

LERAY MCALLISTER WORKING FARM AND RANCH FUND

Grant Manual

Adoption Date: June 2023

Please note grant applications will only be accepted electronically

Administered by the Utah Department of Agriculture and Food
Division of Conservation

Grant Program Overview

The LeRay McAllister Working Farm and Ranch Fund provides grants to preserve and restore working agricultural land in Utah, benefiting open space and wildlife as well. The Program uses funds appropriated by the Utah Legislature to purchase conservation easements on important pieces of private land, acquire small parcels in fee title under limited circumstances, and provide small restoration grants to improve conserved lands.

The LeRay McAllister easements Program was moved to the Utah Department of Agriculture and Food (UDAF) under the Division of Conservation (Division) on July 1, 2022. UCA 4-46-301 *et seq.* The major function of the Program is to establish, administer, manage, and make allocations and expenditures by the Land Conservation Board (Board) from the Program. This program was originally created in 1999 under the Governor's Office of Planning and Budget and administered by the Utah Quality Growth Commission. During the 2023 Legislative session, UCA4-46-301 *et seq.*, the name was changed from The LeRay McAllister Critical Land Conservation Program to the LeRay McAllister Working Farm and Ranch Fund (Fund).

The Board administers the Fund for the purpose of providing grants for agricultural land and preserving or restoring open land. Local entities, the Department of Natural Resources, an entity within UDAF, and charitable organizations that qualify as tax exempt under Section 501(c)(3) of the Internal Revenue Code are eligible to apply. Grants are awarded only for acquiring interests in property that have not yet been permanently protected.

The Director of Conservation, under UDAF, shall administer the Program subject to the general supervision of the Commissioner. The Director is charged with administering and overall supervision of the Program. The Director shall also coordinate state conservation efforts by staffing the board, coordinating efforts with conservation districts, coordinating within the department, the Department of Natural Resources, other state agencies, counties cities, towns, local land trust organizations and federal entities. The Director will facilitate obtaining federal funds in addition to state funds used for state conservation efforts.

Guiding code for the fund is set out in UCA 4-46-302. The Fund is focused on preserving working agricultural lands, with a secondary objective of preserving open space, historic areas, and natural wildlife habitat to be held or co-held by UDAF, or local government, or counties, cities, or towns throughout the State. Additionally, the Fund wants to ensure that land is protected in all areas in the State. Using approved specific scoring criteria, the Board will place emphasis on providing grants to those lands identified as conservation priorities in statute.

LeRay McAllister Fund Defining Principles

Background:

The Board is committed to prudently balancing conservation interests in the State. Accordingly, the Board has a fiduciary obligation to use state funds only when appropriate standards are met. The application of these standards is articulated here through two defining principles and the requisite implementation steps and intent language in the governing statute. Compliance with these principles will implement the

Board's legislative intent to ensure a net gain of privately held conservation land in the state.

Purpose:

The defining principles below will initially guide Board deliberations regarding the use of conservation fund monies, in accordance with statute. As the application of these principles, and the associated implementation steps and intent language, evolves, the Board may make revisions and suggest additional language be added to explicitly codify Board policies.

Principles:

Principle #1 – Local Control

Funds may be used to acquire land or an easement only after the locally elected legislative body, within whose jurisdiction the subject property lies, has properly approved the acquisition plan by including the proposal on a public meeting agenda with adequate public notice.

Implementation:

- Applicants shall seek local elected legislative body approval.
- Approval is required by the municipalities or County Land Use Authority if the property is in an incorporated area and the county if the property is in an unincorporated area.
- Counties and nearby municipalities will be invited to comment on all acquisitions.
- The board will consider a local legislative body has waived its right to object if the body has not placed the acquisition on their agenda within three (3) months of the submission and/or within six (6) months of the submission.

Principle #2 – Defining the Public Benefit

Funds may be used for an acquisition of land or an easement only after the Board has prepared, reviewed, and adopted a statement of findings describing the unique, irreplaceable, or compelling public benefit(s) gained from the acquisition.

