



# OFF ADVISORY BOARD MEETING, SEPTEMBER 13, 2012



# WHY A LOCALLY RUN AEPP?

- ▶ Allow farms to be selected using local priorities rather than ODA's statewide criteria;
- ▶ Increase local commitment to farmland preservation and build local management capacity; and
- ▶ Expand the diversity of land protected by state agricultural easements.
- ▶ The Office of Farmland Preservation is currently charged with protecting the public's investment in \$50 million in easements on 54,000 acres in 55 counties. Projected workloads and budgets made a case for change.
- ▶ As the program matures and original farm owners sell or transfer land to new owners, OFP will spend more time on monitoring and legal issues.

# LOCAL AGRICULTURAL EASEMENT PURCHASE PROGRAM (LAEPP) **PROCESS**

- ▶ Draft rules:
- ▶ 1) reviewed by Technical Committee 8-31-12
- ▶ 2) Reviewed by Advisory Board 9-13-12
- ▶ 3) Approved by Director Daniels
- ▶ 4) Joint Committee on Agency Rule Review approval (90 days)

# LAEPP PROCESS - SLIDE 2

- ▶ 5) Regional meetings to promote LAEPP and Local Sponsor Certification Process (1 week)
- ▶ 6) Local Sponsor Certification Application Process (60 days)
- ▶ 7) OFP staff reviews and recommends Certified Local Sponsors (LS) and funding to the Advisory Board
- ▶ 8) Advisory Board makes recommendation on Certified LS and funding to Director
- ▶ 9) Director announces Certified LS and funding.

# LAEPP PROCESS - SLIDE 3

- ▶ 10) ODA and local sponsors (LS) sign cooperative agreement
- ▶ 11) Required training session for certified LS
- ▶ 12) LS application and ranking system approved by ODA
- ▶ 13) LS markets program in community
- ▶ 14) LS 45-60 day application period
- ▶ 15) LS selects easements for purchase

# LAEPP PROCESS - SLIDE 4

- ▶ 16) LS forwards selected projects to ODA for confirmation, including: CAUV, Ag District, County & Township Resolutions if appropriate
- ▶ 17) “Notice of Selection” sent to landowners by ODA
- ▶ 18) Easement acquisition begins using ODA easement language
- ▶ 19) LS and ODA complete steps outlined in Cooperative Agreement including LS submittal of title examination, and if necessary subordination and appraisal
- ▶ 20) ODA sends option to purchase and prepares deed of easement

# LAEPP PROCESS – SLIDE 5

- ▶ 21) ODA submits request for Controlling Board approval of easement purchase funds
- ▶ 22) ODA forwards check & escrow package to title agent
- ▶ 23) Easement closing
- ▶ 24) Process review and revisions by Technical Committee, Advisory Board and ODA staff

# CRITERIA FOR LS CERTIFICATION

## ▶ **Organizational Capacity:**

- ▶ Number of years of experience of local FLP program administrator
- ▶ Number of staff members dedicated to FLP program
- ▶ Number of years the organization has administered FLP program
- ▶ Number of state agricultural easements managed
- ▶ % of statewide AEPP easements managed
- ▶ Number of counties in which the program holds AEPP easements
- ▶ Is the organization working with a mentor (an expert or experienced organization?)
- ▶ What is the organization's budget for the current calendar year?
- ▶ Does the organization have a board, by-laws, access to legal advice and a Stewardship Fund?
- ▶ If a non-profit, is the organization certified or accredited by a national organization?

## ▶ **Organizational AEPP Experience:**

- ▶ Have annual monitoring reports been submitted on time:Y or N
- ▶ Are annual monitoring reports complete:Y or N
- ▶ Have easement violations that resulted in state legal action:Y or N

