

***NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY***

**Land Acquisition Program
Catskill / Delaware System
Semi-Annual Land Acquisition Status Report
Reporting Period: January 1, 2014 through June 30, 2014**

July 27, 2014

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



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Watershed Lands & Community Planning
Bureau of Water Supply*

**New York City Department of Environmental Protection
Land Acquisition Program
Catskill / Delaware System
Semi-Annual Report Due July 31, 2014
Reporting Period: January 1, 2014 through June 30, 2014**

**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 250,000-acre solicitation goal that covers the five-year period inclusive of 2012 – 2016, 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”) or the Riparian Buffer Acquisition Program (“RBAP”). During the first half of 2014, DEP solicited 30,846 acres. Overall status of solicitation across the five-year period is summarized in Table 1.

Table 1: Solicited Acres 2012 – 2016 (Goal: >250,000)

Year	DEP LAP	WAC	RBAP	NYC FBO	Totals
2012	64,904	2,439	0	0	67,343
2013	40,702	4,626	0	0	45,328
2014*	30,846		0	0	30,846
2015					
2016					
Totals	136,452	7,065	0	0	143,517

* As of June 30, 2014

Projects Signed to Purchase Contract

During the first half of 2014, the City signed 30 purchase contracts to acquire land in fee simple, which includes two purchase contracts under the FEMA Flood Buyout partnership, as well as two purchase contracts to acquire conservation easements, in total representing 1,999 acres in the Catskill/Delaware system. Program-wide for Cat/Del, DEP alone has secured a grand total (fee simple and conservation easements) of 108,729 acres throughout the Cat/Del at a cost of \$396 million (plus an additional \$35 million for associated “soft” costs). During the first half of 2014, the Farm Easement Program that is managed by WAC (also see below) signed 65 acres to contract. Total land protected by DEP and WAC under the FAD in Cat/Del since 1997 thus stand at 131,774 acres¹. The attached tables provide additional details about signed contracts.

¹ This total includes about 141 acres in the Croton system and 922 acres entirely outside of the City's watershed that

Land Acquired

During this reporting period, DEP closed 21 contracts (fee simple and conservation easements) totaling 1,747 acres. In all, as of the end of this period, the City has closed over 1,300 purchase agreements in the Cat / Del system totaling 102,158 acres. WAC has closed on 22,651 acres of the 23,045 acres it has signed to contract in the Cat-Del System.

Conservation Easements

As of the end of this reporting period, DEP had secured 23,992 acres and WAC had secured 23,045 acres under easement. Of the 131,774 acres secured in the Cat/Del overall by DEP and WAC, 36% are 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 (adding \$23 million) and Forest Easement Program (\$6 million, five-year pilot, as outlined in 2010 Water Supply Permit Special Condition 31), continued smooth implementation despite turnover of WAC staff. It is expected that properties will be solicited for WAC's Forest CE Program by early 2015 or prior. As required by the 2014 FAD, a contract to address WAC's long-term stewardship needs is being negotiated. 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) – funds being spent:	\$20m
Additional funds budgeted pursuant to NYS DOH 4/30/08 letter:	\$23m
Pilot Forest CE Program pursuant to 2010 WSP:	\$ 6m
Stewardship Endowment:	
Total NYC funding commitment for WAC Easement Programs:	\$76m

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): following publication of the PDI Report on May 1, 2013 under aegis of the Town of Hunter, during early 2014 the City issued a Request for Proposals and received one application from the Catskill Center for Conservation and Development to implement the pilot program in the Schoharie Basin. To this point negotiations are going very well and the program contract is expected to be completed during late 2014.
- **Enhanced Land Trust Program** (Special Condition 33): There has been no change in the status of the ELTP initiative due to lack of interest by the six involved landowners: the towns of Hunter, Gilboa, Woodstock, Halcott, and Olive originally

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.

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.

