

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: July 1, 2011 through December 31, 2011

January 27, 2012

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

Prepared by: Dave Tobias, Deputy Chief
Watershed Lands & Community Planning
Bureau of Water Supply
Land Acquisition Program
New York City Department of Environmental Protection

**New York City Department of Environmental Protection
Land Acquisition Program
Catskill / Delaware System
Semi-Annual Report Due January 30, 2012
Reporting Period: July 1, 2011 through December 31, 2011**

**Prepared in accordance with the
New York City Filtration Avoidance Determination of July, 2007**

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, and 2007 Filtration Avoidance Determinations, provide the framework under which the City undertakes activities that lead to acquisition of lands 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

DEP's goal for solicitation in 2011 was 60,000 acres. During the second half of the year, DEP solicited 39,491 acres; a total of 69,838 acres were solicited in 2011.

Projects Signed to Purchase Contract

During the second half of 2011, the City signed 34 purchase contracts representing 2,945 acres of land in fee or conservation easement in the Catskill/Delaware system. Program-wide for Cat/Del, DEP alone has secured a grand total of 99,015 acres throughout the Cat/Del at a cost of \$354 million (plus an additional \$29 million for "soft" costs). During the second half of 2011, the Farm Easement Program that is managed by WAC (also see below) signed an additional 646 acres to contract, bringing total lands protected by DEP and WAC under the FAD in Cat/Del since 1997 to 121,249 acres¹. The attached tables provide additional details about signed contracts.

Land and Conservation Easements Acquired

During the second half of 2011, DEP closed 53 contracts totaling 5,413 acres (bringing the total acres closed during 2011 to 9,049, the most ever closed in a single year). In all, as of the end of this period, the City has closed 1,165 purchase agreements in the Cat / Del system totaling 88,471 acres (fee simple and conservation easements). WAC has closed on 20,591 acres of the 22,234 acres it has signed to contract in the Cat-Del System.

Conservation Easements

As of the end of this reporting period, DEP had secured 23,340 acres and WAC had secured 22,234 acres. Of the 121,090 acres secured in the Cat/Del overall by DEP and WAC, 37.6% (45,572 acres) are protected by conservation easements.

Farm and Forest Easement Programs

WAC and DEP spent the subject period finalizing negotiations on both an extension of the

¹ This total includes about 135 acres in the Croton system and 700 acres entirely outside of the Cat/Del 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.

current Farm Easement Program contract beyond its current termination date of September 15, 2012 (adding \$23 million to program funds), as well as to incorporate the \$6 million five-year pilot Forest Easement Program as outlined in the 2010 Water Supply Permit (Special Condition 31) into the same contract. In addition, agreement was reached on revising the current program contract to address requirements of section 11 of the 2010 WOH Stakeholder Agreement. Total funding 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 (contract under negotiation):	\$23m
Pilot Forest CE Program pursuant to 2010 WSP (contract under negotiation):	\$ 6m
Total NYC funding commitment for WAC Easement Programs:	\$76m

NYS DEC Water Supply Permit # 0-9999-00051/00001

During this period DEP has followed 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 tasks were addressed:

- **Riparian Buffer Program** (Special Condition 29): in early June, the Greene County Land Trust (GCLT) and the Town of Hunter declined further participation in developing the PDI report or the Riparian Buffer Program. Since that time, the Catskill Center for Conservation and Development, a 501(c)3 organization based in Arkville, NY, has agreed to replace GCLT and is now under contract to the Town of Hunter, which is receiving funding from the Catskill Watershed Corporation, to prepare the PDI Report for the Riparian Buffer Program.
- **Enhanced Land Trust Program** (Special Condition 33): DEP has continued to work with many stakeholders and land trust partners to ensure this program will be implemented per the WSP; during the second half of 2011, the Process Memo outlining the ELTP was finalized by the stakeholders. The deadline for town elections to participate in this program was extended by DEC to December 19, 2011, while those towns that have ‘opted in’ had until January 9, 2012 to submit their resolutions. The towns of Hunter, Gilboa, Woodstock, Halcott, and Olive have formally resolved to opt into the program. There are six properties in these towns, totaling 3,910 acres, which are on the ELTP list of eligible properties.
- **Taxes on WAC Conservation Easements** (Special Condition 19a): The City submitted inter-municipal agreements to 23 municipalities; the agreements provide that Watershed Agricultural Easements acquired after January 1, 2011 will be taxed in accordance with proposed State Legislation, until such time as that legislation is enacted into law. As of December 31, 2011, the City had executed agreements with 18 of these municipalities.
- **Tax Litigation Avoidance Program** (Special Condition 25b8): Language for the contract between the City and CWC for the Tax Litigation Avoidance Program (TLAP) was finalized in the first half of 2011. During the reporting period, City procurement procedures for this sole source contract were initiated. The TLAP Contract should register in early 2012.

