Minutes of the WAC Easement Committee Meeting
September 1, 2021

Members Present via Zoom:
  Tom Hutson, Committee Chair
  Dave Cammer, Committee Vice-Chair
  Fred Huneke
  John Riedl
  Bud Gladstone
  John Verhoeven
  Jeff Graff, NYC DEP

Members Absent: N/A

Others Present via Zoom:
  Rob Birdsall, Easement Program Stewardship Coordinator
  Josh Gorman, Easement Program Acquisition Coordinator
  Dennis Heinz, Land Conservation Stewardship Specialist
  Mike Morales, Land Conservation Stewardship Specialist
  Troy Bookhout, Easement Program Conservation Planner
  Serena Orleski, Land Conservation Acquisition Specialist
  Ryan Naatz, Interim Executive Director
  Duncan Schmitt, NYC DEP
  Dave Tobias, NYC DEP

Public Attendees:
  Nick Carbone, Watershed Affairs
  Sean Leddy, Delaware County Planning Department

I. CALL TO ORDER
   Meeting Called to Order at 10:01 am.

II. APPROVAL OF MINUTES
   *Motion to approve the Minutes of the August 4, 2021 public meeting of the Easement Committee.
   Motion: Bud Gladstone
   Second: Fred Huneke
   **Motion Carried**
III. ADDITIONS/DELETIONS TO PUBLIC AGENDA
None.

IV. CHAIR’S REPORT / PROGRAM MOTIONS
General introduction; none.

V. DISCUSSION ITEMS
CAT 450 5-year Review: Rob stated that he & Duncan, as well as Josh, have been communicating regarding next steps. All working together to finish. Duncan agreed; working on his questions for Rob and also drafting the report. He hopes to have something to Rob and Josh by end of next week.
Fred inquired about the loan taken against 450. Ryan replied: in January, to help bridge the funding gap from the current 403 contract, there was an amendment to the 450 contract (stewardship endowment) to allow for the transfer of $350K for operating costs/expenses. It was a 6 month provisional amendment which required repayment. Ryan continued: because of delays in budget approvals and the remittance of payments 22 & 23 we have not been able to repay this. This has been acknowledged by the ACCO; she said not to worry about that. WAC has not received an extension as promised, however. Ryan believes the ACCO is waiting on legal guidance as to how to best memorialize. He recently (yesterday) inquired where this stands. Certainly will require funds from portions of payments 24-27 to make whole. Bud asked what the length of the extension will be. Ryan replied: minimally the extension, beyond June 30th, would have to mirror the remittance of payment timeframe. Current 403 contract only goes until 12/31 of this year. At the maximum, it will match that. Assume it will align with that 12/31 deadline. If we register 503, perhaps a longer timeline is granted. Ryan continued: in order to pay it back you have to first address the monies (it [repayment] was originally contemplated as part of payments 22 & 23 but the delays in fiscal year budget approvals and then delays with receiving payments 24 & 25 occurred, which happy to report, WAC did receive those today). We have to account for PPP monies and for the line of credit, so cannot pay back in full with monies received from payments 24 & 25. He reiterated: contract amendment extension relative to 450 is something that legal affairs (ACCO) is working on how to memorialize and align with the status quo. Unsure where this is within legal affairs. Bud inquired about the dollar amounts of 24& 25. Ryan replied: Payment 24 in ~$303K, Payment 25 is ~$844K for January 1 to June 30th. Ryan isn’t aware of any deductions, but hasn’t reviewed yet; just saw in the portal. Fred again inquired how we receive paperwork to pay it [450] back? Ryan replied: ACCO acknowledges they did not provided documentation necessary for the timely review and approval of budgets, thus [timely] extension unachievable. Rob relayed to group that two members of the public joined the meeting and inquired whether this decision was better suited for executive. Ryan asked Jeff if there was anything he wanted to add. He declined.
VI. STEWARDSHIP MOTIONS

1. Householder, James T. & Karin (PID #6068) – Rural Enterprise/Firewood Distribution

*Motion to approve the James & Karin Householder (PID #6068) New Rural Enterprise Request – Firewood Processing (Renovation) request dated July 29, 2021 as described in the staff memo and attached materials dated August 12, 2021.

Discussion: Mike presented this, Jim and Karin currently run a horse boarding and horseback riding facility at their farm. They requested to convert their 60X120 indoor arena into a firewood processing facility. They are scaling back and looking for alternatives to make money; no longer doing lessons, slowly looking to sell some horses. Bud reminded group that WAC went there on the farm tour three years ago. Mike stated: to recall from that tour, there is a barnyard BMP that does not show on the map as it is too new for aerals. No portion of the BMP will be used for the firewood processing facility; everything will be within the riding arena, as shown on the map. Rob added: Householders still utilize BMP and it is still well within lifespan. He continued: it was certified in October 2017, 4 years into its lifespan. He believes it is a 10-year lifespan BMP. All parties are aware of that (as stated in Mike’s memo). Good example of how WAC staff, within the farm easement, must steward the use of structures, and in this case, the use of the same structure in different Use Areas. Bud inquired about the span/size of the BMP; he stated that the extension was implemented by WAC. Mike clarified: the whole arena is not a WAC BMP. Rob stated the 60X120 (Mike noted in his memo) was there from day one, when we placed the conservation easement on the property. Off the southeastern end of the riding arena is where WAC implemented the barnyard BMP. Jeff asked to make sure they will still utilize BMP. Rob stated that is correct; that is what the Householders indicated to staff. Per Mike: everything in the barnyard will be used as it is today for the horses. Manure handling will stay the same; mainly export all their manure. No change at all to the agricultural operation, just less horses and no more horseback riding. Jeff asked about the number of horses. Mike stated: somewhere in the teens, potentially 14-15, at one time they had quite an operation, close to over 40. Rob stated the last two ASRs were 34 & 27 respectively; currently, targeting 20 or less per their email. He continued: Troy completed a thorough BMP analysis on this project. This request is the result of a down-scale in agriculture. Based on our review, this request will not damage any BMPs in use and/or in lifespan currently. Did not find an area where this request did not meet CE or program guidelines. Fred asked: will we need to add a BMP for log storage? Rob stated: no, they will store in an old gravel area (which is an expired BMP). Might trickle into some pasture, currently idle/no longer in use for agriculture, very small area - less than a quarter acre. Wouldn’t qualify for a BMP. He continued: to be clear, they cannot create a water quality concern. Fred clarified that is what prompted his question. Rob stated: their stacking area is on the apex of the watershed line, 40-50% could trickle to pond, the rest to 23 (road). High and dry spot . . . confident that water quality concern could be mitigated quite easily. For instance, if they ever needed silt fence. Good vegetative buffer there, as well. Mike added: met onsite with the third-party operator and went over all with him and plan to do so again. He is well aware of the CE in place. Started to develop a
relationship.
Motion: Bud Gladstone
Second: John Verhoeven
**Motion Carried**

