

Testimony by Ray & Maryellen Furse, Parties
May 22, 2009

Ray & Maryellen Furse
26 Jack Corner Road
Warren, CT 06777

To All Concerned with Docket 378:

Our testimony relates to Sec. 16-50k of statutes relating to the CT Siting Council's authority to:

(G) (b) (1) . . .

examine . . . (C) whether the proposed facility would be located in an area of the state which the council, in consultation with the Department of Environmental Protection and any affected municipalities, finds to be a relatively undisturbed area that possesses scenic quality of local, regional or state-wide significance.

. . . deny an application for a certificate if it determines that . . . (iii) the proposed facility would substantially affect the scenic quality of its location and no public safety concerns require that the proposed facility be constructed in such a location.

(G) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i that is proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land.

Our testimony consists of four parts, as follows:

I Statement of Personal Experience: Growth of Our Awareness of the Environmental Treasures of our Neighborhood

II Applicant's Failure to Investigate and to Overtly Minimize Any Environmental Impact

III Farmland Preservation and Conservation Goals: State and Private Efforts and Public Perception

IV Conclusions

I Statement of Personal Experience: Growth of Our Awareness of the Environmental Treasures of our Neighborhood

FURSE EVIDENCE 2, 3, 4, 5

1. My wife and I purchased our home at 26 Jack Corner Road in July of 1998. We chose it over a number of others because of the beauty of its location, on a hillside practically surrounded by a working dairy farm. It was a wonderful place to take care of my wife's elderly parents who also enjoyed it—her mom loved flowers and her dad was an avid gardener—until they passed away not too long ago.

2. Over the years we have walked hundreds of times, individually or together with our dog, “around the block” (about 3 miles, up Jack Corner, down Rabbit Hill, along a stream on the Hochberg property that flows into Meeker Swamp, up Couch Road) or over the hill, often directly across the Tanner farm, always delighting in the scenery. Driving home, we often stop our car on Jack Corner Road to watch the clouds or stars, and have often noticed other cars pulled over near the spot we enjoy; we have seen painters and photographers at work capturing the scene, even TV ads being filmed there. It is presented (through 10 pictures) as a location for filming on the website of the Film Division of the Connecticut Commission on Culture & Tourism.

3. We have also come to appreciate that the Tanner Farm and the top of Rabbit Hill not only are places of scenic beauty and rural character but are “ground zero” of an environmental resource that radiates southwestward along Bee Brook to Meeker Swamp, the Macricostas Preserve; westward over Tanner Hill Road down to Lake Waramaug; northward through Angevine farm to the junction of Routes 341 and 45, including a triangular parcel of (another) Tanner farm recently “protected” at state expense; eastward to Wyantenock State Forest and the upper and lower Shepaug Reservoirs on Waterbury Water District lands; southward along the Shepaug River (joined by Bee Brook) through water courses and greenways of the Town of Washington preserved by the Steep Rock Association

4. We have, of course, seen development over the past decade, with six new houses in our neighborhood the first several years after we moved in, and the subdivision of Rabbit Hill, with many new driveways. But we have regarded this as inevitable and have always believed that, anchored by the hilltop farm, for which Luke and Truda Tanner wisely and generously sold development rights to the state under the Farmland Protection Program, Rabbit Hill and environs would forever remain a neighborhood blessed by a protected landscape of scenic beauty and rural character.

5. Thus we were amazed to discover, at a town meeting with SBA last September 26, that a later provision in the statute Sec. 16-50p (a) (2) (G) might allow for a cell tower to be sited on “protected land,” a concept not only counterintuitive but also (considering that the same amendment applies to nuclear power plants) a dangerously ironic use of the language. We object to this site for a cell phone tower because we believe that it will irrevocably mar the scenic beauty and rural character of a truly remarkable environmental treasure, one that the state has already invested heavily in preserving.

6. Finally, we did not simply presume that our opinions would be shared by our neighbors; we have since been in contact with all residents and property owners in the neighborhood and determined that with very few exceptions (Luke and Truda Tanner, of course), all are opposed to this choice of a cell phone tower site.