# METHODS TO DISTRIBUTE LAEPP FUNDS

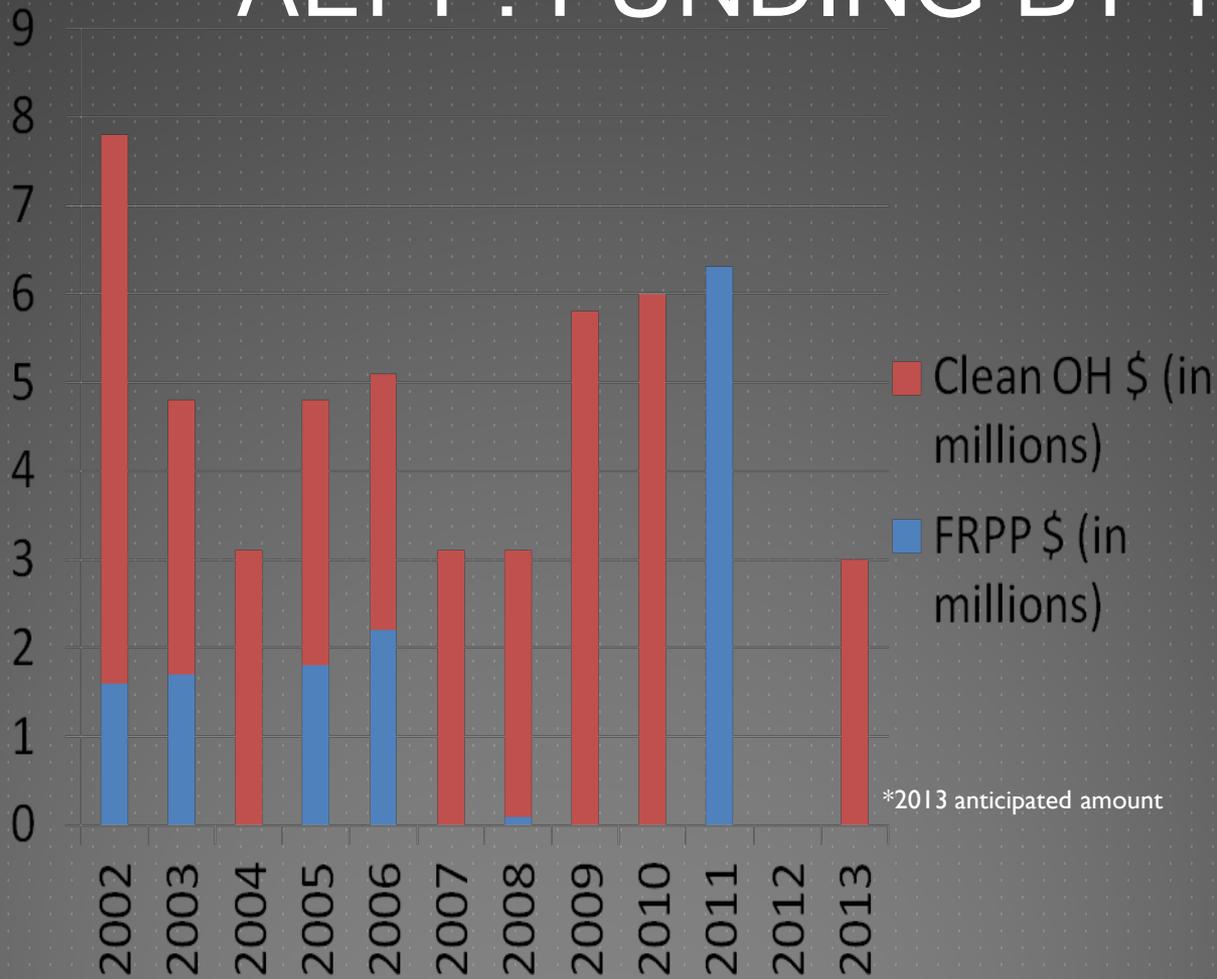


# FUNDING: WHAT COMES FIRST?



# AEPP: FUNDING BY YEAR

Total  
Funding by  
Funding Year  
In Millions

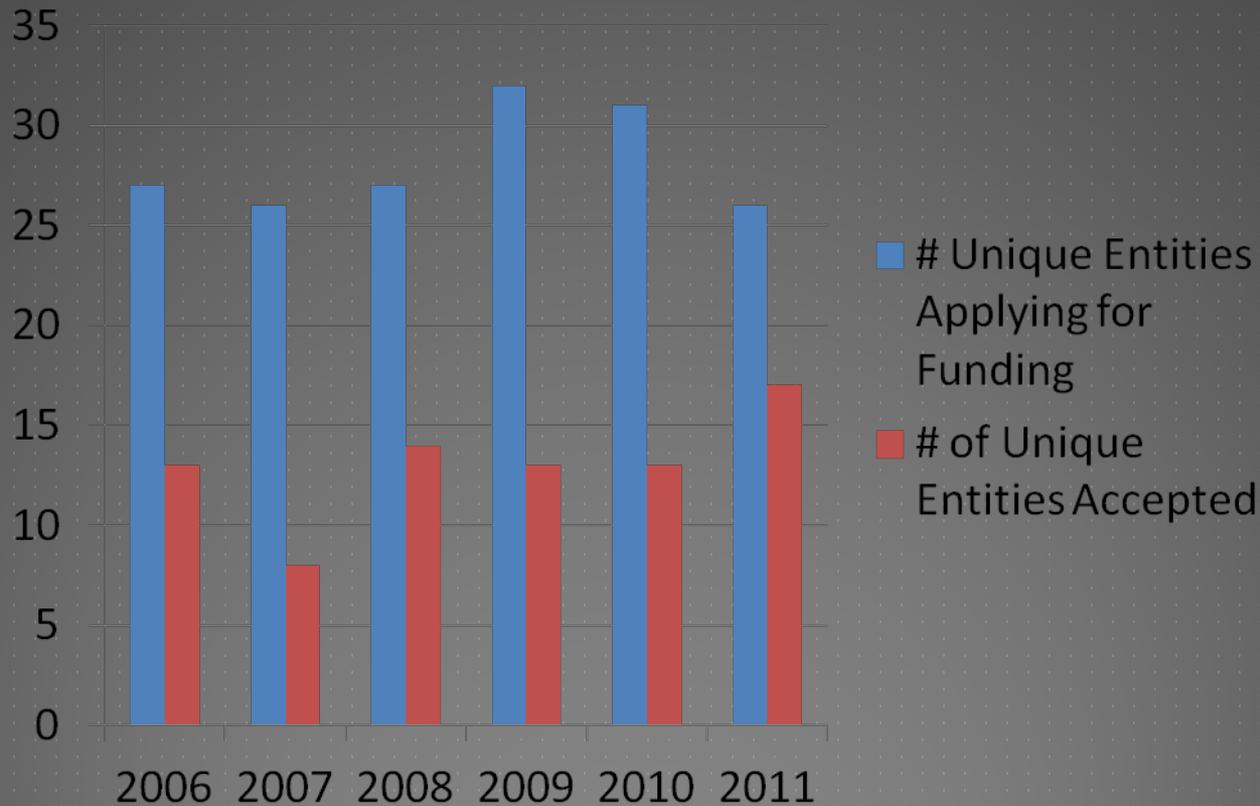


\*2013 anticipated amount

Funding Year

# AEPP: Entities By Year

Number of  
Entities



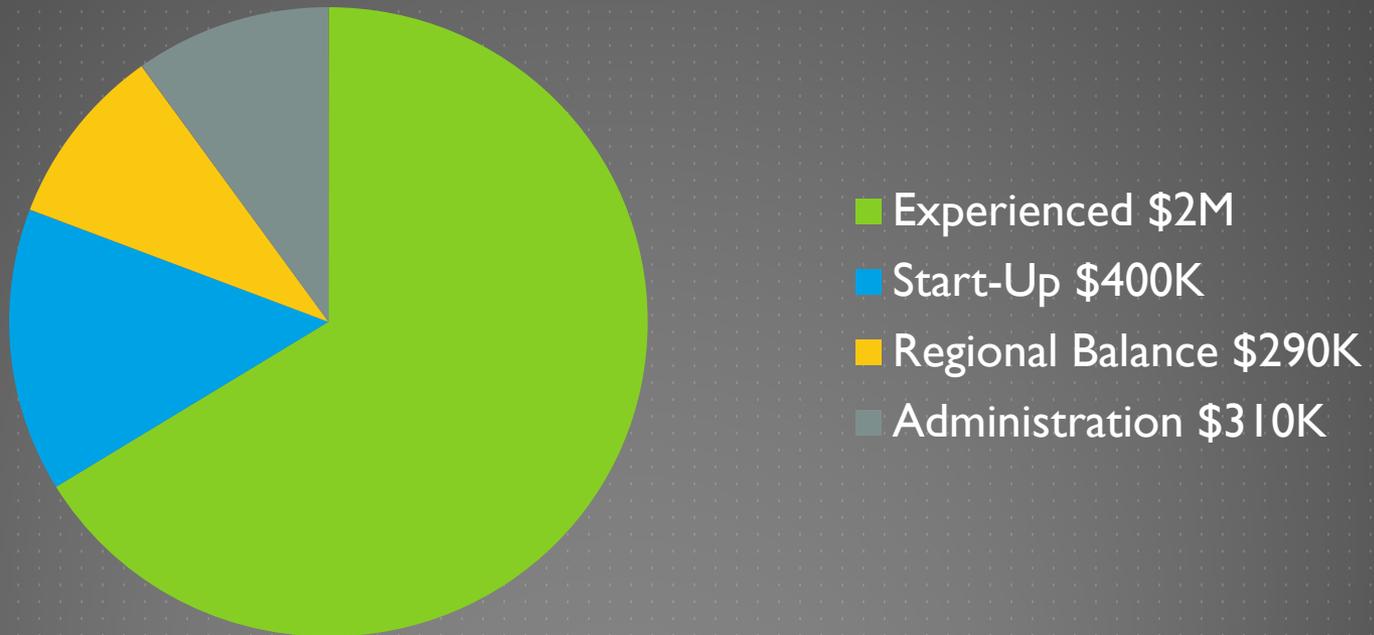
Funding Year

# METHODS TO DISTRIBUTE FUNDS

- ▶ Draw on Local Sponsor Certification Criteria: (see handout)
  - ▶ Staff capacity
  - ▶ Easement management experience
  - ▶ Other organizational strengths and weaknesses
  - ▶ Service area statistics: cost/acre in service area, # counties in service area
  - ▶ Reward for FRPP leveraging?
- ▶ Tiers:
  - ▶ **Experienced:** Organizations which have demonstrated staff and easement management experience and have sufficient budget and other capabilities and no significant weaknesses such as easement violations or problems with monitoring
  - ▶ **Start-Up:** Organizations with minimal staff and ag easement management experience which would benefit from a mentoring relationship and a boost in organizational funding that they are capable of sustaining.

# ONE SCENARIO

**\$3 million for LAEPP**





# LOCAL PROGRAM DRAFT RULES

Howard Henry, Legal Counsel and rules expert, here for questions.

Intent to: change existing rules as little as possible and  
retain current statewide AEPP authority in rules

Rule changes use existing requirements whenever feasible

After local sponsor is certified, a cooperative agreement will be signed between ODA and LS listing duties of each - too much detail to put into rules

We will now review all suggested rule changes and take comments at the end. See copies of rules, handout.

# WE'RE LISTENING



THANK YOU

