

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

**Land Acquisition Program**

**Status Report on the Streamside Acquisition Program**

December 2020

*Prepared in accordance with Section 4.2 of the NYSDOH  
2017 Filtration Avoidance Determination*



Prepared by: DEP, Bureau of Water Supply

## **Streamside Acquisition Program Status Report December 2020**

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### **Background**

The 2010 Water Supply Permit (WSP) issued by the New York State Department of Environmental Conservation (NYSDEC) required the New York City Department of Environmental Protection (DEP) to develop a Streamside Acquisition Program (SAP) in partnership with a land trust, and to implement the SAP in the Schoharie Basin as a \$5 million pilot effort for an initial period of three years. After DEP selected the Catskill Center for Conservation and Development (CCCD) to operate the SAP, it was quickly determined that to ramp up and fully implement such a complex program would take considerably longer than three years, so DEP and CCCD entered into a five-year contract that commenced on July 15, 2015. DEP submitted an initial evaluation report to NYSDEC in October 2017 which concluded that the pilot SAP added value to the City's Land Acquisition Program (LAP) initiatives and should be continued. This Status Report fulfills a LAP requirement pursuant to the 2017 Filtration Avoidance Determination (FAD) issued by the New York State Department of Health (NYSDOH).

The 2017 FAD addressed the status and progress of the SAP in several ways. First, it required DEP to convene a stakeholder group to explore development of incentives that could increase participation in SAP by landowners. Following a series of meetings in 2018 and early 2019, DEP submitted a report on potential SAP incentives that was approved by NYSDOH in September 2019; as requested by NYSDOH, DEP submitted an implementation schedule for these recommended SAP incentives in October 2019. The FAD also required the City to commit an additional \$3 million to support the SAP in the Schoharie Basin; DEP registered a contract amendment in July 2019 and extended the contract through 2022. Finally, in accordance with the 2010 WSP, the FAD acknowledged that if NYSDEC determines that the SAP should be expanded beyond the Schoharie Basin to the entire West of Hudson (WOH) watershed, then DEP would be required to execute a contract with CCCD to fund the expanded SAP with an additional \$8 million in City funds.

### **Program Operations**

The current SAP contract budget totals \$8 million through 2022. As of June 30, 2020, CCCD had invoiced DEP for just over \$3.8 million, of which nearly \$1.5 million (39%) represents costs related to the purchase price of land, tax reimbursements at closing, and incentive payments (collectively referred as "hard costs"). The remainder of invoiced funds (61%) represent personnel, program components, indirect costs, and costs directly related to land acquisition including appraisals, environmental site services, surveys and title work (collectively referred to as "soft costs"). During the first four years of the program, CCCD charged 9% indirect costs for all program expenses (minus hard costs). When the SAP contract was amended in 2019, CCCD increased its overhead charges to 18%.

During the first several years that the SAP was operational, CCCD experienced a significant turnover in staff that has since stabilized, resulting in efficient program delivery. CCCD currently has three 100% full-time equivalent (FTE) staff and three partial FTE staff dedicated to the SAP including the Executive Director (15% in 2019), Associate Director (60% in 2019), and Financial Manager (40% in 2019). In 2020, CCCD's Executive Director dropped his time to 10% and the Associate Director dropped

her time to 40%, which resulted in a total of roughly four FTE staff working on the SAP overall. CCCD expects to expand its SAP staff by another part-time administrative assistant and full time entry-level project manager before the current contract expires.

Until March 2020, CCCD staff often worked in DEP’s Kingston office, interacting frequently with LAP and other DEP staff, and attending weekly project review meetings. Due to the COVID-19 pandemic and DEP’s Kingston office being closed to all but essential workers, this temporary space has been unavailable to CCCD staff since March. CCCD also maintains a small SAP office in Tannersville for which CCCD is not charged rent, sharing space with Greene County Soil and Water Conservation District, although all CCCD staff have been generally working remotely since March. CCCD is interested in locating a dedicated SAP office, but this search is currently on hold due to the pandemic. In the interim, CCCD staff have continued to join weekly real estate meetings and monthly SAP status meetings via Microsoft Teams, in addition to communicating with LAP staff via phone and email. DEP remains satisfied with the quality of CCCD’s work and appreciates the ongoing partnership.

