

**Testimony of David Warne
Assistant Commissioner, Bureau of Water Supply,
New York City Department of Environmental Protection
before the
New York City Council Land Use
Subcommittee on Planning, Dispositions and Concessions
concerning
M-0876, the disposition of watershed lands**

Wednesday, September 5, 2012

Good morning, Chairman Levin and Members. I am David Warne, Assistant Commissioner for the Bureau of Water Supply in the New York City Department of Environmental Protection (DEP). I may not have had the pleasure of meeting or working with many of you since my primary responsibilities are upstate -- where I and my colleagues have the privilege of managing the amazing system of reservoirs, lakes, dams and tunnels that provide drinking water to the City. On behalf of Commissioner Strickland, thank you for the opportunity to testify on DEP's proposal to donate two parcels of watershed land -- known collectively as the Mt. Hayden parcels -- to the New York State Department of Environmental Conservation (NYSDEC), pursuant to General Municipal Law Section 72-h.

As you may know, since 1997, DEP has been acquiring land and easements to protect our reservoirs and maintain the high quality of our drinking water, all of which is currently provided without filtration from the one million acre Catskill-Delaware watershed. The City's total portfolio of protected land

in the Catskill-Delaware watershed consists of approximately 159,000 acres of land, most of which was been acquired since 1997, when the City began again to acquire watershed lands and conservation easements as part of its filtration avoidance program for the Catskill-Delaware system. In 2002 and 2005, New York City acquired the Mt. Hayden parcels, which total 814 acres and are located in the Town of Windham, Greene County. We are proposing to transfer the parcels to state ownership in response to their request, supported by the local community, to expand recreational use on the parcels especially in light of their proximity to other state lands with a similar recreational use.

DEP allows some recreational uses on its watershed lands, but as a water supplier whose primary goal in land ownership is to protect a surface water system, our rules on recreational use are less permissive than what New York State allows on the lands it owns in our watershed. As part of the state park system, New York State owns approximately 208,000 acres, or 20.3 % of the Catskill-Delaware watershed. In many cases, New York State lands are adjacent to lands that the City owns. The difference between what New York State allows and what the City allows with respect to recreational use has been an issue that is confusing to watershed residents and, in some cases, discourages a property owner's willingness to sell undeveloped lands to New York City because they are concerned the City will prohibit some recreational uses that the State allows and which watershed residents value.

In the case of the Mt. Hayden parcels, they are adjacent to New York State land, in an area where State officials and the local community have sought opportunities to expand mountain biking, particularly on moderately-sloped land. That activity is not currently authorized on City lands because it requires more maintenance and supervision to ensure that it does not degrade or erode the lands. However, DEP believes this activity can take place on certain state lands in the watershed consistent with the state's commitment to properly maintain such lands. Thus, with respect to the Mt. Hayden parcels, New York State seeks to take ownership of the parcels, pay the property taxes and maintain the land in a manner consistent with our watershed protection needs. At the same time, they would allow mountain biking, in addition to hiking and hunting; these uses are supported by the local community, and mountain biking in particular is viewed as a "green tourism initiative."

The specific benefits to the City under this proposed disposition are as follows:

- The City will be relieved of the entire property tax burden for the parcels (currently the City pays approximately \$36,000 annually in property taxes);
- All responsibilities for stewardship and maintenance will be assumed by NYSDEC;

- The parcels will be acquired by NYSDEC under Section 9-0501 of the Environmental Conservation Law (ECL) which provides that the parcels will be forever devoted to reforestation;
- The transfer is consistent with DEP's goal to expand recreational opportunities for watershed residents and; and
- The transfer is being undertaken in cooperation with NYSDEC and will strengthen our positive relationship with both the State and DEP's local partners in the watershed communities.

To summarize, this proposed disposition is beneficial to the City in that it will preserve a portion of the City's watershed while relieving DEP of ownership responsibilities, in addition to tax and stewardship obligations. It will also help promote recreational opportunities that minimally impact water quality and foster positive relationships among the City's watershed partners. On behalf of Commissioner Strickland, I urge the Council to approve this disposition.

Thank you for the opportunity to testify. I would be happy to answer questions.

Catskill/Delaware Watersheds

Croton Watershed

Cannonsville Reservoir

West Branch Delaware

East Branch Delaware

West Delaware Tunnel

East Delaware Tunnel

Neversink Reservoir

Delaware River

Neversink River

Schoharie Reservoir

Schoharie Tunnel

Esopus Creek

Ashokan Reservoir

Rondout Reservoir

Neversink Tunnel

Delaware Aqueduct

Catskill Aqueduct

Hudson River

West Branch Reservoir

New Croton Reservoir

Mark Corner Reservoir

Lake Okauchee

Artside Reservoir

Big Brook Reservoir

East Branch Reservoir

Dividing Reservoir

Titus Reservoir

Croton Falls Reservoir

Armenak Reservoir

Muscod Reservoir

Croton River Reservoir

Kensico Reservoir

Hillview Reservoir

Jerome Park Reservoir

Bronx

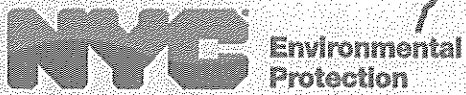
Queens

Brooklyn








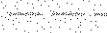
Staten Island

Groundwater Service Area

Atlantic Ocean



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

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