II Applicant's Failure to Investigate and to Overtly Minimize Any Environmental Impact

FURSE EVIDENCE 6, 7, 8

7. Under Part VII of its Application, Environmental Compatibility, the Applicant states:

"Pursuant to CGS Section 16-50p, the Council is required to find and to determine as part of the Application process any probable environmental impact of the facility on the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forest and parks, air and water purity and fish and wildlife. As demonstrated in this Application and the accompanying Attachments and documentation, either of the proposed Facilities will have no significant adverse environmental impacts."

8. In fact, there is no "demonstration" whatsoever of the concluding statement above, nor any reasonable support for it. On the contrary, it appears that the readily available sources from which a fair and honest evaluation might be made were ignored. With regard to scenic resources:

9. In Part VII A of its Application, the Applicant states that "As of February, 2009, The Town of Warren does not have a Plan for Conservation and Development."

10. In fact, Warren has had such a plan in place in 1974. The Town of Warren Plan of Conservation and Development, 1989, re-ratified in 1999, includes a "Community Features Map B," which indicates "Scenic Vistas and Lands of Potential Conservation Interest." Note Item 8, labeled "Panoramic vista from Jack Corner Road." The right arrow of the map points directly to the proposed locations of the towers. In fact, all three arrows radiate outward from a point which is precisely where the sign announcing the intention to construct the tower is now posted.

11. The Warren 2009 Plan of Conservation and Development identifies both Scenic Roads and Scenic Views on its "Character Resources Map." All of Rabbit Hill Road along the proposed A and B tower sites is designated a Scenic Road in this plan (p. 28-29), which further recommends considering "adopting a scenic road ordinance (as authorized by CGS 7-149a) to establish a process for protecting the scenic qualities of local roads."

12. The effort to ignore or minimize Town of Warren plans for preserving its scenic vistas continues as of this writing, with the Applicant's admission on May 13 that it has (suddenly) "managed to obtain" the Warren 2009 Plan of Conservation and Development. This document was presented for public discussion at two town meetings in the fall of 2008, one in August (prior to the Town Meeting for public discussion of the cell tower) which I personally attended. At that time an e-mail copy of the plan was offered to anyone who wanted one; the Furses asked for one and duly received a copy, as have more

than a hundred other residents. Again contrary to the Applicant's assertion, the Plan has been available in digital form from the Plan Update Steering Committee, and for others in hard copy at the Town Hall.

13. The pages of the Town Plan now cited by the Applicant under "Enhance Telecommunication Services" clearly state under "Policy Concepts - Siting Preferences" that "There should be no detrimental impact to *any* scenic area, scenic vista, designated scenic road, ridgeline, or significant geologic or natural features within Warren, **especially those noted in the Plan of Conservation and Development.**" [emphasis mine] That the area of both sites is designated as scenic in this and previous Plans of Conservation and Development dating back more than two decades is established in 10 and 11 above.

14. The Applicant attempts to obfuscate this issue by calling attention to the fact that the Warren 2009 Plan of Conservation and Development was not adopted by the town until about mid-April 2009. Since the completion of its drafting last fall, the new Plan has been subject to review and public comment. However, prior to its adoption, the 1989 plan, re-ratified in 1999, remained in effect. This is the very same plan that designates the proposed owner location as a Scenic Vista (in 2 above). To summarize: The Town of Warren, CT, has had a Plan of Conservation and Development in place and in force continuously since 1974, and for more than two decades had designated the area of the proposed tower as scenic; to not have discovered this in the normal course of site selection is not credible.

15. By its own admission or omission (VI. Environmental Compatibility B. "Solicitation of State Agency Comments"), the Applicant indicates no direct consultation with any state agencies except the State Historic Preservation Office. With respect to the information needed for the Siting Council "to determine any probable environmental impact of the facility on the natural environment," and the Applicant's assertion that, either of the proposed Facilities will have no significant adverse environmental impacts," the Applicant's efforts are clearly insufficient.

