

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

**Land Acquisition Program  
Semi-Annual Report**

**July 31, 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.*

**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
<b>Totals**</b>	<b>168,086</b>	<b>27,065</b>			<b>195,151</b>

\* 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 acres<sup>1</sup>. 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
<b>Subtotal of WAC funds derived from DEP LAP funding source:</b>	<b>\$76m</b>
Stewardship Endowment:	\$43m
<b>Total NYC funding commitment for WAC Easement Programs:</b>	<b>\$119m</b>

**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:

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

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<sup>1</sup> 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.

through the Catskill Center for Conservation and Development ("CCCD") later this year. 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 \$70,935.
- **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.

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