

# Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Economic Viability

33195 State Highway 10, Walton, New York 13856 phone: 607-865-7790 fax: 607-865-4932 nycwatershed.org



## Minutes of the WAC Easement Committee Meeting September 2, 2015

### Members Present:

\*Tom Hutson, Committee Chair  
Dave Cammer  
Joyce Bishop  
Bud Gladstone  
Nancy Bower  
John Verhoeven  
Duncan Schmitt, NYC DEP

### Others Present:

Josh Gorman, Easement Program Acquisition Coordinator  
Billy Martin, Land Conservation Stewardship Specialist  
Brandon Tennis, 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  
Sally Fairbairn, WAC Chair  
Craig Cashman, WAC Executive Director  
Fred Huneke, WAC

### Public Attendees:

Kristan Janke Schneider, Delaware County Planning

### I. CALL TO ORDER

Meeting Called to Order at 10:06 am.

### II. APPROVAL OF MINUTES

♦ **Motion to approve the Minutes of the August 5, 2015 public meeting of the Easement Committee.**

Motion: Bud Gladstone

Second: Joyce Bishop

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

### III. ADDITIONS/DELETIONS TO PUBLIC AGENDA

- None

### IV. PROGRAM MOTIONS

1. None

## V. DISCUSSION ITEMS

### 1. Schoenburg, Peter Jr. & Schoenburg, Victoria (#6003) – Previously Approved Stream Work

*[Brandon Tennis]* The Schoenburg's are working with the Catskill Streams Buffer Initiative (CSBI) (funded by the Sullivan County Soil and Water Conservation District's Stream Management Program and NYC DEP) to address 250-feet of stream bank erosion eating away at their eased hay field along the Neversink River. The current proposal builds upon a CSBI design that was submitted to and received Easement Committee approval on September 13, 2011 with September 30, 2015 set as an expiration date. The project was not pursued in that time, largely due to CSBI's shifting priorities in the wake of Hurricane Irene.

The project is now being revisited and pursued for a fall 2015 start date (and a spring 2016 completion). The current design is similar to that which was approved. The steep river bank is to be graded to a stable 3:1 slope. Willow fascines are to be installed horizontally across the project site to provide intermediate erosion control and live-staked to provide longer term erosion control. A 100-foot wide buffer is to be planted in the upland field, tying into the existing mature forest upstream and downstream of the project site, to create a continuous buffer. Proposed root wad revetment is the primary addition to the current design. Tree trunks will be intergraded into the stream bank with the root wads facing out. The original design proposed using willow fascines only, which are sufficient for smaller storms while root wads help protect against erosion in larger storm events.

Pending DEC permit approval – and in understanding that this proposal, in an earlier form, had already received Easement Committee approval – Brandon asked how Committee wants him to pursue this proposal, considering the expiration date of the original project proposal and the addition of root wad revetment to the stream work design?

Tom H. suggested examining the trees along river banks during ASRs and thought a stream corridor maintenance (pilot) program should be looked into. Committee's consensus is to have Brandon bring this request as a reserved right next month.

### 2. October EC Meeting

- **Forest Management Plan (FMP) Alternatives** - Josh told Committee that Ryan is still working with Stewardship staff for alternatives to FMPs. He will update Committee at the October meeting.
- **Ag Building and Improvements >5000' Outside ADA (Draft Guideline Revision)** –Revised draft guidelines for Committee review will be presented in October.

