

# SUMMARY GUIDE

*to the terms of the*

# WATERSHED AGREEMENT

*A Guidebook for Government Officials, Planning and Zoning Board Members,  
and Citizens of the Catskill/Delaware Watershed*

THE CATSKILL CENTER FOR CONSERVATION AND DEVELOPMENT, INC.  
Arkville, New York

OCTOBER 1997

Summary Guide  
*to the terms of the*  
Watershed Agreement

*A Guidebook summarizing the terms of the New York City Watershed Agreement  
for Government Officials, Planning and Zoning Board Members,  
and Citizens of the Catskill/Delaware Watershed*



*produced and distributed by*

THE CATSKILL CENTER FOR CONSERVATION AND DEVELOPMENT, INC.  
ARKVILLE, NEW YORK

*in collaboration with*

THE CATSKILL WATERSHED CORPORATION  
THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

*for the benefit of communities and residents within the Watershed*

OCTOBER 1997

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Inc.

Publisher & distributor:  
The Catskill Center for Conservation & Development, Inc.  
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Special thanks to Erin Crotty of the Governor's Office and  
Ira Stern, Director of Watershed Planning and Community  
Affairs for the New York City Department of  
Environmental Protection, for their input and assistance in  
drafting this guide.

Publication of this book was made possible by a grant from  
Furthermore, the publication program of the J.M. Kaplan  
Fund.

This guide is a product of The Catskill Center's Community  
Outreach and Planning Assistance Program, which provides  
technical assistance to communities throughout the Catskill  
region on planning, zoning, land use and sustainable  
development issues. Funding for this program is provided in  
part by grants from the American Conservation Association,  
the A. Lindsay and Olive B. O'Connor Foundation, and the  
New York State Council on the Arts.

ISBN 0-9616712-7-0

Printing by:  
Cardinal Press, Inc.  
Poughkeepsie, New York

Printed on recycled paper

# Preface

On January 21, 1997, New York State Governor George E. Pataki, and New York City Mayor Rudolph Giuliani joined the United States Environmental Protection Agency, the Coalition of Watershed Towns, and members of the environmental community in the signing of a landmark "Memorandum of Agreement" for the long-term protection of water quality in the New York City Watershed. This guidebook is designed to summarize, for the benefit of community leaders and Watershed residents, the components of the Watershed Agreement, and its consequences for them and the towns and villages in which they live.

Although the execution of the Watershed Agreement is a landmark event, it is only the first step in a lengthy and ongoing process that will require intense participation and effort on the part of local officials and communities located within the Watershed. It is hoped that this guide will help local governments to plan for the work that is to come -- for only through participation and cooperation among the parties involved will the goals and objectives of the Agreement be realized.

*"This historic agreement is the product of hard work, determination and a deep commitment by all sides to protect the drinking water for millions of New Yorkers and the economic viability of the watershed communities..."*

- New York State Governor  
George E. Pataki

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# INTRODUCTION

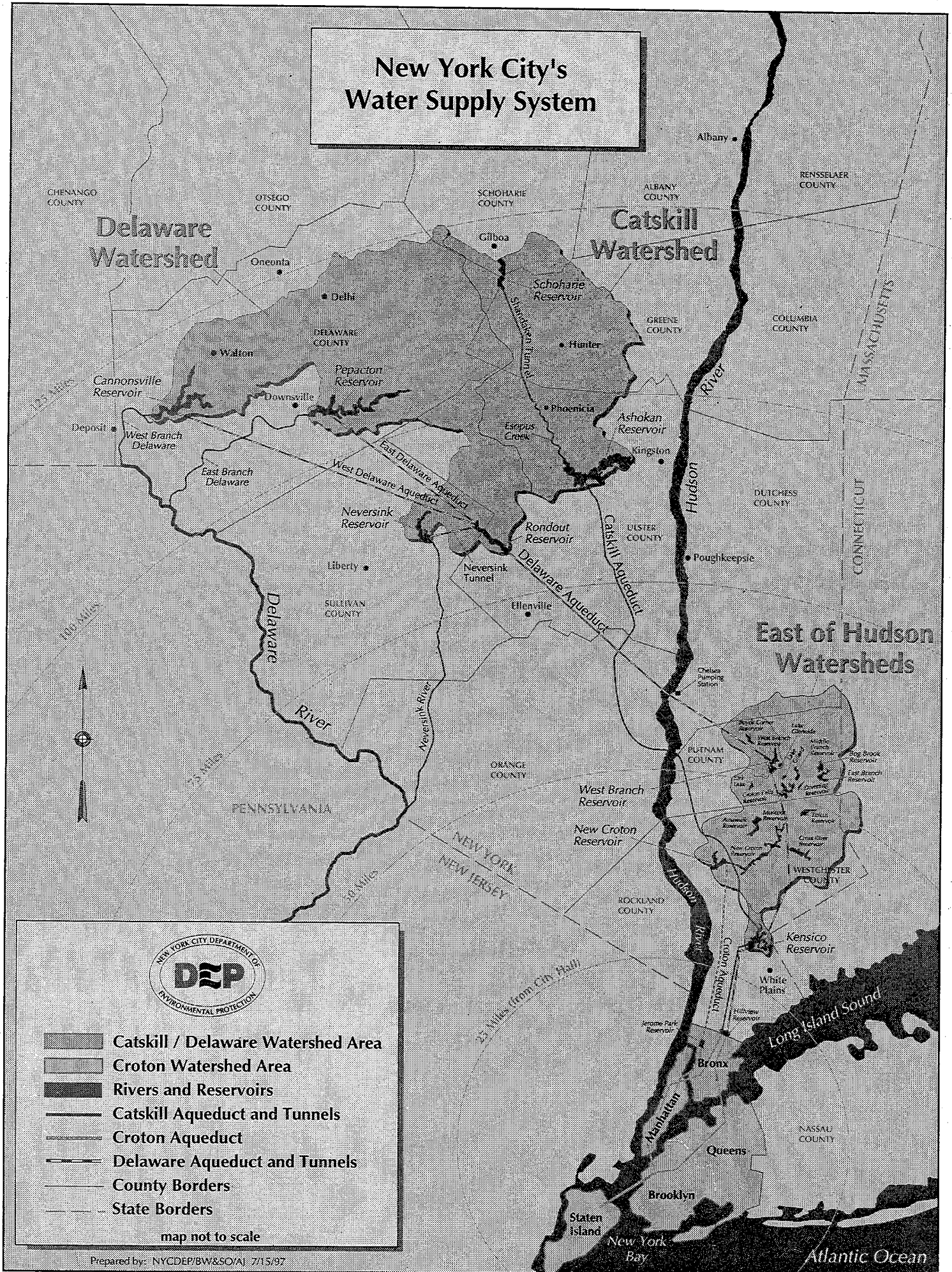
## What is the New York City Watershed?







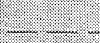

The New York City Watershed encompasses some 1,900 square miles of land in the Catskill Mountains and Hudson River Valley Region of New York State. It serves as the primary source of drinking water for the New York City water supply system, which provides approximately 1.5 billion gallons of water daily to more than 9 million customers in New York City, as well as areas of Westchester, Putnam, Orange and Ulster Counties.

The Watershed is actually divided into two separate systems -- the Catskill/Delaware Watershed and the Croton Watershed. The Catskill/Delaware Watershed, located approximately 100 miles northwest of New York City, provides 90 percent of the City's drinking water. It covers over 1,600 square miles of land in five counties, and consists of six major reservoirs -- the Ashokan and Schoharie Reservoirs of the Catskill System and the Rondout, Neversink, Pepacton, and Cannonsville Reservoirs of the Delaware System. Water originating from the Catskill system travels via the Catskill Aqueduct to the Kensico Reservoir in Westchester County, which serves as a balancing reservoir for both systems. Water from the Delaware System, on the other hand, travels under the Hudson River via the Delaware Aqueduct, which empties into the West Branch Reservoir, and eventually to the Kensico Reservoir.