- **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 CE's acquired after 12/31/2010 in accordance with the executed PILOT agreements.
- **Tax Litigation Avoidance Program** (Special Condition 25b8): During the reporting period, CWC coordinated TLAP participation by the Town of Marbletown (Ashokan Reservoir). In May, 2014, the City provided CWC with a valuation report for Marbletown. Through May 31, 2014, CWC expenditures for TLAP totaled \$43,398.

Additional Land Trust Support

The City awarded an educational grant to the Land Trust Alliance focused on financial management and targeted to land trusts with service areas within the watershed. The City was a lead sponsor of the New York State Land Conservation Summit held at West Point in April of 2014. The 2014 FAD provides that the ELTP initiative (see above) will effectively replace the 2007 Land Trust Strategy; thus, this will be the final report for this section.

Transfer of Conservation Easements on Fee Acquisitions to NYS

DEP has conveyed a total of 66 CEs to NYS DEC on 875 LAP-acquired fee properties comprising 57,996 acres. Due to a backlog on processing by the State, no additional CEs were processed during the reporting period. DEP expects to begin processing an additional eight to ten CEs covering more than 120 properties during the second half of 2014.

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) and Delaware County (26 properties). Negotiations with Ulster County (potentially 19 properties) are ongoing.. During the reporting period, landowners accepted purchase offers on 21 properties, and three landowners entered purchase contract. Unlike most LAP transactions, 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.. Of the 41 properties in Greene and Delaware Counties, 35 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

During the reporting period, the City submitted a plan for implementation of this program to NYS DOH and is moving forward with the many steps required to initiate the program beginning in 2015. The City-funded FBO will only operate in Towns that opt in to the program.

**NYC DEP Land Acquisition Program
1st Half 2014 Semi-Annual Report**

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

Reporting Period: 1995 to 2nd Half 2013

<u>R.E. Type</u>	<u># of Contracts</u>	<u>Acres</u>	<u>Avg. Acres</u>	<u>Purchase Price</u>
Fee	1,221	83,110	68	\$322,294,132
CE	159	23,620	149	\$67,748,923
WAC CE	125	22,981	184	\$32,539,281
	1,505	129,710	86	\$422,582,336

Reporting Period: 1st Half 2014

Fee	28	1,627	58	\$5,760,467
CE	2	372	186	\$576,085
WAC CE	1	65	65	\$64,910
	31	2,064	67	\$6,401,462

Program-to-date Sub-Totals

Fee	1,249	84,737	68	\$328,054,599
CE	161	23,992	149	\$68,325,008
WAC CE	126	23,045	183	\$32,604,191

Grand Totals:	1,536	131,774	86	\$428,983,798
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NYC DEP Land Acquisition Program
Semi-Annual Signed Contracts by Signed, Watershed System and Basin as of
06/30/2014

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	36	\$87,375
CAT-DEL	Cannonsville	10	885	\$2,218,703
CAT-DEL	Pepacton	8	646	\$1,743,788
CAT-DEL	Rondout	1	0	\$13,000
CAT-DEL	Schoharie	9	432	\$2,273,687
		30	1,999	\$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	140	\$775,610
CAT-DEL	Cannonsville	8	617	\$2,268,235
CAT-DEL	Pepacton	6	569	\$2,113,622
CAT-DEL	Rondout	1	13	\$60,000
CAT-DEL	Schoharie	5	94	\$272,838
		22	1,433	\$5,490,305

Contracts Signed - Half Year Starting: 1/2013

<u>System</u>	<u>Basin</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	Ashokan	1	21	\$175,780
CAT-DEL	Cannonsville	2	124	\$279,144
CAT-DEL	Pepacton	7	621	\$1,980,898
CAT-DEL	Schoharie	8	586	\$2,404,070
		18	1,352	\$4,839,891

Contracts Signed - Half Year Starting: 7/2012

<u>System</u>	<u>Basin</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	Ashokan	1	34	\$323,843
CAT-DEL	Cannonsville	13	1,443	\$4,300,840
CAT-DEL	Kensico	1	94	\$10,400,000
CAT-DEL	Pepacton	7	777	\$2,729,897
CAT-DEL	Rondout	3	47	\$250,684
CAT-DEL	Schoharie	8	326	\$1,849,687
CAT-DEL	West Branch	1	6	\$265,000