Implementation:

- The Board may appoint a Subcommittee comprised of Board members, who along with Program staff and conservation planners will be guided by the application of these principles to prepare and review a statement of findings.
- Unique and irreplaceable are defined to include lands or easements for which a reasonable person would accept that without the acquisition a compelling public benefit, not otherwise provided by the public lands or easements, would be substantially and permanently lost.
- Public benefit includes sustaining agriculture capacity and production; health; recreation; cultural; scenic and historical preservation; watershed; wetlands; wildlife habitat; economic development; and other equally significant factors.
- Public lands and easements include conservation easements held by public, private, or non-profit entities.

In the event an application to the Fund proposes to acquire fee title to land currently held in the private sector, the applicant must show why the compelling public interest in acquiring this land cannot be reasonably accomplished in other ways, such as allowing the fee title to remain privately owned or through a conservation easement.

Further Intent:

This provision is intended to safeguard against Funds being used to acquire easements or interests in land unless such acquisition can be demonstrated to possess qualities or attributes that are unique and irreplaceable. The following examples will hopefully help clarify this intent:

Example #1

Unique and irreplaceable may include a specific watershed area, even though other watershed areas already benefit the public, because the specific watershed area is critical to ensure the adequacy of the water supply to a given area.

Example #2

Unique and irreplaceable would not include open space in an area where most of the land is already publicly owned and managed to remain as open space unless the open space can be proven to possess some compelling benefit other than being open and undeveloped. This provision is also intended to minimize the acquisition of fee title private lands where the public benefits derived from conserving that land can be realized while leaving the property in private sector ownership.

Example #3

Farmer Brown owns 300 acres of fertile irrigated ground that also serves as a trail access point for large tracts of adjacent public ground. The local community desires a trail link across Farmer Brown's property, and this is the principal reason for wanting to acquire this parcel. Instead of outright acquiring the parcel, the local community should first try to acquire a trail easement from Farmer Brown instead of purchasing the entire 300-acre parcel. This would allow the remaining property to remain in the private sector but still have a public benefit.

Important Program Information

1. Applications may be submitted by local entities, state agencies, and registered (tax-exempt) nonprofit organizations that qualify as a holder under UCA 4-46-302(1). Projects must protect land in perpetuity through acquisitions of property in fee simple, and recordation of a conservation easement and/or an open-space easement. Applicants must submit a Cover Sheet signed by the person responsible for committing funds provided to the applicant for use on this project.
2. The money in the Fund shall be used for preserving or restoring open land and agricultural land. Except as provided in UCA 4-46-302 (2)(b)(ii), money from the Program may not be used to purchase a fee interest in real property to preserve open land or agricultural land but may be used to establish a conservation easement under Title 57, Chapter 18, Land Conservation Easement Act, or to fund similar methods to preserve open land or agricultural land.
3. Notwithstanding UCA 4-46-302 subsection (2)(b)(i), money from the Fund may be used to purchase a fee interest in real property to preserve open or agricultural land if:
 - the parcel to be purchased is no more than 20 acres in size; and
 - with respect to a parcel purchased in a county in which over 50% of the land area is publicly owned, real property roughly equivalent in size and located within that county is contemporaneously transferred to private ownership from the governmental entity that purchased the fee interest in real property.
4. No application relying on eminent domain shall be considered, as UCA 4-46-302 (2)(B)(iii) prohibits the use of funds to acquire any property interest through eminent domain. A parcel of land larger than 20 acres in size may not be divided into separate parcels smaller than 20 acres each to meet the requirement of Subsection (2)(b)(ii).
5. A local entity, department, or organization under UCA 4-46-302 (1) may not receive money from the fund unless the local entity, department, or organization provides matching funds equal to or greater than the amount of money received from the fund.
6. In granting money from the Fund, the Board may impose conditions on the recipient as to how the money is to be spent, which conditions must be strictly adhered to by the Grantee.
7. Under UCA 4-46-302 Subsection (2)(e)(i), the Board shall give priority to projects conserving or restoring working agricultural land; and after giving priority to working agricultural land, requests from the Department of Natural Resources will be honored for up to 20% of each annual increase in the amount of money in the Fund if the money is used for the protection of wildlife or watershed.
8. The Board may not make a grant from the Fund that exceeds \$1,000,000 until after making a report to the Legislative Management Committee about the grant. The

Legislative Management Committee may make a recommendation to the Board concerning the intended grant, but the recommendation is not binding on the Board.