16. Had the Applicant presented the simple facts of the Application to the CT Council on Environmental Quality, for example, they might have heard comments similar to these, expressed at a recent meeting ("Review of State Agency Actions," Draft Minutes of Meeting, April 29, 2009):

"Site B is not on farmland preserved by the state, but has more scenic impact than site A, which has considerable scenic impact. Hearn added that the farm location is known locally as one of the best views in the region. There may be no place on that hill that would not have a significant aesthetic impact on the surrounding area. It also may affect views from three state parks and that an expanded view shed analysis should be added to the application. Mandyck said it should be made clear in the comments that there are objections to the negative scenic impacts of both sites."

17. The “Photoisms” prepared by Clough Harbor and Associates for the Applicant do little or nothing to clarify the visual impact that a tower at either site will have. A few examples:

SITE A Photoisms

Note how tower (as indicated by balloon in Existing View 16), leaps considerably to the left and hides behind a tree in Proposed View 16, supposedly as viewed from the same location.

Note how tower (as indicated by balloon in Existing View 18), again moves considerably to the left (indeed to the other side of the telephone pole!) to appear less exposed above the tree line Proposed View 18, supposedly as viewed from the same location.

SITE B Photoisms

Note how tower (as indicated by balloon in Existing View 2), shrinks by about 20 feet in the Proposed View 2, supposedly as viewed from the same location.

Note how tower (as indicated by balloon in Proposed View 20), shrinks by about 30 feet in Proposed View 20, supposedly as viewed from the same location.

Mr. Rodney Bascom notes in his pre-filed testimony: “Of note, the balloon at Site A was flown in the open field and photosimulations were adjusted according to the distance and ground elevation differences in the Site A balloon location. In addition, the Site B was flown at a height of 160 feet during the balloon float. The height of Site B was subsequently reduced to 150 feet and the photosimulations were adjusted accordingly.”

This is an extremely convoluted way of saying that the Site A balloon float was not floated at Site A, nor was the balloon of Site B floated at the height of the proposed Site B tower. All the photographic evidence is thus false and misleading, and photoisms based on them but created later on computers lack any credibility, especially given that all of the obvious discrepancies (between actual photos showing balloons and photosimulations showing the towers) appear favorable to the Applicant (in demonstrating less visual impact rather than more). As tools for analyzing visual impact, these doctored images are inaccurate and useless; and since visual impact is a central consideration, the Application should be dismissed for for these reasons alone.

18. Finally, the reputation of Rabbit Hill and environs as epitomizing the scenic beauty of rural Connecticut is well-known to many who appreciate our state’s environmental treasures, including Governor M. Jodi Rell, who has written to the Siting Council:

“I question the location of this tower in an area known for its pristine and natural beauty. The location of a telecommunications facility and associated equipment, which includes a 160-foot tower, in the midst of this natural treasure will be **nothing short of an eyesore.**” [emphasis added]

III Farmland Preservation and Conservation Goals: State and Private Efforts and Public Perception

ATTACHMENTS 1, 2, 3, 4, 5, 6, 7 also included in:

FURSE EVIDENCE 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 19, 20, 21, 22, 23

19. Much is being made of a supposed exception allowing the Siting Council to approve “a facility described in subdivision (6) of subsection (a) of section 16-50i that is proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land.” That this is an agenda-driven misreading of the intent of this exception is clear from reading the legislative transcripts relating to its adoption (see ATTACHMENT 7), in which there was no discussion whatsoever of a broader applicability.

20. It is further clear that regardless of the decision of the Siting Council, the Applicant cannot use Site A without applying to the holder of development rights, the state of Connecticut. The state’s position on this is clear. See Attachment 1.

