

Overview of Existing Plans, Programs and Regulations

Agricultural District Program

The Agricultural District Program offers a range of protections to farmers. Farmland in Parma is part of Monroe County's Northwestern Agricultural District (#5). This district was created initially in 1976. The renewal process was initiated in 2008; as of October 2008, the District renewal had not been formally approved by Monroe County and New York State. The district contains 37,641 acres. Inclusion in an Agricultural District denotes a commitment on the part of the County and the landowner to retain the use of such land for agriculture.

The Agricultural District Program includes the following provisions to protect farmers:

- Agricultural use value assessments: Eligible farmland is assessed at its value for agricultural production, rather than at its full market value. If land that received the agricultural exemption is sold for non-farm purposes, the landowner must repay the amount of property taxes saved over the life of the District, up to 8 years.
- Protection from local regulations that would restrict farm practices.
- Protection from public acquisition of farmland through "eminent domain." Before a local or county government may undertake a project that affects land within an Agricultural District, it must submit a "Notice of Intent" to the County Agricultural and Farmland Protection Board and the NYS Department of Agriculture and Markets for consideration of the impacts on agriculture.
- Protection from nuisance suits (right-to-farm provisions). A person who buys property within an Agricultural District must be notified about the possible presence of noise or odors associated with farm practices and acknowledge receipt of this notice in writing.

Environmental Protection Programs

Several State and federally funded programs provide financial incentives and technical assistance to farmers and farmland owners to encourage the installation of "best management practices" (BMPs) that incorporate environmental protection into agricultural practices. These techniques are designed to protect the natural environment from contaminants that may be associated with agricultural activities. Environmental management goals include reducing the amount of stormwater that leaves a farm site, managing fertilizer inputs to match the amount taken up by crops, and providing safe storage and application of pesticides. Although such practices may be expensive to install and maintain, they frequently result in lower costs for fertilizer, decreased soil erosion, and improved pest control.

Programs that support environmental management on farms include:

- Agricultural Environmental Management (AEM)
- Agricultural Nonpoint Source Abatement and Control
- Environmental Quality Incentives Program (EQIP)
- Conservation Reserve Program (CRP)
- Conservation Reserve Enhancement Program (CREP)
- Conservation Security Program (CSP) and
- Wildlife Habitat Incentives Program (WHIP).

Summaries of these programs are provided at the end of this Appendix.

Tax Relief Programs

Farming utilizes large amounts of land but does not demand proportionally large expenditures from local governments. In response to this situation, New York State has made established programs to reduce property taxes on farmland that meets certain eligibility requirements.

Agricultural Use Assessments base property taxes on the value of the land as farmland, rather than its value for development. Eligible farms located within certified Agricultural Districts, as well as farms outside a District that meet certain requirements, may receive Agricultural Use Assessments. Agricultural Use Assessment is available to landowners who rent the property to an eligible farmer.

The NYS Department of Agriculture & Markets has established a formula to determine the Agricultural Use value of property based on soil types and projected crop yields. In areas where the land is valuable for development purposes, the agricultural use value will be much lower than the market value, resulting in significantly lower property taxes. However, in areas where farming is the “highest and best use” of the property – where a farmer is likely to pay as much for the land as anyone else - the agricultural use value is the same as the market value.

New York State has established the **Farmers School Property Tax Credit** program for eligible farmers to receive refunds of up to 100% of School taxes on up to 350 acres of agricultural land, and 50% of School taxes on acreage in excess of 350 acres. To be eligible for this tax credit, farmers must earn at least 2/3 of their income in excess of \$30,000 from farming. The credit may be claimed in the farmer’s annual NYS tax return.

Farm worker housing is exempt from property taxes, provided that the facility meets all safety and health standards set by the State building code and the NYS Department of Labor. Renovation of a historic barn for continued agricultural use also qualifies for a property tax exemption.

Certain property and services used in agricultural production is exempt from sales tax. Farmers need to complete Form ST-125.

Neighbor Relations

Farming practices sometimes result in neighbor complaints or, in more extreme cases, lawsuits. Non-farm neighbors may consider certain agricultural practices to be objectionable, such as noise from farm equipment, dust from harvesting, odors from animal housing or manure storage, or pesticide applications. Techniques to address neighbor relations include local “Right-to-Farm” laws and notification provisions.