9. In determining the amount and type of financial assistance to provide a local entity, department, or organization under UCA 4-46-302(1) and subject to Subsection (2)(f), the Board shall consider:
 - the nature and amount of open land and agricultural land proposed to be preserved or restored.
 - the qualities of the open land and agricultural land proposed to be preserved or restored.
 - the cost effectiveness of the project to preserve or restore open land or agricultural land.
 - the funds available.
 - the number of actual and potential applications for financial assistance and the amount of money sought by those applications.
 - the open land preservation plan of the local entity where the project is located, and the priority placed on the project by that local entity.
 - the effects on housing affordability and diversity; and
 - whether the project protects against the loss of private property ownership.
10. If a local entity, department, or organization under Subsection (1) seeks money from the Fund for a project whose purpose is to protect critical watershed, the Board shall require that the needs and quality of that project be verified by the State Engineer.
11. An interest in real property purchased with money from the Fund shall be held or be the primary co-holder and administered by the state or a local entity.
12. The Board may not authorize the use of money under this section for a project unless the land use authority for the land in which the project is located consents to the project. To obtain consent to a project, the person who is seeking money from the Fund shall submit a request for consent to a project with the applicable land use authority. The land use authority may grant or deny consent. If the land use authority does not act within 60 days from the day on which the request for consent is filed with the land use authority under this Subsection (6), the board shall treat the project as having the consent of the land use authority.
13. Applicants must demonstrate that all landowners have been notified and are receptive to the proposed project. Applicants must submit, as part of their application, a signed letter from all the landowners and heirs indicating their willingness to conserve the property.
14. The proposed project must be for specific property that meets the definitions of agricultural land and open land as defined by the Conservation Coordination Act. UCA 4-46-102. Applications that are not site-specific will not be considered.
15. If the applicant applies to the Board using the landowner's surname as the responsible party for the project, then they must first obtain the landowner's written permission. The

Board will use the project name provided in the application in public reports to the Governor and the Legislative Assembly and possibly press releases.

16. A nonprofit organization seeking to hold an easement must provide documentation in their application that they meet the holder requirements in the Utah Land Conservation Easement Act, UCA 57-18-101 *et seq.*
17. All nonprofit organization projects, whether fee simple or easement, must be protected by an open-space easement in perpetuity that is held or co-held by a public body (e.g., a state agency or local governmental entity), pursuant to UCA 4-46-302 (1)(a)-(d). An acknowledgement letter or fully executed agreement from the public body stating that it understands that is required to hold or co-hold the easement or hold title to the property in fee simple, must be included as part of the application.
18. The Fund can reimburse 25% and up to 50% of the appraised value or interest acquired of the subject property and up to five percent (5%) of appropriated funds by legislation may be used on eligible costs as approved by the Land Conservation Board for transactions involving state agencies, local entities, or qualified nonprofit organizations. See Appendix A for eligible expenses.
19. If the required 50% match is not determined at the time of the application, a letter confirming that the match will be met must be included with the full application. See example letter in Appendix C.
20. Possible sources of match funding include (a) cash or pass-through dollars from other sources such as grants from other programs; (b) bargain sales, including the actual monetary value of the donated portion of the property; or (c) other conserved property acquired in fee or restricted by an easement within the previous two years, and not acquired with program Funds, so long as the match property is also deed restricted as approved by the Fund.
21. Indirect costs cannot be reimbursed or considered as a match of project funds for purposes of obtaining program funding. These ineligible costs include, but are not limited to staff time, overhead, work provided pro bono, or maintenance/operating costs of lands and facilities.
22. The Fund requires certain property protections to further statewide environmental conservation goals, including permanent vegetated riparian buffers on all funded projects with perennial water resources. Landowners may utilize these riparian areas under a qualified Grazing Management Plan written by a certified planner. These protections must be preserved in perpetuity by the deed associated with the project. See Appendix D for the required provisions and further information on riparian buffers.
23. For projects awarded funding, the requisite public body holder shall include language in the fee-simple deed or in the easement deed that states that the property will be taken under the Conservation Coordination Act, UCA 46-16-102 (9)(a)(b) and that the

