

**New York City Department of Environmental Protection
Bureau of Water Supply**

**Land Acquisition Program
Semi-Annual Report**

July 27, 2015

*Prepared in accordance with Section 4.2 of the NYSDOH
Revised 2007 Filtration Avoidance Determination*



Prepared by: DEP, Bureau of Water Supply

**New York City Department of Environmental Protection
Land Acquisition Program
Catskill / Delaware System
Semi-Annual Report Due July 31, 2015
Reporting Period: January 1, 2015 through June 30, 2015**

**Prepared in accordance with the
New York City Filtration Avoidance Determination of April, 2014**

On January 21, 1997 the Watershed Memorandum of Agreement (MOA) was signed, followed immediately by issuance of Water Supply Permit #0-9999-00051/00001 and then on December 24, 2010 by a successor Permit by the New York State Department of Environmental Conservation. These two documents, as well as the 1997, 2002, 2007 and 2014 Filtration Avoidance Determinations, provide the framework under which the City undertakes activities that lead to acquisition of real property interests for purposes of watershed protection. This report summarizes progress over the most recent six-month period and for the duration of the program to date, and is the first report submitted since issuance of the 2014 FAD.

Solicitation

The 2014 FAD imposes a minimum 300,000-acre solicitation goal that covers the six-year period inclusive of 2012 – 2017, and allows annually for up to 10,000 acres solicited by WAC, as well as acreage counted two-for-one if solicited under the new City Flood Buyout Program (“NYC FBO”) and the Riparian Buffer Acquisition Program (“RBAP”). DEP’s 2015-2016 Solicitation Plan issued October 1, 2014 provides a schedule of expected solicitation for the subject period, which has been used to develop revised projections shown below, based in part on status of the Riparian Buffer Acquisition Program (“RBAP”) and the NYC-Funded Flood Buyout Program (“NYCFFBO”). During the first half of 2015, DEP solicited 23,695 acres. Overall status of solicitation across the six-year period is summarized in Table 1.

Table 1: Solicited (Projected) Acres 2012 – 2017 (Goal: >300,000)

Year	DEP LAP	WAC	RBAP	NYCFFBO	Totals
2012	64,904	2,439	0	0	67,343
2013	40,702	4,626	0	0	45,328
2014	38,785	10,000	0	0	48,785
2015	23,695*	10,000	0	0	33,695
2016	40,000	6,000	2,000	50	48,050
2017	42,000	4,000	3,000	50	49,050
Totals**	168,086	27,065			195,151

* As of June 30, 2015

Figures in gray are projected

** Projected acres not included in totals

Projects Signed to Purchase Contract

During the first half of 2015, the City signed 24 purchase contracts to acquire land in fee simple, which includes one purchase contract under the FEMA Flood Buyout partnership, as well as two purchase contracts to acquire conservation easements, in total representing 1,771 acres in the Catskill/Delaware system. Program-wide for Cat/Del, DEP alone has secured a grand total (fee simple and conservation easements) of 109,858 acres throughout the Cat/Del at a cost of \$400 million (plus an additional \$36.7

million for associated “soft” costs). During the first half of 2015, the Farm Easement Program that is managed by WAC (also see below) signed 947 acres to contract. Total land protected by DEP and WAC under the FAD in Cat/Del since 1997, including thus stand at 133,385 acres¹. The attached tables provide additional details about signed contracts.

Land Acquired

During this reporting period, DEP closed 27 contracts (fee simple and conservation easements) totaling 1,986 acres. In all, as of the end of this period, the City has closed over 1,350 purchase agreements in the Cat / Del system totaling 104,191 acres. WAC has closed on 23,040 acres of the 24,473 acres it has signed to contract in the Cat-Del System.

Conservation Easements

As of the end of this reporting period, DEP had secured 24,905 acres and WAC had secured 24,473 acres under easement. Of the 136,102 acres secured in the Cat/Del overall by DEP and WAC, 36% are thus protected by conservation easements.

