



Frequently Asked Questions

New York State Forest Conservation Easements for Land Trusts - 2023

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Applying for a Forest Conservation Easement for Land Trusts Grant

1. *What materials should I review before applying for a grant? Where can I find more information about the program?*

- [Request for Applications](#) and attachments (Evaluation Criteria, Due Diligence Checklist, Minimum Conservation Easement Terms Sheet)
- [Virtual Roundtables Schedule](#) – All interested applicants are strongly encouraged to attend one or more of these meetings and/or calls.
- [FCELT webpage](#) – The webpage includes all of the above documents as well as links to a Resource Guide with links like the State Open Space Plan that applicants may want to review and reference in their project narratives.

2. *How will my application be evaluated?*

Proposals are reviewed by a committee comprised of representatives from the Land Trust Alliance, New York State Department of Environmental Conservation, individuals with expertise in New York's land trust community and the foundation/grant-making sector. All decisions of the review committee are final. Applicants are encouraged to discuss proposed project ahead of time with Alliance staff. Alliance staff may offer advice and coaching for projects but are unable to review draft applications before they are submitted. Please see the Project Evaluation Criteria document attached to the RFP for more details.

3. *When will my land trust receive notice of an award, and award amount, and when will we receive our funding?*

As of this writing, the specific date is unknown, but anticipated to be fall for notice of award. Specific award amounts will not be released until the state holds its FCELT grants announcement.

Once the announcement has been made, grantees will receive an email indicating that a grant agreement has been posted and is ready to review and complete. All grant agreements must be submitted through the online application and reporting system. Grant funds are disbursed as noted in the Request for Applications and can take up to four weeks to be processed and mailed.

4. *If there is a substantive change or clarification during the preapplication or application phase of FCELT, how will it be communicated to all the potential applicants?*

All accredited land trusts will be emailed and a notice will be placed on the [FCELT webpage](#).

Using the Online Application and Reporting System

1. *How do I fill out an application or complete a report?*

FCELT grant applications and reports are to be completed through our online grants portal. If you have applied for an NYSCPP grant in the past, then you probably already have an account. If you do not remember if you have an account, or if you have forgotten your username or password, please contact the Alliance. [Click here to access the FCELT Grants Portal](#).

2. *How often do I need to save a document I am working on? Does the system time out?*

Yes, the online application and reporting system does time out. We strongly recommend that you save your work at least every 15 minutes. The save button is at the bottom of the screen, next to the submit button.

3. *I want to work on my application or report offline. Can I download the questions?*

Grant application questions can be downloaded and saved as a PDF by clicking on the words “Question List” next to the PDF icon at the top of the application form. If you work on the application or report offline in a Word document, you can then copy and paste your application information directly into the online system.

4. *What if I upload the wrong attachment? Can I change it?*

Yes, click on upload again and select the new file. The original attachment will be replaced. You can also click on delete and then upload to select a new file.

5. *What if I need to upload more than one document to answer a particular question?*

For questions that are likely to require multiple document uploads, more than one upload box will be provided. If you find you have more documents than upload boxes available, you will need to merge documents together and then upload as one attachment, as only one file can be attached per upload box. If you try to upload more than one document per upload box, the first document will simply be replaced by the second one you try to upload.

If you are unsure how to combine documents into one file in order to attach them, there are several ways to do this:

- Print out all the documents you wish to attach, then scan them together into one document (Word/PDF)
- If you have Adobe Acrobat, you can merge your documents together (PDF)
- **Please do NOT use zip files as the documents will not display correctly when downloaded to a PDF.**
- For assistance with large file document uploads please contact the Alliance.

6. *Where is the submit button?*

It is at the very end of the online application page (scroll all the way down). Once you submit your final application, further edits cannot be made. If you have submitted your document in error, please contact the Alliance to have it sent back to draft for additional edits.

7. *How do I print a copy of my application or report?*

Click on “Application Packet” at the top of the screen. Be sure to save a copy of this PDF for your files!

Reporting, Scope of Work Changes and Extensions

1. *When are grant reports due?*

Interim reports are required to document progress and to process interim payments. All final reports are due 30 days after completion of the project or no later than January 30, 2026. Please refer to the Request for Applications and your projects Grant Agreement (received when a grant has been awarded) for more information on reporting deadlines and requirements.