The NYS Agricultural District law establishes a procedure to define “sound agricultural practices.” Upon request of a farmer or neighbor, a representative from the NYS Department of Agriculture and Markets will investigate the practice and determine whether it is “sound.” If a party brings a nuisance suit against a farmer for a practice which is determined to be “sound”, the person bringing the suit must pay all legal costs to the farmer.

The NYS Agricultural District Law also includes provisions to notify purchasers of property of potential farming impacts. When property located within a certified Agricultural District is purchased, the buyer must sign a statement acknowledging that:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances."

Local “Right to Farm” laws often include provisions for settling disputes between farmers and non-farming neighbors. An appointed committee may be empowered to mediate the dispute, or mediation could be assigned to a specialized organization trained by New York State’s network of Community Dispute Resolution Centers (CDRCs).

Land Preservation Programs

Programs that result in permanent preservation of farmland for continued agricultural use include public Purchase of Development Rights and the acquisition of conservation easements by private land trusts. These programs are voluntary and typically provide the landowner with payment equal to the difference in the value of land for development and its value for continued agricultural use.

New York State administers a Purchase of Development Rights program that provides up to 75% of the cost of acquiring permanent easements to viable farmland. Since the inception of

this program in 1996, the Department has awarded nearly \$80 million to protect approximately 36,000 acres on 200 farms in 18 counties.

The U.S. Department of Agriculture also administers a Purchase of Development Rights program, the Farm and Ranch Lands Protection Program, which was reauthorized as part of the 2008 Farm Bill. Federal funds may be available to provide the local match for a State PDR application.

Conservation easements may also be conveyed privately to a land trust or other qualified conservation organization. A conservation easement is a legal document written in the form of a deed, in which a landowner permanently restricts the future development of real property for the purpose of preserving or maintaining the scenic, open, historic, agricultural, or natural condition, character, significance or amenities of that property. Once a conservation easement is attached to a property, the property may be sold, subject to the restrictions defined in the easement. The restrictions placed by the easement will also affect the value of the property for property tax assessment purposes.

Temporary Easements may protect land for a period of time. Several municipalities have established programs that reduce property taxes for farmland owners who agree to leave land undeveloped for a specified period of time. Typically, these parcels are not eligible for agricultural use assessments. If the land is developed prior to the end of the period, the landowner pays a penalty which goes into a fund for purchase of land or easements.

Agricultural Economic Development Programs

Farmland can continue to be utilized for agricultural purposes only as long as the business of farming remains viable. Publicly funded programs aimed at encouraging investment in farming include loans, technical assistance, research and grants.

The **Grow NY Enterprise Program** is a joint Governor's initiative of the Governor's Office for Small Cities (GOSC), Empire State Development Corporation (ESDC) and the Department of Agriculture and Markets (NYSDAM), which dedicates \$3 million annually to increasing the demand for and expanding the use of New York's agriculture and forest products. The primary objective of the program is to provide funds to local governments who in turn use the dollars to assist qualifying businesses who undertake activities resulting in the creation of job opportunities for low- and moderate-income persons.

The New York State Department of Agriculture and Markets operates several programs aimed at improving the economic viability of farming. These include:

- grants to provide promotional support for farmers' markets in New York State.
- a matching grant program for the development, implementation or expansion of programs, projects, activities or events which will promote New York State food and agriculture through agri-tourism. For the purposes of this program, agri-tourism is

defined as any food or agriculture related program, project, activity or event taking place at a farm or other food or agriculture related location(s) that will attract visitors to promote and enhance the public's understanding and awareness of New York food, farms, and agriculture.

- a program to encourage school districts to purchase fresh produce directly from local farmers. School district must follow certain guidelines in order to participate in the program.
- A program to assist farm operators and agricultural cooperatives developing business plans or implementing part(s) of an existing business plan that will enhance the profitability and/or environmental compatibility of their farm operations.

The NYS Energy Development Agency (NYSERDA) administers programs to encourage energy conservation and the use of sustainable energy sources in agricultural operations. These include:

- financial assistance to farmers interested in installing alternative or sustainable energy facilities, such as a wind-powered or bio-fuel-based electricity generator.
- NYSERDA offers cash incentives to install wind-energy systems, solar electric systems, and energy-saving equipment. It provides technical assistance to farms and other facilities through energy audits to reduce energy consumption.
- NYSERDA's Agricultural Waste Management Program focuses on farms under pressure to control contaminants from manure. To meet these challenges, farms are partnering with NYSERDA to evaluate a variety of potential technological solutions, innovative business structure, and community waste management systems that could improve system economics and farm profitability. Technologies being evaluated include:
 - Anaerobic digestion of manure
 - On-site production of electricity from digester biogas
 - Composting of manure and digested solids.