WAC Farm and Forest Easement Programs

During the subject period, the new WAC program contract framing both the Farm Easement Program and Forest Easement Program (\$6 million, five-year pilot, as outlined in 2010 Water Supply Permit Special Condition 31), continued full implementation. Over 20,000 acres were solicited for WAC’s Forest CE Program during 2015 to date and, as required by the 2014 FAD, a contract to address WAC’s long-term stewardship has been finalized and is now being registered. Total commitments for the WAC Farm Easement Program can be summarized as follows:

Original 1999 Program Contract – spent:	\$20m
2006 allocation from \$50m Supplementary Fund (per 2/5/04 EPA letter) – spent:	\$ 7m
2007 allocation (approved 12/07) from \$50m LAP Supplementary Fund (per 1/19/06 EPA letter):	\$20m
Additional funds budgeted pursuant to NYS DOH 4/30/08 letter:	\$23m
Pilot Forest CE Program pursuant to 2010 WSP:	\$ 6m
Subtotal of WAC funds derived from DEP LAP funding source:	\$76m
Stewardship Endowment:	\$43m
Total NYC funding commitment for WAC Easement Programs:	\$119m

NYS DEC Water Supply Permit # 0-9999-00051/00001

During this period DEP has adhered to requirements of the 2010 Water Supply Permit; in addition to the several items outlined above and other WSP requirements that are routinely adhered to as part of LAP operations, the following new tasks were addressed:

- **Riparian Buffer Program** (Special Condition 29): During early 2015 the City received approval and registration for the program contract, which is scheduled to

¹ This total includes about 141 acres in the Croton system and 922 acres entirely outside of the City’s watershed that were acquired as a part of transactions that were primarily within the Cat-Del system. These lands were acquired because of the difficulty of subdividing certain properties that span the watershed boundary.

begin implementation through the Catskill Center for Conservation and Development (“CCCD”) on July 15, 2015. The pilot program will be initiated in the Schoharie Basin, with first solicitations expected in 2016.

- **Taxes on WAC Conservation Easements** (Special Condition 19a): Pending passage of State Legislation as discussed in Special Condition 19, the City is making tax payments on WAC CEs acquired after 12/31/2010 in accordance with the executed PILOT agreements.
- **Tax Litigation Avoidance Program** (Special Condition 25b8): During the reporting period, the City approved CWC selection of a consultant to review the City’s valuation report for the Ashokan Reservoir, and the City and CWC finalized a template for sewer line assessment. Through May 31, 2015, CWC expenditures for TLAP totaled \$69,349.
- **Enhanced Land Trust Program** (Special Condition 33): The towns of Hunter, Gilboa, Woodstock, Halcott, and Olive originally resolved to opt into the program; in these five towns there were at the time six properties totaling 3,980 acres, most of which remains on the ELTP list of eligible properties. There has been little change in the status of the ELTP initiative due to lack of interest by the six involved landowners.

Transfer of Conservation Easements on Fee Acquisitions to NYS

DEP has conveyed a total of 66 CEs to NYS DEC covering 875 LAP-acquired fee properties that together total 57,996 acres. During the reporting period, the State recorded another two CEs, bringing the total recorded to 62 CEs on 51,472 LAP-acquired acres. DEP is actively processing an additional ten CEs covering more than 120 properties which should be conveyed to DEC during the second half of 2015.

Irene / Lee Flood Buyout Program

Since Hurricane Irene, the City has worked with three counties (Delaware, Greene and Ulster) to implement Flood Buyouts under FEMA’s Hazard Mitigation Grant Program. MOAs have been executed with Greene County (15 properties), Delaware County (6 properties) and Ulster County (16 properties). During the reporting period, the City and Greene County closed on 12 properties, bringing the total to 14 closed properties in Greene, eight of which are owned by the towns and six by the City. Unlike most LAP transactions the survey, title and environmental testing services are ordered as soon as the offer is accepted and prior to execution of purchase contracts in order to expedite closing, meaning progress is being made on expected transactions that are not yet under contract. Of the 37 properties in the three counties, 23 qualify for NYS matching funds for the local contribution, meaning that the City’s considerable contribution for soft costs will eventually be reimbursed through our County partners.