2. *Is it important to submit grant reports when they are due? Can incomplete or missing reports impact my land trust's ability to receive future grants?*

YES. It is very important that reports be complete, accurate and submitted on time. If the project is taking longer than expected and additional time is required to complete the deliverables and/or spend the grant and matching funds, an extension may be needed. See below for how to go about requesting an extension. Late, missing or incomplete reports may impact your land trust's eligibility to receive FCELT grants in the future.

3. *Can I make changes to my original proposal or budget after it has been funded?*

In certain circumstances the Alliance may consider allowing changes to the scope of work or budget of a project as long as the changes are consistent with the original intent of the grant funded project. If you anticipate needing to alter your scope of work or budget, please contact the Alliance as soon as possible. Scope of work and budget changes require Alliance (and in certain cases, New York State) approval.

4. *What if the project cannot be completed or my land trust cannot spend all of the grant money awarded?*

The Alliance recognizes that projects may come in under budget or be unable to be completed due to unforeseen circumstances. If this is the case for a project your land trust has received funding for, please contact the Alliance immediately and we will work with you on a case-by-case basis to either re-allocate or return funds if needed. **Please DO NOT return unspent grant funds without contacting the Alliance first.**

5. *How do I ask for an extension and when should I ask for an extension?*

To request an extension, please contact the Alliance to have an Extension Request Form assigned to you to complete through the online grants portal. Extensions should be requested towards the end of the grant period for a particular project, but grantees are encouraged to be proactive and not wait until just before the reporting deadline or after the reporting deadline to make this request.

An extension request is only required if the project will not close by the end of the stated grant period. If extra time is needed to complete an interim or final report due to unforeseen circumstances, please contact the Alliance.

6. *How long of an extension should I ask for?*

Extensions are granted for 3, 6, 9 or 12 months. Projects can take longer than expected so we encourage grantees to be conservative in estimating the additional time that will be required. Subsequent extensions are discouraged and in the rare circumstances they are approved, may come with consequences such as a request to return all awarded grant funds at the end of the 2nd extension period if the project is still not complete.

7. *Do extensions impact my land trust's ability to apply for future grants?*

A documented extension request will not negatively impact a land trust's standing for future Conservation Partnership Program funding. However, unauthorized delays without extension requests may impact eligibility for future funding. As well, the Alliance tracks the year-to-year performance of

grantee land trusts – it is advantageous to complete projects in a timely fashion because past grant performance is considered in the evaluation process.

Put simply, if your grant funded project is taking longer than expected, it is the grantee’s responsibility to communicate that to the Alliance and to request an extension.

FCELT Grant Application Guidance

1. *How can we make our full application as strong as possible?*

Be sure to address any feedback provided by the review committee and focus on Project Evaluation Criteria (Appendix A to the Request for Applications). Make sure to treat the full application as a full application. It should comprehensively explain the project, even if redundant from the preapplication. The evaluators will not go back to the preapplication to try and build the full picture of your application.

2. *Can we propose more than one conservation easement in one application?*

If it is the same landowner using the same conservation easement for separate parcels, then this may be acceptable, but please explain the necessity of more than one conservation easement document clearly. Applications contemplating multiple parcels with differing ownerships are currently not a good fit for this program.

3. *What does “related staff time” in the Request for Applications mean and how would they be reimbursed?*

Related staff time is any time put into efforts directly related to the project including landowner meetings, negotiations, grant application and requirements, due diligence, and project documentation including closing and post-closing transaction-related documentation, due diligence, and grant requirements. Total hours and hourly rates should be reported. Do not submit detailed timesheets. However, the report could be audited, so the applicant should keep the timesheet records.

4. *What kind of recreational and educational improvements within the forest might be permitted?*

CE language should minimize such improvements if not prohibiting them. Anything may be proposed, however, excessive reserved rights for such improvements may reduce a project’s ranking. In general, footpaths and bridges for trails with minimal tree removal would be consistent with FCELT goals and contemplated in the application (if known) and/or the CE should ensure that any proposed uses are consistent with the CE at Grantee’s sole discretion.

5. *Can projects be designed to take advantage of potential forest carbon markets?*

Yes, projects may be designed to take advantage of forest carbon markets as there is no restriction against commercial harvest in FCELT. More information can be found in the Resource Guide section at the [FCELT webpage](#).

6. *What is the latest LTA guidance on sustainable forest management, renewable energy, conservation easement drafting to address climate change, and forest carbon?*

Please refer to the Resource Guide section at the [FCELT webpage](#).

7. *How can we get guidance on the proper use of The Nature Conservancy's Resilient Mapping Tool?*

Some of your land trust peers can likely provide the best guidance. Feel free to contact us at the FCELT program and we can try to help as well. Here's a [link to one tutorial](#).

