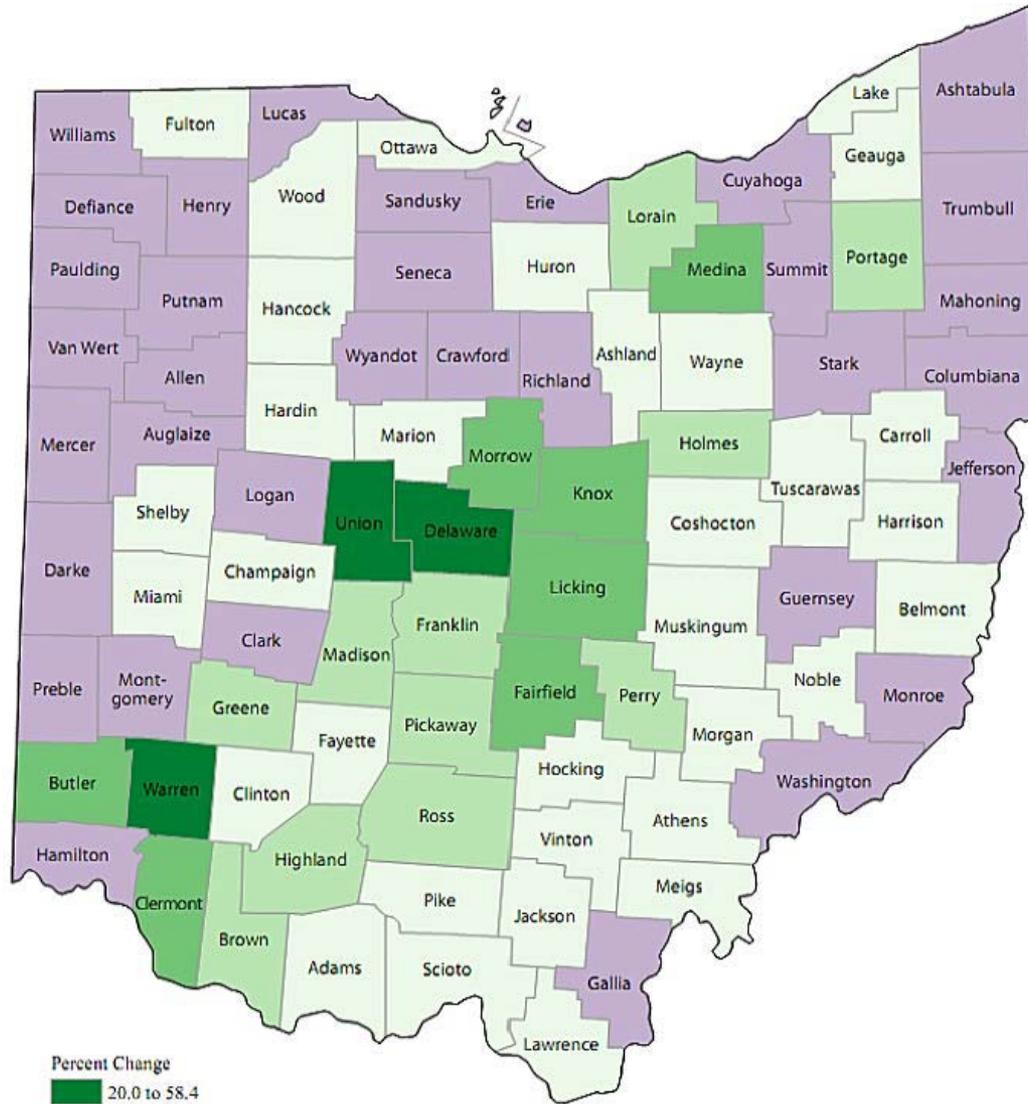
- **Fulton: 0.0 to 4.9%**
- **Portage: 5.0 to 9.9%**
- **Licking: 10.0 to 19.9%**
- **Union: 20.0 to 58.4%**



# OHIO - 2010 Census Results

## Percent Change in Population by County: 2000 to 2010

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Percent Change for State: 1.6%

Source: U.S. Census Bureau, Census 2000 and 2010 Census Redistricting Data Summary File  
For more information visit [www.census.gov](http://www.census.gov).