21. It is further clear that to situate a cell phone tower on Site B, or anywhere in the immediate vicinity, would be equally and irrevocably damaging to the goals of farmland preservation, the public perception of it, and the considerable public resources that have been devoted to it, for the following reasons:

22. The Farmland Preservation Program is highly competitive, with many applications and limited funding. Purchasing decisions are made not only with the intent of preserving arable land, but with due consideration given to other factors, including clustering (preserving properties that are close or contiguous), scenic beauty, historical associations, and recreational possibilities, among others. The following descriptions are from press releases from the Governor’s office announcing successful acquisitions, and enumerating their qualities:

McCaw Farms, 51 and 2156 acres: “located along the historic Lebanon Town Green, the largest town green in the state. They both abut the newly-established Lebanon Agricultural Museum.” FURSE 9

Cushman Farm, 13.6 acres: “contains a considerable amount of prime and important farmland soils. The area is in a rural agricultural community and a scenic area of the state,” FURSE 11

James Allen Farm, 102.2 acres: “abuts the State Rail Trail and is surrounded by other farmland and is a very scenic area.” FURSE 11

Bogus Farm, 134 acres: “features a portion of the headwaters that fed the lakes in the Huntington state park, numerous vernal pools, a trail system that interconnects with the trail system in the state park, and many interesting and unique rock formations.” FURSE 13

23. The mingling of these public benefits in press releases describing successful projects reflects deliberate, coherent, and oft-expressed concepts and policies. Based on statements in their publications, the conservation goals of Connecticut's state agencies, local conservation organizations, and land trusts may appear varied, but are ultimately complementary and mutually supportive. See Attachment 2.

24. Although state agencies may have their own designated areas of responsibility, with particular goals, and programs tailored to meet those, the public tends to lump these efforts together, perceiving them as coordinated to attain a desirable whole. For example, although one may narrowly construe the primary goal of the Farmland Preservation Program (DOAG) as securing land to maintain food production capability, the public tends to see a broader environmental benefit, including preserving rural character, scenic quality, and public access to open space. See Attachment 3.

25. This convergence of goals and benefits is acknowledged by the DEP, in its discussion of "Agricultural Land and Open Space" in *The Green Plan*. As well, this interpretation of convergence of goals and benefits appears to be subscribed to by Governor Jodi M. Rell. See Attachment 4.

26. Cooperation and coordination are professed goals of all the various entities (with no known exceptions) engaged in land conservation. Coordination between state agencies at all levels is deemed desirable and directed by the OPM's *Conservation and Development Policies* and the *Green Plan*. See Attachment 5.

27. Consequently, when a state agency becomes a partner with local government, conservation group, or land trust, it would not be prudent or workable, perhaps not even possible, to have different standards or significantly different interpretations of what key terms like "conservation easement" or "protected land" mean.

28. Under "Prohibited Uses" in the Conservation Restrictions of the Warren Land Trust, for example, is included: "any building, tennis or other recreational court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, billboard or other advertising display, **antenna, utility pole, tower, conduit, line, sodium vapor light . . .**"

29. Considering the various ways these entities might cooperate utilizing the variety of programs and their combinations available (see Attachment 6), the state typically purchases from 10 to 100 percent of development rights.

30. The area of the Site A and Site B, centered on the 240-year old hilltop Tanner Farm protected by the Farmland Preservation Program, and surrounded by other state-protected lands (Wyantnock State Forest), Waterbury Water District land, the Tanner parcel at Routes 45 and 341, and the Macricostas Preserve, exemplifies all of the goals cited in these various preservation success stories. The latter Preserve, a key component in the ecosystem most impacted by

the present Application, was bought with a combination of funds from the Town of Washington, the state's Open Space and Watershed Land Acquisition Program, and the private Steep Rock Association, supported by individual contributions.

31. Naturally, the state has acted immediately to prevent any encroachment or development on lands it has protected (FURSE 10). The fact that it is doing so with respect to this Application demonstrates the seriousness in not allowing its interests, which are identified as those of the people of Connecticut, to be preempted.

32. If the Siting Council presumes an authority to approve Applications like the one described in Docket 378, no land trust, conservation group, local government, or public-minded donor can be confident of having a reliable partner in the state for any collaborative conservation effort. The ability of these various entities to work together for the public good would be irrevocably impaired. It is only common sense that "land protected from development" mean just that to all who are engaged in protecting it.