VII. STEWARDSHIP UPDATES

1. Emerald Isle LLC (PID #6156) - Utility Easement
   • Rob stated: this is the Mike Merritt conservation easement in Delhi. We have been discussing this for months; staff are still waiting on final legal counsel advice. Preliminary discussions have gone well. Expecting direction this week; just missed the agenda deadline, unfortunately. He added he does anticipate we will be in a position to take action at the October meeting. Tom asked: how is the relationship between WAC and NYSEG at this point? Rob replied that Dennis and he co-communicate with NYSEG. The representative seems to be understanding of the time WAC is taking. WAC staff act as the liaison between landowner and Committee. Jason (NYSEG) is between staff and the landowner. He continued: Dennis or I haven’t spoken personally to Merritt recently. Again, this will take months not weeks, for various reasons, lack of legal counsel and/or complexities of review of this request. Hopeful (with legal counsel and staff) we will have something before Committee for October to decide best next steps.

2. Wise Weasel LLC (PID #6127) - BMP Stream Work
   • Mike stated there are three stream crossing/cattle-slat crossings planned (BMPs) out in Bloomville. Approved at the staff level. Unsure when they will be implemented. Tom added: stream crossings will be good for farm operation as he (farmer) extends his pasture. Mike agreed.

3. Dunlop, William & Karen (PID #6157) - BMP Stream Work
   • Dennis also received a request for stream work; two WAC BMPs. He stated: one is a new cattle crossing on a non-classified stream. The other is a repair to an existing crossing which will also improve drainage. Designs are ready but implementation date is to be determined. Tom asked if it could be done this fall. Dennis stated he has no insight, but considering where we are in the calendar year, would anticipate no. Fred asked about permitting process; do we have a blanket permit or apply every time? Mike answered this has recently changed. Used to have a general Soil & Water permit; now have to apply each time. Have to go through DEC/ Article 15. Fred and Bud stated: more complicated process. Mike replied yes; takes a while longer. Ryan asked: do we know why the state withdrew that blanket permit from the Soil & Water districts? Rob does not know why it was revoked, nor does he think it was commonplace; stated it was unique to have it. Delaware County had one, for agricultural program, and it was under tight parameters. He does not know the specific reasoning for revoking it. We have assisted in a few stream permits and the process has changed and is a little more complex. Ryan inquired: it is a contractual requirement of the WAC and Soil & Water subcontract, that they provide the permitting. Curious to see implications of this for Easement and Ag Program WAC staff. Rob speculates that contractual requirement is specific to WAC Ag BMPs through CAT 487. Ryan replied: yes. Rob’s understanding is that the technician assigned to the specific design is the primary liaison between DEC and landowner . . .
when he was a technician in Ag Program, in an instance where the blanket permit would not work, it was your [technicians] job to get the permit or rather to lead that process. Ryan stated: doesn’t necessarily change the expectations, maybe a few more hoops to jump through, but shouldn’t stop the process. Rob agreed and added he did have a conversation with Pete Steenland and it does take more time. The blanket permit was certainly an efficiency. He continued: interestingly, prior to COVID we had a meet and greet with DEC staff and explored the possibility of WAC (itself) getting a blanket permit. He could not recall why, but that didn’t sound like a good idea at the time and isn’t possible now. Fred stated he was under the impression, from conversations with the Soil& Water District, that the state stopped issuing blanket permits. Rob replied: it very well could be. They held it for 15 years or more, could be result of changes/procedures at DEC.

VIII. EXECUTIVE SESSION
Rob stated that Nick Carbone and Sean Leddy left meeting and/or moved to waiting room.

❖ Motion to go into Executive Session at 10:32am to discuss Violations/Legal Updates, Project Acquisition Motions, Acquisition Updates, and Other Business.
  Motion: Fred Huneke
  Second: John Riedl
  **Motion Carried**

❖ Motion at 11:03am to go out of Executive Session.
  Motion: Bud Gladstone
  Second: John Verhoeven
  **Motion Carried**

IX. VIOLATIONS / LEGAL UPDATES

X. ACQUISITION PROGRAM MOTIONS / UPDATES
  Ag CE
  None

  FCE
  None

XI. DISCUSSION / OTHER BUSINESS

XII. Meeting adjourned at 11:05am
  Next meeting date: Wednesday, October 6, 2021 @ 10am (Location: TBD)