Transfer of Conservation Easements on Fee Acquisitions to NYS

A set of 13 conservation easements covering 230 LAP-acquired properties representing over 15,600 acres have been prepared using this new model document, and those easements are planned for submission to DEC in the first half of 2012. DEP's program-to-date easement conveyances to DEC remain at a total of 53 CEs on 656 DEP properties comprising 42,394 acres.

end of text

**NYC DEP Land Acquisition Program
2nd Half 2011 Semi-Annual Report**

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

Reporting Period: 1995 to 1st Half 2011

<u>R.E. Type</u>	<u># of Contracts</u>	<u>Acres</u>	<u>Avg. Acres</u>	<u>Purchase Price</u>
Fee	1,090	72,937	67	\$286,351,978
CE	152	23,134	152	\$56,916,027
WAC CE	117	21,588	185	\$29,745,965
	1,359	117,658	87	\$373,013,970

Reporting Period: 2nd Half 2011

Fee	32	2,738	86	\$9,652,142
CE	2	207	103	\$657,940
WAC CE	4	646	161	\$979,747
	38	3,591	94	\$11,289,829

Program-to-date Sub-Totals

Fee	1,122	75,675	67	\$296,004,120
CE	154	23,340	152	\$57,573,967
WAC CE	121	22,234	184	\$30,725,712

Grand Totals:	1,397	121,249	87	\$384,303,799
----------------------	--------------	----------------	-----------	----------------------

**NYC DEP Land Acquisition Program
2nd Half 2011 Semi-Annual Report**

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

Reporting Period: 1995 to 1st Half 2011

<u>R.E. Type</u>	<u># of Contracts</u>	<u>Acres</u>	<u>Avg. Acres</u>	<u>Purchase Price</u>
Fee	986	63,763	65	\$246,199,415
CE	126	19,295	153	\$40,351,819
WAC CE	108	19,946	185	\$27,127,245
	1,220	103,003	84	\$313,678,478

Reporting Period: 2nd Half 2011

Fee	45	4,710	105	\$21,784,888
CE	8	703	88	\$6,463,043
WAC CE	2	645	323	\$1,042,038
	55	6,059	110	\$29,289,969

Program-to-date Sub-Totals

Fee	1,031	68,473	66	\$267,984,303
CE	134	19,998	149	\$46,814,861
WAC CE	110	20,591	187	\$28,169,283

Grand Totals:	1,275	109,062	86	\$342,968,447
----------------------	--------------	----------------	-----------	----------------------

NYC DEP Land Acquisition Program
Semi-Annual Closed Properties by Watershed System and R.E. Type as of 12/31/2011
(WAC CE's excluded)

Closed - Half Year Starting: **7/2011**

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	CE	8	703	\$6,463,043
CAT-DEL	Fee	45	4,710	\$21,784,888
		53	5,413	\$28,247,931

Closed - Half Year Starting: **1/2011**

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	CE	10	2,475	\$5,874,502
CAT-DEL	Fee	23	1,160	\$7,442,479
		33	3,635	\$13,316,981

Closed - Half Year Starting: **7/2010**

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	CE	13	1,377	\$3,863,834
CAT-DEL	Fee	53	4,351	\$23,558,481
		66	5,728	\$27,422,315

