

April 14, 2014

Comments from the Coalition of Watershed Towns (CWT) on the draft program plan for the new Flood Buyout Program issued April 2, 2014. [[This document is a companion to the PDF: A Plan for the New York City Flood Buyout Program_CWT 20140414 comments.](#)]

To David Warne

Greetings Dave,

Thank you for preparing a document that is not encumbered by near-unreadable legalese, and thank you for reflecting in it concerns that stakeholders expressed in our Jan 23rd and Feb 19th meetings.

Regarding Section 3 (Project Identification and Selection) Sub-Section A (Hydraulic Study Buyout Properties) considered in conjunction with Section 5 (Program Administration and Contract Process) Sub-Section D (Incentives for Sellers) we would like to point out what we consider to be some extraordinary circumstances that might be precluded from consideration by the document as it is currently written.

1. An LFA may identify structures that are themselves not subject to inundation, but that if removed (or relocated) allowing for the reshaping of the promontory or land feature on which they were situated, would provide significant flood hazard mitigation to structures nearby and to the community as a whole.
2. An LFA may identify a cluster of structures that if removed would significantly reduce flood elevations. All the developed properties are owned outright except for one of them whose mortgage is currently "underwater."
3. An LFA may identify a cluster of structures that if removed would significantly reduce flood elevations. One of these developed properties fails to pass an environmental site assessment (Section 5.F) but the owner of which, when considering a buyout, would walk away with "nothing" if compelled to pay the complete cost of site cleanup. [[Regarding this comment Delaware County Planning said, "The additional funds necessary would be to clean up the site; not attached to the FMV of the property. This is not an incentive it could be a program element separate and distinct from property/home value." This is an acceptable amendment to CWT's comment.](#)]

In each of these unusual circumstances, an incentive beyond fair market value might be advisable when considered in the light of an overall cost-benefit analysis and in consideration of the deleterious effect on water quality in the wake of another major storm event. In the program language we ask that some allowance be made for these unlikely eventualities. [[Regarding this comment Delaware County Planning said, "'Fairness' and 'equality' are imperative as the applicants share information \(appraisals, etc.\) and if you offer incentives to one then how do you not offer it to others? The examples above raise more questions than they answer for us . . . we need to continue this dialogue to get consensus about how/when this would be used." CWT takes to heart the need for further dialogue. NY Rising allows for such incentives if and when an entire project is threatened, and that reason alone is the basis for allowing such incentives.](#)]

[It distresses us that some watershed communities have assessed the entire FBO program a failure in advance of its inception because its approach has privileged flood plain reclamation over all other water-quality-preserving measures (e.g., flood proofing), measures which, they are convinced, would do more to preserve the character and economic vitality of their towns, villages, and hamlets. Perhaps a robust and reliable relocation program will allay these misgivings.]

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