8. *How would one prohibit Forest Management on portions of the property that are inappropriate for such activities?*

One way this could be done is by prohibiting Forest Management in those areas/zones in the conservation easement. Since all Forest Management activities require Grantee approval, another way to accomplish this would be for the Grantee to refuse to approve a Forest Management Plan that contemplates Forest Management in those parts of the property.

9. *Is a formal title report required for our application?*

No. But please indicate what steps have you taken to research the title to the property and to identify any potential problems (eg. mortgages, mineral or timber severances/leases, easements, etc.). Note that, in some cases, applications that have performed more due diligence may be ranked higher than those with less due diligence performed.

10. *How much forest detail should we provide in our full application?*

It is most important to provide the general characteristics of the forest and its health and how it fits into the larger conservation landscape. A timber stand analysis is not expected to have already been performed on the majority of projects proposed in the full applications. However, there are forestry professionals on the review team and a project may rank higher than others if it has a completed study that supports the habitat, resilience, and ecosystem services narratives.

Due Diligence Guidance

1. *We already have a survey. Is a new one required?*

You will need to provide an updated survey in order to include the required certification block. The contents for the certification block are provided in Appendix E of the Request for Applications.

2. *Can the definitions in the Term Sheet (Appendix C to the Request for Applications) be modified?*

In limited circumstances, on a case-by-case basis, DEC may consider an alternative definition. Be sure to provide context and support for proposed modification. Please contact the Alliance as early as possible to discuss.

3. *How do we submit our draft documents including Conservation Easements?*

We are no longer using Sharepoint. Please email your draft and final documents in their original file format (I.e. Please do not convert MS Word or Excel documents to pdfs) to Jim Daus (jdaus@lta.org) and Jamie Brown (jbrown@lta.org). For all conservation easement drafts, be sure to include the “Term Sheet Crosswalk Table”, a template for which will be posted on the [FCELT webpage](#).

4. *Are expenses incurred prior to the grant award allowed?*

Yes, so long as they are eligible expenses as noted in the Request for Applications and Grant Agreement and occur after the grant period commences as noted in the Request for Applications and reflected in the Grant Agreement. However, applicant’s expenditures are made so at applicant’s sole risk prior to completion of the grant agreement.

5. *What qualifies as verifiable documentation of match with respect to the landowner’s bargain sale donation?*

FCELT requires a clearly documented commitment for any bargain sale. Here are acceptable solutions, but you may propose other ideas for consideration by the Alliance:

- a. An appraisal and a signed purchase contract clearly documenting the bargain sale; or
- b. A letter from the landowner that contains language to the effect of: I (landowner) intend to make bargain sale of approximately \$X, contingent upon the appraisal (or x% of the appraised value of the CE); or
- c. A letter from the land trust board chair saying something like: the land trust has a verbal commitment from landowner to bargain sale of approximately \$X. The land trust will provide match to the extent Landowner is unwilling to provide the full match via a bargain sale.

6. *What are the expectations for a closing escrow agent?*

The land trust may not act as escrow agent.

7. *What if appraisal value comes in lower than expected?*

Please contact us to discuss options. Generally, we will look to ensure that the amount of match remains relatively consistent with your approved application.

8. *Can we get an appraisal earlier in the process to make sure we’ve financially structured the project correctly before getting too far down the road?*

Yes, but it is at the awardee’s risk should conservation easement draft review by the Alliance or DEC result in changes substantive to the valuation. The land trust should provide all substantive conservation easement terms, including those contained in the Term Sheet, to the appraiser as well as the FCELT Appraisal Standards, Appendix D to the Request for Applications.

FAQ Update – 9/14/23

1. *Can commercial forestry be prohibited?*

Yes.

2. *What are the minimum Forest Management requirements of FCELT?*

Forest Management must be permitted and consistent with the conservation values identified in the easement. The forest management conservation easement language must, at a minimum, allow landowners to ensure that the Protected Property remains in a healthy, forested condition (e.g. address invasives). Forest Management shall be carried out as further described in section 6.a.1 of the Term Sheet.

3. *How important are letters of support?*

Letters of support will help your application and may be supplied with the Full Application. Those that are unique and personal are the strongest. Letters from local government officials and community members and community groups are all good examples.

4. *What do we need to know about submitting the title report and updates for Alliance review?*

When submitting your title reports and updates, please remember to include analysis of the title commitment.