## VI. STEWARDSHIP MOTIONS

### 1. Terry, Roger S. & Linda D. (Property #6092) –RoW/Communication Device

◆**Motion to approve a utility easement/right-of-way with the Margaretville Telephone Company and the construction of a utility building / communication device on the Roger S. & Linda D. Terry WAC eased property #6092 as described in the landowners' reserved right request letter (submitted to WAC on August 18, 2015) and further detailed in the Memorandum provided by Stewardship Specialist, Brandon Tennis.**

Brandon presented his memo dated 8/18/15 along with the attached documents. Roger & Linda Terry have submitted a reserved right request letter on August 18, 2015 seeking approval from the Watershed Agricultural Council's Easement Committee (as per the Deed of Conservation Easement, sections 4.g, 15, and 27, along with the Guidelines for Locating Towers and Communication Devices, Version 1.4; 12.28.11 and Right of Way Guidelines, Version 1.6; 07.15.10) to execute a right-of-way for a utility easement with permanent ingress and egress by the Margaretville Telephone Company (MTC) and for the right of said company to expand the impervious footprint of its existing structure (a utility cabinet located outside of the ADA) and communication devices within. This request was anticipated and subsequently considered by the Easement Committee at its August 5, 2015 meeting (at which time the Committee advised Stewardship Specialist, Brandon Tennis, to pursue a reserved right request with the Terry's). Brandon explained the history of the previous easement and said he feels it's the telephone company's intent to record this easement. WAC's easement will take precedence over a utility easement.

Motion: Dave Cammer

Second: Bud Gladstone

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

## VII. STEWARDSHIP UPDATES

### 1 & 2. Cole, Thomas M. & Sandra J. (Property #6097) Anderson & Home-FHP Status

*[Billy Martin]* On Tuesday, August 25th, WAC Forester Karl VonBerg and I visited the Thomas & Sandra Cole FHP Easement Properties and found no water quality issues. The logger, Cory Newman, was unable to attend this visit and has been unable to complete the remaining BMPs due to an illness. The remaining BMPs involve the implementation of 4-6 water bars and placing hay and seed on the landings to minimize soil erosion and promote revegetation.

However, the logger has indicated that he would like an additional two (2) months to complete the BMPs necessary to consider the FHP closed. The landowners are aware that the BMPs need to be implemented and inspected by a WAC Forester prior to WAC considering the FHP closed and in good standing with the Deeds of Conservation Easement on their properties. That being said, on Wednesday, August 26th, Stewardship Staff also received a letter from the landowners,

Thomas & Sandra Cole, requesting that WAC extend the term of their FHP an additional two (2) months to permit them enough time to either have their original logger complete the BMPs or hire someone else to complete the BMPs. Due to these unforeseen circumstances, as per the Forest Harvest Plan Guidelines and Staff Standard Operating Procedures (SOPs), WAC Forester Karl VonBerg and I conferred to extend the Cole's FHP an additional two (2) months. The Cole's FHP is now scheduled to expire on October 30th, 2015. Stewardship Staff will continue to update Committee on this project as it progresses towards a conclusion.

Tom H. asked if Billy thought that the logger was trying to get away from the job without putting in the necessary BMPs. Billy responded that there are mixed feelings on that subject, but that either way, the landowners are committed to remaining in good standing with the Easement Program.

### **3. Trust FBO Margaret Van Buren (Property #6173) – Bluestone Mine Reclamation**

*[Brandon Tennis]* The Bluestone Quarry on the Van Buren Property (#6173) has been reclaimed by Alan Van Buren and observed by Stewardship Specialist, Brandon Tennis, on August 6, 2015. Alan reports that the stone-laden area was never fit for hay production. But due to his efforts to remediate the impacts of the 2014 approved mining operation, Alan now plans to grow hay for his beef operation on the reclaimed mine site. Years of soil building may be needed to produce high yields of quality hay, but the reclamation effort has so far expanded his productive fields by 25,700 square feet.

### **4. Tuttle, Scott (Property #6069) – FHP Status**

*[Brandon Tennis]* WAC Forester, Karl VonBerg, is continuing to work with loggers, Dave and Jesse Jaeger, to address and develop a sustainable stream crossing for the Scott Tuttle timber harvest. The FHP calls for the use of a forwarder to carry timber across the Batavia Kill on Scott's eased property. To date, the loggers have failed to obtain a forwarder and the harvest continues to be delayed. The FHP is active until June 3, 2016.

