**Hampshire County Farmland Protection**

Revision:

7/12/2018

**FACT SHEET**

Easement Process Information:

* The HCFPB accepts applications at any time, but they are not evaluated until Fall, when NRCS sets their application timeline.
* Applications received will be ranked by the HCFPB and sent to NRCS and/or the State Authority for funding selections. (Local only applications are not sent to NRCS or the State Authority, but are selected by the HCFPB).
* Once selected, the HCFPB or NRCS (pending application type) will have a preliminary title search conducted on the property. If NRCS is involved, NRCS will also order an environmental assessment of the property.
* If the title is clear or clear title is able to be established, the HCFPB will have a conservation easement appraisal completed on the property. If NRCS is involved, NRCS will order a review of the appraisal. The appraisal value or the landowner’s asking price, whichever is lowest, is the maximum the HCFPB is able to pay for the easement\*.
* If the landowner is willing to accept the price the HCFPB is able to offer, the landowner will pay to have a survey of the property completed (if no recent survey is available).
	+ Residential areas must be surveyed into 2 acre sections
		- Existing residences are able to be kept in the easement or left out of the easement.
		- Future residential areas are able to be reserved, but must also be surveyed into 2 acre areas.
		- It is recommended that an existing or future (or both) residential area(s) be kept in the easement for any future landowner.
	+ Any acreage that a landowner wishes to leave out of the easement, must be surveyed out.
* Once the survey is completed, and if NRCS is involved, NRCS will review the survey plat and descriptions. The plat will also need to be approved by the Hampshire County Planning office.
* If a property has 40 acres or more of forested land that is 20% or more of the easement property, the property must have a forest management plan completed, or have one that is less than 10 years old. (Local easements may not have to meet this requirement if the landowner has no plans to timber.)
* Next, the HCFPB will order and pay for a Baseline document to be prepared for the property. NRCS will review it, if involved.
	+ A Baseline document provides a detailed description of the property around the time of the easement closing using written descriptions, maps, photos, etc.
	+ The HCFPB uses the Baseline to monitor the property on an annual basis and keep tract of any changes to the property.
* Finally, a Deed of Conservation Easement will be prepared for the property, a final title search will be conducted, and title insurance will be ordered. NRCS, if involved, will review all easement documents for closing.
* Once the landowner, the HCFPB, and any co-holders of the easement are comfortable with the easement documents and clear title to the property is established, the HCFPB will set a closing date with our attorney, the landowner(s), and any co-holders to close the easement and permanently protect the property.
* HCFPB will visit the property once a year for monitoring purposes, and to ensure the provisions of the easements are being maintained. If NRCS is involved, an NRCS representative will visit the property once every 5 years along with the HCFPB.

*Please contact Alison Jewell, Director of the HCFPB with any questions at 301-707-1308 or* *hcfp@yahoo.com**. Information contained in this document is subject to change.*

*\*The HCFPB advises landowners interested in Farmland Protection to consult a financial or tax adviser to see how receiving farmland protection funds may effect them financially. If the asking price for the easement is lower than the appraisal’s easement value, the easement is considered a bargain sale, and the landowner may qualify for tax benefits with the IRS.*