



Minutes of the WAC Easement Committee Meeting
March 2, 2016

Members Present:

*Tom Hutson, Committee Chair
Dave Cammer
Bud Gladstone
John Verhoeven
John Riedl
Ken Heavey, NYC DEP

Others Present:

Ryan Naatz, Easement Program Director
Josh Gorman, Easement Program Acquisition Coordinator
Gary Lamont, Land Conservation Specialist
Rob Birdsall, Easement Program Stewardship Coordinator
Billy Martin, Land Conservation Stewardship Specialist
Mike Federice, Land Conservation Stewardship Specialist
Troy Bookhout, Easement Program Conservation Planner
Suzie Seymour, Easement Program Executive Assistant
Sally Fairbairn, WAC Chair
Fred Huneke, WAC
Heather Magnan, WAC Communications Director
Duncan Schmitt, NYC DEP
Ira Stern, NYC DEP

Public Attendees:

Kristan Janke Schneider, Delaware County Planning
Molly Oliver, Delaware Watershed Affairs
Mike Chamberlain, Development Services

I. CALL TO ORDER

Meeting Called to Order at 10:09 am

II. APPROVAL OF MINUTES

❖ **Motion to approve the Minutes of the February 3, 2016 public meeting of the Easement Committee.**

Motion: John Riedl

Second: Duncan Schmitt

****Motion Carried****

Tom H. welcomed Ira Stern from DEP to the Easement Committee meeting.

III. ADDITIONS/DELETIONS TO PUBLIC AGENDA

None

IV. PROGRAM MOTIONS

1. **None**

V. DISCUSSION ITEMS

1. Section 26; “Waivers” – Additional Discussion

2. CE Enforcement Policy – Discussion Development/Timeline

[Ryan Naatz] Bob Feller’s memo regarding waivers was passed out before last month’s meeting. Discussion was tabled to give Committee time to review the memo. Since WAC’s CE Enforcement Policy may be linked to the Waiver discussion, Ryan said he would like to schedule a Working Group meeting in April to develop a draft policy to submit for approval. Duncan said he was pleased to see the memo from LTA that was passed out before today’s meeting and feels a written policy will provide better guidance for Staff and Committee. He added that the beginning of April is usually busy with aerial monitoring but mid to end of April will work for him.

2. LTA Webinar Schedule

A schedule of LTA webinars was passed out last month. Billy reminded Committee that the following webinars are scheduled in March:

- Today, 3/02, “Amendment Essentials”
- 3/16, “Managing Violations”
- 3/30, “Stewardship Technology Update”
- 3/31, “Thorny Acquisition Issues”

Suzie added that PDF versions are available after the webinars for those that can’t attend on the scheduled date/time.

VI. STEWARDSHIP MOTIONS

1. **None**

VII. STEWARDSHIP UPDATES

1. Hanselman, Ernest A. (PID #6034) – FHP Status

[Mike Federice] Due to warm weather there has been no activity to date on the Ernest A. Hanselman forest harvest. The logger that will be completing the job is

no longer Roger Bresee, it is now Jeff McNee who works with his son Casey. On 2/11 WAC Forester Karl Vonberg and I walked the harvest area with Jeff McNee, his son Casey, and the Hanselman's forester Dick McIntosh to review expectations pertaining to water quality and stressed the sensitivity of the site. Jeff McNee is planning to move his equipment on site this weekend, however he will not be starting up in the immediate future. Jeff understands he will be unable to work until conditions dry up and improve, and will likely be shut down during periods of wet weather.

2. Huneke, Frederick W. & Marilyn I. (PID #6148) – FHP Status

[Mike Federice] Due to warm weather there has been no harvesting activity to date on the Huneke forest harvest, just some trail work with a bulldozer that was completed in January. WAC Forester Karl Vonberg has been in contact with Matt Barkalow, of Gutchess Lumber, and has suggested that logger, Leland Lamont, hold off on starting until conditions begin improving, possibly in April. Matt has agreed to this. The landing area is in a relatively sensitive site and the harvest will still likely be shut down during wet weather.

3. Kelly, Randall C. & Lucci M. (PID #6161) – FHP Status

[Billy Martin] WAC Forester Karl Vonberg visited the Kelly easement property on February 5th, 11th, and 18th and found no water quality issues or potential problems. Karl reported that the surface layer of the skid trails were either frozen or slightly thawed, but there was no moving water on the trails and there are functioning water bars in place to direct any runoff. Since the last update, the logger has put in the planned section of new skid trail that Staff and the landowner worked together to flag in. The new trail allows the logger a shorter skid from the western harvest area and establishes a greater buffer between the skid trail and the stream. Karl reported that the new trail works well and gives any sediment time to settle out before reaching the stream.