City-Funded Flood Buyout Program

In 2014, the City submitted to NYS DOH both a general plan and a more detailed Process Memo for implementation of this program and is moving forward with the many specific steps required to initiate the program. During the reporting period a stakeholder meeting was held and numerous issues were solved and several remaining were addressed during the reporting period. As of this report, the Water Supply Permit modification is about to be issued for public comment by NYSDEC.

Reporting Period: 1995 to 2nd Half 2014

<u>R.E. Type</u>	<u># of Contracts</u>	<u>Acres</u>	<u>Avg. Acres</u>	<u>Purchase Price</u>
Fee	1,195	80,723	68	\$313,881,254
CE	158	23,470	149	\$67,587,975
WAC CE	123	22,651	184	\$31,931,855
	1,476	126,845	86	\$413,401,084

Reporting Period: 1st Half 2015

Fee	24	1,597	67	\$5,670,253
WAC CE	3	389	130	\$662,382
	27	1,986	74	\$6,332,635

Program-to-date Sub-Totals

Fee	1,219	82,320	68	\$319,551,507
CE	158	23,470	149	\$67,587,975
WAC CE	126	23,040	183	\$32,594,237

Grand Totals:	1,503	\$128,831	86	\$419,733,719
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1st Half 2015 Semi-Annual Report

Contracts Signed in the Cat-Del System by Reporting Period and R.E. Type

Reporting Period: 1995 to 2nd Half 2014

<u>R.E. Type</u>	<u># of Contracts</u>	<u>Acres</u>	<u>Avg. Acres</u>	<u>Purchase Price</u>
Fee	1,262	85,387	68	\$330,333,126
CE	164	24,471	149	\$68,970,262
WAC CE	129	23,526	182	\$33,518,367
	1,555	133,385	86	\$432,821,755

Reporting Period: 1st Half 2015

Fee	22	1,337	61	\$5,226,453
CE	2	434	217	\$895,631
WAC CE	6	947	158	\$1,636,749
	30	2,717	91	\$7,758,833

Program-to-date Sub-Totals

Fee	1,284	86,724	68	\$335,559,579
CE	166	24,905	150	\$69,865,893
WAC CE	135	24,473	181	\$35,155,116

Grand Totals:	1,585	136,102	86	\$440,580,587
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Parcels Eased or Acquired in Fee Simple: 01/01/2015 to 06/30/2015
Newly-Acquired Tax Parcels by County and Town and Closing Date
With Closing Dates Between 01/01/2015 and 06/30/2015

This report is being submitted to NYS DOH, NYS DEC and the Watershed Protection and Partnership Council in fulfillment of Paragraph 22 of the 2010 Water Supply Permit. Maps of these and all other properties acquired are provided by the City on a quarterly basis using the NYC Property ID number for

