

# Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

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## Minutes of the WAC Easement Committee Meeting

July 6, 2022

### Members Present via Zoom

Tom Hutson, Committee Chair

Dave Cammer, Committee Vice Chair

Bud Gladstone

John Verhoeven

Fred Huneke

John Vickers, NYC DEP

### Members Absent: None

### Others Present via Zoom:

Serena Orleski, Easement Program Director

Mike Morales, Easement Program Stewardship Coordinator

Dennis Heinz, Land Conservation Stewardship Specialist

Troy Bookhout, Easement Program Conservation Planner

Kayla Atanasoff, Easement Program Executive Assistant

Ryan Naatz, Executive Director

Kristan Morley, Economic Viability Program Manager

Michael Vander Werff, NYC DEP

### Public Attendees:

Paul Kaczmarczyk, NYS DOH

Sean Leddy, Delaware County Planning

**I. CALL TO ORDER**

Meeting called to order at 10:03am.

**II. APPROVAL OF MINUTES**

*\*Motion to approve the Minutes of the June 15, 2022 public meeting of the Easement Committee.*

Motion: John Vickers

Second: Bud Gladstone

**\*\*Motion Carried\*\***

**III. ADDITIONS/DELETIONS TO PUBLIC AGENDA**

1. Serena added the Q2 Dashboard and Successes & Challenges Report as a discussion item in Executive Session.

**IV. CHAIR’S REPORT/PROGRAM MOTIONS**

1. Chair’s Report

Tom had nothing to report other than the Easement Program is continuing its search for additional staff.

2. *\*(Tabled on June 15, 2022) Motion to advance the DRAFT “Rural Enterprises and Commercial Recreation” and “Locating Septic Systems Outside Acceptable Development Areas (ADA)” guidelines, as amended, to WAC legal counsel for review.*

Serena picked up the discussion of the tabled motion from June’s Easement Committee meeting. She explained that since the meeting, she had been discussing a different tactic with John Vickers to address landowner requests involving the use of temporary structures and portable toilets. John and others at DEP were more comfortable utilizing temporary waivers and amendments to the Deed of Conservation Easement (CE); the idea would be to issue temporary waivers with the understanding that if the activity would be reoccurring that a permanent amendment to the Deed of CE be sought by the landowner and approved by Committee. John asked that a letter be sent to the Watershed Inspector General (WIG) regarding the question of what constitutes a material change to the Deed of CE. The letter would ask specifically for a ruling on (1) temporary improvements (e.g. tents and stages) outside of the RPA, (2) establishing a set number of permitted primitive camp sites, and (3) the temporary use of self-contained portable toilets inside and outside of the ADA. Serena suggested postponing a decision on the tabled motion because guideline revisions would need to be made eventually but the exact changes will be determined by the final ruling from the WIG. Serena then turned the floor over to John to discuss headway within DEP.

John Vickers explained that he met with the Deputy Commissioner and the Assistant Commissioner for Watershed Protection following the June Easement Committee to discuss DEP support for the activities that Serena mentioned. His take-away from those discussions was that DEP is generally supportive of those pursuits but want to ensure that the terms of the

Deed are not violated (hence the letter to the WIG). He added that he is fairly confident that a favorable ruling will be made on the question of material changes because DEP requested and received a favorable ruling on the use of bagged toilet systems for Tentr sites on their own conservation easements. He also noted that although the scenarios and the Deeds between DEP and WAC are a little different, he feels positive about the potential outcome if this question is pursued.

Dave inquired about the potential costs to landowners should they choose to pursue amendments to their Deeds. Serena replied that staff would need to have discussions with legal counsel to come up with a clear answer to that question. If a form amendment were used, a landowner could expect transaction costs to file the Deed and additional attorney fees if they choose to have the document reviewed. She added that one of the benefits to offering a temporary waiver would be that it gives landowners time to determine if the activities would be worth the costs associated with amending the Deed of CE.

With no additional questions, the discussion concluded and the motion was left on the table for the time being.

## **V. DISCUSSION ITEMS**

### **1. Farm and Forest Transition Reimbursement Program**

Kristan announced that the Economic Viability Program received its first application for the Farm and Forest Transition Reimbursement Program at the end of May. She explained that the application went before a Review Committee, of which Serena was on, and was approved by the Economic Viability Committee. The motion to approve the application will be presented at the July Council meeting at the end of the month. This news is exciting, in particular, because the farm that applied is a WAC eased property that participates in both our Agricultural and Business Planning Programs. The reason they applied for this grant opportunity was because their Business Plan determined that they did not have a succession plan in place, and the funding would help solidify their estate. She highlighted that bridging WAC programs creates a lot of opportunities for local farms and she hoped to spotlight this farm as a way to bring in additional applicants.

## **VI. STEWARDSHIP MOTIONS**

None.

## **VII. STEWARDSHIP UPDATES**

None.

## **VIII. EXECUTIVE SESSION**

*\*Motion to go into Executive Session at 10:25am to discuss Violations/Legal Updates, Acquisition Program Motions/Updates, and Other Business.*

Motion: Bud Gladstone

Second: Fred Huneke

**\*\*Motion Carried\*\***

*\*Motion at 10:48am to go out of Executive Session.*

Motion: Fred Huneke

Second: Bud Gladstone

**\*\*Motion Carried\*\***

**IX. VIOLATIONS/LEGAL UPDATES**

None.

**X. ACQUISITION PROGRAM MOTIONS/UPDATES**

**ACE Project Motions**

None.

**FCE Project Motions**

None.

**Updates**

None.

**XI. DISCUSSION/OTHER BUSINESS**

1. Q2 Dashboard and Successes & Challenges Report

**XII. ADJOURNMENT**

*\*Motion to adjourn the meeting.*

Motion: Bud Gladstone

Second: John Verhoeven

**\*\*Motion Carried\*\***

Meeting adjourned at 10:51am.

Next meeting date: **Wednesday, August 3, 2022 at 10:00am, via Zoom**