protection is perpetual in nature and not extinguishable except as provided for in the CE or as otherwise allowed under state or federal law, including the Easement Act and the CCA,

24. Properties acquired in fee or made subject to an easement using program Funds may not be diverted or converted from the approved use for the Funds. If an easement is terminated, extinguished, or condemned, in whole or in part, then the Grantor must reimburse the Grantee, the total amount equal to the proportionate share of the fair market value of the land unencumbered by the easement. This requirement is a condition of an award of funds, and that language shall be included in the deed of acquisition or the deed of easement.
25. If a nonprofit organization is awarded a grant to acquire fee-simple property, it may be sold only if it remains under easement and the Program is reimbursed for the proportionate amount of the then fair market value of the property equal to the proportion of the value of the property on which the grant was based. The fair-market value of the property must be supported by a current appraisal. An exception may be granted if the property is transferred to a public agency and the recorded deed of transfer states the agency agrees to hold and manage the property for the purposes for which it was originally acquired.
26. All projects awarded Funds must submit the due diligence documents specified in Appendix A.
27. Utah Law states that LeRay McAllister Funds may not be used by recipients for a 1031 tax deferred exchange. Landowners are encouraged to consult early and often with their own attorney and/or tax advisor to structure the transaction to comply with applicable laws and regulations. UDAF cannot provide legal or tax advice to landowners or applicants.
28. Grant payments are made using a reimbursement model and cannot exceed the amount expended by the grant recipient.

LERAY MCCALLISTER WORKING FARM AND RANCH FUND
GRANT AWARD PROCESS

Grant Schedule and Conditions drafted for the Board: The Board approves the drafted application materials and sets up the funding calendar.

Subcommittee: The Land Conservation Board may appoint a Subcommittee made up of Land Conservation Board members, with technical assistance from UDAF staff, and conservation planners, when needed.

Request for Proposal (RFP): Following Legislative Appropriations, the Land Conservation Board approves RFP using documents drafted by and according to schedule recommended by the Board.

Pre-Application: Used to determine whether a project meets the Fund eligibility requirements. The Subcommittee reviews pre-applications and schedules site visits. The Subcommittee makes recommendations to the full Board, and qualified applicants are invited to submit a full application.

Full-Application: The full application contains detailed information about the project and the applicants including budget, sources of funding, supporters, and other information. The Board reviews the applications with input from UDAF staff.

Site Visit: Board members, staff and others visit the site to evaluate it on the ground. Pictures of the site are taken, and information gathered for use in evaluating the application. Site visits may occur multiple times during the application process.

Technical Evaluation: The Subcommittee made up of Board members will assess the values of the property and complete additional written evaluations provided by UDAF Staff and conservation planners which is then sent to the Subcommittee for use in evaluating the application.

Subcommittee Meets. The Subcommittee meets to review the applications following the site visit and technical evaluations. Applicants are invited to address the Subcommittee and to answer questions arising from the visits and evaluation. After reviewing all the applications, the Subcommittee makes a recommendation to the Board about which applications should be funded, and at what level. The Subcommittee's recommendations are transmitted to the Board for their action.

Board Makes Awards: The Board reviews the recommendations of the Subcommittee, awards funds, and sets conditions for applicants. Two-year deadlines are imposed for the completion of projects.

