

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

**Land Acquisition Program
2017-2018 Solicitation Plan for the Catskill / Delaware System**

October 2016

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



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Land Acquisition Program
2017 – 2018 Solicitation Plan, Catskill-Delaware System
 October 31, 2016

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 (the “FAD”) calls for submission of solicitation plans for “each 2-year period.” This Plan, which follows issuance of the 2015-2016 Solicitation Plan in October, 2014, will outline projected activities for calendar year 2017. 2018 solicitation will be set following the issuance of the 2017 FAD.

This Plan reviews recent activity for core and satellite programs, details the actual and proposed solicitation goals for all LAP programs from 2012 through 2017 and discusses geographic and programmatic points of emphasis for solicitation:

- The 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 required in the 2007 FAD; and
- This Plan identifies how solicitation by other LAP-affiliated programs, such as the WAC Farm Easement Program, WAC Forest Easement Program, Streamside Acquisition Program and the New York City-Funded Flood Buyout Program continues to be incorporated into the overall LAP solicitation effort.

2. Recent Program Activity

As shown in Table 1 below, LAP has acquired (signed or closed) 141,964 acres of land program-to-date 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	8,127	81,894	90,021
DEP Conservation Easements (CEs)	1,267	24,433	25,700
WAC CEs	0	26,243	26,243
Program Totals	9,394	132,570	141,964

In the period covered by the 2015-2016 Solicitation Plan, from January 1, 2015 through October 24, 2016, LAP has acquired a total of 8,772 acres, including 4,862 acres in Fee Simple, 1,192 acres of CEs and 2,718 acres of WAC CEs.

3. Solicitation Goals through 2017

This Solicitation Plan calls a continuation of targeted solicitations in accordance with the FAD and LAP's 2009 Long-Term Acquisition Plan. As shown in Table 2, from 2012 through 2015 LAP solicited over 221,000 acres. Planned solicitations in 2016 are on track with our annual goals, and it is anticipated that LAP will exceed the 300,000 acre requirement before December 31, 2017:

Table 2: 2012 to 2017 Solicitation - Accomplishments and Goals

<u>Year</u>	<u>LAP Solicitation</u>	<u>WAC Solicitation (2)</u>	<u>Other Program Solicitation (3)</u>	<u>Annual Total Credit (4)</u>	<u>Cumulative Total</u>
2012	64,904	2,439	0	67,343	67,343
2013	40,702	4,626	0	45,328	112,671
2014	38,785	11,202	0	48,785	161,456
2015	49,961	46,171	0	59,961	221,417
<i>2016</i>	<i>35,000</i>	<i>10,000</i>	<i>1,050</i>	<i>45,000</i>	<i>266,417</i>
<i>2017</i>	<i>35,000</i>	<i>10,000</i>	<i>2,100</i>	<i>45,000</i>	<i>311,417</i>
<i>Projected</i>					
<i>6-Year Totals</i>	<u>259,352</u>	<u>84,438</u>	<u>3,150</u>	<u>311,417</u>	

Notes:

- (1) Actual solicitation figures are in regular font; incomplete (2016) or projected goals are shown in *blue italics*;
- (2) WAC solicitation includes both the Agricultural and Forest Easement programs; see Section 3.1;
- (3) Other Program Solicitation includes acres solicited through the Streamside Acquisition Program and New York City-Funded Flood Buyout Program. In accordance with the FAD, credit for solicitation under those programs is to be two acres for each acre solicited. The figures above are the actual solicited acres projected, not including the 2 for 1 credit; and
- (4) Annual solicitation credit is calculated as LAP solicitation plus the total solicitation credit for WAC and Other programs, not to exceed 10,000 acres.