# Application for Sponsor Certification - Sec. H

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## H. Survey – LAEPP Poll

1. Name & Organization
2. Will your organization apply to become a certified local sponsor or will you sit out this round? If so, why?
3. Will your organization apply for FRPP?
4. Will your organization use the same landowner application used in 2011 or will you localize the “Other” Section?
5. How many days should potential Local Sponsors have to complete and submit the application for certification (15, 30, 45) if it begins February 1, 2013?
6. Will your organization mentor a less experienced local sponsor or seek a mentor?

# Application for Sponsor Certification - Sec. I

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## I. General Comments

Please provide us with any other information you feel we should know regarding your organization's capacity to provide the managerial, legal and financial expertise to operate a local agricultural easement purchase program and to share legal responsibility with the director to hold, monitor, supervise and enforce the provisions of agricultural easements.

If you feel we have not asked all the right questions, tell us what we need to know.

# Introduce

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- ODA Chief Legal Counsel Michael Rodgers
- A decade of legal experience with the executive, judicial and legislative branches of Ohio government
- Here today to explain
  - The Memorandum of Agreement (MOA) between ODA and Local Sponsors
  - Why it is important and
  - How it came about



# Questions?

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- On the Application for Local Sponsor Certification
- On the Memorandum of Agreement between Local Sponsor and ODA
- Welcome comments by email or phone:  
[Denise.King@agri.ohio.gov](mailto:Denise.King@agri.ohio.gov)      614-728-4203



# LAEPP Process

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1. **Local Sponsor Certification Application Process (30 days)**
2. **ODA review, ODA Director certifies local sponsors (30 days)**
3. **ODA allocates available funds among Certified Local Sponsors (CLS) and notifies all applicants of certification process results**
4. **CLS sign ODA Cooperative Agreement (similar to NRCS Cooperative Agreement used with FRPP) identifying the parts of the process the CLS and ODA are responsible for**
5. **ODA holds training for Certified Local Sponsors (15 days after CLS notification)**

# LAEPP Process - continued

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6. CLS markets LAEPP in their community
7. CLS conducts landowner application process (30-90 days)
8. CLS forwards selected projects to ODA for confirmation, including: CAUV, Ag District, County & Township Resolutions
9. CLS and ODA announce landowner easements to be purchased
10. ODA sends “Notice of Selection”

# LAEPP Process - continued

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11. Easement acquisition begins using ODA easement language
12. LS and ODA complete steps outlined in Cooperative Agreement including CLS submittal of title examination, and if necessary subordination and appraisal
13. ODA sends option to purchase and prepares deed of easement
14. CLS applies for FRPP funds
15. ODA check released by controlling board and delivered at closing