Organizations that assist farmers and farmland owners

Soil & Water Conservation District

The Monroe County Soil & Water Conservation District has been actively involved in assisting farmers evaluate, install and improve conservation management practices since the District formed in 1954. In conjunction with evolving state and federal funding opportunities, District and NRCS technical staff have assisted many farmers with planning and implementation of conservation practices.

The Monroe County SWCD has identified the following natural resources concerns relating to farming:

- Cropland erosion control
- Loss of farmland to development
- Lake Ontario shoreline protection relating to water quality impacts
- Water quality impacts by nutrient, pesticide and sediment runoff from cropland

Conservation programs administered by the SWCD include:

- Agricultural Environmental Management (AEM)
- Agricultural Nonpoint Source Abatement & Control Grant Program
- Identifying soil types as basis for agricultural use assessments

Cornell Cooperative Extension

Cornell Cooperative Extension of Monroe County provides technical assistance to farmers. Teams of experts have been assembled on a regional basis to address issues Lake Ontario Fruit Program Team provides researched-based information on Integrated Pest Management, Cultural Practices, Business Management and Economics, and Harvesting and Marketing. The Northwest Dairy, Livestock and Fieldcrops Team organizes educational programs to help producers:

- Enhance the sustainability of their businesses.
- Enhance profitability and other aspects of economic performance of their businesses.
- Practice environmental stewardship.
- Enhance employee well-being and satisfaction.
- Provide safe, healthy agricultural products in ways that are safe to farm owners and their families, farm employees and their families, and neighbors.
- Provide leadership for enhancing relationships between the agricultural sector and the general public.

The Lake Plains Vegetable Program provides specialized information to vegetable, potato, and dry bean growers and allied industry.

MCC Agriculture and Life Sciences Institute

The Agriculture and Life Sciences Institute at Monroe Community College, directed by Robert King, provides advocacy on land use issues, marketing education, academic instruction and skills training.

As part of its advocacy mission, Institute faculty assist farmers, landowners, municipalities and authorities with interpretation of land use policy, planning, regulations, laws and ordinances.

Marketing education is designed to help landowners and farmers realize viability/sustainability of their land or business through effective use of the land or business. Institute staff:

- assists town, county and state municipalities in developing and implementing plans to help protect farmland and make operations viable.
- promotes agricultural economic development, including value-added processes and marketing strategies
- interprets, educates and assists landowners, farmers, and municipal officials on agricultural district laws and agricultural value assessments.
- assists first responders on farm security and agro-terrorism concerns, and partners with other MCC divisions, including the Homeland Security Management Institute and the Public Safety Training Facility to provide such assistance and training.

Skills training includes workshops held at MCC facilities, on-location consultations, Webcast seminars, direct television conferences, and training sessions using other innovative technologies and approaches. Recent high school graduates and others interested in entering the agricultural field may be able to study in traditional degree and certificate programs, credit and noncredit courses.

USDA Natural Resources Conservation Service (NRCS)

The Natural Resources Conservation Service (NRCS) was established pursuant to Public Law 103-354, the Department of Agriculture Reorganization Act of 1994, (7 U.S.C. 6962). The mission of NRCS is to provide national leadership in a partnership effort to help people conserve, improve, and sustain the Nation's natural resources and environment.

NRCS technical experts help land managers and communities take a comprehensive approach in planning the use and protection of soil, water, and related resources on private and non-Federal lands, in rural, suburban, urban, and developing areas. NRCS assistance to individual landowners is provided through soil and water conservation districts, which are units of local government created by state law. NRCS works in partnership with the State conservation agency and other State and local agencies to deliver a wide range of programs necessary to enhance our natural resources.

Financial Assistance Programs

- Conservation Security Program
- Environmental Quality Incentives Program (EQIP)
- Wildlife Habitat Incentives Program (WHIP)
- Forestry Incentives Program (FIP)

Easement Programs

- Farm and Ranch Lands Protection Program
- Wetlands Reserve Program
- Grassland Reserve Program
- Conservation Reserve Program

Other Programs

- Conservation Operation & Technical Assistance
- Watershed and Flood Prevention Operation
- Emergency Operations
- Resource Conservation & Development Program
- Grazing Lands Conservation Initiation
- Plant Materials Program
- Urban Resource Partnership Program

USDA Farm Service Agency (FSA)

The Farm Service Agency (FSA) administers several programs that assist farmers and farmland owners, including Conservation Reserve Program (CRP), disaster assistance and loans, as well as outreach, education and analysis of laws and regulations. The FSA works closely with NRCS, SWCD and Cooperative Extension to administer many of these programs.