Projects Completed: Grant recipients complete projects, schedule closings, or complete work and request funds from the Board. Contracts are signed between the Board, State, and applicant.

Money is transferred to Land Conservation Holding Accounts or paid to reimburse eligible expenses. Staff from the Utah Department of Agriculture and Food, Conservation Division, will oversee this process and will track grants through closing. Additional reports to UDAF or the Board may be required prior to the final payment of grant monies.

LERAY MCALLISTER WORKING FARM AND RANCH FUND APPRAISAL POLICY

Appraisal Required with Full Application: As a rule, an appraisal which is less than one year old should be included with the full application when it is submitted. A full appraisal *must* be submitted prior to receiving funding.

Certified Statement or Estimate of Value Accepted under certain circumstances: If federal funds are to be used as a match, and if the federal grant cycle requires it, it may be necessary to do an appraisal later in the cycle. In these cases, the Board will accept a certified statement of value from a Certified Appraiser in place of a full appraisal at the time of submitting the full application. However, the full appraisal will still be required prior to payment of funds.

Applicant is Responsible for Estimate of Value: If a certified statement of value is used, the applicant assumes all risks associated with the estimate of the land's value. The Board will not increase the requested amount because the appraised value increases. The applicant is also informed that the Board will reduce the award if the appraised value is lower than the value estimated, and the request is more than 50% of the total appraised value.

The Board may award less than requested: The Board reserves the right to reduce the actual amount awarded below the amount requested to improve the leverage, or to fund additional projects, or for any other reason. Applicants should not assume that they will receive the amount requested and should have a contingency plan in case the award is less than the amount requested.

The final appraisal, or estimate of value, is not required when submitting the pre-application, but it is preferred so that the viability of the project can be evaluated.

APPLICATION INSTRUCTIONS
LERAY MCALLISTER WORKING FARM AND RANCH FUND
2023 GRANT PROGRAM

The applicant should read through this entire grant manual to become familiar with program specifics and requirements. We recommend that applicants contact UDAF prior to submitting their application. Please contact Jeremy Christensen at 385-441-4106 or jeremyc@utah.gov, if you have questions or need assistance filling out the application form.

Application Information and Deadlines

Applicants may apply to the program by first submitting a grant pre-application, available at: <https://www.ag.utah.gov/leray-mcallister-working-farm-and-ranch-fund/>. Qualified applicants will be invited to submit the full application. A complete application packet includes the required items listed in Appendix A as one searchable PDF document. DO NOT include the grant manual with the application.

The Funding calendar and timeline will be posted on June 1st, 2023 on the Utah Department of Agriculture and Food website: <https://www.ag.utah.gov/leray-mcallister-working-farm-and-ranch-fund>

All applications require a separate packet which includes a project summary of the proposed land conservation project including a list of public benefits and active uses and operation of agricultural or open space projects. Please attach a legal description, project map or restoration area if applicable, photos or other documents to describe the property and restoration costs.

Email your completed application to Jeremy Christensen at jeremyc@utah.gov. It is the responsibility of the applicant to ensure the submission meets the application requirements and the deadline. UDAF will confirm receipt of the application via email. Please inquire if you do not receive confirmation in a timely manner. Last minute submissions may have a delayed confirmation past the application deadline, but if a complete application is received before the deadline, it will be accepted.

Questions?

- Application inquiries: Contact Jeremy Christensen at (385) 441-4106 or jeremyc@utah.gov, or Roberta Valdez at (385)229-0472 or robertavaldez@utah.gov.

Application Categories

Applicants may select a primary category for their project. A second category or more may also be chosen to increase the possibility of receiving funds but this is not required.

NOTE: The applicant is advised to review the program requirements carefully to determine the best category or categories for your project.

Program Information by Category

1. Funding scenarios are set out in UCA 4-46-301-302 based on amount of funding appropriated in the state budget for the Program.

