



January 26, 2024

Jim Sofranko, Town of Olive Supervisor  
Members of the Olive Town Board  
45 Watson Hollow Road  
West Shokan, NY 12494

**Rohit T. Aggarwala**  
*Commissioner*

RE: Local Consultation / Project Number 8202

Dear Supervisor Sofranko and Board Members:

**Paul V. Rush, P.E.**  
*Deputy Commissioner*

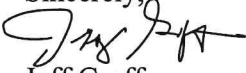
669 County Hwy 38  
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Arkville, NY 12406

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prush@dep.nyc.gov

Pursuant to Paragraphs 71 and 72 of the 1997 Watershed Memorandum of Agreement (MOA), and Section 12 of the 2010 Water Supply Permit (WSP), attached please find an information package for Land Acquisition Project number 8202. This property will be acquired by the Town of Olive through the New York City-Funded Flood Buyout Program. After closing, the property will be owned and managed by the Town of Olive pursuant to a Re-Use Plan prepared by the Town as required by the Flood Buyout Program. The reuse plan will identify the community's long-term plan for the management, use, and development of this parcel.

The local consultation process provides local governments the opportunity to notify the DEP of any concerns or issues related to New York City's proposed acquisition in regard to (1) rules of the 1997 MOA and 2010 WSP, (2) planned subdivision, if any, and (3) proposed, future recreational uses of the properties. The Town has up to 120 days to review and respond to this submission for public uses pursuant to the MOA and the WSP. The DEP encourages municipalities to hold public meetings and notify adjacent property owners about the proposed recreational uses and access points during the 120-day period. DEP staff are available to attend such public meetings, at your request. We kindly ask that you submit such requests in writing at least 14 days prior to the public hearing date.

Please contact me if I can be of further assistance or answer any questions. We look forward to receiving your comments.

Sincerely,  
  
Jeff Graff  
Section Chief  
City Land Stewardship  
NYC DEP Bureau of Water Supply  
Phone: (845) 771-1118  
Email: jgraff@dep.nyc.gov

encl: Fact Sheets / Maps for Property ID # 8202



New York City Department of Environmental Protection  
 Bureau of Water Supply  
 Watershed Protection Programs

COMMUNITY REVIEW  
 LAND ACQUISITION PROJECT FACT SHEET

Town: **Town of Olive**  
 County: **Ulster**  
 Location: **4080 Route 28  
 and Upper Boiceville Road**

Reservoir Basin: **Ashokan**  
 Priority Area: **2**  
 Submission Date: **January 26, 2024**

**Prop ID: 8202**

<u>Tax Lot Data:</u>	<u>Section</u>	<u>Block</u>	<u>Lot</u>	<u>Acres</u>
	36.111	1	16.200	+/- 0.46
	36.111	1	21	+/- 0.39
	36.111	1	18	+/- 0.20
	36.111	1	19	+/- 1.60
			<b>Total:</b>	<b>+/- 2.65</b>

Note: Title to this acquisition, part of the New York City Flood Buyout Program, is expected to be taken by the Town of Olive. Future management of the property will be in accordance with a plan agreed to in advance by the City and the Town.

**Natural Features Criteria (MOA ¶63 / 2010 WSP ¶9-10)**

Projects in Priority Area 1A must be at least one acre in size:  
 Projects in Priority Area 1B must be at least five acres in size:

Presence/Absence  
 Yes  No  N/A  
 Yes  No  N/A

Projects in Priority Areas 2, 3, and 4 must be at least ten acres in size (unless in a town that has waived minimum size requirements) or abut City-owned land, and must:

- have at least 7% of their area covered by surface-water criteria:  Yes  No  N/A
- or have at least 50% of their area covered by slopes greater than 15%:  Yes  No  N/A

\* Property is being acquired as part of the NYC funded Flood Buyout Program. Under the Water Supply Permit, as amended June 15, 2016, such acquisitions are exempted from the requirements of MOA 63 (Special Condition 7b).

**2018 Solicitation Modifications:**

Not applicable because:  Priority 1A/1B  **Flood Buyout Project**

Applicable Minimum SWC:

- 7% (Adjoins City land)  15% (Does not adjoin City land)  30% (within 1/2-mile buffer)
- 50% (within 1/2-mile buffer and Town acreage limits were reached)

Comment: **Property is 100% surface water criteria, eligible under the Local Flood Analysis / Hydraulic Study category.**

**Subdivision Required:**  No  Yes, Explain:

This information is provided to local government bodies in accordance with Paragraph 71 of the 1/21/97 Watershed Memorandum of Agreement (MOA), the April 7, 2007 letter from the Watershed Partnership and Protection Council regarding the Local Consultation Process, the Solicitation Modification Plan submitted by DEP to NYS DOH in April 2018, and the response from NYS DOH dated March 13, 2019.  
 Paragraph 72 of the MOA states the following activities are not likely to be allowed on City-acquired property; boating (other than for permitted fishing by boat); snowmobiling; camping; motorcycling; mountain bicycling; and horseback riding.

**Structures:**

No  Yes, Explain: **Medical office building, small shed, springhouse and related improvements to be removed by the Catskill Watershed Corporation after closing.**

**Security / Safety Issues:**  No  Yes, Explain:

**Natural Resources: Seller has provided presence / absence information on the following items:**

Forest Management Plan	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
Property enrolled in the NYSDEC 480A Forest Tax Law program	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
History of sub-surface mining activities	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
Active agricultural uses (hay, row crops, grazing, etc.)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure
Sugar bush management	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Unsure

**History of Recreational Uses According to Seller:**

None known

**No recreational uses of the land were previously allowed**

The following recreational uses were previously allowed:

Hunting     Hiking     Fishing     Other: Trapping

**Proposed Recreational Uses Following DEP Acquisition:**

**Future recreational uses will be determined by the Town of Olive as owner.**

**Known Easements and Rights of Way:**

Please note that this information is being provided in response to local community requests for information about easements and appurtenant rights of record, but it is based on preliminary documents at an early stage in the transaction. We cannot guarantee that the list below represents all appurtenant rights, if any, or that they will remain intact at the time of eventual deed conveyance to the City. If the list below is revised in a significant way, we expect to update the Town prior to the closing.

- 1. None identified at this time.**

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New York City Department of Environmental Protection  
 Bureau of Water Supply  
 Watershed Protection Programs

TOWN RESPONSE FORM

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**and Upper Boiceville Road**

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TOWN COMMENTS:

TOWN SUPERVISOR

DATE

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