**Program Goals**

The principal purpose of the SAP as stated in the Program Development Initiative (PDI) Report issued in May 2013 by CCCD includes five “Central Water Quality Objectives” focused on protection and restoration of stream buffers and floodplains, and four “Secondary Objectives” focused on community benefits, recreation, and coordination with other programs. The SAP strives to acquire properties that contain high proportions of watercourses, stream buffers, wetlands, and/or floodplains, as defined in the WSP.

The 2010 WSP waives minimum parcel size requirements for the SAP that are otherwise applicable to LAP, and it also allows for acquisition of parcels within designated areas that have excluded LAP acquisitions, provided the municipality passes a resolution allowing such acquisitions (“Opt-In”). To provide value-added service, the SAP focuses mainly – though not exclusively – on properties that are ineligible for other LAP initiatives. Many of the tax parcels solicited by CCCD for the SAP are under ten acres in size, since these are generally ineligible for LAP. CCCD solicits larger parcels for the SAP where such acquisitions advance program goals.

**Municipal Outreach**

CCCD staff actively cultivate relationships with municipal officials. Since the SAP began, CCCD staff have documented more than 125 separate contact instances with officials in each of the 14 municipalities in the Schoharie Basin, an average of roughly two contacts per month. Generally speaking, CCCD staff have had more frequent and more extensive conversations with officials in towns where the SAP has been actively acquiring land. Table 1 summarizes SAP outreach through September 2020.

Table 1 Outreach to municipalities through September 2020.

Municipality	Outreach Letters (general)	Local Consultation (# projects)	Presentations to Boards, Public	Meetings (formal, planned)	Emails	Calls	Verbal Exchanges (informal)	Totals
Ashland	2	1	1		2		3	9
Conesville	2	1		1	2	1		7
Gilboa	1				1			2

Halcott	1				1				2
Hunter Town	2	2		2	8				14
Hunter Village	1				1				2
Jefferson	1				1				2
Jewett	2	8	2		13	3			28
Lexington	2	4	1		3	1			11
Prattsville	2	3	2	2	5		3		17
Roxbury	1			1	2				4
Stamford Town	1				1				2
Tannersville	2		1		2	1	1		7
Windham	2	7	1		7	2	1		20
<b>Totals</b>	<b>22</b>	<b>26</b>	<b>8</b>	<b>6</b>	<b>49</b>	<b>8</b>	<b>8</b>		<b>127</b>

CCCD's ongoing SAP outreach efforts to municipal officials has secured initial results. In September 2020, after nine months of dialogue and information exchange with town officials and landowner representatives, the Jewett Town Board adopted a resolution authorizing the SAP to purchase a property within the designated hamlet along the Schoharie Creek – the first such Opt-In for the Program. In the same time period, CCCD successfully collaborated with the Jewett Planning Board to craft language to approve a subdivision that would meet the needs of the SAP, the seller and the community. CCCD actively cultivates similar relationships in communities throughout the Schoharie Basin and remains optimistic of future successes. As reported by CCCD, several themes emerged in feedback from Schoharie Basin municipalities:

- **Surface Water Criteria:** Three towns expressed a strong preference for targeting acquisition based on surface water criteria, and subdividing properties as needed to achieve that.
- **Opt-In of Designated Hamlet Areas:** Four towns expressed willingness to opt properties into the SAP on a parcel-by-parcel basis, if requested by the landowner (including Jewett, mentioned above). No town has yet to express willingness to Opt-In for an entire hamlet.
- **Recreational Trails and Third-Party Ownership:** Three towns expressed interest in long-distance recreational trails as part of a tourism-based economy, along with concerns about DEP ownership potentially restricting land use. One town expressed a strong preference for third party ownership (preferably by the municipality) so that recreational use could be determined locally.
- **Privacy and Conservation Easements:** Two towns expressed concerns about potential privacy and traffic impacts for neighbors of DEP lands that are open for public access. One town expressed a preference for conservation easement over fee simple acquisitions, because they afford more privacy and local control.

## Landowner Outreach

CCCD conducts community outreach as a complement to landowner solicitation and in support of overall program goals. CCCD created a SAP brochure for landowners and another for municipal officials. The former is included with solicitation letters sent to landowners and/or shared with landowners on site visits; the latter has been mailed, emailed and personally shared by CCCD with municipal officials. Both are also shared at events and distributed by partner programs such as the Catskill Streams Buffer Initiative. For example, the SAP had a presence at the Schoharie Watershed Summit every year between 2016-2019, at the Catskill Center Expo during 2017-2019, and at the Catskill Center's 50<sup>th</sup> Birthday Celebration at the Catskill Visitor Center in 2019. In-person events were not possible in 2020 due to the COVID-19 pandemic.