The Croton Watershed, by contrast, covers approximately 375 square miles located entirely east of the Hudson River, and provides 10 percent of the City's drinking water. This system, which is linked to the Catskill/Delaware system through a series of underground aqueducts, consists of a total of 10 reservoirs and 3 controlled lakes with the capacity to hold 95 million gallons of water.

# New York City's Water Supply System

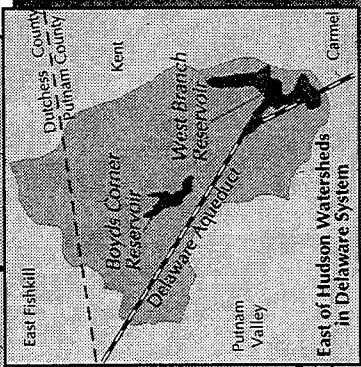
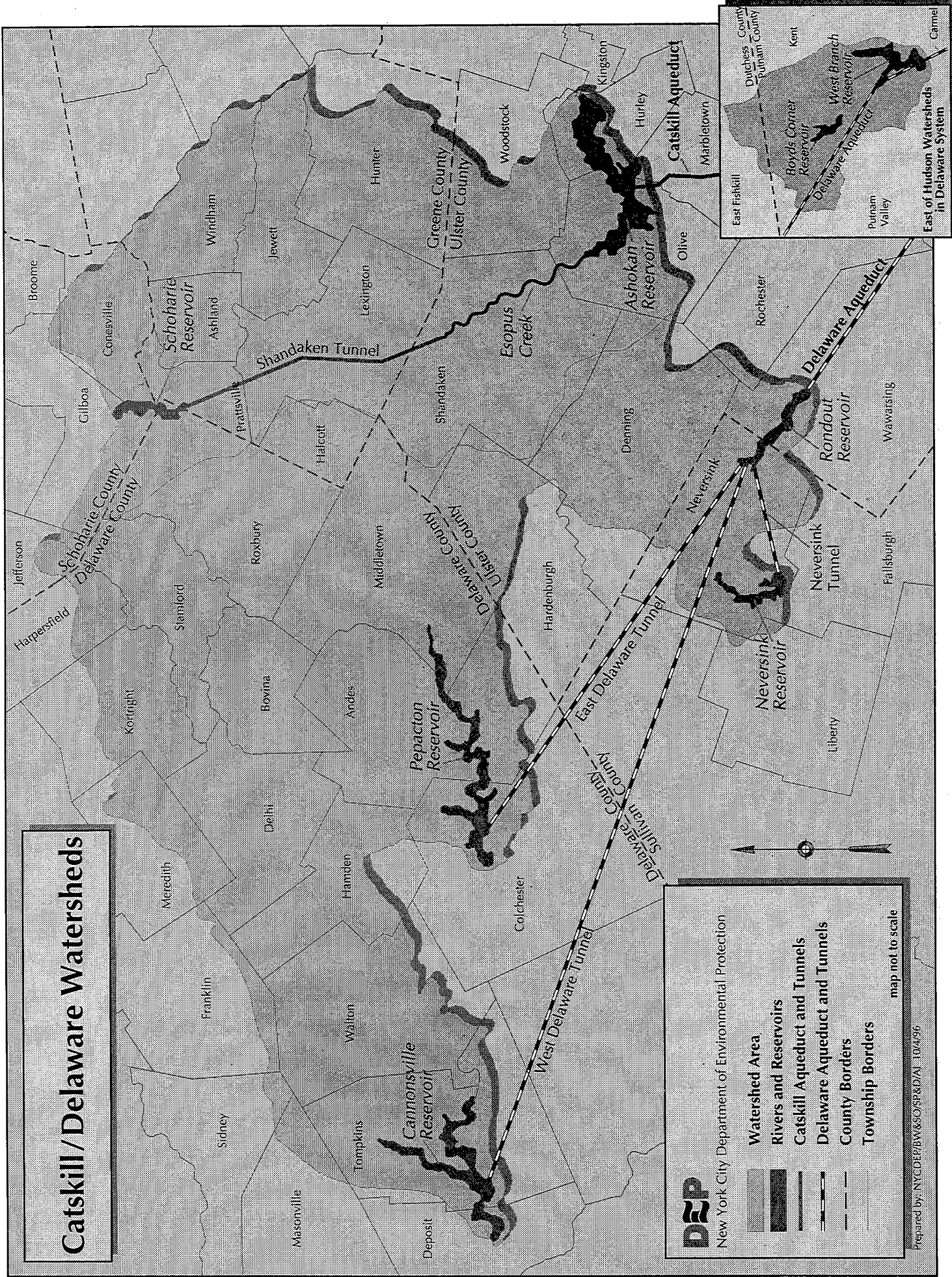


-  Catskill / Delaware Watershed Area
-  Croton Watershed Area
-  Rivers and Reservoirs
-  Catskill Aqueduct and Tunnels
-  Croton Aqueduct
-  Delaware Aqueduct and Tunnels
-  County Borders
-  State Borders

map not to scale



# Catskill/Delaware Watersheds



**D&P**  
New York City Department of Environmental Protection

**Watershed Area**  
**Rivers and Reservoirs**  
**Catskill Aqueduct and Tunnels**  
**Delaware Aqueduct and Tunnels**  
**County Borders**  
**Township Borders**

map not to scale

## What is the Watershed Agreement?

The Watershed Agreement came about as a result of negotiations over whether the Catskill/Delaware Watershed could continue to be used as a source of drinking water for New York City without filtration. As part of this Agreement, the City of New York has outlined measures it will undertake to ensure the continued protection of water quality within the Watershed. The Agreement is a legally binding document which sets forth certain obligations by the parties involved on issues relating to the protection of the Watershed.

The "Memorandum of Agreement" or "MOA" is the vehicle that will guide implementation of the Watershed Protection Program, and consists of several components addressing different issues. The three main components of the MOA include the *Land Acquisition Program*, *Watershed Rules and Regulations*, and *Watershed Protection and Partnership Programs*. Each of these components are summarized separately in this guide.

## Who are the Parties Involved?

The Agreement is a cooperative agreement made between the City of New York, the State of New York, the United States Environmental Protection Agency, the Coalition of Watershed Towns (an organization representing 34 towns, nine villages and five counties located west of the Hudson River), watershed communities, and non-profit environmental organizations including The Catskill Center for Conservation and Development, the Hudson Riverkeeper, The Trust for Public Land, the Open Space Institute, and the New York Public Interest Research Group (NYPIRG).

## How Did This Agreement Come About?

### TIMELINE

**1986**

Federal Safe Drinking Water Act Amendments are signed into law.

**1989**

USEPA promulgates Surface Water Treatment Rule to protect drinking water sources nationwide.

**September 1990**

NYCDEP releases draft Watershed Protection Plan.

**March 1991**

Coalition of Watershed Towns formed to fight against NYC watershed protection policies.

**March 1992**

NYSDOH adopts state regulations specifying when filtration will be required.

**January 1993**

USEPA grants a one-year filtration requirement waiver to NYC.

For over one hundred years, New York City's drinking water has had the reputation of being among the purest in the nation. Over the years, however, land use changes and development pressures have increasingly threatened the quality of the City's water supply.

In 1989, the United States Environmental Protection Agency (USEPA) promulgated the Surface Water Treatment Rule (SWTR) to protect drinking water sources nationwide pursuant to the 1986 Safe Drinking Water Act Amendments. These new rules mandated that all surface drinking water sources -- including the New York City water supply -- would have to meet certain water quality standards by June 1993 or be filtered. The City estimated that it would cost from \$4 to \$6 billion to filter the Catskill/Delaware supplies, which would more than double current water rates.

In September 1990, the New York City Department of Environmental Protection released a draft Watershed Protection Plan which included, among other things, revised watershed rules and regulations (which had not been updated since 1953) and a land acquisition plan. This draft document spurred opposition on the part of communities located within the watershed, and out of this opposition came the formation of the Coalition of Watershed Towns in 1991.