IV Conclusions

Part I Conclusion

The Rabbit Hill area chosen for either proposed tower constitutes a quintessential example of where *not* to site a tower. The proposals are so obviously inappropriate that a member of the CT Council on Environmental Quality seriously suggested “obtaining photos of the location as a ‘before’ – in case the tower is approved; these could be an example in future cases of the negative impact a badly located tower can have.” We should not need a negative example. So that the area can remain a shining *positive* example of how our state’s scenic beauty and rural character can be preserved for future generations to enjoy, the Application should be denied.

Part II Conclusion

The Applicant’s utter failure to investigate the environmental resources at risk or to present a reasonably accurate inventory of them by which the Siting Council might plausibly determine whether the site “possesses scenic quality of local, regional or state-wide significance,” coupled with the transparent attempt to provide visually manipulated images giving a misimpression of tower impact on view sheds favorable to the Applicant, should be cause for the Application to be denied.

Part III Conclusion

The state has invested considerable resources, provided by taxpayers, including the undersigned, to protect this land from development. Denying this Application in its entirety with respect to both Site A and Site B, is essential to preserving past, ongoing, and future collaborations of state agencies, and local and private organizations on projects designed to meet mutual goals of conservation. All entities engaged in this good work must share a common understanding of the regulations and restrictions governing the resources they assume stewardship of, and must be confident that the state is acting in good faith as a reliable partner in their efforts. For this reason the Application should be denied.

Sincerely,

Ray & Maryellen Furse

ATTACHMENT 1

“Site A is on land on which the state has acquired development rights under the farmland preservation program. The owner has already sold the rights to use the property for any nonagricultural purpose and may not sell it again. The statute governing the Siting Council appears to allow for consideration of the site, but such consideration does not alter the fact that the applicant does not have the permission of the easement holder (the state) to build there. Members agreed that the idea of allowing the replacement of preserved farmland with farmland in another place is an extremely dangerous precedent that should not be accepted as a rationale for allowing the use of preserved farmland for a non-agricultural enterprise.

Council on Environmental Quality
Draft Minutes of April 29, 2009 Meeting
Review of State Agency Actions

“. . . relative to Parcel A, the development rights to that 182-acre parcel were sold to the State of Connecticut in 1996. It is the State that retains the exclusive rights to the property, and absent the express authorization from the State, the tower must not be situated on that property.”

Governor M. Jodi Rell
Letter to Daniel F. Caruso, Chairman,
Connecticut Siting Council
April 29, 2009

ATTACHMENT 2

“A goal of this plan is to preserve diverse landscapes that offer outdoor recreation, preserve fragile natural communities, agricultural lands, and habitats for plants and animals, protect and enhance water resources, and offer green spaces accessible to residents both in the country and in the cities. These natural, scenic, recreational, and historic areas of the state are essential to the quality of life, are important economic assets in Connecticut, and must be maintained and protected from adverse effects.”

*Conservation and Development
Policies, Plan for Connecticut, 2005 – 2010
Office of Policy and Management
Intergovernmental Policy Division, p. 55*

“Why Protect Open Space? Although each protected parcel has its own unique value, open space as a whole provides a wealth of valuable “services” to Connecticut’s citizens. While the full list of benefits is too extensive to include here, these services include options for outdoor play, activity, and environmental education. Forested areas are especially adept at removing carbon from the atmosphere, which helps to minimize global climate change, and floodplains, coastal waterfront and adjacent uplands provide opportunities to respond to the anticipated effects of climate change. Other valuable open space services are the provision and preservation of scenic beauty, contributions to local sustainable economy from wood, food and fiber production, and maintenance of the diversity of Connecticut’s landscape. Open space also can provide a variety of specific ecological functions such as preserving biodiversity, habitat for rare species, stream flow and water supply protection, and flood control. Open space protection will play an expanding role in Connecticut’s economic future as businesses increasingly consider quality of life in making decisions on where to locate and expand.”