## Solicitation

Criteria for SAP solicitation will continue to evolve over time, but virtually all properties selected for solicitation thus far share the following attributes:

- They are within areas that are part of an existing DEP Stream Management Plan; and
- They contain high proportions of stream frontage, 300-foot riparian buffer, and/or 100-year floodplain; and
- They are vacant and less than roughly 50 acres in size, or contain improvements and are between roughly 10 and 50 acres in size but can be subdivided so that most improvements (and all habitable dwellings) will remain in private ownership; and
- They must be approved by local municipal resolution if the property is within a LAP-excluded designated area.

The WSP requires that the SAP be implemented in conjunction with Stream Management Plans developed by DEP's Stream Management Program. Parcels in the Schoharie Basin covered by these plans are easily identified in DEP's GIS, and CCCD regularly consults with both Stream Management Program and LAP staff in regard to solicitation priorities. Emphasis is placed on properties containing large amounts of riparian buffer and/or floodplain, and those overlapping with Stream Protection Areas (a designation developed by DEP to identify stream reaches of high priority for protection).

As summarized in Table 2, CCCD has conducted eight rounds of SAP solicitations in Schoharie Basin towns which have reached owners of 325 properties (383 tax parcels), 2,972 acres of buffer, and 3,262 total acres through September 2020. Since April 2020, due to impacts of the pandemic on finances and real estate procedures, DEP has halted all outgoing solicitations including for the SAP. It is worth noting that for properties under 15 acres, per internal DEP policy for the LAP, the entire property is counted as solicited. For properties 15 acres and larger, only qualifying streams, wetlands, floodplains, and acreage within 300 feet of streams (i.e., riparian buffers) are counted as solicited. This policy reflects that for larger parcels, the SAP is likely to seek subdivision focused on acquisition of stream buffers rather than to acquire the whole parcel.

Table 2 Summary of SAP solicitations by town through September 2020.

Town	Number of Properties	Solicited Acres	Acres in Buffer
Ashland	28	294	262
Conesville	44	448	375
Gilboa	1	24	36
Hunter	35	335	305

Jewett	76	744	659
Lexington	55	628	651
Prattsville	28	285	237
Windham	<u>58</u>	<u>504</u>	<u>447</u>
<b>Total</b>	<b>325</b>	<b>3,262</b>	<b>2,972</b>

### Appraisals

As summarized in Table 3, of the 325 properties solicited to date, CCCD has appraised 59 properties for the SAP totaling 492 acres. Average property size is eight acres, average property value/purchase offer is \$54,880, and average per-acre value is \$6,581. Of the 59 properties appraised, 29 (47%) would require a subdivision. A total of 35 properties (59%) have accepted purchase offers.

Table 3 Summary of all properties appraised by the SAP through September 2020.

Prop ID	Acres	Subdivision Required?	Appraised Value	Price per Acre	Accepted Offer?
9313	1	N	\$11,000	\$11,000	Y
9552	5	N	\$12,750	\$2,550	Y
9159	4	N	\$15,000	\$3,750	Y
9236	4	N	\$15,000	\$3,750	Y
9314	2	N	\$22,000	\$11,000	Y
9581	4	N	\$10,000	\$25,000	Y
9351	6	N	\$35,000	\$5,833	Y
9676	4	N	\$35,000	\$8,750	Y
9318	3	N	\$37,000	\$12,333	Y
9265	6	N	\$37,219	\$6,203	Y
9070	2	N	\$40,000	\$20,000	Y
9403	2	N	\$41,000	\$20,500	Y
9078	5	N	\$45,000	\$9,000	Y
9186	2	N	\$45,000	\$22,500	Y
9202	3	N	\$50,000	\$16,667	Y
9439	10	N	\$53,000	\$5,300	Y
9112	17	N	\$90,720	\$5,336	Y
9342	16	N	\$114,580	\$7,161	Y
9339	10	N	\$130,000	\$13,000	Y
9595	3	Y	\$22,000	\$7,333	Y
9320	7	Y	\$40,000	\$5,714	Y
9386	10	Y	\$40,000	\$4,000	Y
9492	3	Y	\$44,000	\$14,667	Y
9277	5	Y	\$45,000	\$9,000	Y
9570	3	Y	\$45,000	\$15,000	Y
9435	8	Y	\$46,000	\$5,750	Y
9181	4	Y	\$47,000	\$11,750	Y