Monroe County Farm Bureau

The New York Farm Bureau is a private organization that advocates politically on a broad range of issues. Its structure encourages participation among members at the local level through County chapters. The website of the Monroe County Farm Bureau indicates that the organization “works to promote public policy that protects an owner's right to use land” and “believes that a strong, viable agricultural industry benefits the economy, local communities and consumers.” More information is available on the Monroe County Farm Bureau website, <http://www.nyfb.org/monroe/index.html> and the New York Farm Bureau website: <http://www.nyfb.org/whatisfb.htm>

USDA Rural Development

USDA Rural Development administers several grant programs that provide assistance to farmers, municipalities and institutions, including the following Rural Business-Cooperative Service programs:

- Grant funds to help independent agricultural producers enter into value-added activities. Awards may be made for planning activities or for working capital expenses
- Rural Economic Development Loan and Grant (REDLG) program

Environmental Management and Conservation Program Summaries

Agricultural Environmental Management Program (AEM)

The New York State Agricultural Environmental Management Program, which is administered by the County Soil & Water Conservation District, consists of five "tiers":

- **Tier 1:** The initial baseline survey of operation, including farm type, number and type of animals, identification of common farm management practices, and future plans for farm.
- **Tier 2:** A detailed assessment of each farm management practice, including waste management, soil management, petroleum storage, barnyard management, and other categories.
- **Tier 3:** In this planning phase, information that is collected in the Tier 2 phase is ranked according to environmental impact potential. Tier 3 includes **tract level** plans (Tier 3A); **nutrient management**, plans (Tier 3B); and **whole farm** plans (Tier 3C).
- **Tier 4:** The implementation phase, where conservation practices are installed or constructed in order to address the areas of concern that have been identified.
- **Tier 5:** The practices are evaluated for effectiveness in addressing problem.

The program was designed to implement provisions of the federal Clean Water Act. The local team includes USDA NRCS, FSA, and Cooperative Extension. It is overseen by a Statewide AEM Steering Committee and the Statewide Conservation Committee.

The program provides cost-sharing for conservation measures. Farmers and farmland owners who install approved practices reduce their liability for nutrients or other substances that may flow to surface or groundwater.

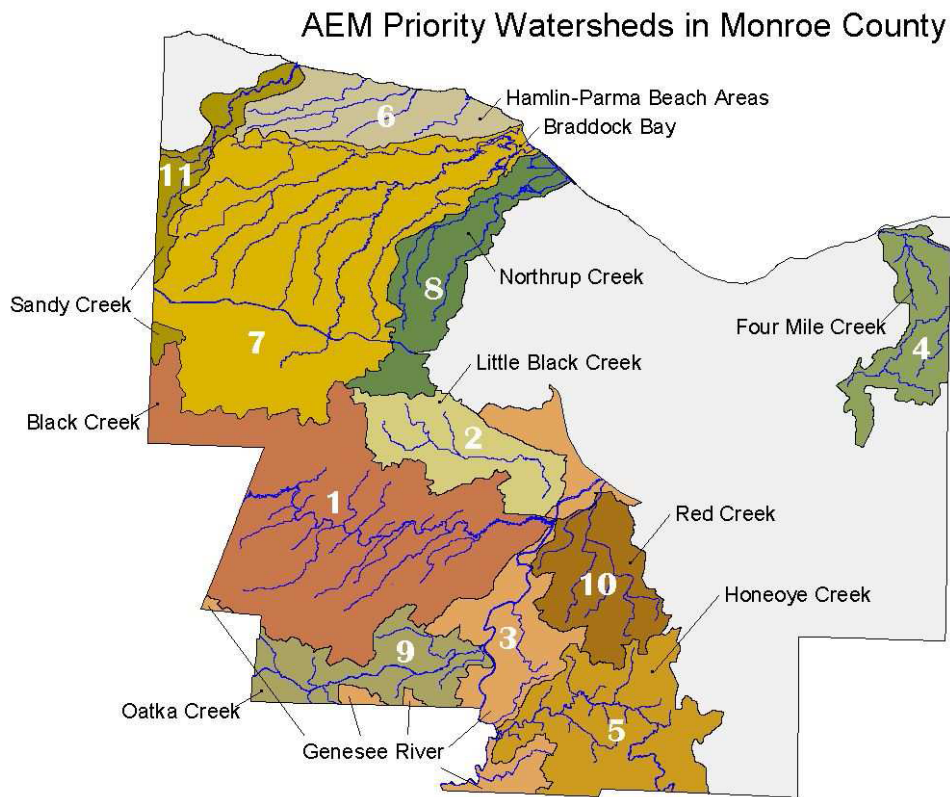
Priority areas are defined by watershed. Monroe County designated the Black Creek watershed as its first priority, due to concerns about phosphorous from agricultural and municipal sources and a requirement to implement a Total Maximum Daily Loading (TMDL) plan.

