

**New York City  
Department of Environmental Protection**

**Land Acquisition Program – 2015-2016 Solicitation Plan for the Catskill / Delaware System**

**October 1, 2014**

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



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**Land Acquisition Program**  
**2015 – 2016 Solicitation Plan, Catskill-Delaware System**  
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**FAD Deliverable:** *Submit solicitation plans for each two-year period. Plans will include a commitment to solicit at least 300,000 acres through 2017. Acreage solicited in 2012 and 2013 will be credited towards solicitation goals. Riparian Buffer and Flood Buy-Out (FBO) acres may be credited 2 acres for every 1 solicited. Up to a total of 10,000 acres/year of WAC, Riparian Buffer and FBO acres may be credited towards solicitation goals.*

**1. Introduction**

The Mid-Term Revisions to the 2007 Filtration Avoidance Determination (“new FAD”) calls for submission of solicitation plans for two 2-year periods. Although the prior Solicitation Plan submitted October 31, 2013 covers half of the subject period, this plan will supersede it. This Plan will outline projected activities for calendar years 2015-16 as well as actual solicitation accomplishments in 2013 and 2014. The City will submit a follow-up solicitation plan in October 2016 covering 2017 – 2018, although requirements for 2018 activities would presumably be covered by the subsequent FAD in 2017.

This Plan reviews recent program activity, details the actual and proposed solicitation goals for LAP and affiliated programs from 2012 through 2017, discusses geographic and programmatic points of emphasis for solicitation, and incorporates several important changes to FAD solicitation requirements:

- The new FAD calls for an overall goal of soliciting 300,000 acres over a six-year period through December, 2017, rather than calling for a minimum goal of 50,000 acres per year, as called for in the 2007 FAD. As such, this Plan will identify annual solicitation goals with the understanding that actual results may vary above or below the projected annual goals. Based on the results each year, the City may modify its annual solicitation goals in subsequent years to ensure compliance with FAD requirements; and
- This Plan identifies how solicitation by other LAP-affiliated programs, such as the WAC Farm Easement Program, WAC Forest Easement Program, Riparian Buffer Acquisition Program and the FAD-directed Flood Buyout Program will be incorporated into the overall LAP solicitation effort.

**2. Recent Program Activity**

As shown in Table 1 below, LAP has to date secured 132,921 acres of land in the Cat-Del System:

**Table 1: Program-to-Date LAP Acquisitions in the Cat-Del System**

<u>Timeframe</u>	<u>Acres Acquired EOH</u>	<u>Acres Acquired WOH</u>	<u>Total Acres Acquired</u>
DEP Fee Simple	8,121	76,878	84,999
DEP CEs	1,267	23,204	24,471
WAC CEs	<u>0</u>	<u>23,451</u>	<u>23,451</u>
<b>Program Totals</b>	<b>9,388</b>	<b>123,533</b>	<b>132,921</b>

**3. Solicitation Goals through 2016**

This Solicitation Plan seeks to continue the targeted solicitation of property in accordance with the new FAD and the 2009 Long-Term Acquisition Plan. As shown in Table 2, our goals from 2012 through the end of this plan (2016) call for total solicitation of over 253,000 acres. Actual progress will be monitored and annual goals will be adjusted between now and the next plan, due in late 2015, to ensure compliance with the 300,000 acre requirement through the term of the new FAD (ending December, 2017).

**Table 2: 2012 to 2015 Solicitation Accomplishments and Goals**

<u>Year</u>	<u>LAP Solicitation</u>	<u>WAC Solicitation (1)</u>	<u>Other Solicitation (2)</u>	<u>Total Solicitation</u>
2012	64,904	2,349	0	67,253
2013	40,702	4,626	0	45,328
2014	<i>40,000</i>	<i>4,000</i>	<i>0</i>	<i>44,000</i>
<i>2015</i>	<i>40,000</i>	<i>8,000</i>	<i>1,600</i>	<i>49,600</i>
<i>2016</i>	<i>40,000</i>	<i>6,000</i>	<i>1,800</i>	<i>47,800</i>
<i>2017</i>	<i>42,000</i>	<i>4,000</i>	<i>2,000</i>	<i>48,000</i>
<b>Projected Four-Year Totals</b>	<b>267,606</b>	<b>28,975</b>	<b>5,400</b>	<b>301,981</b>

Notes: Past figures are in regular font; incomplete (2014) or projected figures are shown in *blue italics*.