9652	20	Y	\$51,968	\$2,598	Y
9263	10	Y	\$55,000	\$5,500	Y
9270	12	Y	\$55,000	\$4,583	Y
9732	6	Y	\$60,000	\$10,000	Y
9725	29	Y	\$70,325	\$2,425	Y
9324	22	Y	\$87,340	\$3,970	Y
9283	19	Y	\$145,410	\$7,653	Y
9281	24	Y	\$242,075	\$10,086	Y
<b>Subtotal Accepted</b>	<b>291</b>	<b>16</b>	<b>\$1,935,387</b>	<b>\$6,651</b>	<b>35</b>
9250	5	N	\$8,000	\$1,600	N
9473	7	N	\$18,000	\$2,571	N
9199	5	N	\$38,000	\$7,600	N
9114	3	N	\$50,000	\$16,667	N
9103	8	N	\$52,800	\$6,600	N
9086	9	N	\$75,000	\$8,333	N
9106	8	N	\$78,656	\$9,832	N
9411	6	N	\$82,200	\$13,700	N
9387	13	N	\$116,160	\$8,935	N
9083	14	N	\$140,333	\$10,024	N
9108	19	N	\$188,180	\$9,904	N
9164	3	Y	\$11,000	\$3,667	N
9257	10	Y	\$20,000	\$2,000	N
9350	6	Y	\$24,000	\$4,000	N
9203	6	Y	\$30,000	\$5,000	N
9284	5	Y	\$30,000	\$6,000	N
9353	6	Y	\$30,000	\$5,000	N
9073	9	Y	\$35,000	\$3,889	N
9171	7	Y	\$35,000	\$5,000	N
9196	8	Y	\$40,000	\$5,000	N
9599	11	Y	\$44,720	\$4,065	N
9267	7	Y	\$48,000	\$6,857	N
9493	8	Y	\$49,500	\$6,188	N
9453	18	Y	\$58,000	\$3,222	N
<b>Subtotal Refused</b>	<b>201</b>	<b>13</b>	<b>\$1,302,549</b>	<b>\$6,480</b>	<b>24</b>
<b>Grand Total</b>	<b>492</b>	<b>29</b>	<b>\$3,237,936</b>	<b>\$6,581</b>	<b>59</b>

## Accepted Offers, Executed Contracts and Closed Projects

Through September 30, 2020, 27 properties totaling 209 acres have proceeded to signed purchase contracts for fee simple conveyance to the City. Of those 209 acres, 73% represents streams, floodplains, wetlands and stream buffers. As of that date, 19 of these contracts totaling 137 acres have closed. Due to interruptions attributable to COVID-19, which has slowed or paused numerous routine activities and transactions associated with the City’s land acquisition initiatives, the SAP has been allowed to enter six of nine contracts with landowners who accepted offers prior to or during the pandemic. Table 4 shows all SAP purchase contracts, closed contracts, and projects where the landowner has accepted a purchase offer and is waiting for purchase contracts. Overall, the SAP has a respectable success rate for turning prospective deals into accepted offers, with 18% of all solicited properties moving to the appraisal stage and 35 accepted offers from 59 offers extended (59%). SAP’s offer acceptance rate has increased as the program has matured; of the 21 offers extended in 2019 and 2020, 15 (71%) were accepted.

Table 4 Characteristics of SAP properties closed, remaining in contract, or accepted offers.

Prop ID	Town	Acres	Subdivision Required?	Fair Market Value	Incentive
Offer Accepted, No Contract					
9181	Windham	4	Y	\$47,000	
9265	Jewett	6	N	\$37,219	\$5,000
9339	Windham	10	N	\$130,000	
9570	Windham	3	Y	\$45,000	\$2,000
9652	Jewett	20	Y	\$51,968	
9676	Ashland	4	N	\$35,000	\$5,000
9725	Gilboa	29	Y	\$70,325	
9732	Ashland	6	Y	\$60,000	
Sub Totals:	8	82	5	\$476,512	\$12,000
Contract Executed					
9112	Lexington	17	N	\$90,720	\$2,000
9283	Jewett	19	Y	\$145,410	
9342	Prattsville	16	N	\$114,580	
9403	Windham	2	N	\$41,000	\$2,000
9435	Lexington	8	Y	\$46,000	\$2,000
9492	Windham	3	Y	\$44,000	\$2,000
9581	Lexington	4	N	\$10,000	\$5,000
9595	Jewett	3	Y	\$22,000	\$4,000
Subtotals:	8	72	4	\$513,710	\$17,000
Closed					
9070	Ashland	2	N	\$40,000	
9078	Jewett	5	N	\$45,000	
9159	Jewett	4	N	\$14,500	
9186	Windham	2	N	\$45,000	
9202	Windham	3	N	\$50,000	
9236	Jewett	4	N	\$14,500	
9263	Jewett	10	Y	\$55,000	