<u>NYC</u> <u>Property ID</u>	<u>County</u>	<u>Town</u>	<u>Tax Map Number</u>	<u>Location</u>	<u>R.E.</u> <u>Type</u>	<u>Acquired</u> <u>Acres</u>	<u>Closing Date</u>
2852	Delaware	Andes	236.-1-2.2	County Route 2 & Herr Road	Fee	153.46	03/13/2015
8645	Delaware	Andes	240.-1-7.1	VanBenschoten Rd	Fee	22.65	05/28/2015
5471	Delaware	Bovina	153.-1-4.12	Dorsets Road	Fee	112.84	05/28/2015
6174	Delaware	Bovina	154.-1-10.1	Crescent Vly Rd	WAC CE	135.01	04/24/2015
8747	Delaware	Bovina	151.-2-12.2	Bramley Mtn Rd	Fee	84.43	02/27/2015
2852	Delaware	Delhi	236.-3-11	County Route 2 & Herr Road	Fee	48.02	03/13/2015
8197	Delaware	Delhi	126.-1-48.12	County Hwy 14	Fee	36.11	04/21/2015
6176	Delaware	Kortright	85.-1-2	Co Hwy 33	WAC CE	189.10	01/26/2015
8675	Delaware	Masonville	205.-1-6.22	State Highway 206	Fee	40.11	02/19/2015
4590	Delaware	Middletown	199.-2-9.12	Thompson Hollow Road	Fee	47.00	04/07/2015
4801	Delaware	Middletown	286.-1-79	Floyd Finch Rd.	Fee	68.23	03/18/2015
8645	Delaware	Middletown	240.-2-14.11	VanBenschoten Rd	Fee	171.70	05/28/2015
8645	Delaware	Middletown	240.-2-14.12	VanBenschoten Rd	Fee	12.41	05/28/2015
8645	Delaware	Middletown	240.-2-14.13	VanBenschoten Rd	Fee	3.83	05/28/2015
8645	Delaware	Middletown	240.-2-14.14	VanBenschoten Rd	Fee	22.64	05/28/2015
8687	Delaware	Tompkins	271.-2-37.2	Finch Hollow Rd	Fee	38.71	03/09/2015
6184	Delaware	Walton	232.-2-18.11	MacGibbon Hollow Rd	WAC CE	64.88	05/12/2015
8637	Greene	Ashland	45.00-1-31.11	Route 32C	Fee	43.16	03/04/2015
3207	Greene	Halcott	174.00-4-17	Halcott Main Rd, Route 1	Fee	464.21	03/26/2015
5081	Greene	Hunter	206.00-2-2	BEECHER RD	Fee	14.21	05/22/2015
5081	Greene	Hunter	215.00-2-18	BEECHER RD	Fee	43.97	05/22/2015
5081	Greene	Hunter	216.00-1-1.111	BEECHER RD	Fee	76.36	05/22/2015



Parcels Eased or Acquired in Fee Simple: 01/01/2015 to 06/30/2015
Newly-Acquired Tax Parcels by County and Town and Closing Date
With Closing Dates Between 01/01/2015 and 06/30/2015

<u>NYC</u> <u>Property ID</u>	<u>County</u>	<u>Town</u>	<u>Tax Map Number</u>	<u>Location</u>	<u>R.E.</u> <u>Type</u>	<u>Acquired</u> <u>Acres</u>	<u>Closing Date</u>
5081	Greene	Hunter	216.01-3-5	BEECHER RD	Fee	1.12	05/22/2015
8579	Greene	Hunter	216.01-6-5	Meadow Brook Drive	Fee	0.61	06/10/2015
8580	Greene	Hunter	216.01-6-8	Meadow Brook	Fee	0.43	05/28/2015
8539	Greene	Jewett	150.00-1-18	Colgate Rd	Fee	9.50	04/16/2015
8536	Greene	Lexington	109.00-1-7	Rt 23A	Fee	2.66	05/12/2015
8536	Greene	Lexington	109.00-1-8	Rt 23A	Fee	0.51	05/12/2015
8582	Greene	Lexington	160.10-1-37	Ballou	Fee	0.82	06/10/2015
8583	Greene	Lexington	109.00-1-9	Rt 23A	Fee	0.39	05/12/2015
8633	Greene	Lexington	127.20-2-2	Rt 13A	Fee	0.59	06/18/2015
8590	Greene	Prattsville	91.00-2-16	Route 23A	Fee	0.86	04/16/2015
8783	Greene	Windham	60.00-4-15.1	County Rt 10	Fee	12.89	02/20/2015
8096	Schoharie	Conesville	194.-4-1	ROW off Rogers Rd	Fee	26.83	03/31/2015
8506	Ulster	Wawarsing	66.4-2-53	DEPALMA AVE	Fee	0.38	05/14/2015
1631	Ulster	Woodstock	15.3-4-3	Sickler Road	Fee	31.93	04/09/2015
1631	Ulster	Woodstock	15.3-4-4	Sickler Road	Fee	2.95	04/09/2015
Grand Totals:			Count: 37			1,985.51	