4. Schoenborn, Johannes Graf von (PID #6147) – FHP Request

[Billy Martin] On February 5th, the Timber Sale for this FHP was acquired by Wagner Lumber. Stewardship staff has been in contact with Wagner's project manager for this harvest, Claude Steele, and are working to set up an on-site meeting with him and Karl Vonberg to discuss the FHP requirements and timing of this harvest.

5. Workload Status - Routine Monitoring, Aerials, Notifications, Reserved Rights, BDRs

[Billy Martin] Billy has completed 9 AMVs to date for the 1st quarter assignments, with 2 remaining that have been scheduled for March 18th. Final surveys have been ordered for the Houshmand SVR CE Amendment and our attorney has reviewed the final Amendment document. Staff hopes to have the Amendment finalized by the end of March.

Otherwise, Stewardship Staff also received notification from Dennis & Mary Brockway (PID #6001) on February 25th that they intend to construct a 12' x 12'

run-in shed for their sheep within the ACEA of their CE property in Stamford, NY.

[Mike Federice] Mike has completed twelve AMV's to date for the first quarter, which surpasses the original goal of ten. He will continue scheduling AMV's this month that were originally planned for the second quarter.

[Rob Birdsall] Rob stated that Billy and Mike have been doing a great job meeting 1st quarter ground monitoring goals. The Stewardship team will meet and/or exceed its 1st quarter metric. The Stewardship team will be looking to schedule an aerial monitoring flight over the next month.

The Stewardship team has been offering technical assistance on a variety of potential reserved rights including BMP stream work, solar arrays, subdivision and FHPs. Committee can expect some additional reserved rights in the coming months.

The Houshmand amendment is nearly complete so the Stewardship team will be moving to complete other outstanding amendments, time and budget pending.

Before moving to Executive Session, Duncan advised that DEP has met several times to discuss the solicitation letters that are being sent to landowners for solar leases. They have determined that 20-acre "solar farms" are essentially a development that is prohibited by their deed and their landowners have been notified accordingly. Tom H. added that, from his understanding, there are a lot of downsides to the proposals and landowners should be fully informed before making a decision. Rob said the Stewardship team has been proactively responding to questions they receive from WAC's easement landowners.

VIII. EXECUTIVE SESSION

◆ **Motion to go into Executive Session to discuss Project Acquisition Motions, Acquisition Updates, and Violations/Pending Litigation at 10:32 am.**

Motion: Bud Gladstone

Second: Dave Cammer

Motion Carried

IX. PROJECT ACQUISITION MOTIONS

AG CE

1. & 2. Property ID #6218 - Motion to Approve Purchase & Sales Contract for a Conservation Easement and Bluestone Mining Plan

◆ **Motion to authorize the Watershed Agricultural Council / Easement Committee to execute a contract for the expenditure of Two Thousand, Three Hundred Twenty-five Dollars and Zero Cents (\$2,325) per acre for the purchase of a conservation easement of approximately 155.3 acres on PID# 6218.**

Acres under easement: 155.3
 Appraised "before" value: \$3,700.00/acre
 Appraised "after" value: \$1,375.00/acre
 Appraised easement value: \$2,325.00/acre
 Total Purchase Price Approx: \$361,072.50 (62.84%)

and

◆ **Motion to approve the Bluestone Mining Plan for PID #6218 as detailed in the attached Bluestone Mining Plan and described in the memorandum dated February 16, 2016 from Joshua Gorman, Easement Program Acquisitions Coordinator and Billy Martin, Land Conservation Stewardship Specialist.**

Motion: Dave Cammer

Second: Bud Gladstone

****Motion Carried****

3. Property #6238 - Motion to Approve Land Plan and Authorize Appraisal

◆ **Motion to approve the land plan for PID #6238 on the Land Planning Map dated February 8, 2016 as presented, and authorize appraisal of an easement under the following two scenarios:**

- **Scenario 1 Conservation Easement composed of tax parcel 147.-1-4 (minus a 7 ac. exclusion) and tax parcel 147.-1-5 for a total of approx. 247 acres.**

- **Scenario 2 Conservation easement on 247 acres with the two parcels being combined into one.**

The proposed easement consists of one ADA currently containing one residence, an old barn and a garage. The other use areas are FA for consisting of hay fields and some forest land and 2 areas of RPA adjacent to watercourses. The proposal would allow no additional residences and no additional tax parcels.

