



Minutes of the WAC Easement Committee Meeting
January 6, 2016

Members Present:

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

Others Present:

Ryan Naatz, Easement Program Director
Josh Gorman, Easement Program Acquisition Coordinator
Billy Martin, Land Conservation Stewardship Specialist
Mike Federice, Land Conservation Stewardship Specialist
Gary Lamont, Land Conservation Specialist
MacKenzie Waro, Land Conservation Specialist
Troy Bookhout, Easement Program Conservation Planner
Suzie Seymour, Easement Program Executive Assistant
Craig Cashman, WAC Executive Director
Sally Fairbairn, WAC Chair
Fred Huneke, WAC
Duncan Schmitt, NYC DEP

Public Attendees:

Kristan Janke Schneider, Delaware County Planning
Molly Oliver, Delaware Watershed Affairs

I. CALL TO ORDER

Meeting Called to Order at 10:15 am.

II. APPROVAL OF MINUTES

❖ **Motion to approve the Minutes of the December 2, 2015 public meeting of the Easement Committee.**

Motion: Dave Cammer

Second: Bud Gladstone

****Motion Carried****

III. ADDITIONS/DELETIONS TO PUBLIC AGENDA

- Under Project Acquisition Motions for Ag CEs – PID # 6192 is postponed
- Under Project Acquisition Motions for Forest CEs – the correct PID # is 6230

IV. PROGRAM MOTIONS

1. None

V. DISCUSSION ITEMS

1. Cyprus Creek Solar Lease Solicitations

[Mike Federice] Mike presented his memo dated 12/23/15 along with a copy of the letter and term sheet that Cypress Creek Renewables is sending to landowners. Ryan added that he and Staff have received at least ten inquiries from easement owners relative to this topic and expects to receive more. Fred requested the floor and stated that Staff should caution landowners to seek legal advice regarding these leases and any potential flaws that might be detrimental before signing. Duncan pointed out that 20 acres of solar panels on ag land has significantly more impact than the solar panels referred to in our deed for on-site farm use. Ryan has reached out to the Company directly and will keep Committee advised.

VI. STEWARDSHIP MOTIONS

1. None

VII. STEWARDSHIP UPDATES

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

[Mike Federice] Due to warm weather there has been no activity to date on the Ernest A. Hanselman forest harvest. Stewardship staff have been in contact with the Hanselman's forester, Dick McIntosh, regarding the time frame for the logger to move on to the property. Dick McIntosh and Stewardship staff have agreed that although current conditions are very cold, the upcoming rain and warm weather that is forecasted will not be conducive to forest harvest operations with respect to water quality. When conditions are forecasted to remain cold and the ground begins freezing up, Dick will be in contact with Stewardship and Forestry staff to arrange an onsite meeting before the operation begins.

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

[Billy Martin] On December 17th, 2015, WAC Forester Karl VonBerg visited the Randall & Lucci Kelly easement property to inspect the conditions of the skid trails and landings associated with the approved FHP. This FHP does not involve any commercial timber harvesting on the easement property, but skid trails and landings on the easement property

are being used to haul out timber from an adjacent uneased property. Due to the wet conditions of late November and early December, Randall Kelly has decided to shift the harvest focus from the eastern side of the property to the western side, which is higher in elevation and contains less hydrologically sensitive areas. Karl VonBerg did not feel that there were significant threats to water quality resulting from the harvest operations on the eastern end of the property, but did not dispute shifting the harvest to the western end of the property. With regard to the skid trails and landing on the western end of the property, there are a series of 4 water bars approaching the southwest landing on State Route 30 from the north which need to be cleaned out regularly to keep them functioning properly and gravel may need to be applied on the landing to mitigate mud from log truck tires tracking down Route 30. Randall Kelly and Tom Davis, the logger, have been very receptive and communicative with regard to Easement Program guidance. To date, there are no significant water quality issues associated with this harvest.

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

[Billy Martin] The managing forester for this property has indicated that the loggers have not yet been selected for the project, but the timber sale contract will be going out to bid soon. Stewardship Staff will keep Committee apprised of any updates to this project as they become available.