Status: Signed, Not Closed

<u>Reservoir Basin</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
Ashokan	1	14	\$171,720
Cannonsville	22	2,343	\$4,680,119
Neversink	1	84	\$188,888
Pepacton	28	2,667	\$7,785,044
Rondout	4	108	\$317,200
Schoharie	25	2,048	\$7,438,897
West Branch	1	6	\$265,000
Sub-Total for Signed, Not Closed	82	7,271	\$20,846,868

Status: Closed

<u>Reservoir Basin</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
Ashokan	211	12,561	\$41,254,677
Cannonsville	299	37,488	\$66,140,546
Kensico	18	350	\$49,089,668
Neversink	25	4,257	\$5,758,276
Pepacton	300	30,604	\$69,840,990
Rondout	146	8,797	\$19,407,847
Schoharie	300	25,740	\$83,831,252
West Branch	204	9,033	\$84,410,464
Sub-Total for Closed	1,503	128,831	\$419,733,719

Program Totals	1,585	136,102	\$440,580,587
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* Includes NYC Fee, NYC CE and WAC CE transactions

Status: Signed, Not Closed

<u>Priority Area</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
1A	4	52	\$532,180
1B	2	76	\$221,740
3	30	2,889	\$7,468,328
4	46	4,254	\$12,624,621
Sub-Total for Signed, Not Closed:	82	7,271	\$20,846,868

Status: Closed

<u>Priority Area</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
1A	125	4,702	\$32,006,210
1B	323	17,062	\$131,357,330
2	170	11,541	\$33,924,751
3	343	36,045	\$76,871,736
4	542	59,480	\$145,573,692
Sub-Total for Closed:	1,503	128,831	\$419,733,719

Program Totals	1,585	136,102	\$440,580,587
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* Includes NYC Fee, NYC CE and WAC CE transactions

Contracts Signed - Half Year Starting: 1/2015

<u>System</u>	<u>Basin</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	Cannonsville	3	171	\$457,551
CAT-DEL	Neversink	1	84	\$188,888
CAT-DEL	Pepacton	10	894	\$3,383,292
CAT-DEL	Rondout	2	26	\$82,900
CAT-DEL	Schoharie	8	595	\$2,009,453
		24	1,771	\$6,122,084

Contracts Signed - Half Year Starting: 7/2014

<u>System</u>	<u>Basin</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	Ashokan	2	15	\$196,720
CAT-DEL	Cannonsville	5	607	\$953,100
CAT-DEL	Pepacton	4	161	\$521,163
CAT-DEL	Rondout	1	70	\$174,300
CAT-DEL	Schoharie	5	333	\$1,241,850
		17	1,186	\$3,087,133

Contracts Signed - Half Year Starting: 1/2014

<u>System</u>	<u>Basin</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	Ashokan	2	35	\$87,375
CAT-DEL	Cannonsville	10	886	\$2,218,703
CAT-DEL	Pepacton	8	652	\$1,743,788
CAT-DEL	Rondout	1	0	\$13,000
CAT-DEL	Schoharie	9	430	\$2,273,687
		30	2,004	\$6,336,552

Contracts Signed - Half Year Starting: 7/2013

<u>System</u>	<u>Basin</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	Ashokan	2	144	\$808,084
CAT-DEL	Cannonsville	8	601	\$2,268,235
CAT-DEL	Pepacton	6	570	\$2,113,622
CAT-DEL	Rondout	1	13	\$60,000
CAT-DEL	Schoharie	5	99	\$272,838