*The Green Plan: Guiding Land Acquisition and
Protection in Connecticut 2007-2012
Connecticut Department of Environmental
Protection
September 2007, p. 1*

The Warren Land Trust is an advocacy group dedicated to the preservation of the rural character of Warren. Its mission is to preserve farmland, open space, natural and endangered resources such as wetlands, forests and wildlife habitats, to encourage outright gifting of land for permanent protection and the use of conservation easements to preserve open space.

Mission Statement
Warren Land Trust

ATTACHMENT 3

“In addition to showing widespread support, the literature also provides information on underlying motives for household support of farmland preservation. In the Fureseth survey data, public opinions were clearly related to both agricultural objectives (food supply, farmland part of local heritage, ensure future food supply) and environmental objectives (open space is good for the environment). Kline and Wichelns (1996) conclude that Rhode Island residents believe that farmland preservation activities should focus on environmental objectives that are distinct from agricultural / amenity objectives (e.g., preserving rural character, scenic quality, and public access to open space).”

Public Support for Farmland Preservation Programs: Empirical Evidence from Connecticut by
Jeremy D. Foltz, Assistant Professor,
University of Wisconsin-Madison and Bruce
A. Larson, Assistant Professor, University of
Connecticut

ATTACHMENT 4

“Agricultural lands are integral to the quality of Connecticut’s landscape and essential to the character of many towns. Working farms, pasture, tilled acreage, and associated forest are critical complements to the open space protection efforts outlined in this plan.

“Despite having to exclude preserved agricultural land from the total open space tally, one focus of the grant programs discussed in this document is the preservation of local agricultural heritage for scenic and open space amenities. Protected agricultural land preserves a “sense of place” in our more rural towns and, in many ways, the State’s open space and farmland preservation programs complement each other.

“. . . these [DOAG] efforts fulfill an important role by protecting food and fiber producing land resources. In addition to providing fresh, locally grown foods, farmland can also offer important environmental benefits including providing wildlife habitat and flood control.”

*The Green Plan: Guiding Land Acquisition and
Protection in Connecticut 2007-2012*
Connecticut Department of Environmental
Protection
September 2007
P. 13

“There are also so many intangibles. It is what we feel as much as what we see when take a peaceful drive through the Connecticut countryside,” Governor Rell said. “The historic stone walls that cross through fields and forests remind us of Connecticut’s rich agricultural past – one certainly worth preserving for future generations. We must honor that past and safeguard our future.”

Press Release
from the Executive Chambers
of Governor M. Jodi Rell
December 4, 2008

“I fully understand the need for telecommunications towers in our State, particularly in our more rural areas where cell phone coverage can be spotty; but those decisions cannot be made in a vacuum, without fully considering the effects on our environment, our natural habitats and our landscape. The Siting Council must consider the historic and unspoiled landscape of this scenic section of our State.”

Governor M. Jodi Rell
Letter to Daniel F. Caruso, Chairman,
Connecticut Siting Council
April 29, 2009

ATTACHMENT 5

“Integrated planning is the principal strategy for assuring that state-level development is consistent with the Plan. Horizontal coordination involves communication between state agencies for program impacts that cross agency program or geographic lines. It is important to strengthen processes for carrying out coordinated horizontal planning in order to manage intersecting state agency interests in ways that are consistent with the Plan. Vertical coordination involves communication and integration of planning processes between and among different levels of government.”

*Conservation and Development
Policies, Plan for Connecticut, 2005 – 2010
Office of Policy and Management
Intergovernmental Policy Division
p. 107*

“The State seeks out and works with partners to help in acquisition of state-owned open space land. Land trusts in particular have been key allies in land protection efforts in Connecticut. They have not only directly acquired land and easements, but have also assisted the State in protecting properties. Municipalities, private nonprofit land conservation organizations, and water companies are eligible to receive funds through the Open Space and Watershed Land grant program for the acquisition of open space lands.”