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

Ryan thanked Billy, Mike and Troy for their efforts to complete the 2015 AMVs ahead of schedule. Stewardship staff is ready to start 2016 with a new monitoring schedule, including properties that will be added as we close on new properties.

Before going into Executive Session, Joyce asked for a copy of WAC's appraisal guidelines. Ryan explained that WAC doesn't have appraisal guidelines because valuations are determined by independent third party certified appraisers. All appraisals and subsequent approved offers are consistent with USPAP standards and the appraisers themselves maintain all continuing education requirements. Furthermore, we utilize rotations of our appraisers and approve sub-contracts via RFP. Joyce doesn't feel the appraisals adequately address the loss of future viability. She would like to meet with Council/Committee to discuss the issue.

Ryan responded that Staff can certainly provide further education to any/all EC Members regarding appraisal and valuation techniques, but

“bigger picture” discussions are best reserved amongst key Board members and Committee.

VIII. EXECUTIVE SESSION

❖ **Motion to go into Executive Session to discuss Project Acquisition Motions, Acquisition Updates, and Violations/Pending Litigation at 10:45 am.**

Motion: Bud Gladstone

Second: Joyce Bishop

****Motion Carried****

Stewardship Motion for PID #6052

❖ **Motion to approve the SSTS RoW/Easement (L1211/P176) on the conservation easement for PID #6052 granted April 9, 2008.**

Motion: Duncan Schmitt

Second: John Verhoeven

Aye Votes: None

Naye Votes: Duncan Schmitt, Dave Cammer, Joyce Bishop, John Verhoeven, Bud Gladstone

****Motion Failed****

IX. PROJECT ACQUISITION MOTIONS

AG CE

1. Property ID #6224 - Motion to approve appraisal and authorize a purchase offer

❖ **Motion to approve the appraisal for PID #6224 of 294.62 +/- acres and authorize a purchase offer for the full easement value of \$1,172.00 per acre, based on the September 28, 2015 appraisal by McGrath & Company, Inc.**

Motion: Dave Cammer

Second: John Verhoeven

****Motion Carried****

2. Property #6226 - Motion to approve the appraisal and authorize a purchase offer

❖ **Motion to approve the appraisal for PID #6226 of +/-148.5 acres and authorize a purchase offer for the full easement value of \$2,450 per acre, based on the value established in the October 8, 2015 appraisal by Farm Credit East Appraisal Service.**

Motion: Dave Cammer

Second: Ken Heavey

****Motion Carried****

3. Property #6197 – Motion to Approve Final Documents
◆ **Motion to approve the final easement, baseline documentation report, title insurance, survey, and environmental site assessment for PID #6197 conservation easement project, contingent upon the receipt of COFA.**

◆ **As Amended: Motion to approve the final easement, baseline documentation report, title insurance, survey, and environmental site assessment for PID #6197 conservation easement project.**

Motion: Dave Cammer

Second: John Verhoeven

****Motion Carried****

4. Property # 6191 - Motion to Approve Final Documents

◆ **Motion to approve the final easement, baseline documentation report, title insurance, survey, and environmental site assessment for PID # 6191 conservation easement project, contingent upon receiving COFA.**

◆ **As Amended: Motion to approve the final easement, baseline documentation report, title insurance, survey, and environmental site assessment for PID #6191 conservation easement project.**

Motion: John Verhoeven

Second: Dave Cammer

****Motion Carried****

Forest Conservation Easements

6. Property #6239 - Motion to Approve the Appraisal and Authorize a Purchase Offer

◆ **Motion to approve the appraisal for PID #6239 of 170 +/- acres and authorize a purchase offer for the full easement value of \$850 per acre, based on the November 12, 2015 appraisal by Farm Credit East, ACA Appraisal Service.**

Correct PID # is 6230

◆ **As amended: Motion to approve the appraisal for PID #6230 of 170 +/- acres and authorize a purchase offer for the full easement value of \$850 per acre, based on the November 12, 2015 appraisal by Farm Credit East, ACA Appraisal Service.**

- 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

- XII. COMMITTEE REPORT - Tom Hutson**
None

- XIII. Meeting adjourned at 12:18 pm by common consent.**

Next meeting date: Wednesday, February 3, 2016 at 10:00 am in the Downstairs Conference Room at the WAC Office, Walton, NY.