Closed - Half Year Starting: **1/2010**

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	CE	6	873	\$1,773,428
CAT-DEL	Fee	31	1,621	\$8,759,146
		37	2,495	\$10,532,573
CROTON	Fee	1	13	\$167,000
		1	13	\$167,000

NYC DEP Land Acquisition Program
Parcels Eased or Acquired in Fee Simple: 08/01/2011 to 12/31/2011

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>
2291	Delaware	Andes	280.-1-44.2	Bussey Hollow Rd.	Fee	129.31	10/26/2011
3825	Delaware	Andes	279.-1-2.4	Fall Clove Road	Fee	105.63	11/02/2011
3825	Delaware	Andes	279.-1-2.51	Fall Clove Road	Fee	60.13	11/02/2011
7168	Delaware	Andes	260.-1-13.12	State Highway 28	Fee	26.56	12/29/2011
7229	Delaware	Andes	302.-1-1	off Bussey Hollow Rd	Fee	116.72	08/02/2011
7766	Delaware	Andes	237.-3-2.2	County Highway 2	Fee	5.68	08/16/2011
7766	Delaware	Andes	237.-3-2.3	County Highway 2	Fee	6.01	08/16/2011
7766	Delaware	Andes	237.-3-2.4	County Highway 2	Fee	7.05	08/16/2011
7766	Delaware	Andes	237.-3-2.5	County Highway 2	Fee	5.10	08/16/2011
3213	Delaware	Bovina	129.-2-3	Scutt Mountain Road	Fee	244.52	10/20/2011
4236	Delaware	Bovina	153.-1-5	Jim Lane Rd.	CE	74.61	12/30/2011
7692	Delaware	Bovina	152.-2-17	East Bramley Mtn Rd	Fee	161.97	10/13/2011
7690	Delaware	Delhi	193.-1-26.12	Scotch Mt Rd	Fee	97.09	11/15/2011
6130	Delaware	Kortright	87.-2-23.11	State Hwy 10	WAC CE	335.05	08/02/2011
1826	Delaware	Roxbury	222.-4-1	County Rt. 36	Fee	4.56	12/29/2011
1826	Delaware	Roxbury	222.-4-3.41	County Rt. 36	Fee	5.12	12/29/2011
1826	Delaware	Roxbury	222.-4-3.42	County Rt. 36	Fee	2.79	12/29/2011
1826	Delaware	Roxbury	222.-4-3.43	County Rt. 36	Fee	5.13	12/29/2011
1826	Delaware	Roxbury	222.-4-3.44	County Rt. 36	Fee	4.11	12/29/2011
1826	Delaware	Roxbury	222.-4-3.45	County Rt. 36	Fee	3.43	12/29/2011
1826	Delaware	Roxbury	222.-4-3.46	County Rt. 36	Fee	7.30	12/29/2011
1826	Delaware	Roxbury	222.-4-3.47	County Rt. 36	Fee	45.30	12/29/2011
1826	Delaware	Roxbury	222.-4-Road Area	County Rt. 36	Fee	2.00	12/29/2011
5391	Delaware	Roxbury	133.-2-3	Hardscrabble	Fee	23.00	12/29/2011

NYC DEP Land Acquisition Program
Parcels Eased or Acquired in Fee Simple: 08/01/2011 to 12/31/2011

