

New York City Department of Environmental Protection
Bureau of Water Supply
Land Acquisition Program
Written evaluation of pilot WAC Forest Easement Program

Reporting Period: July, 2007 through June 30, 2011

June 30, 2011

Prepared in accordance with Section 4.2 of the July, 2007
United States Environmental Protection Agency
Filtration Avoidance Determination

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Land Acquisition Program
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Pilot Forest Easement Program

The 2007 FAD includes the following requirements:

Requirement	Due Date
Execute a contract or contract amendment with the Watershed Agricultural Council (WAC) to provide \$6 million in funding for WAC to undertake a pilot program to acquire conservation easements on forested portions of non-agricultural properties. Funding is to be drawn from the \$300 million committed by the City for land acquisition over the term of the FAD.	4/30/08
Submit written evaluation of pilot program to EPA/NYSDOH making recommendations as to whether the program should be continued for the Second Five Year Period or terminated. If a determination is made by EPA/NYSDOH and NYCDEP not to continue the program, all unused funds, with any earnings thereon, are to be returned to the City and returned to the funding available for land acquisition.	6/30/11

This report is submitted in satisfaction of the second requirement.

The City diligently negotiated with its partner, the Watershed Agricultural Council (WAC), during 2007-2011 to develop the Pilot Forest Easement Program, but until very recently was unable to reach agreement on two fundamental issues: (1) the structure of voting powers within WAC's Easement Committee, which is the body that ultimately determines which easements are acquired and how they are stewarded, and (2) the extent to which the City should fund WAC's long-term stewardship restricted fund. The two issues are complex and intertwined, and relate to WAC's status as a 501(c)3 organization and with the Farm Easement Program that has been operating since 1999. In addition, the two issues had to be addressed in the context of changing WAC staff, including three Executive Directors since 2009. The City notified NYSDOH/EPA in early 2008 that it would miss the 4/30/08 Due Date to implement the Pilot Forest Easement Program, but that it would continue to work with WAC in pursuit of the program.

In December 2010, the City secured a new Water Supply Permit (WSP) from NYSDEC. That permit included a requirement that DEP implement a Forest Easement Program with WAC, another qualified local/regional land trust or on its own. During the first half of 2011, progress was indeed made on the two issues which have to date delayed implementation. At this time we forecast that the Pilot Forest Easement Program will be implemented through WAC in the coming year. In accordance with the terms of the WSP, DEP shall prepare a report evaluating implementation of the program four years and three months from the commencement date of the program.

It should be noted that before and since 2007, the City has continued its own conservation easement program targeting forested and mixed-use properties. Since July 2007, the City secured 68 new easements on primarily forested land totaling 10,774 acres, or almost half of all easement acreage in the City's easement program which began in 1999.

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