In January 1993, the USEPA issued the City a one-year "Filtration Avoidance Determination" or "FAD." As a condition of the FAD, the City was required to, among other things, issue final proposed Watershed Regulations, to begin to acquire land and conservation easements by June 30, 1994, and to upgrade sewage treatment plants in the Watershed.

## TIMELINE

### December 1993

USEPA grants a second filtration requirement waiver to NYC effective until December 1996.

### August 1994

NYC releases final draft of the proposed Watershed Regulations.

### April 1995

Governor Pataki convenes interested parties and assigns his Counsel to mediate settlement negotiations.

### November 1995

A conceptual agreement is reached and work begins on a formal draft of the *Memorandum of Agreement*.

### September 1996

Draft *Memorandum of Agreement* is released to the public.

### January 1997

Parties formally execute the MOA.

Based on its determination that the preliminary conditions were met, the USEPA granted a second FAD in December 1993, effective until December 15, 1996. This second FAD stipulated, among other things, that the City must have satisfactory watershed protection programs in place, including revised Watershed Regulations that were to be in effect by September 30, 1994 (later changed to April 15, 1995). In addition, the City was required to commit to a land acquisition program that would result in the acquisition of at least 80,000 acres of land by December 31, 1999.<sup>1</sup>

After years of controversy and litigation, which prevented the City from promulgating new regulations or from buying any land, Governor Pataki convened the interested parties in April 1995 to resolve the multitude of issues involving the Watershed. After seven months of intense negotiations, on November 2, 1995, the parties involved announced that they had reached an *Agreement in Principle* outlining the measures that would be taken to maintain and enhance the quality of the City's drinking water supply, while protecting the economic vitality and social character of watershed communities. Over one year later, that *Agreement in Principle* was translated into a *Memorandum of Agreement* which serves as the legal mechanism through which the "Watershed Protection Plan" will be implemented.

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<sup>1</sup> It should be noted that under the terms of the final Watershed Agreement, this 80,000 acre goal is no longer applicable.

LAND ACQUISITION PROGRAM

## What is the Land Acquisition Program?

The Land Acquisition Program defines the means by which the New York City Department of Environmental Protection (NYCDEP) can purchase property in the Catskill/Delaware and Croton Watersheds pursuant to a water supply permit issued by the New York State Department of Environmental Conservation (NYSDEC). One of the main purposes of the Land Acquisition Program is to enable the City to assemble sufficient “buffer” lands around the reservoirs, their tributaries and other important land features in order to protect water quality.

Under the terms of the Agreement, the City must solicit owners of **355,050 acres** of eligible land in the Catskill/Delaware Watershed (approximately 30% of the watershed area) and must commit from **\$250 to \$300 million** for acquisition. This does not mean that the City will actually acquire this much land, it simply means they must contact property owners within the Watershed to meet certain solicitation milestones stipulated in the Watershed Agreement and FAD. In addition to direct fee acquisition, the City will also seek to obtain conservation easements on certain lands within the Watershed.

The Land Acquisition Program is a **purely voluntary program** – acquisitions will be made on a “willing seller/willing buyer basis,” and no lands will be acquired through eminent domain. The City will be following an acquisition schedule and will be targeting specific areas of the Watershed. However, a property owner willing to sell their property to the City may approach the NYCDEP at any time.

The purchase price for the land will be based on fair market value, and the City will continue to pay property taxes to the local jurisdiction. In addition, the City will consult with

## How Will the City Decide What Lands to Acquire?

communities within the watershed to ensure that the City is aware of and considers the localities' interests and that the terms of the land acquisition program are complied with.

Certain towns and villages within the watershed were also given the option of exempting certain areas of their communities from purchase by the City (discussed in more detail later). These exemptions were designed to provide reasonable opportunities for development in and around existing population centers while at the same time protecting water quality.

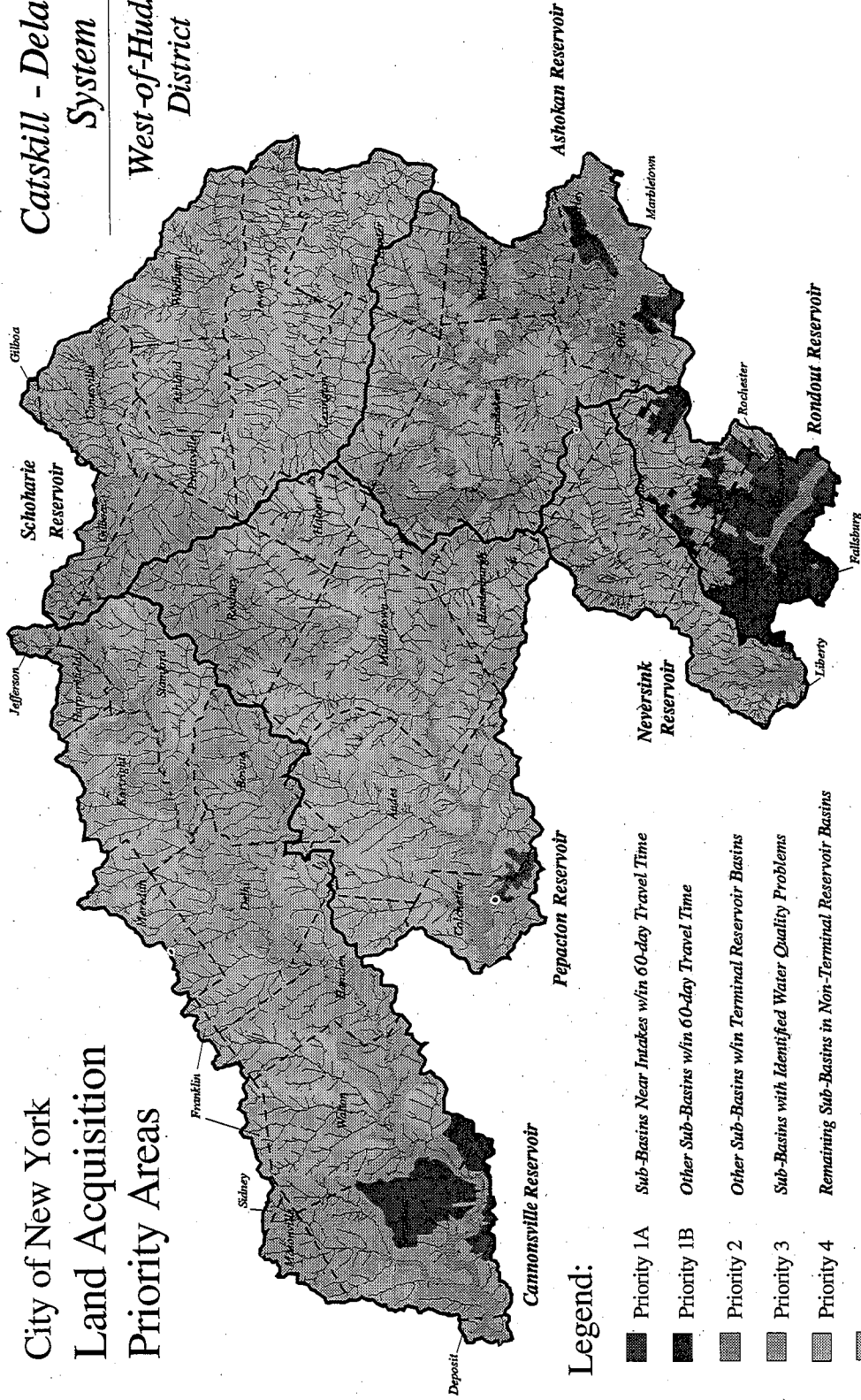
In order to maximize the effectiveness of the acquisition program, the NYCDEP has developed criteria to evaluate the watershed, and has categorized areas eligible for acquisition into the following five classifications:

- |                         |   |
|-------------------------|---|
| <b>Priority Area 1A</b> | Properties located in sub-basins near intakes to the NYC distribution system.   |
| <b>Priority Area 1B</b> | Balance of lands located in sub-basins that are within the 60-day travel time to the NYC distribution system.   |
| <b>Priority Area 2</b>  | Lands located within sub-basins of "terminal reservoir basins" that are not included in Priority Areas 1A or 1B. Terminal reservoirs are those reservoirs that are linked directly to NYC distribution system (Ashokan and Rondout Reservoirs). |
| <b>Priority Area 3</b>  | Lands located within sub-basins that have been identified with water quality problems.  |
| <b>Priority Area 4</b>  | Balance of land in the Neversink, Cannonsville, Pepacton and Schoharie basins.  |

# City of New York Land Acquisition Priority Areas

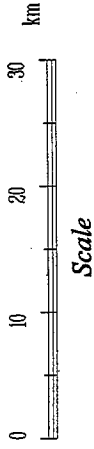
## Catskill - Delaware System

### West-of-Hudson District



#### Legend:

- Priority 1A Sub-Basins Near Intakes w/in 60-day Travel Time
- Priority 1B Other Sub-Basins w/in 60-day Travel Time
- Priority 2 Other Sub-Basins w/in Terminal Reservoir Basins
- Priority 3 Sub-Basins with Identified Water Quality Problems
- Priority 4 Remaining Sub-Basins in Non-Terminal Reservoir Basins
- City Owned Buffer Land
- State Owned Land
- ▭ Basin Boundary
- ▭ Town Boundary





**Which Properties  
are Eligible for  
Acquisition by  
the City?**

In order to be eligible for acquisition by the NYCDEP, parcels must contain the following “natural features criteria:”

- 1) Parcels in Priority Area 1A must be at least 1 acre in size
- 2) Parcels in Priority Area 1B must be at least 5 acres in size
- 3) Parcels in Priority Areas 2, 3 or 4 must be at least 10 acres in size and must satisfy one of the following conditions:
  - ✓ The parcel(s) must be at least partially located within 1,000 feet of a reservoir.
  - ✓ The parcel(s) must be at least partially located within the 100-year flood plain.
  - ✓ The parcel(s) must be at least partially located within 300 feet of a watercourse as defined in the Watershed Regulations.
  - ✓ The parcel(s) must contain, in whole or part, a federal jurisdiction wetland greater than 5 acres or a NYSDEC mapped wetland.
  - ✓ The parcel(s) must contain ground slopes of greater than 15 percent.

In addition, the City may only acquire vacant parcels outright – that is, properties with no structures other than uninhabitable dwellings or accessory structures. If a parcel to be bought outright has a habitable dwelling on it, the parcel must be subdivided so the City takes title only to the portion of property without the habitable dwelling. If the City acquires a parcel that contains structures other than a habitable dwelling, the local government may, during the local consultation process, direct the City to demolish the structure(s) within one year of taking title.

## Can Any Land Be Exempted from Acquisition?

While the acquisition of lands in the watershed is essential to protecting water quality, it is also essential to allow reasonable opportunities for growth in and around existing population centers to preserve community character and accommodate economic development. Accordingly, the Watershed Agreement stipulates that Towns and Villages in the Watershed may designate parcels of land to be excluded from the acquisition program. These exemptions are not automatic, and detailed maps of exempted areas were to be completed and submitted to the NYCDEP by municipalities in the Watershed within 105 days of the effective date of the Agreement (or by **May 5, 1997**). These exemptions may, however, be revisited after 5 years.

It should be noted that land that has been exempted from the City's acquisition program cannot be acquired in fee by the City, even if a prospective seller is willing, although the City may purchase conservation easements on such property. Properties that meet the following conditions and limitations may be exempted from the City's Land Acquisition Program:

### Hamlets and Villages

A listing of defined Hamlets and Villages in the Catskill/Delaware Watershed that may be excluded from acquisition in fee (but not conservation easements), along with the maximum acreage that may be excluded, can be found in **Appendix A**. Towns were responsible for delineating the boundaries of existing hamlets in the Watershed by contiguous tax map parcel, while incorporated Villages were permitted to exclude all of the land within their boundaries from acquisition.

This designation can serve the additional purpose of enabling a landowner within the exempted area to also be exempt from the regulatory prohibition on the creation of new impervious surfaces within 100 feet of a watercourse. Instead, a landowner may apply for a permit from the NYCDEP to create a new impervious surface.

**Commercial/Industrial Areas**

Each Town was permitted to designate up to 50 acres in Priority Areas 1B, 2, 3, or 4 as a commercial or industrial area to be exempt from acquisition.

**Road Corridors**

Towns could designate parcels which are located within 1/4 mile of a Village abutting defined road corridors (see Appendix B) to be excluded from acquisition.

**Waiver of Acreage Requirements**

A Town or Village could also choose to waive the minimum acreage requirement for priority areas 1B, 2, 3, and 4 or only for those parcels located, at least partially, in a 100-year flood plain.

**How Will  
Acquisition Take  
Place?**

The NYCDEP has already begun to solicit property owners in the Watershed in accordance with a prescribed schedule (see Appendix C). Before beginning to solicit acquisitions in a certain Town or Village, however, the City will notify the chief elected official of that Town or Village. At the municipality's request, the City will also make a presentation describing the solicitation process and the estimated acreage that the City expects to acquire.

Upon agreement by the owner, eligible properties, as determined by the City, may be acquired based on the market value as determined by an independent appraisal. After the City enters into an option or contract to purchase, but before a closing can occur, the City must first submit the parcels under consideration for acquisition to the appropriate Town or Village for its review. The Town or Village will then have 120 days in which to review and assess the information concerning the properties, conduct public hearings (if desired), and submit comments to the City.

Typically, the comments will concern such matters as proposed recreational uses on the property, the "natural features criteria" that were identified as being present, the use of signage, fencing, etc. The City will then respond to any comments received within 30 days. After responding to the local government's comments, the City may then proceed with acquisition.

If, during this process, disputes arise over whether a particular parcel meets the natural features criteria, or whether a structure is an uninhabitable dwelling or an accessory structure, the dispute will be submitted to and resolved by the NYSDEC within thirty days.

During the 120-day review period, the City will consult with NYSDEC, USEPA, local government officials, and the appropriate interest groups (i.e. sportsmen's associations) regarding recreational uses the City deems appropriate on the newly-acquired property.

**Will Recreational  
Uses Be Permitted  
on Land Acquired  
by the City?**

**What are  
Conservation  
Easements?**

Certain historical recreational uses, such as fishing, hiking, and hunting, may be allowed to continue on newly acquired property only in such cases where NYCDEP determines that it will not conflict with water quality and public safety.

Activities such as boating, snowmobiling, camping, motorcycling, mountain bicycling and horseback riding are not likely to be permitted, even if the property was historically utilized for these purposes. In addition, the City will also undertake a comprehensive review of existing and potential recreational uses on City property. A preliminary report is expected to be issued within two years.

A conservation easement, in general, is a covenant or restriction placed on a piece of property which limits development, management or use of the land in perpetuity. Property owners may sell conservation easements to the City to protect their land from inappropriate development, while retaining private ownership.

Any property acquired in fee by the City will have a conservation easement placed on it to ensure that the land will be held in perpetuity in an undeveloped state. The conservation easement will be held by the NYSDEC and will be enforced by the USEPA (until 2007) or the NYSDOH (after 2007).

In addition, for those lands located in incorporated villages, hamlets or defined road corridors that have been exempted from the City's land acquisition program, the City is permitted to purchase conservation easements in lieu of direct acquisition of property. For any conservation easements directly acquired by the City, the New York State Attorney General will have enforcement rights, subject to certain conditions.

**What are  
Agricultural  
Easements?**

The City can also spend up to \$10 million of the \$250 million set aside for land acquisition in the Catskill/Delaware Watershed for the acquisition of “**agricultural easements.**” These are conservation easements placed on land that is in active agricultural production. These easements place certain restrictions on future use and development of the property, but allow the continuance of agricultural production.