In 2008, the Monroe County SWCD is focusing on farms in the Hamlin/ Parma Beach watershed (Priority #6). According to the AEM Strategic Plan 2005-2010, 95% of agricultural land use in the Hamlin-Parma Beach Areas may pose threat to water quality of NYSDEC protected streams and the Lake Ontario shoreline. Farming operations in the watershed include orchards, grain, cabbage (8000 acres), and green manure crops. Total cropland in the watershed is estimated by the District to be approximately 13,000 acres.

The Braddock Bay watershed (Priority #7) will be addressed beginning in May 2008. In the Braddock Bay watershed, which includes Salmon Creek, agriculture is suspected of

contributing to impaired boating and fishing, and to stressed bathing and fish propagation. (1996 NYSDEC PWL) Agricultural land use in the watershed includes grain, fruit, vegetables, livestock, and tree farm.

The Northrup Creek Watershed (priority #8) is of local interest due to potential agricultural impacts on Northrup Creek, Long Pond and the Lake Ontario shoreline. Agricultural activities occurring within the Northrup Creek watershed may be contributing to the nutrient, sediment and silt loading that has impaired aesthetics and stressed fishing in the creek. (1996 NYSDEC PWL) Also, Long Pond continues to have issues with nutrients and impaired bathing, aesthetics and boating. While municipal and urban runoff may be the primary contributors, the need exists to look closely at all potential sources, including agriculture.



Source: AEM Strategic Plan 2005-2010

Agricultural Nonpoint Source Abatement & Control Grant Program

This grant program was established in 1994 by the State of New York to assist farmers in preventing water pollution from agricultural activities by providing technical assistance and financial incentives. County Soil & Water Conservation Districts apply for the competitive grants on behalf of farmers and coordinate funded activities. Grants can cost-share up to 75% of project costs or more if farm owners or operators contribute, in the following two areas:

- Planning; funds awarded to conduct environmental planning
- Implementation; funds awarded to construct or apply management practices

The New York State Soil & Water Conservation Committee and the Department of Agriculture & Markets coordinate the statewide program and allocate funds provided by the NYS Environmental Protection Fund on a semi-annual basis. Since the program began in 1994 more than \$50 million has been awarded to 53 Soil & Water Conservation Districts across the state to help farmers reduce and prevent agricultural sources of Nonpoint Source (NPS) Pollution.

NPS pollution is caused by rainfall or snowmelt, moving over and through the ground, which picks up and carries natural and human-made pollutants and deposits them into lakes, rivers, wetlands, coastal waters, or groundwater. These pollutants include:

- Excess fertilizers, herbicides, and insecticides from agricultural lands and residential areas;
- Oil, grease, and toxic chemicals from urban runoff and energy production;
- Sediment from improperly managed construction sites, crop and forest lands, and eroding streambanks;
- Salt from irrigation practices and acid drainage from abandoned mines;
- Bacteria and nutrients from livestock, pet wastes, and faulty septic systems;

Conservation Reserve Program (CRP)

The Conservation Reserve Program (CRP) was authorized under the Food Security Act of 1985, Title XII, P.L. 99-198. It is administered by USDA's Commodity Credit Corporation (CCC) through the Farm Services Agency (FSA). Technical assistance is provided by the NRCS. The CRP encourages farmers to voluntarily plant permanent areas of grass and trees on land that needs protection from erosion, to act as windbreaks, or in places where vegetation can improve water quality or provide food and habitat for wildlife. Eligible producers must enter into contracts with the CCC lasting between 10 and 15 years. In return they receive annual rental

payments, incentive payments for certain activities, and cost-share assistance to establish the protective vegetation. The CRP has been expanded in the past few years to also include a "Continuous Sign-up" element along with the regular annual sign-up periods.