9270	Jewett	12	Y	\$55,000	
9277	Hunter	5	Y	\$45,000	
9281	Hunter	24	Y	\$247,179	
9313	Windham	1	N	\$11,000	
9314	Windham	2	N	\$22,000	
9318	Windham	3	N	\$37,000	
9320	Jewett	7	Y	\$40,000	
9324	Prattsville	22	Y	\$86,824	
9351	Prattsville	6	N	\$35,000	
9386	Lexington	10	Y	\$40,000	
9439	Lexington	10	N	\$53,000	
9552	Conesville	5	N	\$15,000	\$3,000
Subtotals:	19	137	7	\$951,003	\$3,000
<b>Grand Totals:</b>	<b>35</b>	<b>291</b>	<b>46% Yes</b>	<b>\$1,941,225</b>	<b>\$32,000</b>

### Subdivisions

The SAP’s early solicitation rounds focused on whole parcels, but over time the program has shifted to also include parcels where only portions are deemed eligible and compelling. For interested landowners in this category, the SAP configures subdivisions to leave land that is deemed to be developable and relatively dry for landowners to retain, while appraising only the wettest portions of such properties. Of the 27 executed contracts, 11 have involved subdivisions (41%); this percentage is likely to rise as the program matures.

### Program Incentives

DEP and CCCD have developed several incentives to increase participation of landowners in the SAP. Some of these incentives have been in place for years, such as reimbursing landowners for removal of wells, septic systems, and in some cases non-residential improvements like sheds or debris. In accordance with the 2017 FAD, DEP worked with CCCD and other watershed stakeholders to develop and begin implementing in 2019 additional financial incentives that result in payments directly to landowners distinct from fair market value; these incentives apply to situations involving high proportions of surface water criteria (>85%) and/or low fair market values. DEP and CCCD also identified potential future opportunities for non-financial incentives, such as third party ownership and the possibility of local municipalities developing “SAP-friendly” subdivision ordinances to allow for focused streamside protection. DEP expects to meet with stakeholders on these incentives during late 2020 and early 2021.

Landowner incentives available as of 2017:

- Reimbursement for well/septic removal costs up to \$3,000
- Reimbursement for technical subdivision costs up to \$5,000
- Reimbursement for removal of debris: \$5,000 for properties valued under \$30,000 and \$3,000 for properties valued between \$30,000 and \$50,000.
- Enhanced down payments: 50% of property value for properties under \$10,000 and \$5,000 for properties valued between \$10,000 and \$50,000

Additional landowner Incentives available as of 2019:

- Option Agreement available for properties that work for the SAP as a part of an ensemble of properties would provide a landowner with the larger of \$500.00 or 3% of their property's value per year up to three years until or unless the SAP completed a purchase and sale agreement.
- Properties with 85% or more of the subject area in surface water criteria receive \$2,000
- Properties with fair market values below \$40,000 receive \$3,000
- Properties with fair market values below \$40,000 and that require subdivision receive another \$1,000

## **Conclusion**

This status report demonstrates that the SAP has been a meaningful addition to the suite of core LAP initiatives intended to protect the most sensitive watershed lands. In particular, the SAP has secured many wet, developable properties that would be otherwise ineligible for the core LAP due to size limitations. SAP properties generally contain much higher proportions of surface water criteria because they are relatively small and because CCCD staff purposefully solicit and configure properties such that they consist mostly of stream, wetlands, floodplain and stream buffer. The program is managed by a locally-based land trust, which offers additional lines of communication with local municipal officials since CCCD can act as a facilitator where needed to secure Opt-Ins for designated hamlets. One unknown ahead is whether additional municipalities will decide to Opt-In properties or entire hamlets, and how the SAP might be received beyond the Schoharie Basin if the NYSDEC and NYSDOH direct the City to expand the program throughout the WOH watershed. Other unknowns involve whether certain incentives yet to be developed or implemented, such as the purchase option agreement, third-party ownership, and local subdivision ordinances, will yield positive results.