It should be noted that only farms that have implemented Whole Farm Plans that have been approved by the Watershed Agricultural Council (WAC) will be eligible to sell agricultural easements. Any agricultural easements sold to WAC will be administered, monitored and enforced by WAC, with enforcement oversight by the New York State Attorney General.

**Will Property  
Taxes be Paid on  
Land and  
Easements  
Acquired by the  
City?**

Property taxes will be paid both on property acquired directly by the City, as well as on conservation easements.

The amount of taxes to be paid on land purchased directly by the City in fee will be based on an assessment made by the applicable County, Town or Village at the time of acquisition.

The City has agreed not to challenge assessments for a period of at least 20 years, provided that the assessed value does not exceed the market value of the property multiplied by the equalization rate (either state or local). The City has also agreed not to consolidate any lands acquired for the purpose of reducing taxes. Finally, the City has agreed not to transfer title to any land it acquires to a tax exempt entity unless that tax-exempt entity agrees to make a payment in lieu of taxes (PILOT).

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With regard to property taxes paid on conservation easements, the parties to the Agreement have agreed to support state legislation that would require City-held conservation easements to be taxable. If the City acquires any easements before this new legislation passes, then the City has agreed to enter into an agreement to make payments in lieu of taxes.

The amount of taxes to be paid on conservation easements held by the City will be based on the proportional value of the easement, compared to the value of the property as a whole, as determined by an independent appraisal. The City will pay the proportional value of the property taxes, exclusive of any improvements. For example:

Assumptions:

Appraised value of property:	\$100,000
Appraised value of easement:	\$40,000
Property Taxes:	\$2,000 per year

Analysis:

Tax Allocation Factor:	$\$40,000/\$100,000 = 0.40$
NYC pays:	$\$2,000 \times 0.40 = \$800$
Landowner pays:	$\$2,000 - \$800 = \$1,200$

Agricultural easements will also be subject to payment of property taxes by the City, unless the property qualifies for and receives an agricultural assessment pursuant to provisions of Article 25AA of the Agriculture and Markets Law.

WATERSHED RULES & REGULATIONS



## What are the Watershed Rules and Regulations?

The information contained in this section is not exhaustive. For additional information on the Watershed Rules and Regulations, or to obtain a copy of the regulations, you may contact the New York City Department of Environmental Protection at the following address:

New York City DEP  
WOH Engineering  
PO Box 370  
Shokan, NY 12481  
(914) 657-6972

The second component of the Watershed Agreement is the revised "Rules and Regulations" that describe restrictions and regulations applicable to activities undertaken within the watershed. These regulations, which went into effect on May 1, 1997, are designed to ensure the continued, long-term protection of the City's water supply, while minimizing the adverse economic impacts on Watershed communities.

Last officially updated and approved in 1953, the revisions to the Watershed Regulations were first proposed in 1990, and had been the subject of intense debate for over six years. The signing of the *Memorandum of Agreement* means that all of the parties involved have "signed off" on the latest version of the Watershed Regulations, which enabled the NYSDOH to approve them, and make them enforceable throughout the watershed.

Among other things, the Watershed Regulations will control sources of pollution including wastewater treatment plants, sewer systems, septic systems and stormwater pollution. The regulations generally include restrictions that reduce contaminants and prevent degradation of the water supply, but will also provide exemptions for certain activities in designated areas. These exemptions are designed to promote responsible growth in existing areas, while protecting water quality through increased regulation of activities within these areas.

## What Are Some of the Key Elements of the Watershed Regulations?

Some key elements of the Watershed Regulations include:

- ✓ Construction of new wastewater treatment plants are prohibited in certain basins, and all existing wastewater treatment plants must install sophisticated wastewater treatment technology within 5 years, for which the City will pay. In addition, plants are not allowed to discharge effluent into wetlands and may only discharge into intermittent streams subject to NYSDEC standards.
- ✓ All septic systems installed, repaired or replaced in the Watershed require prior approval by the City, and no septics are allowed within 100 feet of a watercourse or wetland or within 300 feet of a reservoir. It should be noted that these standards are state-wide standards, and not exclusive to the Watershed.
- ✓ No new impervious surfaces are permitted within 300 feet of a reservoir, or 100 feet of a watercourse or wetland. Some exemptions to this rule exist for villages, hamlets, commercially zoned areas, and single family home construction.
- ✓ Construction of new roads are prohibited within 50 feet of intermittent streams or wetlands, 100 feet of perennial streams or 300 feet of a reservoir. Access roads to subdivisions are allowed within the 100 foot buffer subject to approval by the City of a stormwater pollution prevention plan.
- ✓ The location of new petroleum storage tanks are restricted. For example, no new gas stations or underground home heating oil tanks are permitted within 100 feet of a watercourse or 500 feet of a reservoir.

## How will the Watershed Regulations Affect Homeowners?

- ✓ No new registered hazardous substance storage tanks are permitted within 100 feet of a watercourse or 500 feet of a reservoir.
  
- ✓ Many types of new commercial and industrial projects within the Watershed now require the preparation of a "Stormwater Pollution Prevention Plan" (SPPP), which must be reviewed and approved by the City before final project approval may be granted. Examples of projects that would require a SPPP include:
  - the development or disturbance of land greater than 5 acres in size;
  - construction of a subdivision (defined as 5 lots or more of 5 acres or less each), a new paved road or a gasoline station;
  - construction of a new industrial, commercial or multi-family residential project that will create more than 40,000 square feet of impervious surfaces;
  - construction of an impervious surface in a village, hamlet, or commercially or industrially-zoned area in the Watershed;
  - an expansion of up to 25% of an existing commercial or industrial facility's impervious surfaces if it's within 100 feet of a watercourse or wetland.

Provisions in the Watershed Regulations that will affect homeowners most are those that deal with the placement and operation of septic systems, the location of underground fuel oil storage tanks, and the construction of new impervious surfaces (i.e. driveways) on residential property. However, even though a homeowner may live in the Watershed, the revised regulations will have the greatest impact on those homeowners who live near water – like reservoirs, wetlands and streams.

## Septic Systems

All existing septic systems that are operating according to federal, state and local approvals, but don't meet the additional requirements of the watershed regulations, are allowed to continue. However, if a septic system should fail and need major replacement, its repair should be made according to the new standards. If, because of site limitations or other conditions, that is impossible, the owner must work with NYCDEP to determine the most appropriate design and location. In addition, NYCDEP must review and approve any modification, expansion or remediation of an existing septic system. Routine repairs and maintenance are not affected by the regulations.

With regard to new septic systems, the NYCDEP will continue to monitor and approve design, treatment methods, construction, maintenance and operation. New conventional septic systems will not be allowed within 100 feet of a watercourse or 300 feet of a reservoir. When site conditions are unsuitable for a conventional system, raised systems are allowed, with certain restrictions on location.

In addition, the new regulations:

- prohibit mound systems, intermittent sand filters and evapotranspiration/absorption systems;
- require an additional area of at least 100% of the primary absorption field's area to be set aside as a reserve field;
- prohibit the building of primary or reserve fields under pavement or other impervious surfaces;
- call for at least one percolation test and one deep hole test to be performed;
- prohibit the siting of new septic systems where soil percolation rates are inadequate;
- require a pump system to have a backup storage tank capable of holding one day's flow.

## **Impervious Surfaces**

The watershed regulations govern the siting of new impervious (i.e. paved) surfaces such as roads, roofs and parking lots. The regulations prohibit the construction of impervious surfaces within 100 feet of a watercourse or 300 feet of a reservoir, except in the following circumstances:

- the construction of improvements or additions to an individual residence (as long as they are non-commercial);
- agricultural activities;
- the construction of a new road needed to provide access to 2 or more parcels of land or to a subdivision;
- the paving of an existing dirt or gravel road;
- the construction of a driveway, where the driveway is needed to provide access to an existing residence.

With regard to limits on new residential construction, impervious surfaces are prohibited within 300 feet of a reservoir. In addition, the construction of new homes within 100 feet of a perennial stream or wetland, in most cases, will be permitted, but will require an "Individual Residential Stormwater Permit" from the NYCDEP.