**NYC DEP Land Acquisition Program
1st Half 2014 Semi-Annual Report**

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

Reporting Period: 1995 to 2nd Half 2013

<u>R.E. Type</u>	<u># of Contracts</u>	<u>Acres</u>	<u>Avg. Acres</u>	<u>Purchase Price</u>
Fee	1,148	77,140	67	\$300,306,394
CE	156	23,270	149	\$57,986,899
WAC CE	123	22,651	184	\$31,931,855
	<u>1,427</u>	<u>123,062</u>	<u>86</u>	<u>\$390,225,147</u>

Reporting Period: 1st Half 2014

Fee	20	1,653	83	\$6,130,674
CE	1	94	94	\$9,417,000
	<u>21</u>	<u>1,747</u>	<u>83</u>	<u>\$15,547,674</u>

Program-to-date Sub-Totals

Fee	1,168	78,793	67	\$306,437,068
CE	157	23,365	149	\$67,403,899
WAC CE	123	22,651	184	\$31,931,855

Grand Totals:	1,448	124,809	86	\$405,772,821
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NYC DEP Land Acquisition Program
Parcels Eased or Acquired in Fee Simple: 01/01/2014 to 06/30/2014

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 Property</u>	<u>County</u>	<u>Town</u>	<u>Tax Map Number</u>	<u>Location</u>	<u>R.E. Type</u>	<u>Acquired Acres</u>	<u>Closing Date</u>
3573	Delaware	Bovina	130.-4-18.2	Cape Horn Road	Fee	273.11	03/26/2014
8519	Delaware	Bovina	176.-1-5	Boggs Rd	Fee	239.75	02/07/2014
8504	Delaware	Delhi	213.-2-10	Holmes Hollow Rd	Fee	116.51	03/06/2014
8504	Delaware	Delhi	213.-2-11.2	Holmes Hollow Rd	Fee	122.96	03/06/2014
7227	Delaware	Hamden	232.-1-5.22	Chambers Hollow Rd	Fee	61.80	02/19/2014
4083	Delaware	Masonville	206.-2-10.12	Herrick Hollow and Lake Cecil Roads	Fee	29.22	02/04/2014
4996	Delaware	Meredith	103.-1-30.2	NYS Route 28	Fee	33.19	03/06/2014
5651	Delaware	Middletown	243.-2-14.111	Dimmick Mt Road	Fee	69.23	03/06/2014
5651	Delaware	Middletown	243.-2-14.13	Dimmick Mt Road	Fee	5.20	03/06/2014
5651	Delaware	Middletown	243.-2-14.7	Dimmick Mt Road	Fee	20.61	03/06/2014
7671	Delaware	Middletown	264.-1-19	County Hwy 36	Fee	78.73	06/30/2014
7671	Delaware	Middletown	264.-1-20	County Hwy 36	Fee	21.18	06/30/2014
4196	Delaware	Roxbury	243.-3-14.1	Red Kill Road	Fee	35.78	02/07/2014
8667	Delaware	Roxbury	199.-1-8	New Kingston Mtn Rd	Fee	11.13	05/23/2014
4083	Delaware	Tompkins	206.-1-17.12	Herrick Hollow and Lake Cecil Roads	Fee	22.51	02/04/2014
7209	Greene	Halcott	174.00-2-1.11	Elk Creek Rd.	Fee	48.47	02/20/2014
8293	Greene	Hunter	164.00-2-40	Scribner Hollow Rd	Fee	56.25	06/26/2014
4798	Greene	Jewett	163.00-2-5	DEMING RD	Fee	149.35	02/11/2014
5250	Greene	Lexington	143.00-3-21.1	Beech Ridge Rd	Fee	34.61	03/18/2014
5251	Greene	Lexington	127.00-4-2	Loucks Road and NYS Route 23A	Fee	72.96	03/18/2014
356	Greene	Windham	45.00-2-8	County Route 10	Fee	39.28	01/27/2014
1183	Ulster	Denning	50.2-2-11.110	Red Hill Rd.	Fee	13.23	06/26/2014
1183	Ulster	Denning	51.-4-11	Red Hill Rd.	Fee	18.49	06/26/2014
277	Ulster	Olive	45.4-2-4.300	High Point Mountain Road	Fee	48.90	01/29/2014