<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>
5391	Delaware	Roxbury	134.-1-1.11	Hardscrabble	Fee	171.73	12/29/2011
5777	Delaware	Roxbury	180.-1-17.21	G LAWRENCE RD	Fee	210.57	09/14/2011
7400	Delaware	Roxbury	180.-1-2	Sally's Alley	CE	121.22	11/17/2011
7623	Delaware	Roxbury	177.-1-7.32	Thompson Hollow Rd	Fee	66.92	11/22/2011
7623	Delaware	Roxbury	177.-1-9	Thompson Hollow Rd	Fee	4.83	11/22/2011
3213	Delaware	Stamford	129.-1-11	Scutt Mountain Road	Fee	575.43	10/20/2011
6136	Delaware	Stamford	70.-1-35	Turkey Hollow Rd	WAC CE	103.50	11/08/2011
6136	Delaware	Stamford	89.-1-5.11	Turkey Hollow Rd	WAC CE	63.91	11/08/2011
6136	Delaware	Stamford	89.-1-12	Turkey Hollow Rd	WAC CE	142.62	11/08/2011
4289	Delaware	Tompkins	293.-2-19.2	Finch Hollow Road & Dryden Road	Fee	32.41	10/18/2011
4289	Delaware	Tompkins	293.-2-22.2	Finch Hollow Road & Dryden Road	Fee	1.35	10/18/2011
7656	Delaware	Tompkins	228.-2-4.1	Windfall Rd	Fee	135.67	08/23/2011
1765	Delaware	Walton	335.-2-14	Off Rt 10	Fee	205.83	12/08/2011
7963	Greene	Ashland	93.00-2-32	Route 23	Fee	101.42	11/17/2011
1694	Greene	Hunter	182.00-5-4.2	off NYS Rt. 23A	Fee	46.40	12/07/2011
7376	Greene	Hunter	196.00-5-38	Mink Hollow and Elka Park	Fee	6.83	12/27/2011
7376	Greene	Hunter	196.00-5-39	Mink Hollow and Elka Park	Fee	5.14	12/27/2011
7376	Greene	Hunter	196.00-5-40	Mink Hollow and Elka Park	Fee	5.95	12/27/2011
7376	Greene	Hunter	196.00-5-41	Mink Hollow and Elka Park	Fee	6.11	12/27/2011
7376	Greene	Hunter	196.00-5-42	Mink Hollow and Elka Park	Fee	6.05	12/27/2011
7376	Greene	Hunter	196.00-5-43	Mink Hollow and Elka Park	Fee	6.04	12/27/2011
544	Greene	Jewett	149.00-1-22.1		Fee	67.50	08/30/2011
5437	Greene	Jewett	129.00-4-3.11	KOSS RD	Fee	30.33	11/02/2011
5866	Greene	Jewett	114.00-2-14	BARNUM RD	Fee	31.57	09/14/2011
4718	Greene	Prattsville	42.00-1-5.12	STANLEY SLATER RD	Fee	35.63	11/02/2011
7758	Greene	Prattsville	91.00-3-4	River	Fee	13.72	11/03/2011

NYC DEP Land Acquisition Program
Parcels Eased or Acquired in Fee Simple: 08/01/2011 to 12/31/2011