### **5. W. B. Farms, LLC (Property #6061) - FHP Status**

*[Billy Martin]* On Friday, August 21, 2015, Stewardship Staff received a notification from Matt Barkalow, the foreman from Gutchess Lumber overseeing the harvest, stating that they have extended their timber sale contract with W. B. Farms, LLC until October 5th, 2015. This notification was followed by a formal request from the loggers to extend the FHP to coincide with the new timber sale contract end date. This FHP was originally scheduled to expire on May 1st, 2015, but was extended to September 4th, 2015 at the request of the landowner and the loggers. That being said, due to unforeseen circumstances regarding the timber sale contract extension, the otherwise good standing of the FHP, and this second

extension request remaining within six months of the original proposed end date of May 1, 2015, Stewardship and Forestry Staff have conferred to extend the FHP to coincide with the timber sale contract end date of October 5th, 2015.

Additionally, on September 1st, 2015, a representative from the Catskill Revitalization Corporation contacted WAC Staff to inquire about the logging activity on the W. B. Farms, LLC Easement Property. The Catskill Revitalization Corporation owns and operates the rail-trail that runs through the W. B. Farms, LLC Easement along County Route 18. The rail-trail is a separate tax parcel owned by the Catskill Revitalization Corporation. Their concern was related to the loggers crossing the rail-trail with skidders without permission and public safety. The loggers were under the impression that the rail-trail was a Right-of-Way and that the land was under the ownership of W. B. Farms, LLC. The loggers claimed that their crossing of the rail-trail without permission was the result of a miscommunication and are very agreeable to reaching mutual resolution to this issue. Also, the loggers did take steps to minimize impacts to the trail-bed such as putting down raised wooden slats at the rail-trail crossing to keep skidders off of the rail-trail bed. Further, after a site-visit with WAC Forester Karl VonBerg, the loggers, the representative from the Catskill Revitalization Corporation, and myself, we devised an additional series of BMPs to help minimize the impacts on the rail-trail, including additional water bars, hay bales and straw waddles in the event of impending rain, and geotextile and gravel on the approaches to the rail-trail-skid-road crossing to provide a more conducive surface for rail-trail users to get across the elevated skid trail. At this point, the Catskill Revitalization Corporation hasn't denied access over the rail-trail, but is currently deciding whether any additional course of action is necessary.

Initially, the lower landing on County Route 18 – the landing which requires crossing the rail-trail – was intended to be a secondary landing, but due to the soil conditions of the upper landing and the difficulty of getting log trucks in, the lower landing became the primary landing.

With all of this in mind, there are no significant water quality issues involved with this harvest at this time and the logging crew has been very responsive to the WAC Forester's guidance regarding BMPs. Stewardship Staff will continue to update Committee on this project as it progresses toward a conclusion.

#### **6. Workload Status - Routine Monitoring, Aerials, Notifications, Reserved Rights, BDRs**

*[Billy Martin]* Throughout the past month, we have consistently been working to schedule and conduct routine Annual Monitoring Visits, update BDR photopoint maps, and process outstanding CE Amendments. Currently, I am beginning to schedule AMVs for the fourth quarter with the aim to have all ground monitoring visits wrapped up by November. This will allow us ample time to prepare for another aerial monitoring flight sometime in November or December.

*[Brandon Tennis]* 118 AMVs have been completed to date. 74% of WAC eased properties have received at least one annual monitoring visit so far this year. We have assessed the need for ADA Photopoints in our portfolio's Baseline Documentation Reports and have begun developing ADA Photopoint Maps for the BDRs of properties lacking this documentation. Thanks to Billy and Troy for working the WAC booth at the Delaware County Fair.

*[Troy Bookhout]* Troy reported that he currently has completed 60% of the assigned ASR's for the 3rd quarter. Additionally he has been working toward a rural enterprise request that the committee will see as an update in a future committee meeting. Lastly, he has completed a repair request for a BMP with the Ag Program.