# Easement Donation and Partnership Programs

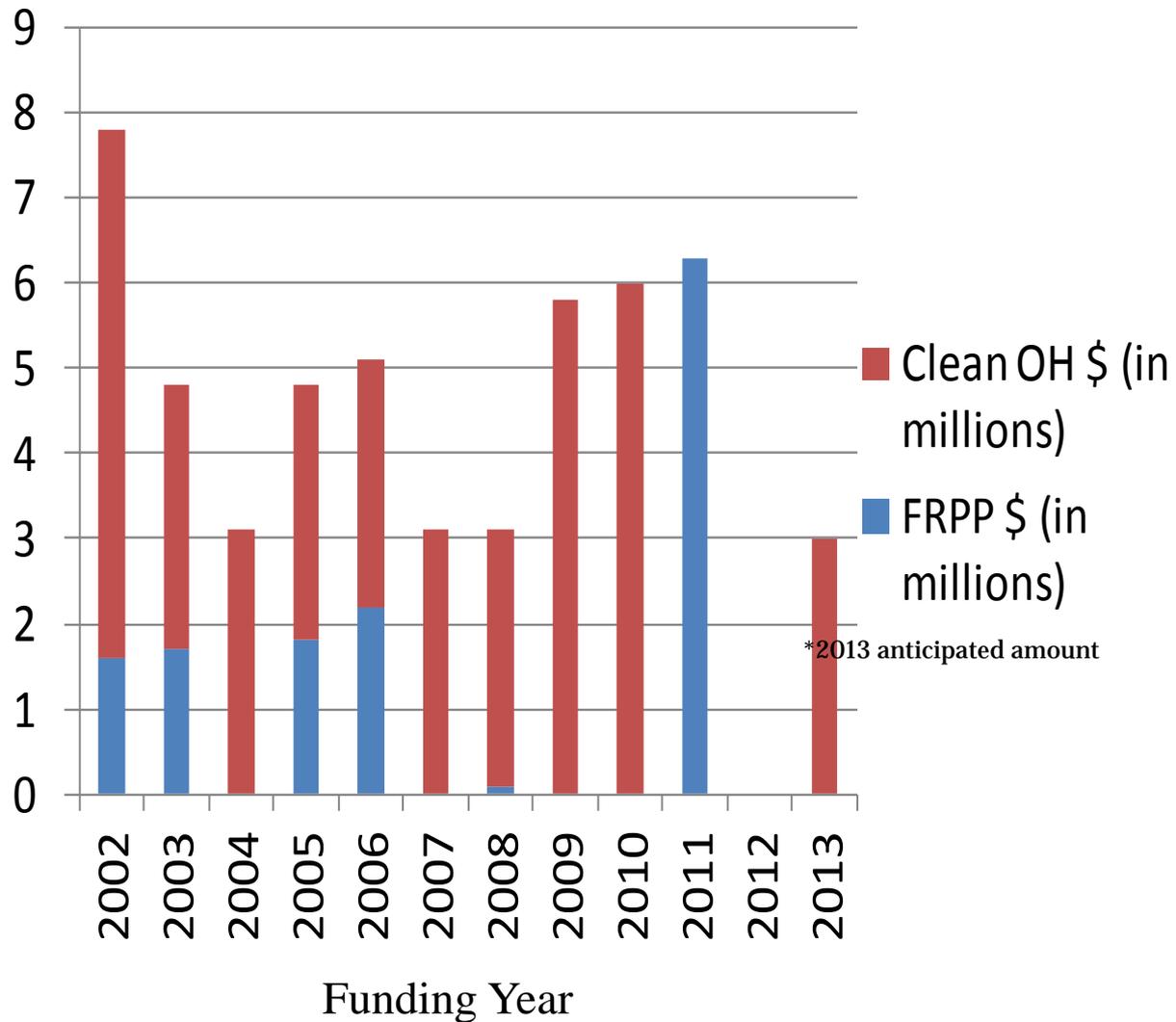
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- 53 dedicated families have donated agricultural easements covering 6390 acres
- 4 more easements donations are underway
- Remember to participate in the AEDPP (Donation Partnership Program) and receive \$3000 to cover costs.
- Congratulations to our first sponsor, Amanda Wischmeyer & West Central Ohio Land Conservancy