<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>
7758	Greene	Prattsville	91.00-3-5	River	Fee	7.18	11/03/2011
587	Greene	Windham	62.00-1-4.111	Nauvoos Road	Fee	325.38	11/22/2011
4598	Greene	Windham	95.00-1-49	off Coumo's Cove Rd.	Fee	5.58	10/05/2011
4598	Greene	Windham	95.00-1-50	off Coumo's Cove Rd.	Fee	5.47	10/05/2011
4598	Greene	Windham	95.00-1-51	off Coumo's Cove Rd.	Fee	2.79	10/05/2011
4598	Greene	Windham	95.00-1-52	off Coumo's Cove Rd.	Fee	2.79	10/05/2011
4598	Greene	Windham	95.00-1-53.1	off Coumo's Cove Rd.	Fee	3.14	10/05/2011
4598	Greene	Windham	95.00-1-53.2	off Coumo's Cove Rd.	Fee	3.32	10/05/2011
4598	Greene	Windham	96.00-1-56	off Coumo's Cove Rd.	Fee	3.22	10/05/2011
4598	Greene	Windham	96.00-1-57	off Coumo's Cove Rd.	Fee	5.58	10/05/2011
4598	Greene	Windham	96.00-1-58	off Coumo's Cove Rd.	Fee	5.86	10/05/2011
4701	Greene	Windham	63.00-4-4	OLD RD	Fee	6.28	11/15/2011
4701	Greene	Windham	63.00-4-40	OLD RD	Fee	5.12	11/15/2011
4701	Greene	Windham	63.00-4-41	OLD RD	Fee	3.03	11/15/2011
4701	Greene	Windham	63.00-4-42	OLD RD	Fee	5.11	11/15/2011
4701	Greene	Windham	80.00-1-47	OLD RD	Fee	2.92	11/15/2011
4701	Greene	Windham	80.00-1-48	OLD RD	Fee	3.00	11/15/2011
111	Putnam	Kent	21.-1-5	Smalley Corners Rd.	Fee	2.34	12/29/2011
111	Putnam	Kent	21.-1-6	Smalley Corners Rd.	Fee	2.34	12/29/2011
4963	Putnam	Kent	43.-2-28	ROUTE 301	Fee	2.15	09/26/2011
7151	Schoharie	Conesville	202.-1-35	Caulkins	Fee	9.51	08/02/2011
4488	Sullivan	Neversink	12.-1-24.1	Twinshaven Road (Town Rd #24)	Fee	70.32	10/05/2011
1173	Ulster	Denning	51.-2-16.112	Brooks Hill Road a/k/a Dubois Rd	Fee	23.65	12/06/2011
8106	Ulster	Denning	50.-3-1	Old Dinch	Fee	121.77	10/27/2011
296	Ulster	Olive	37.1-6-17	Bostock & Peck Roads	Fee	103.09	10/26/2011
296	Ulster	Olive	36.2-1-14.120	Bostock & Peck Roads	Fee	204.87	10/26/2011

NYC DEP Land Acquisition Program

Parcels Eased or Acquired in Fee Simple: 08/01/2011 to 12/31/2011

<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>
296	Ulster	Olive	37.1-5-3	Bostock & Peck Roads	Fee	71.04	10/26/2011
296	Ulster	Olive	37.1-5-4	Bostock & Peck Roads	Fee	40.47	10/26/2011
4843	Ulster	Olive	45.4-2-8.100	Turner	Fee	5.64	12/29/2011
7985	Ulster	Olive	36.2-1-14.111	Bostock Mt	CE	57.89	11/29/2011
7597	Ulster	Shandaken	13.7-1-4	Route 28	Fee	15.00	10/26/2011
296	Ulster	Woodstock	36.2-2-22	Bostock & Peck Roads	Fee	36.97	10/26/2011
496	Ulster	Woodstock	26.-1-8	off Jonet Lane, f/k/a Whispell Rd.	Fee	110.06	08/09/2011
496	Ulster	Woodstock	26.-1-11.111	off Jonet Lane, f/k/a Whispell Rd.	Fee	200.31	08/09/2011
7956	Ulster	Woodstock	14.4-2-7	Grogkill	Fee	3.47	12/28/2011
1508	Westchester	North Castle	107.02-1-5	93 Whipoorwill Rd.	CE	20.80	12/20/2011
Grand Totals:			Count: 86			5,174.31	

NYC DEP Land Acquisition Program
Semi-Annual Closed WAC Conservation Easements by Watershed System as of 12/31/2011
(NYC DEP Deals Excluded)

Contract Closed - Half Year Starting: 7/2011

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	WAC CE	2	645	\$1,025,691
		2	645	\$1,025,691

Contract Closed - Half Year Starting: 1/2011

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	WAC CE	10	1,567	\$3,552,765
		10	1,567	\$3,552,765

Contract Closed - Half Year Starting: 7/2010

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	WAC CE	6	1,162	\$1,780,078
		6	1,162	\$1,780,078

Contract Closed - Half Year Starting: 1/2010

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	WAC CE	2	274	\$393,680
		2	274	\$393,680

Contract Closed - Half Year Starting: 7/2009

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
CAT-DEL	WAC CE	6	946	\$2,368,384
		6	946	\$2,368,384

Contract Closed - Half Year Starting: 1/2009

<u>System</u>	<u>R.E. Type</u>	<u>Count</u>	<u>Acres</u>	<u>Price</u>
---------------	------------------	--------------	--------------	--------------