**VIII. EXECUTIVE SESSION**

◆ **Motion to go into Executive Session to discuss Project Acquisition Motions, Acquisition Updates, and Violations/Pending Litigation at 11:01 am.**

Motion: Dave Cammer

Second: Joyce Bishop

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

**IX. PROJECT ACQUISITION MOTIONS**

**1. Property # 6226 – Approve Land Plan & Authorize Appraisal**

◆ **Motion to approve the land plan for PID #6226 on the Land Planning Map dated August 18, 2015 as presented, contingent on subdividing the excluded area and granting a RoW to WAC through tax parcels 114.00-1-8.2 and 114.01-2-3 and authorize appraisal of an easement under the following scenario:**

**One (1) seven (7) acre ADA, One (1) additional residence and Zero (0) additional tax parcels.**

Existing		Land Plan		Total
Tax parcels: 1	+	Subdivision: 0	=	Tax parcels: 1
Residences: 2	+	Residences: 1	=	Residences: 1 ***
		ADA 1	=	ADA 1

**\*\*Contingent on subdividing the excluded area with two existing residences and granting a RoW to WAC through tax parcels 114.00-1-8.2 and 114.01-2-3.**

Motion: Dave Cammer

Second: Bud Gladstone

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

**2. Property #6219 - Approve Land Plan & Authorize Appraisal**

**◆◆Motion to approve the land plan for PID #6219 on the Land Planning Map dated August 18, 2015 as presented, and authorize appraisal of an easement under the following scenario:**

**One (1) six (6) acre ADA, One (1) additional residence and Zero (0) additional tax parcels.**

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

Motion: John Verhoeven

Second: Nancy Bower

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

**3. Property #6224 - Approve Land Plan & Authorize Appraisal**

**◆ Motion to approve the land plan for PID #6224 on the Land Planning Map dated August 18, 2015 as presented, and authorize appraisal of an easement under the following scenario:**

**One (1) five (5) acre ADA on parcel 235.-1-25, one (1) Eight (8) acre ADA on parcel 234.-1-19, One (1) additional residence on parcel 234.-1-19 and Zero (0) additional tax parcels.**

<b>Existing</b>		<b>Land Plan</b>		<b>Total</b>
<b>Tax parcels: 2</b>	<b>+</b>	<b>Subdivision: 0</b>	<b>=</b>	<b>Tax parcels: 2</b>
<b>Residences: 2</b>	<b>+</b>	<b>Residences: 1</b>	<b>=</b>	<b>Residences: 3</b>
		<b>ADA 2</b>	<b>=</b>	<b>ADA 2</b>

Motion: Dave Cammer

Second: Duncan Schmitt

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

**4. Property #6217 - Approve Appraisal & Authorize Offer**

**◆ Motion to approve the appraisal for PID #6217 of +/- 68 acres and authorize a purchase offer for the full easement value of \$1,289.00 per acre, based on the June 11, 2015 appraisal by McGrath & Company Inc.**

Motion: Dave Cammer

Second: Bud Gladstone

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

**Forest CE**

**1. Property #6230 - Approve Land Plan & Authorize Appraisal**

**◆ Motion to approve the land plan for PID #6230 on the Land Planning Map dated August 19, 2015 as presented, and authorize an appraisal for an easement with the following scenario:**

**One (1) ADA (4 acres), one (1) MUA (22 acres) and a FA (146 acres), and Zero (0) additional tax parcels.**

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

Motion: Bud Gladstone

Second: Joyce Bishop

**\*\*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 #6052**
- 2. Property #6600**

**XII. COMMITTEE REPORT - Tom Hutson**

None

**XIII. Meeting adjourned at 12:10 pm by common consent.**

**Next meeting date: Wednesday, October 7, 2015 at 10:00 am in the Downstairs Conference Room at the WAC Office, Walton, NY.**