A. **Working Agriculture Land** – Applications of agricultural lands will be evaluated according to:

- Soil Productivity – The parcel will be ranked based on the percentage it contains of each of the following soil types which can be found here: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

“Prime Farmland” is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion, as determined by the Secretary of Agriculture. It may include lands currently used to produce livestock and/or timber.

“Unique Farmland” is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the Secretary. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables.

“Important Farmland” that is of statewide or local importance other than prime or unique farmland is used to produce food, feed, fiber, forage, or oilseed crops, as determined by the appropriate State or unit of local government agency or agencies, with the approval of the Secretary of Agriculture.

Please note, UDAF planners will assist applicants in filling out the portion of the application addressing soil types and percentages (“General Criteria – Planner Worksheet”) Applicants may provide this information if known.

- Property acreage. The size of the parcel in relation to average agricultural parcel sizes in the locality will be used as a determining factor. More information can be found at: <http://agcounts.usda.gov/>
- Water rights. Grantee must assure that the Easement Deed contains a clause requiring that the water rights associated with the land and covered by the easement will be retained with the land and not leased, severed, or sold to maintain the conservation values of the land and to accomplish the conservation purposes of the Project.
- Adjacency to conserved lands. The degree to which property is located adjacent to, or nearby, already conserved lands held in perpetuity. Larger

blocks of unbroken agricultural lands potentially provide the greatest value and range of benefits from protection of rural land uses.

- Development vulnerability rank. Parcels will be evaluated according to the vulnerability to be developed.
- Best Management Practices. The existence of Best Management Practices (BMPs) and farm management plans that are currently being utilized as part of the normal operation of the farm, either implemented through state and federal conservation programs or voluntarily implemented without state or federal cost-sharing or technical assistance. Best management practices may include stream fencing, buffers, conservation tillage, cover crops, or animal waste management. Examples of the farm management plans could include, but are not limited to, a grazing management plan, a nutrient management plan, a conservation plan, or a resource management plan (which would include both the conservation plan and nutrient management plan.)
- Locality Support. The support for the project is evidenced in local farmland protection policies, including the comprehensive plan, agricultural zoning, agricultural conservation districts and green belt tax valuation.
- Conserve Utah. The project will be evaluated based on the percentage of the total project area included in a high conservation area.

B. **Open Spaces** – is land preserved in or restored to a predominantly natural, open, and undeveloped condition. Applications of open lands will be evaluated according to:

- Wildlife Habitat – is land that contains relatively natural wildlife habitat, ecosystems, or natural features or contains important species or circumstances of natural communities for those species. If possible, land should buffer agricultural land, wetlands, wildlife habitats, or sensitive areas yet meet public access within reason or limits. Land that is part of a larger planned conservation effort by including other categories of other open land classification.
- Cultural or Recreational Use – is land that has significant public benefit and protects important viewsheds of federally, state, or locally designated scenic lands or recreational lands or trails including state-wide connecting trails. Supports local or regional plans for open space or contributes to protection of a state, regionally, or locally identified conservation corridor. These lands shall be made available for public access and use, including, but not limited to, hunting, fishing, hiking, or wildlife watching. These lands may have a concentration of natural, historic, or open space resources that face high risk of development, are included in protected areas or near other existing easements and contain low existing development. These lands must be established so that they can be adequately protected at a reasonable cost and levels of effort.

- C. **Watershed Protection and Other Use** – Land protection of important watershed areas or other uses consistent in preservation or restoration of land to a predominantly natural, open, and undeveloped condition may include Forest, Historic Area, Natural Area, and open space preservation. To the degree to which the property is classified and managed the easement must maintain a management plan or equivalent.

- D. **Restoration** - Land that is restored to a predominantly natural, open, and undeveloped condition; and used for:
 - A. wildlife habitat.
 - B. cultural or recreational use.
 - C. watershed protection; or
 - D. another use consistent with the restoration of the land.

- E. **Restoration Eligible Cost**
 - 1. project planning, mapping, and engineering
 - 2. wetlands delineation
 - 3. acquisition of water rights
 - 4. soils testing
 - 5. grading
 - 6. excavation
 - 7. channeling
 - 8. stabilization
 - 9. soil application
 - 10. revegetation, planting and seeding
 - 11. etc.