- (1) WAC solicitation includes both the Agricultural and Forest Easement programs; see Section 3.1
- (2) Other Solicitation, to be credited on a “2 for 1” basis, includes acres solicited through the Riparian Buffer Acquisition program and FAD-directed Flood Buyout Program; see Sections 3.1c and 3.1d.
- (3) Subject period for this report is highlighted within the box.

**3.1 Program Components**

In accordance with the new FAD, formal solicitation tracking for the core LAP acquisition program (i.e. the acquisition of fee simple and conservation easement interests by the City of New York) can be augmented by solicitations made for affiliated LAP programs. The total of solicitation credits from affiliated programs may not exceed 10,000 acres in a given calendar year. The annual goals shown in Table 2 were developed with the following program-specific considerations:

- A. **WAC Agricultural Easement Program** – As in past years, WAC will discuss the agricultural easement program with all farmers enrolled in the Whole Farm Program (“WFP”) during the

Annual Status Review meeting undertaken on each property enrolled in the WFP. For interested farmers, WAC will request basic information about the property, in the form of an application, to determine project eligibility. Those farms deemed to be eligible for an easement will be counted as solicited in the year the application was deemed complete. Using that metric, WAC solicited 6,975 acres during 2012-13, and forecasts annual solicitation to be in the range of 4,000 acres through 2017.

- B. *WAC Forest Easement Pilot Program*** – The WAC Forest Easement Pilot Program contract was registered in 2013 and program activity is expected to ramp up in 2015. While detailed solicitation protocols are being developed, it is anticipated that eligible properties will be identified within the portfolio of landowners enrolled in the WAC Forest Management Program, and solicitation for the Forest Easement Pilot Program will be concentrated in an initial two-year period starting in 2015. For purposes of this Plan, we assume that this program will solicit roughly 6,000 acres during 2015 – 2016.
- C. *Riparian Buffer Acquisition Program (RBAP)*** – The Catskill Center will be managing this pilot program and will soon be under contract, with solicitation activity expected to start in late 2015. The pilot phase of the RBAP will focus on solicitation of property along streams in the Schoharie Basin. This plan assumes that under the RBAP, 750 acres will be solicited in 2015 and therefore 1,500 acres will be credited as solicited that year.
- D. *Flood Buyout Program (FBO)*** – Pursuant to the 2014 FAD, the City is developing proposed program rules for a FBO Program to augment existing flood buyout efforts (including the FEMA Hazard Mitigation Grant Program and the Local Flood Hazard Mitigation Program). For purposes of this Plan, we assume that FBO solicitation will be 50 acres in 2015 and 100 acres in 2016, and therefore a total of 300 acres will be credited as solicited during these years.

### **3.2 Solicitation Priorities and Methods**

Pursuant to the 2007 FAD, DEP issued the Long-Term Land Acquisition Plan 2012 to 2022 (“LT Plan”) in 2009. The LT Plan identified acquisition goals and methods designed to focus future acquisitions on those portions of the Cat-Del System with relatively lower levels of land in permanently-protected status. Since its issuance, LAP has successfully incorporated key components of the LT Plan into its solicitation strategy. This Solicitation Plan seeks to continue and expand on many components in the LT Plan to guide solicitation through 2016:

- ***Areas of Focus and High Focus*** – The LT Plan sought to focus future LAP solicitation on basins and sub-basins West-of-Hudson (“WOH”) with less than 40% protected land. Since July, 2009, LAP has acquired over 33,033 acres in these Areas of Focus, raising the overall level of protected land in those areas from 33.9% to 37.7%.