The Conservation Reserve Program in New York has attracted participants from throughout the state with over 55,000 acres enrolled in the program as of October 1, 1999. Most of this land has been seeded to permanent grasses, including native warm-seasoned grass species. In addition, the removal of New York's most erosive and least profitable cropland from production has reduced erosion by 288,000 tons statewide and has improved the net returns to cropland still in production. Total Federal expenditures for the program were about \$3 million generating \$3.7 million in local sales statewide and creating 37 new jobs across the state.

Conservation Reserve Enhancement Program (CREP)

CREP is a federal-state natural resource conservation program targeted to address state and nationally significant agricultural related environmental problems. Under CREP, program participants receive financial incentives from USDA to voluntarily enroll in the Conservation Reserve Program (CRP) in contracts of 10- to 15-years. Participants remove marginal pastureland or cropland from agricultural production and convert the land to native grasses, trees and other vegetation. CRP is authorized by the Food Security Act of 1985, as amended.

The New York's CREP helps farmers address erosion and nutrient runoff on 30 million acres of land within New York's 12 major watersheds. Retiring highly erodible cropland and planting it to protective vegetation will enhance water quality and provide shelter, nesting areas and food for many species of wildlife. Buffers planted along stream banks and rivers will filter phosphorus, nitrogen and sedimentation from the waterways. The Lake Ontario Direct Drainage Watershed is one of the watersheds targeted in New York.

The goals of the New York CREP are to:

- Reduce annual nutrient loads of phosphorus by 73,000 pounds, nitrogen by 29,000 pounds per year and sediments from 109,000 tons per year;
- Reduce the potential for animal waste to enter streams and rivers;
- Establish tree buffers adjacent to 4,598 stream miles and 473,457 acres of surface waters; and
- Establish grass and trees on areas that recharge drinking water supplies for cities and towns.

Eligible conservation practices include planting grasses or trees on erodible soil or establishing wildlife habitat and protecting streams with filter strips, grass waterways and buffer plantings.

Environmental Quality Incentives Program (EQIP)

The Environmental Quality Incentives Program (EQIP), which was created through the 2002 Farm Bill and is administered by the USDA-Natural Resources Conservation Service (NRCS), is intended to promote agricultural production as well as environmental quality through cost-sharing of conservation practices.

EQIP includes two types of payments, cost-share and incentive. Incentive payments are flat rate payments used to encourage a producer to perform land management practices. Participants will receive an incentive payment in the first year of implementation, and are required to carry out the practice for 3 years. Cost-share payments are primarily for structural conservation practices. Cost-share payments are at fixed amounts for each practice, based on 50% to 75% of the state average cost. Limited Resource Producers will be eligible for up to 90% cost-share based on state average costs.

A current Comprehensive Nutrient Management Plan (CNMP) is required prior to application for any agricultural waste practices that address manure storage, milkhouse waste, silage leachate, barnyards, composting or nutrient management. CNMPs developed with EQIP incentive payments must be completed by a NYS Certified Nutrient Management Planner.

Wildlife Habitat Incentives Program (WHIP)

The Wildlife Habitat Incentives Program (WHIP) is authorized by Section 387 of Title III of the Federal Agriculture Improvement and Reform (FAIR) Act of 1996. The purpose of the program is to develop habitat for upland wildlife, wetland wildlife, threatened and endangered species, fish and other types of wildlife. Objectives of the program are to provide technical, educational, and financial assistance to eligible landowners to address the protection of wetlands, wildlife habitat, and related concerns on their land.

Conservation Security Program

The CSP is a voluntary program that provides financial and technical assistance to conserve and improve soil, water, air, energy, plant and animal life on tribal and private working lands—cropland, grassland, prairie land, improved pasture and rangeland, as well as certain forested land that is an incidental part of an agriculture operation. Visit the Natural Resources Conservation Website to get detailed CSP Information:
<http://www.nrcs.usda.gov/programs/csp/>

The CSP has a unique role among USDA conservation programs. It identifies and rewards those farmers and ranchers who meet the highest standards of conservation and environmental management on their operations, creates powerful incentives for other producers to meet those same standards of conservation performance on their operations, and provides public benefits for generations to come.