



KATHY HOCHUL
Governor

JOHN R. KOELMEL
Chairman

BRIAN U. STRATTON
Director

February 11, 2022

Re: Payments to Waterfront Property Owners

Dear Property Owner,

With this letter, I would like to share an exciting opportunity from the New York State Canal Corporation (NYSCC) for a one-time payment in exchange for an access and conservation easement for stream enhancement and protection measures to be implemented and provide public fishing access on your waterfront property. Your participation benefits the environmental health of regional streams and rivers.

In this regard, we are contacting property owners along Eighteenmile Creek (Niagara County), Johnson Creek (Orleans County), Oak Orchard Creek (Orleans County) and Sandy Creek (Monroe & Orleans counties) about **one-time payments to private property owners** for access and conservation easements along their waterfront. This new pilot program, **Access and Conservation Easement (ACE)** is funded by New York State's *Reimagine the Canals* Initiative. It is a collaboration between NYSCC, a subsidiary of the New York Power Authority (NYPA), and the New York Department of Environmental Conservation (DEC).

The Fall Fishing Pilot Program was launched by NYSCC and NYPA in 2020. It provides additional water from the Erie Canal through the fall, prior to the Canal draining in December. The water is released into north-flowing streams, enhancing fish habitat and angling opportunities. The pilot program takes place from September to December and is timed, weather-permitting, with the spawning runs of Salmon, as well as lake run Brown and Rainbow Trout. DEC manages many public fishing access locations in the region, and the success of the Fall Fishing Pilot Program has shown the need for additional public access and access for conservation management along streams receiving the Canal-enhanced flows.

If you are interested in participating in the ACE program, included here for your review are Frequently Asked Questions, a Request for Expressions of Interest (RFEI) describing ACE, a Response Form and a recent press release announcing ACE.

Please note that two virtual information sessions are scheduled for March 8 at 11am and 6pm. During each of the sessions you can ask questions about the ACE Program. Join by phone or via video call. See below for ways to participate.

(Continued on reverse with FAQ and Details on Virtual Information Sessions)

If you are interested, please complete the Response Form and return in the postage-paid envelope provided. If you have questions, reach us at OnTheCanals@nypa.gov. More info at https://www.canals.ny.gov/Fall_fishing/index.html.

Sincerely,



Brian U. Stratton
Director

Encl.

Frequently Asked Questions

What property rights will be included in the easement? Conditions of each easement will be site specific. Terms may include, but are not limited to, development rights, timber rights, subsurface rights, agricultural rights.

Is this a term easement or permanent easement? The easement will be permanent.

How will compensation for the easement be determined? An appraisal will be commissioned to value the rights to be conveyed.

Who will oversee the easement once it is in place?

New York State Department of Environmental Conservation – Division of Fish and Wildlife staff will oversee maintenance of easements.

What happens if I sell the property? The easement will run with the property. It is recorded in the County Clerk's office and will be permanent to the property.

Is the one-time payment taxable by New York State? Yes, however, a conservation easement tax credit is available for qualifying taxpayers. More information at <https://www.dec.ny.gov/lands/26428.html>.

RFEI Virtual Informational Sessions

Two virtual, informational sessions regarding the RFEI will be held on March 8, 2022, the first at 11 am and the second at 6 pm. Attendance at the sessions are not mandatory to submit an RFEI response, they are for informational purposes only. There are three ways to attend the session. If you have technical difficulties joining the sessions, call 716-481-6759 for assistance.

Via Youtube.com which provides the audio but does not provide an option to speak:
https://www.youtube.com/channel/UC_5XDOLQny9Xb7W6wICkHzw/featured

By Zoom providing audio and video, and the chance to speak:
<https://nypa.gov.zoom.us/j/83176204965?pwd=cIFoZUZZUHpRem5ZVWxOVXhoUHplUT09>

By phone: +13017158592
Meeting ID: 831 7620 4965
Passcode: 523262