NYC DEP Land Acquisition Program

Parcels Eased or Acquired in Fee Simple: 01/01/2014 to 06/30/2014

<u>NYC Property</u>	<u>County</u>	<u>Town</u>	<u>Tax Map Number</u>	<u>Location</u>	<u>R.E. Type</u>	<u>Acquired Acres</u>	<u>Closing Date</u>
962	Ulster	Olive	45.4-2-61.200	High Point Road	Fee	20.65	06/04/2014
4824	Ulster	Wawarsing	66.2-1-8.1	Phil Martin and Yeagerville Road	Fee	9.50	05/14/2014
1900	Westchester	New Castle	101.18-2-1	Whippoorwill Rd.	CE	8.70	05/19/2014
1900	Westchester	New Castle	101.18-3-3	Whippoorwill Rd.	CE	3.28	05/19/2014
1900	Westchester	North Castle	100.03-1-26	Whippoorwill Rd.	CE	7.41	05/19/2014
1900	Westchester	North Castle	100.04-1-41	Whippoorwill Rd.	CE	39.50	05/19/2014
1900	Westchester	North Castle	100.03-1-2	Whippoorwill Rd.	CE	4.85	05/19/2014
1900	Westchester	North Castle	100.04-1-30	Whippoorwill Rd.	CE	30.43	05/19/2014
Grand Totals:			Count: 32			1,746.77	

CAT / DEL Parcels Closed or Under Contract as of 06/30/2014

Sorted by Status and Reservoir Basin

Status: Signed, Not Closed

<u>Reservoir Basin</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
Ashokan	5	210	\$1,186,828
Cannonsville	27	2,485	\$6,576,266
Pepacton	24	2,726	\$8,480,610
Rondout	2	13	\$73,000
Schoharie	29	1,526	\$6,629,273
West Branch	1	6	\$265,000
Sub-Total for Signed, Not Closed	88	6,966	\$23,210,977

Status: Closed

<u>Reservoir Basin</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
Ashokan	205	12,346	\$40,014,400
Cannonsville	282	35,856	\$61,763,699
Kensico	18	350	\$49,089,668
Neversink	25	4,257	\$5,758,276
Pepacton	286	28,906	\$63,914,199
Rondout	145	8,797	\$19,394,847
Schoharie	283	25,263	\$81,427,270
West Branch	204	9,033	\$84,410,464
Sub-Total for Closed	1,448	124,809	\$405,772,821

Program Totals**1,536****131,774****\$428,983,798**

* Includes NYC Fee, NYC CE and WAC CE transactions

NYC DEP Land Acquisition Program *
 CAT / DEL Parcels Closed or Under Contract as of 06/30/2014
 Sorted by Status and Priority Area

Status: Signed, Not Closed

<u>Priority Area</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
1A	4	27	\$640,750
1B	1	39	\$117,900
2	4	201	\$884,078
3	30	2,453	\$7,391,365
4	49	4,245	\$14,176,884
Sub-Total for Signed, Not Closed:	88	6,966	\$23,210,977

Status: Closed

<u>Priority Area</u>	<u># of Parcels</u>	<u>Acres</u>	<u>Cost</u>
1A	124	4,713	\$31,777,310
1B	321	17,004	\$131,158,200
2	165	11,335	\$32,983,375
3	330	35,357	\$74,728,477
4	508	56,399	\$135,125,459
Sub-Total for Closed:	1,448	124,809	\$405,772,821

Program Totals	1,536	131,774	\$428,983,798
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* Includes NYC Fee, NYC CE and WAC CE transactions