*The Green Plan: Guiding Land Acquisition and
Protection in Connecticut 2007-2012
Connecticut Department of Environmental
Protection
September 2007
p. 9*

ATTACHMENT 6

FARMLAND PROTECTION PROGRAMS IN CONNECTICUT

	CT Farmland Preservation Program <i>CT Department of Agriculture</i>	Joint State-Town Farmland Preservation Program <i>CT Department of Agriculture</i>	Open Space & Watershed Land: Acquisition Grant Program <i>CT Department of Environmental Protection</i>	Farm & Ranch Lands Protection Program <i>USDA/NRCS</i>
Who may apply?	Landowners	Municipalities, Landowners	Municipalities, Water companies, Non-profit conservation organizations	Municipalities, States, Non-profit conservation organizations
Eligibility Requirements	Property must: – Be an active farm operation – Include a minimum of 30 acres of cropland or be adjacent to a larger parcel – Meet minimum program criteria that includes: amount of prime and important soils, amount of cropland, proximity to other active farms, viability of agriculture business, proximity to agricultural support services, and surrounding land use – Meet requirements of FRPP if federal funding will be used as part of sale.	Municipality must: – Have a policy in support of farmland preservation – Have a farmland preservation plan developed and approved by local policy-makers – Have a fund established for the purpose of purchasing development rights – Have a willing applicant who has voluntarily offered to sell development rights – Meet requirements for FRPP if federal funding will be used as part of sale. Property must: – Be an active farm with 30 acres of prime or important farmland soils – Have a minimum gross value of annual agricultural production of \$10,000.	Program can be used to purchase development rights on farmland or farmland in fee. No minimum acreage or prime agricultural soils required.	Property must: – Be part of active farm operation – Have prime or important agricultural soils or have historic or archeological resources – Meet minimum program criteria for amounts (or percentages) of prime and important farmland soils and agricultural land use – Be privately-owned (non-governmental) – Have pending written offer with landowner.
Selection Criteria	Priority given to: – Land with high % of prime and important agricultural soils and cropland – Land in proximity to other active farmland, protected lands and farm services.	Priority given to: – Land with high % of prime and important agricultural soils and cropland – Projects that comply with local and/or regional open space plans or plans of conservation and development	Priority given to: – Land vulnerable to development – Projects that comply with local and/or regional open space plans or plans of conservation and development – Land with diverse categories of natural resources – Projects with pending written offer with landowners.	Priority given to: – Land vulnerable to development; land with high % of prime and important agricultural soils – Projects with high % of non-federal matching funds – Projects must have non-federal matching funds in hand.
Cost-share Requirements	State may pay up to 100% of value of development rights.	State may pay 10-75% of value of development rights depending on quantity of active agricultural land within 3-mile radius of the subject farm.	State will pay up to 50% of either fair market value of development rights or purchase price, whichever is less.	The FRPP will pay up to 50% of fair market value of development rights. Applicant must provide cash match of either 25% of development rights value or 50% of purchase price. Landowner donations of up to 25% of development rights value may be considered part of applicant's match.
Easement Requirements	Only agricultural and compatible uses permitted. Property may never be subdivided or converted to non-agricultural use. No public access required. State easement language required. Subject to federal requirements if FRPP funding is used.	Only agricultural and compatible uses permitted. Property may never be subdivided or converted to non-agricultural use. No public access required. State easement language required. Subject to federal requirements if FRPP funding is used.	Public access required. Limited agriculture-related structures permitted on protected land. State easement language required.	USDA farm conservation plan required. USDA easement language required. USDA must be named as co-grantee in easement. No public access required.
Application Period	Applications accepted continuously. Applications must be approved by State Properties Review Board and State Bond Commission.	Applications accepted continuously. Applications must be approved by State Properties Review Board and State Bond Commission.	Public access required. Limited agriculture-related structures permitted on protected land. State easement language required.	Applications accepted during an annual "Request for Proposals" period. Applicants awarded FRPP funding must sign a cooperative agreement with USDA/NRCS stipulating to certain easement provisions and agreeing to purchase easement(s) within two years.