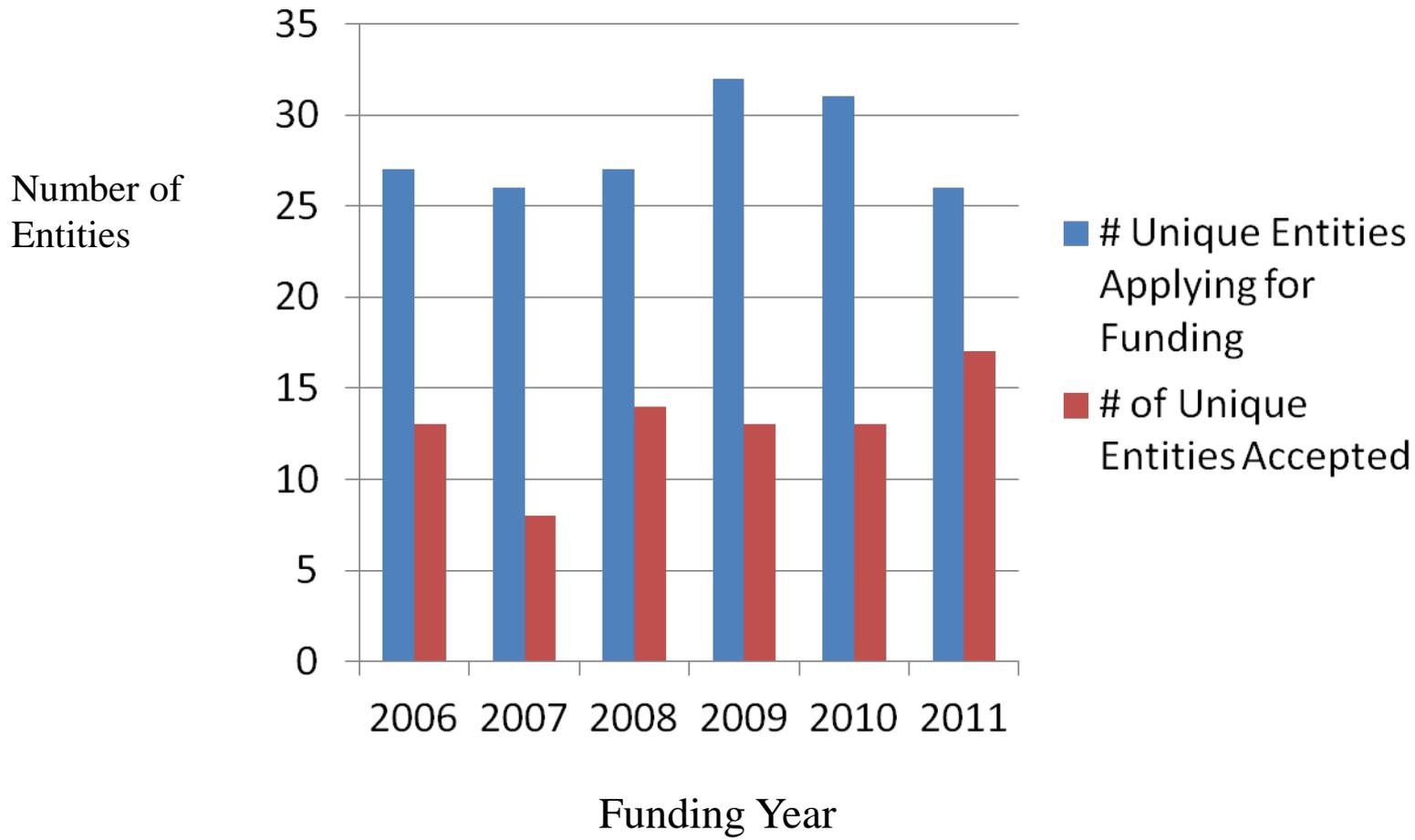


# AEPP: Funding By Year

Total  
Funding by  
Funding Year  
In Millions



# AEPP: Entities By Year



# Scoring System Principles

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1. With limited funding (\$2.7 million for FY 13), not all applicants will be funded in 2013.
2. In order to fund as many local sponsors as possible and to build local capacity where there currently is none, less experienced entities will receive grants sufficient to fund a smaller easement than experienced organizations
3. Reward organizations that:
  - Are committed to farmland preservation
  - Have experienced and capable staff
  - Have adequate resources to monitor and defend easements
  - Have demonstrated competency, creating confidence the public's funds will be spent appropriately;
  - Represent areas with at least some development pressure

# Scoring Principles - continued

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4. Encourage experienced organization to share their expertise by mentoring less experienced organizations and encourage less experienced groups to partner with experienced ones to learn the ropes;
5. Encourage continued statewide support for the program by building local capacity in new counties;
6. Allocate funding on the basis of an average size farm for that county x average county CAUV market values.

# Contact Information

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Office of Farmland Preservation  
Ohio Department of Agriculture**

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**614-728-4203**

**<http://www.agri.ohio.gov/divs/FarmLand/FarmLand.aspx>**