- a. For the analysis accompanying the Preliminary Title Report (usually submitted before Report 2, and often prior to completion of appraisal and survey), we are looking for you or your attorney to affirm in writing that there is nothing in the title report that would prevent moving forward with the project. Specifically, confirm to the Alliance whether title has been reviewed by you or your attorney and, if no concerns, that it appears to be merchantable. Identify any potential concerns and how you plan to address them. For example, you may want to delay survey and appraisal until the issues are worked out. Things to consider include: if the chain title is clean, if ownership is as you expected, how any mortgage will be handled, that the property is legally accessible for monitoring, and if there are any syndication concerns. The Alliance will review the title report and your analysis and may flag items for you to specifically address prior to approving final funding of the project.
- b. For the title analysis accompanying the survey and thereafter, please provide (or have your attorney provide) an update on your initial analysis and a brief note for each exception. Explain each exception's impact on the conservation easement and how you plan to address that impact, or your justification for not addressing it. Please also address any other issues you have identified with title and your plan to remedy them as well. Please also remember to answer the several (YES/NO) questions in the Due Diligence Checklist or Status Report (they are identical). The Alliance and DEC (as we get closer to closing) will review the survey, title report, and your title analysis. The Alliance or DEC may flag items for you to address prior to approving the final funding of your project. Applicant's failure to resolve critical title issues may result in the revocation of approval of the grant.

Please provide an updated analysis each time in the process that you provide title reports. If possible/practical, please do so in a way that updates and doesn't overwrite or delete your earlier notes so we can better track and preserve the documentation of the work completed.

For your convenience, here are links to the Alliance's published [Guidance on Title Investigation](#) and a [Practical Pointer on Title Insurance](#) (you'll need to be logged into the [Resource Center](#)).

5. *Can part of the property be excluded from the CE?*

Yes, but please be sure to identify the area or adjacent parcels on your maps and explain why they were excluded in your application. Please explain any subdivision of the property that may occur as a result.

6. *Will this be funded annually?*

We hope so.

7. *If the property appraises higher than the budget submitted, can we petition for more funds?*

While some other state programs may hold back funds and so have more flexibility to do so, FCELT funds are basically fully committed, so additional funds are simply not available.

8. *What is the update to the Term Sheet Sustainable Forestry Definition (2.g.)?*

“Sustainable Forestry” (exact). Forest Management activities that achieve sustainability by practicing a land stewardship ethic that ensures that the Protected Property remains in a healthy, forested condition and includes (individually or integrating a mix of) the following: conservation of soil, air and water quality, Biological Diversity, wildlife and aquatic habitat, recreation potential, and aesthetics and/or the production of an economic return through sustainable production and/or harvesting of Forest Products. Forest harvest activities on the Protected Property are considered sustainable if long-term harvest levels, although variable, are consistent with appropriate growth and yield models in an approved Forest Management Plan or Forest Certification Program.

9. *Are Forest Management Plans required on all FCELT projects?*

The Term Sheet’s Forest Management Plan language is mandatory in all FCELT conservation easements, however, Forest Management Plans are required only prior to undertaking forest management activities.

10. *Are land trusts required to approve all Forest Management Plans?*

Grantor shall be required to notify Grantee of any Forest Management activities and provide Grantee with a copy of the Forest Management Plan at least thirty (30) days prior to commencing Forest Management activities

11. *How can we tie the Purposes of the Conservation Easement section of the Term Sheet to Conservation Values found in our conservation easement templates?*

You may substitute the words “Conserve natural resource values” with “Conservation Values” and “scenic and natural resource values” with “conservation values” in item 3.c.

12. An FAQ above read: “How would one prohibit Sustainable Forest Management on portions of the property that are inappropriate for such activities?” How has this FAQ been changed?

We deleted the word “Sustainable” from the question (which was inadvertently included) to make the guidance more broadly apply to Forest Management in general. The answer remains unchanged.

13. An FAQ above read: “How do we submit our draft documents including Conservation Easements?” How has this FAQ changed?

We are no longer using Sharepoint. Please see the revised answer above.

14. How is the appraisal reviewed?

Final appraisal approval is subject to Alliance and DEC approval and must comply with the Appraisal Standards provided in the Request for Applications. Please note that appraisal report is also contingent upon Alliance and DEC review of title and survey. If substantive title or survey issues are found, those should be contemplated by the appraisal report and valuation analysis. Applicant’s failure to resolve critical title issues may result in the revocation of approval of the grant.