It is very important that applicants prepare the project budget as accurately as possible. Due to limited funds, the Board discourages applicants from submitting requests for additional funds after a grant has been approved, although we retain the option to entertain an additional request if there is some compelling case. We want to be clear to applicants that it is highly unlikely for an additional funding request to be granted for a previously approved project. This does not mean that applicants are discouraged from submitting subsequent applications for new projects or planned phases of a project.

Application Review and Grant Awards

Application will be received and reviewed by the Conservation Planners and staff for completeness. Any incomplete applications will be returned for items missing. As the applications are received scheduling for site visits will begin.

The Land Conservation Board Ranking Subcommittee will review the site reports and qualified pre-applicants will be invited to fill out the full application. The subcommittee will preliminarily rank the projects and report them to the Land Conservation Board.

The Land Conservation Board, guided by the recommendations of board members and UDAF

staff, awards the grant funds, and set conditions for applicants. After the

Board takes action to approve grants, successful grant recipients will be notified of the pending grant award via email.

Requirements for Grant Recipients

Grant Agreements

Within a few weeks of email notification of a grant award, a grant agreement will be emailed to the grant recipient to sign and return the document. After all signatures are received, a copy of the fully executed agreement will be provided to the grant recipient.

Grants are made for a two-year period. Administrative extensions of up to one year may be granted upon circumstances documented by the grant recipient.

Periodic Status Report

Grant recipient will report the status of the project at a minimum of twice a year.

Final Steps and Closing

All documents on the application checklist must be provided to and approved by the Land Conservation Board prior to the funds being disbursed. These documents are listed in the Appendix.

Under no circumstances will LeRay McAllister funds be disbursed until all required documents have been provided, reviewed, and approved by the Board and all required deeds are ready to be recorded.

If grant funding is provided to a closing agent, then a copy of the recorded deeds must be provided to the Board within **two months** of closing.

Appendices

List of appendices:

- Appendix A Grant Specifications
- Appendix B Example Match Letter
- Appendix C Riparian Information Sheet

Appendix A – Grant Specifications

- A. Required Items in a Pre-Application:
 - 1. Pre-application Cover Sheet signed by an authorized individual.
 - 2. Maps of the project – Aerial, Topo and GIS shapefile
 - 3. Parcel Description or Boundary Survey if applicable
 - 4. Photos of the project property, representing the conservation values being protected.
 - 5. A signed letter from all landowners stating that they are willing participants in the proposed transaction.
 - 6. A match letter (Appendix B) if the required match is not yet in hand or a resolution.
 - 7. For non-profit applicants:
 - a. an acknowledgement letter from the public body willing to: hold or co-hold an easement on the property; or hold property in fee simple, and
 - b. evidence that the nonprofit meets the holder requirements found under UCA 4-46-302(1).
 - 8. Letters of support and resolutions from governmental bodies for the project.
 - 9. Any conservation, grazing plans that support the easement.

- B. Eligible Expenses for the Grant Program if approved separately by the Board.
 - 1. Environmental assessments
 - 2. Surveys
 - 3. Title insurance
 - 4. Legal costs, such as drafting a conservation easement, conveyance of water rights, etc.

- C. Documents and Due Diligence Items Required Prior to Closing:
 - 1. A full appraisal report that meets USPAP Standards or UASFLA Standards, performed within the allotted timeframe.
 - 2. Title insurance policy within 90 days prior to closing:
 - a. Must confirm that the seller or donor owns marketable fee simple title
 - b. Encumbrances of record must not impair conservation purposes
 - c. Encumbrances of record must be acceptable to the Land Conservation Board.
 - d. Boundary Survey by a Utah licensed Surveyor that meets Utah code Minimum Standards and Procedures for Land Boundary Survey Practice
 - e. Phase 1 Site Assessment
 - i. report and findings must be acceptable to the Board
 - ii. issues revealed may require remedial action.
 - f. The final version of the required deeds for final Board approval before closing
 - g. A copy of the settlement statement for the transaction

Note: Funds will not be distributed until all due diligence documents have been provided, reviewed, and approved by staff and all required deeds are ready for recording.