Scenario 1

<u>Existing</u>		<u>Land Plan</u>		<u>Total</u>
Tax parcels: 2	+	Subdivision: 0	=	Tax parcels: 2
Residences: 1	+	Residences: 0	=	Residences: 1
		ADA: 1	=	ADA: 1

Scenario 2

<u>Existing</u>		<u>Land Plan</u>		<u>Total</u>
Tax parcels: 2	+	Subdivision: 0	=	Tax parcels: 1
Residences: 1	+	Residences: 0	=	Residences: 1
		ADA: 1	=	ADA: 1

Motion: John Riedl

Second: Dave Cammer

****Motion Carried****

4. Property #6233 – Motion to Approve Appraisal and Authorize a Purchase Offer

◆ **Motion to approve the appraisal for PID #6233 of 231.3 +/- acres and authorize a purchase offer for the full easement value of \$2,500.00 per acre, based on the December 8, 2015 appraisal by Farm Credit East Appraisal Service. This offer is contingent on all parcels being under common 555rship and a BLA completed to merge parcel 265.-1-8.2 (5.05 ac.) into the adjacent parcel, 265.-1-8.1.**

Motion: Bud Gladstone

Second: Dave Cammer

****Motion Carried****

5. Property # 6234 - Motion to Approve Purchase & Sales Contract

◆ **Motion to authorize the WAC Easement Committee to execute a contract for the expenditure of Two Thousand Four Hundred Fifty Dollars and Zero Cents (\$2,450.00) per acre, based on the appraisal completed by Farm Credit East Appraisal Service for the purchase of a conservation easement of approximately 96.83 acres on property # 6234, located in the Pepacton Basin.**

Acres under easement:	96.83
Appraised “before” value:	\$4,000.00/acre
Appraised “after” value:	\$1,550.00/acre
Appraised easement value:	\$2,450.00/acre
Total Purchase Price Approx.	\$237,233.50

Motion: Dave Cammer

Second: John Riedl

Bud Gladstone abstained from voting

****Motion Carried****

Forest Conservation Easements

6. Property #6227 – Motion to Approve Land Plan And Authorize Appraisal

◆ **Motion to approve the land plan for PID #6227 on the Land Planning Map dated February 16, 2016, as presented, and authorize appraisal of an easement under one scenario:**

One (1) ADA (9 acres), two (2) MUA’s (10acres) and a FA (151.7 acres), and Zero (0) additional tax parcels.

<u>Existing</u>	<u>Land Plan</u>	<u>Total</u>
Tax parcels: One (1)	Subdivision: 0	= Tax parcels: 1
	ADA 1	= ADA 1
	MUA 2	= MUA 2

Motion: John Riedl

Second: Ken Heavey

Additional Discussion: Ken had concerns about the potential for locating impervious surfaces within the MUA areas near a stream. Josh clarified that the any Impervious Surface constructed after the date of this Easement must be located beyond 100 feet of a Watercourse or Wetland. This is the same setback for both the MUA and FA. Josh also

clarified that a cumulative total of 5,000 square feet of Impervious Surface is allowed within the MUA and FA combined, subject to the following conditions of the Deed of CE:

- a. Any Impervious Surface constructed after the date of this Easement must be located beyond 100 feet of a Watercourse or Wetland:
- b. A cumulative total of 1,000 square feet of Impervious Surface is permitted with prior notice to but not approval of Grantee. The construction of Impervious Surfaces which when combined with existing Impervious Surfaces totals more than 1,000 square feet is allowed only with prior notice to and approval of the Grantee.

****Motion Carried****

X. ACQUISITION UPDATES - Discussed in Executive; No Motions

1. Workload Status: Land Planning, Easement Offers, Properties in Contract, Closings

XI. VIOLATIONS/PENDING LITIGATION - Discussed in Executive

1. Property #6059

2. Property #6052

3. Property #6600

◆ Motion to confirm a gravel parking improvement area violation on Property #6600 and encourage Staff to move forward toward resolution.

Motion: Dave Cammer

Second: John Verhoeven

****Motion Carried****

XII. Personnel/Other Business

XIII. COMMITTEE REPORT - Tom Hutson

Tom stressed how important the WAC is to the Watershed and how committed he is to the Easement Program.

XIV. ◆ Motion to adjourn at 12:08 pm

Motion: Duncan Schmitt

Second: John Riedl

****Motion Carried****

Next meeting date: Wednesday, April 6, 2016 at 10:00 am in the Downstairs Conference Room at the WAC Office, Walton, NY.