## **Underground Storage Tanks**

The watershed regulations stipulate that no new home heating oil tanks will be permitted within 100 feet of a watercourse or 500 feet of a reservoir.

PROTECTION & PARTNERSHIP PROGRAMS

## What are the Watershed Protection and Partnership Programs?

In order to maintain and enhance water quality in the Watershed while at the same time preserving the economic and social character of the Watershed communities, certain Watershed Protection and Partnership Programs have been established under the terms of the Watershed Agreement with funding from the City.

### Overview of Major Partnership Programs

Sewage Treatment Infrastructure	\$75.0 M
Catskill Fund for the Future	\$59.7M
Stormwater Fund	\$31.7 M
Septic Rehab & Replacement	\$13.6 M
Sand/Salt Storage Facilities	\$10.25 M
Sewer Extensions	\$10.0 M
Good Neighbor Payments	\$9.765M
Stormwater Retrofits	\$7.625 M
SPDES Upgrades	\$5.0 M
Catskill Watershed Corp.	\$3.5M
Stream Corridor Protection	\$3.0 M
Tax Consulting Fund	\$3.0 M
Alternate Design Septics	\$3.0 M
Public Education	\$2.0 M
Forestry Management Program	\$0.5 M
Economic Development Study	\$0.5 M

A new not-for-profit corporation -- the Catskill Watershed Corporation -- has been formed to manage many of the programs in the Catskill/Delaware Watershed, and this group will be responsible for making decisions on the disbursement of funds for many of the partnership programs. Other programs will be implemented by the City itself. The table on the following pages summarizes the major Watershed Protection and Partnership Programs, including information such as the amount of funding that will be made available, the organization and/or agency that will be responsible for implementing the program, and any deadlines or actions that may be required by local communities in order to participate in these programs.

In all, the City of New York will be providing over \$270 million in funding over the next ten to fifteen years for partnership programs geared toward state-of-the-art water pollution infrastructure and education and economic development programs to protect water quality and improve quality of life in the Watershed.

SUMMARY GUIDE TO THE WATERSHED AGREEMENT

**New York City Watershed Agreement  
Summary of the Watershed Protection and Partnership Programs**

Program	Funding Level	Program Purpose & General Information	Administering Agency
<b>New Sewage Treatment Infrastructure Facilities</b>	\$75 million	Assist in the construction and installation of new sewage treatment infrastructure facilities (wastewater treatment plants (WWTPs) or community septic systems) or to create and fund septic maintenance districts in up to 22 selected villages and hamlets in the Watershed. This is not a mandatory program, and any community that elects to accept funds under this program must adopt a sewer use ordinance governing the use of the underlying system, and adopt some level of local land use laws assuring that future growth will not exceed the capacity of the facility.	NYCDEP, in consultation with the Catskill Watershed Corp. (CWC), and funds to be disbursed through the NYS Environmental Facilities Corporation (EFC).
<b>Catskill Fund for the Future</b>	\$59.7 million	Establish a program supporting responsible, environmentally sensitive economic development projects in the Watershed. The economic development funds will be used to capitalize a fund known as the "Catskill Fund for the Future," which will be used to make loans and grants to qualified economic development projects. No more than 20 percent of the funds may be used for grants.	CWC makes funding decisions, but funds will be administered and disbursed by the EFC.
<b>Stormwater Fund</b>	\$31.7 million	Design, construction, implementation and maintenance of new stormwater measures identified in stormwater pollution prevention plans required by the Watershed Regulations.	CWC
<b>Septic System Rehabilitation and Replacement</b>	\$13.6 million	Pump-out and inspect individual residential septic systems and to repair, replace or upgrade those inspected systems found to be failing.	CWC
<b>Sand and Salt Storage Facilities</b>	\$10.25 million	Improve the storage of salt, sand, and other road de-icing materials to better protect water quality and to assist local governments in complying with the Watershed Regulations.	CWC



SUMMARY GUIDE TO THE WATERSHED AGREEMENT

**New York City Watershed Agreement  
Summary of the Watershed Protection and Partnership Programs**

Program	Funding Level	Program Purpose & General Information	Administering Agency
Sewer Extensions	\$10 million	Assist in the construction of extensions to sewer systems serving City-owned WWTP's in order to alleviate existing water quality problems. Any community that elects to accept funds under this program must adopt a sewer use ordinance, and adopt local land use laws assuring that future growth will not exceed the capacity of the facility.	NYCDEP
Stormwater Retrofits	\$7.625 million	Design, permit, administer, construct, implement, and maintain stormwater best management practices to address existing stormwater runoff in concentrated areas of impervious surfaces.	CWC, in consultation with the NYCDEP.
SPDES Upgrades	\$5 million	Assist existing WWTP's to rehabilitate, replace or upgrade equipment that is failing or nearing the end of its useful life. SPDES Upgrade Funds are intended to help WWTPs satisfy the requirements of a SPDES permit, and may only be used to pay for work commenced after 11/95. WWTPs owned by municipalities or school districts will be given first priority.	NYCDEP, and the funds will be disbursed through the EFC.
Stream Corridor Protection	\$3 million	Design, construction and implementation of stream corridor protection projects such as streambank stabilization, and fish habitat improvements, in the Watershed.	NYCDEP in consultation with the CWC.
Alternative Design Septic Program	\$3 million	Design, construction and installation of "alternative design septic systems." These are septic systems that, because of site conditions, require the importation and deposit of fill material, or the installation of equipment to pump septic effluent up-grade.	CWC

SUMMARY GUIDE TO THE WATERSHED AGREEMENT

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**New York City Watershed Agreement  
Summary of the Watershed Protection and Partnership Programs**

<b>Program</b>	<b>Funding Level</b>	<b>Program Purpose &amp; General Information</b>	<b>Administering Agency</b>
<b>Public Education</b>	\$2 million	Projects involving public education on the nature and importance of the City's water supply system, and the critical role of watershed residents as stewards of water quality. These funds will be used for public education programs and projects intended to increase awareness, including educating students on the history and ecology of the watershed, the diversity and importance of aquatic life in the watershed, and the importance of preserving water quality. Up to \$1 million can be used to establish exhibits at a Catskill regional museum.	Upon DEP approval, education funds will be disbursed by the CWC, which will form an advisory group of educators and educational institutions for the purpose of recommending programs and projects for funding.
<b>Forestry Management Program</b>	\$500,000	Establish a forestry management program to promote forestry practices in the watershed that protect the City's water supply against runoff and other pollution.	Watershed Agricultural Council (WAC)
<b>Economic Development Study</b>	\$500,000	Preparation of a comprehensive economic development study of community and economic development goals and opportunities designed to assist communities in the Watershed to reach their economic, social and environmental goals consistent with water quality objectives.	CWC
<b>Wastewater Treatment Plant Upgrades</b>	undetermined	Designing, permitting, constructing and installing WWTP upgrades that are required by the Watershed Regulations. The annual costs of operating and maintaining these upgrades will also be paid by the City.	NYCDEP and EFC.

## Can Municipalities Recover Costs for Consultants and Administration?

In addition to the Watershed Protection and Partnership Programs, funding will also be provided to help communities prepare for the work that is to come in connection with the Watershed Agreement. Examples include:

### Tax Consulting Fund

New York City will provide \$3 million to the CWC to pay the fees and expenses of professional consultants and/or attorneys retained by counties, towns or villages in the Catskill/Delaware Watershed to review, analyze and/or assist in the administration of real property taxes paid by the City on City-owned lands.

### Local Consultation and Land Acquisition Program

The CWC will provide local consultation funds (up to \$20,000 for each town and village in the Catskill/Delaware Watershed) to assist in their review, assessment and comments on information provided by the City regarding proposed acquisition of lands (i.e. determinations regarding structures and natural features criteria). These funds may also be used to reimburse communities for costs incurred in the delineation of boundaries of hamlets, commercial/industrial areas and Village extensions pursuant to the Agreement.

### Good Neighbor Payments

The City has provided up to \$9.765 million in "good neighbor payments" for municipal capital projects to help establish a better working partnership with communities in the Watershed.