3.1 Program Components

In accordance with the new FAD, solicitation for the core LAP acquisition program (i.e. the acquisition of fee simple and conservation easement interests by the City of New York) is now augmented by formal tracking of solicitation by affiliated LAP programs. Up to 10,000 acres may be counted from affiliated programs in a given calendar year toward LAP's total solicitation effort. Incorporating solicitation for these programs acknowledges the important role WAC CEs have played in LAP's land protection mission, and provides an opportunity to track and measure the progress of three new programs, the WAC Forest Easement Program, the Streamside Acquisition Program and the New York City Funded Flood Buyout Program:

- A. WAC Agricultural Easement Program** – As part of its standard operating procedures, WAC discusses the Agricultural Easement Program with all farmers enrolled in the Whole Farm Program (“WFP”) during its Annual Status Review Meeting undertaken on each property enrolled in the WFP. For interested farmers, WAC requests 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 this metric, WAC solicited 11,202 acres in 2014 and 18,183 in 2015.

- B. WAC Forest Easement Pilot Program** – The WAC Forest Easement Pilot Program contract was registered in 2013 and the program started actively soliciting landowners with WAC Forest Management Plans during 2015, when the owners of 27,988 acres were contacted. Solicitation has continued in 2016, and the first appraisals have been ordered and received. It is anticipated that the first contract of sale will be executed soon.
- C. Streamside Acquisition Program (SAP)** – This pilot program in the Schoharie Basin (called the Riparian Buffer Acquisition Program in the FAD) is being managed by the Catskill Center for Conservation and Development under a \$5 million contract which registered in 2015. Active solicitation began in the spring of 2016 and several active projects are likely to result in signed contracts in the coming months. This Plan assumes that 1,000 acres will be solicited under SAP in 2016 and 2,000 acres will be solicited in 2017.
- D. New York City Funded Flood Buyout Program (NYCFFBO)** – Pursuant to the FAD, the City and watershed stakeholders engaged in extensive negotiations in 2015 and 2016 leading up to a June, 2016 Water Supply Permit modification for this new program. Since June, DEP and our partners at CWC and several watershed counties have solicited the owners of seven eligible properties, including properties in three program categories: Local Flood Analysis, Stream Program and Erosion Hazard. DEP is in the appraisal stage on six of these, and the first signed contract is expected in November, 2016. For purposes of this Plan, we assume that NYCFFBO solicitation will be 50 acres in 2016 and 100 acres in 2017.

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 for Fee and CE projects:

- A. 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 January 1, 2010 LAP has acquired over 37,048 acres in these Areas of Focus, raising the overall level of protected land in those areas from 31.3% to 35.5%.

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 High Focus sub-basins were as follows:

<u>Basin</u>	<u>High Focus Sub-Basins</u>
Schoharie	Schoharie Creek, Johnson Hollow Creek
Pepacton	Terry Clove, Fall Clove, Tremper Kill
Cannonsville	Trout Creek, Loomis Brook

Since January, 1, 2010 LAP has acquired over 5,440 acres in these seven sub-basins, nearly doubling their combined level of protection, which increased from 7.2% to 14.1%. See the

map attached at the end of this Plan, which depicts the current levels of protection and Areas of Focus for WOH sub-basins.

B. *Parcel Ranking* – The LAP Parcel Ranking tool continues to provide 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) to develop a relative ranking of any given set of input properties. These rankings are used by staff to identify those properties most deserving of solicitation. Prior to sending out letters, project managers undertake a qualitative evaluation to incorporate additional information such as road frontage or parcel configuration which are not direct inputs to the ranking tool.

C. *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. As detailed in the 2014-2015 Solicitation Plan, these techniques have proven useful and will continue to be employed in 2016 and 2017:

- 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;
- Continued solicitation of “Landowner Not Interested” properties; and
- Increased emphasis on Landowner Call-Ins, which have consistently resulted in a somewhat higher rate of accepted offers.

D. *Continued pursuit of important properties throughout the watershed.* Despite the fact that the LT Plan re-focused LAP solicitation on less-protected WOH basins, LAP has and will continue to pursue important properties throughout the Catskill-Delaware System. Since January 1, 2014, the following activity demonstrates the City’s ongoing commitment to acquisition outside of the Areas of Focus:

- LAP has acquired six properties in the Rondout and Neversink basins and one in Kensico comprising a total of 417 acres acquired outside the Areas of Focus, at a total cost of \$2.2 million; and
- In addition to the one property acquired in the Kensico basin since 2014, LAP has appraised five additional properties in the EOH district in 2016 totaling 532 acres and expects to have executed contracts on several of these in the coming months.