Within the Areas of Focus, LAP identified seven sub-basins in Schoharie, Pepacton and Cannonsville Basins for more intensive solicitation efforts due to the combination of proximity to intake and low existing levels of protected land. These sub-basins were as follows:

<u>Basin</u>	<u>High Focus Sub-Basins</u>
Schoharie	Schoharie Creek, Johnson Hollow Creek
Pepacton	Bryden Hill, Brydon Lake, Tremper Kill
Cannonsville	Trout Creek, Loomis Brook

Since July, 2009 LAP has acquired over 5,050 acres in these seven sub-basins, increasing their combined level of protection from 12.9% to 19.2%. See Figure 2, which depicts the current levels of protection and Areas of Focus for WOH.

- **Parcel Ranking** – The LAP Parcel Ranking tool provides an efficient and flexible method to identify those properties in a given basin or sub-basin with the best combination of features for watershed protection. The ranking tool uses three inputs (size, percent surface water features and slope score) to develop a relative ranking of any given set of input properties. These rankings are used by staff to guide more detailed evaluation of individual properties; that evaluation process provides the opportunity to consider additional information such as road frontage or parcel configuration which are not direct inputs to the ranking tool. In 2013, DEP’s new LiDAR-based stream, water body and slope GIS layers data were deployed, providing improved inputs to the parcel ranking process.
- **Solicitation Procedures** – The LT Plan identified several strategies which seek to maximize the effectiveness of LAP solicitation efforts, and to focus acquisitions in the regions and on projects of maximum interest for water quality protection. Several techniques in particular have proven useful, and will continue to be employed under this Solicitation Plan:
  - **Variable solicitation schedules** have been used to increase the frequency of contact in the areas of greatest interest to LAP. Improved acquisition rates in the Areas of High Focus can be largely attributed to this strategy. Going forward LAP can use this strategy to increase the solicitation frequency for highly-ranked properties in other areas;
  - **Solicitation of “Landowner Not Interested” properties** (landowners who have stated they are not interested at a given moment in time) has proven to yield significant results, especially in comparison to non-responders. The City has historically been reluctant to resolicit these owners too frequently, given that they took the time to actively respond in the negative to a written inquiry. However, response data do show that these owners are unexpectedly responsive to subsequent solicitation, indicating that lack of interest is subject to change over relatively short timeframes. In contrast, non-responders are more likely to continue to be unresponsive to subsequent solicitations. Adjustments to our resolicitation schedules to reduce the interval of resolicitation for “not interested” owners has shown positive results, and will therefore continue; and
  - **Landowner Call-ins** have consistently resulted in a significantly higher rate of accepted offers, showing that the landowner’s initial impulse to seek out the City is a strong indicator of their willingness to sell land. While generating landowner-initiated contacts is largely out of the City’s control, LAP can time its annual solicitation outreach by focusing most outreach in the later part of the year, which

allows time for call-ins to be better represented – thereby increasing the proportion of call-ins in each annual solicitation effort.

- ***Continued pursuit of important properties throughout the watershed.*** Despite the fact that the Long Term Plan re-focused LAP solicitation on less-protected WOH basins, LAP has and will continue to pursue important properties throughout the Catskill-Delaware System, while seeking to avoid the most expensive properties in favor of equally compelling land in less-expensive areas. A review of program acquisitions since January 1, 2010 demonstrates the City's ongoing commitment to acquisition in these areas:
  - Overall, LAP has acquired 31 properties comprising 1,853 acres outside the Areas of Focus, at a total cost of \$25.7 million;
  - In the critical Kensico Basin, LAP secured contracts on two conservation easements totaling 115 acres at a cost of \$15.1 million;
  - In the West Branch/Boyd's Corner Basin in Putnam and Dutchess Counties, LAP has acquired 8 properties comprising 467 acres at a cost of \$6.2 million; and
  - In the Rondout Basin LAP has acquired 24 properties comprising 1,302 acres at a cost of \$5.1 million.

Under this Plan, selective outreach and acquisitions in these areas will continue.