**What Has the State  
Committed to as  
Part of the  
Agreement?**

**WWTP Operation and Maintenance Costs**

The City will pay the incremental costs of operation and maintenance of any WWTP upgrades, equipment or methods of operation that are required solely by the new Watershed Regulations. These funds may only be used for existing public and private WWTP's in operation or permitted and under construction as of November 2, 1995, and for costs incurred at public WWTP's between July 1, 1991 and November 2, 1995. In addition, new or expanded public WWTPs constructed after the effective date of the Watershed Agreement will also be eligible for these funds.

**Stormwater Controls Required by the Regulations**

The City will pay all of the incremental costs of designing and implementing stormwater pollution prevention measures required by the regulations for certain residential projects (including low-income housing), and half of the costs for small businesses.

New York State has committed to spending over \$53 million to foster partnership initiatives in the Watershed and to aid in the implementation of the Watershed Agreement.

Over the next year, the State has committed to spending \$2.1 million dollars to aid in the implementation of the Agreement, including up to \$600,000 in assistance to new WWTPs constructed under the Phosphorus Off-Set Pilot Program, \$1.24 million for enforcement, monitoring and technical assistance programs within NYSDOH and NYSDEC, \$150,000 for master plan and zoning incentive awards to municipalities in the Watershed, and \$110,000 to establish the Watershed Inspector General's Office.

### Other Commitments

#### **Governor's Program Bill**

Governor Pataki has agreed to introduce to the State Legislature a Program Bill needed to support the state commitments set forth in the Watershed Agreement.

#### **State Executive Order**

The Governor will also issue an Executive Order requiring state agencies undertaking activities in the Watershed to comply with the new regulations once they take effect.

#### **Federal Support**

The Federal government will support the Watershed Agreement by authorizing the expenditure of \$105 million in Federal funds over the next seven years on protection projects in the Watershed under the Safe Drinking Water Act Amendments of 1996 and \$25 million in federal funds to undertake protection projects under the Water Resources Development Act.

In addition to this preliminary funding allocation, the State has also committed to spend over \$51 million over the next 14 years for various Watershed protection programs. State-funded protection efforts include the establishment of a "Coordinator of State Partnership Programs," additional funding for increased enforcement, monitoring and technical assistance for the NYSDEC and NYSDOH, the establishment of a "one-stop shopping" permit program, the establishment of a pesticide and fertilizer hotline, and the creation of a workers training and skills development program tailored to the Watershed labor market.

In addition, the State will fund several programs which are of particular interest to local officials in the Catskills, including:

#### ✓ **Zoning and Master Plan Assistance**

The New York State Department of State (NYSDOS) will provide assistance to interested West of Hudson municipalities on a voluntary basis in the development of community development tools and any necessary local laws.

#### ✓ **Master Plan and Zoning Incentive Awards**

The NYSDOS will allocate up to an additional \$350,000 to the Master Plan and Zoning Incentive Fund to aid West of Hudson municipalities in the development and implementation of community development plans, master plans and zoning ordinances.

#### ✓ **Environmentally Sound Economic Development**

The New York State Department of Economic Development will continue to support environmentally responsible economic development projects in the Watershed through the use of information centers, and by creating a public relations and tourism development program, a regional economic development program, and an industrial productivity program.

IMPLEMENTATION OF THE AGREEMENT

## What is the Catskill Watershed Corporation?

The Agreement recognizes that in order to establish a working partnership between the City and the communities located in the Catskill/Delaware Watershed, an independent, locally-based and administered not-for-profit corporation would need to be established. To this end, the **Catskill Watershed Corporation (CWC)** has been formed, and is responsible, to varying degrees, for administering and managing the following Watershed Protection and Partnership Programs:

- Stormwater Retrofits
- Sand/Salt Storage Facilities
- Septic Remediation Program
- Stormwater Fund
- Public Education
- Economic Development Study
- Catskill Fund for the Future
- Tax Consulting Fund
- Land Acquisition Consultation

The CWC is responsible for making decisions regarding the funding and implementation of these Partnership Programs, and will oversee the progress of projects funded through these programs. It has the following membership:

12 members representing the West of Hudson Communities:

- Delaware County (6)
- Schoharie County (1)
- Greene County (2)
- Sullivan County (1)
- Ulster County (2)

2 members appointed by the Governor

(1 of which will be an environmental representative)

1 member appointed by the Mayor of New York City

## What is the Watershed Protection and Partnership Council?

In order to assist in the protection of water quality in the Watershed, as well as the preservation of community character and economic vitality of the watershed communities, a **Watershed Protection and Partnership Council (WPPC)** will be formed. The Council will not have any regulatory powers or responsibilities, but will represent a broad-based diverse group of interests that share the common goal of protecting both the environmental integrity and the economic vitality of the Watershed and its communities. The City will provide \$1.075 million to fund the operations of the WPPC, and the State has committed to provide future funding to maintain its operations.

The WPPC will serve as a forum for the exchange of views, concerns, ideas, information and recommendations relating to protection of the Watershed and environmentally responsible economic development. The WPPC will also periodically review and assess the Watershed protection efforts undertaken by various governmental agencies and private parties, and will solicit input from persons, agencies and organizations with an interest in the Watershed. Any recommendation or decision made by the WPPC shall be made by a majority of the voting members.

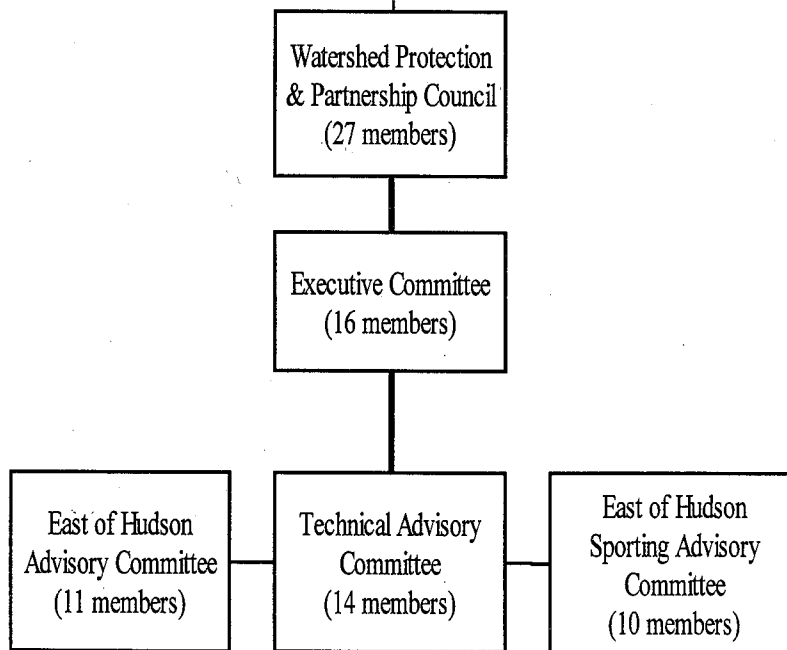
The WPPC will consist of 27 members, and, in addition to having an Executive Committee, it will have a **Technical Advisory Committee**, an **East of Hudson Advisory Committee**, and an **East of Hudson Sporting Advisory Committee** (West of Hudson preferred to sit only on the executive and technical committees).



**Who Are the Members of the Council?**

The Watershed Protection and Partnership Council will have 27 members as follows:

- An Executive Committee (16 members identified later)
  - 1 member appointed by the Mayor of New York City  
(to represent the City business community)
  - 1 member appointed by the State Senate Majority Leader
  - 1 member appointed by the State Assembly Speaker
  - 1 member appointed by the Westchester County Executive  
(to represent the Westchester County water consumers)
  - 1 member appointed by the Dutchess County Executive
  - 1 member appointed by the Environmental Parties  
(to represent the environmental community)
  - Commissioner of NYS Dept. of Agriculture and Markets\*
  - Commissioner of NYS Department of Economic Development\*
  - New York State Secretary of State\*
  - President of the NYC Economic Development Corporation\*
- (\* denotes ex-officio members)



Members will have varying terms, ranging in length from 2 years to an indefinite period of time. The Council and its subcommittees will meet at least annually, and will keep a record of all its proceedings.