Appendix B – Example Match Letter

Date

Land Conservation Board
c/o Jeremy Christensen, Program Manager
Utah Department of Agriculture and Food
4315 South 2700 South, TSOB South Bldg., Floor 2
Taylorsville, UT 84129-2128
PO Box 146500
Salt Lake City, UT 84114-6500

RE: LeRay McAllister Working Farm and Ranch Fund (LRFRF) grant application from _____ for _____ project.

Dear Mr. Christensen:

In the grant application submitted by our organization for the LRFRF for the 2023 grant round, our project budget included a total match amount of \$ _____ of which \$ _____ is to be obtained through grant funding that is not yet committed by and granting agency. We understand the LRFRF will not grant funds for a project whose match is uncertain, and we agree that, if this project is funded through LRFRF, we will commit our organization’s resources to complete the project within the two-year time frame required by the LRFRF program.

Sincerely,

Organization
Title

Appendix C – Required Property Protections and Vegetated Riparian Buffer Information

To safeguard water quality and the conservation value of land conservation projects, the following protections are to be included in all LeRay McAllister Working Farm and Ranch Fund (Fund) projects, whether fee simple or easement acquisitions:

1. Limitations on placement of utilities: Utilities that serve permitted structures on the subject property are allowed if existing. Utilities that do not serve permitted structures on the subject property require the grantee's review and prior written determination that the construction and maintenance of such utilities will not impair the conservation value of the property.
2. Agricultural Conservation Plan: If the property contains agricultural production, then a written agricultural conservation plan shall be developed or in place that stipulates the use of best management practices for water quality protection (such as proper nutrient management, utilization of cover crops, and stabilization of highly erodible lands). This plan shall be developed in consultation with the local Conservation District or the Natural Resources Conservation Service and shall be implemented and periodically updated by the landowner, as long as property remains in agricultural production.
3. Vegetated Riparian Buffers: An area of land where natural vegetation shall be maintained and determined on a case-by-case basis be specified in an approved grazing plan along a river, shoreline, perennial stream as depicted on the USGS National Hydrography Dataset (<https://viewer.nationalmap.gov/advanced-viewer/>), or body of water that has perennial outflow. Additional requirements for vegetated riparian buffers are:
 - Livestock may be included in the buffers and associated watercourses and bodies of water. If so, then a written riparian conservation plan or grazing management plan shall be developed or in the plan that stipulates the use of best management practices for water quality protection. This plan shall be developed in consultation with the local Conservation District or the Natural Resources Conservation Service and shall be implemented and periodically updated by the landowner as long as property remains in agricultural production.
 - Mowing shall be limited to three times per calendar year.
 - Earth-disturbing activities, plowing, and dumping are prohibited (however, tree planting; streambank restoration; forest management in accordance with Utah's Best Management Practices for Water Quality Guide; archaeological investigations; and restoration, reconstruction, and maintenance of documented historic landscapes on historic properties are permissible).

The following structures, activities, and landscapes are allowed within the required vegetated riparian buffers on Fund funded projects:

- a. Buildings, structures, roads, or other impervious Surfaces existing in the buffer prior to the grant award are permissible but cannot be enlarged within the buffer.

- b. A limited number and size of water dependent structures such as docks or boat launches.
- c. A limited number of stream crossings for livestock, pedestrians, or vehicles. Livestock crossings must be addressed in a written conservation plan that specifies the use of riparian buffers for water quality protection.
- d. Access points to reach the water and structures permitted in the buffer.
- e. Lawns (up to 50 feet of frontage) associated with a primary residence, if the site is not subject to severe erosion and the diminished buffer is offset by nearby buffers that are wider than 35-feet.