**Who will be on the Council's Executive Committee?**

The Watershed Protection and Partnership Council will have a 16-member Executive Committee as follows:

- 2 members appointed by the Governor (one of which will represent Watershed businesses)
  - 2 members appointed by the Mayor of New York City (one of which will represent City water consumers)
  - 3 members representing the WOH Watershed Communities
  - 1 member appointed by the Westchester County Executive
  - 1 member appointed by the Putnam County Executive
  - 1 member appointed by the environmental community
  - Commissioner of the NYSDEC\*
  - Commissioner of NYS Department of Health\*
  - Commissioner of NYCDEP\*
  - Commissioner of NYC Department of Health\*
  - USEPA Region II Administrator\* (non-voting)
  - Chairperson of the Watershed Agricultural Council\* (non-voting)
- (\*) denotes ex-officio members

The Executive Committee will serve as a forum where disputes between the Parties may be referred and resolved, but any actions taken are non-binding. In addition, the Executive Committee will be responsible for establishing and overseeing any committees or sub-committees, for reviewing the implementation of the Watershed Regulations, the Land Acquisition Program, and the Watershed Protection and Partnership Programs after 5 years, and will be required to submit an annual report on its activities.

**What are the Council's Sub-Committees?**

The WPPC will have three designated sub-committees -- a Technical Advisory Committee, an East of Hudson Advisory Committee and an East of Hudson Sporting Advisory Committee. The latter two sub-committees will be responsible for making recommendations to the Executive Committee on issues that affect the Croton Watershed. Only the Technical Advisory Committee will report on issues pertaining to the entire Watershed.

## Technical Advisory Committee

The Technical Advisory Committee will report directly to the Executive Committee, and will consist of the following 14 members:

- 1 member appointed by the Governor
  - 1 member appointed by the Mayor of New York City
  - 3 members representing the WOH Watershed Communities
  - 1 member appointed by the Westchester County Executive
  - 1 member appointed by the Putnam County Executive
  - 1 member appointed by the Dutchess County Executive
  - 1 member appointed by the environmental community
  - Commissioner of NYSDEC\*
  - Commissioner of NYS Department of Health\*
  - Commissioner of NYCDEP\*
  - Commissioner of NYC Department of Health\*
  - USEPA Region II Administrator\* (non-voting)
- (\* denotes ex-officio members)

This sub-committee will be responsible for advising the Council on scientific and technological developments in the field of water pollution control and water supply protection, recommending research needs within the Watershed, reviewing scientific and technical proposals and studies, aiding in the definition of water quality problems and their causes, establishing sub-committees to analyze specific issues, and alerting the Council to emerging environmental and water quality problems within the Watershed.

**Who Do I Contact  
for More  
Information?**

The following individuals and organizations are useful contacts should you have any questions regarding the Watershed Agreement:

Reese Peck, Executive Director  
Catskill Watershed Corporation  
PO Box 569  
Margaretville, NY 12455  
(914) 586-1400

Helen Budrock  
Director of Sustainable Community Development  
The Catskill Center for Conservation and Development  
Route 28  
Arkville, NY 12406  
(914) 586-2611

John K. Bartow, Director  
Department of State  
Division of Local Government  
41 State Street  
Albany, NY 12231  
(518) 473-3355

Erin Crotty  
Director of Special Environmental Projects  
Office of the Governor  
Executive Chamber, Room 242  
Albany, NY 12224  
(518) 474-1310

Ira Stern, Director  
Watershed Planning and Community Affairs  
New York City Department of Environmental Protection  
PO Box 370  
Shokan, NY 12481  
(914) 657-2304

In addition, your local County Planning Departments may also be contacted for more information.

# APPENDIX A

Hamlets Eligible for Acquisition Exemptions

**APPENDIX A**  
**HAMLETS ELIGIBLE FOR ACQUISITION EXEMPTION**

<u>Delaware County</u>	<u>Maximum Acreage</u>	<u>Schoharie County</u>	<u>Maximum Acreage</u>
Tremperskill	80	Conesville	150
Lake Delaware	80	West Conesville	110
Bovina Center	290		
Bovina	70		
Fraser	110	<u>Sullivan County</u>	<u>Maximum Acreage</u>
Hamden	250	Neversink	170
Delancey	170	Grahamsville	530
Bloomville	260	Curry	130
Meredith	80	Unionville	170
Dunraven	90	Claryville	200
New Kingston	80		
Halcottsville	140		
Arkville	400	<u>Ulster County</u>	<u>Maximum Acreage</u>
Covesville	90	Sundown	690
Roxbury	450	Denning	600
Roxbury Run	170	Glenford	150
Grand Gorge	400	West Shokan	60
South Kortright	230	Boiceville	230
Trout Creek	110	Ashokan	285
		Big Indian	140
<u>Greene County</u>	<u>Maximum Acreage</u>	Shandaken/Allaben	350
Ashland	190	Pine Hill	650
East Ashland	160	Chichester	70
Halcott Center	70	Phoenicia	525
Haines Falls	390	Mount Tremper	100
Onteora Park	410		
Jewett	160		
East Jewett	170		
Lexington	230		
West Kill	130		
Prattsville	220		
Windham	740		
Hensonville	250		
Maplecrest	100		

# APPENDIX B

## Road Corridors Eligible for Exemption

**APPENDIX B**  
**ROAD CORRIDORS ELIGIBLE FOR ACQUISITION EXEMPTION**

Delaware County

Village of Andes

Tremperkill Rd. (S)  
Gladstone Hollow (N)  
Route 28 (N/S)

Village of Delhi

Route 10 (N/S)  
Route 28 (N/S)  
Back River Road (N/S)

Village of Fleischmanns

Route 28 (N/S)  
Old Route 28 (N)  
County Route 37 (N)

Village of Hobart

Route 10 (N/S)

Village of Margaretville

Route 28 (N/S)  
Route 30 (N)  
County Route 3 (S)

Village of Stamford

Route 23 (N/S)  
Route 10 (N/S)  
Back River Road (S)

Village of Walton

Route 10 (N/S)  
Route 206 (N)  
Back River Road (S)

Greene County

County Route 16

County Route 23C

Village of Hunter

Route 23A (E/W)  
Route 296 (N)  
Route 214 Access  
(County Route 83)

Village of Tannersville

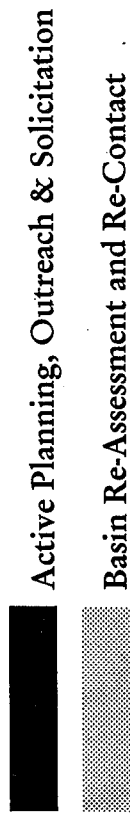
Route 23A (E/W)



# APPENDIX C

## Land Acquisition Solicitation Schedule

# APPENDIX C LAND ACQUISITION SOLICITATION SCHEDULE



RESERVOIR BASIN	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Ashokan	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active
Rondout	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active
Neversink	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active
Schoharie	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active
Pepacton	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active
Cannonsville	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active	Active

**Notes:**

- 1) This chart was prepared by the NYCDEP for informational purposes only. Actual dates may vary based on the issuance date of the permit.
- 2) This schedule indicates proposed dates when the Land Acquisition Program will be engaged in public outreach in a basin
- 3) Public outreach activities may include contacting landowners, advertising, public information meetings and/or community review
- 4) The Land Acquisition Program may at any time respond to direct inquiries from property owners anywhere in the Watershed.



**THE CATSKILL CENTER FOR CONSERVATION AND DEVELOPMENT, INC.**  
is a private non-profit citizens organization founded in 1969 in the belief that the natural beauty, history, culture and economy of the Catskill Mountains can only survive today's pressures of growth and change through the concern and action of an informed, regionally conscious public.