

*Public Hearing*  
*Owego-Nichols Agricultural District*  
July 25, 2012

The Public Hearing on review of a proposed plan for revision of the Owego-Nichols Agricultural District #2 was called to order by the Chair at 10:00 A.M. Legislative members Hollenbeck, Huttleston, Monell, Roberts, Standinger, and Weston were present, Legislators Sauerbrey and Sullivan being absent.

Staff members Elaine Jardine, Faith Pipher, Doug Barton, Maureen Dougherty, Cathy Haskell, and Wendy Walsh were present.

There were 8 people in attendance.

The Clerk read the legal notice as published in the official newspapers.

Faith Pipher, Agriculture Program Assistant, spoke. "The purpose of today's public hearing is the normal continuation of the mandated review process of Tioga County Agricultural District #2.

"I am pleased to report to the legislators and to the public that this review is on schedule and the only changes we wish to make today are for additions to the district. We do not want to change the boundaries, rules, regulations, or anything like that. We have requests from the review to add more parcels. Mr. Ostrander, Tioga County GIS Manager, has prepared a map which is available for your review today. The map shows the district before the review and the revisions and parcels we wish to add to the district.

"Before I go any further, just from talking to the public, I feel that we need to explain what an Agricultural District is and the Program. Agricultural Districts, in a broad sense of the term, is a Farm Land Preservation Program. New York State Constitution declares agriculture the favored land use in NYS and directs legislature to maintain and protect that land. One way we do this is through Agricultural Districts, which are the cornerstone for this protection. Tioga County proudly maintains three Agricultural Districts; districts #1, #2, and #3. Agricultural Districts allow property owners that own predominately viable agricultural land suitable for agricultural production the opportunity to enroll their property. Once the property is enrolled in the district, NYS Ag & Markets becomes an advocate for the land owner in response to complaints or ordinances that may be restricting the property owner from conducting agricultural practices. The districts also add a layer of protection to the parcel when faced with developmental threats.

"In Tioga County, our districts are under an 8-year normal review process. This district received notice on February 20, 2012 of the review. At the time, our Department began to review the process by initiating a public comment period that took place from March 12<sup>th</sup> to April 16<sup>th</sup> 2012. Also at this time, we began a data collection process where we began to investigate the district to see if it was fulfilling its purpose and to see what landowners were actually doing with their property. The protocol used for this data collection included mailing landowners a survey form with a cover letter, conducted personal phone interviews, reviewed many, many parcels with our GIS Department, and direct contact with property owners that stopped by our office with questions.

"The compiled data, so far that I can share with you today shows that prior to the review, Agricultural District #2 was comprised of 20,849 acres. During the review period, we received requests for the inclusion of 3,257 more acres. This represents a net increase of 16%. If these inclusion requests are approved, Tioga County Agricultural District #2 can report to NYS Ag & Markets a total of 10,177 cropped acres.

"Notes from this hearing today and the data collected and presented to you today, will be presented to the Tioga County Agricultural Farm Land Protection Board for their analysis and finally all compiled data, which includes their recommendations, will be presented to the Tioga County Legislature for their final approval before submission to NYS Ag & Markets on September 17, 2012 for their concurrence.

"We have had an overwhelming positive response to this district review. One of the questions we asked on the data form was what was the greatest benefit you received or could receive from this program and overwhelmingly people indicated their desire to preserve farm land. Taking into account the dry weather and recent media attention focus has been placed back on the preservation of farm land and how this may affect our food prices.

"As of today, that is all I have to present today. I leave it open for questions and review of the map. Again, these are the only changes we wish to make. I feel these are good changes to add more parcels to the program."

Chair Weston provided an opportunity for people to view the map and then make a public comment. If no one needs to review the map and wishes to make public comment we would entertain that at this particular time.

John Kopacko, Nichols, NY spoke. "I do not recall receiving any such survey that Ms. Pipher indicated that was mailed. I do not think I will be impacted by any of the changes that were proposed here, but nonetheless, I have a question as to how much of this is going to be affected by the energy drilling for gas wells?"

Faith Pipher spoke. "In answer to your comment about not receiving a survey, we used property class codes for property owners that would most likely have predominately viable agricultural land. As far as drilling, that has been the biggest public comment we have received in our office. The only affect the agricultural district has when it comes to drilling is that there is an added layer of protection around agricultural land, which is written in the Constitution. If you are a land owner and you had your property in the agricultural district and were given the opportunity to have a gas well on your property, in and above the normal permits that would have to be obtained, you would have to go through one more step in obtaining a SEQR Environmental Statement. It is not saying that it can't be done, but there is an added layer of protection".

John Kopacko, Nichols, NY spoke. "I do have a concern with the water safety issue. I came down through Wysox on Route 187 about a month ago and it looked like a war zone. Not only that, but it is my understanding that the gas industry does not have a good safety record and I am a bit concerned the aquifer in the area has the potential for being contaminated".

Faith Pipher spoke. "This is the big concern we have had with people on the phone and how I have tackled it is that this is a real controversial issue, but as far as agricultural districting we do not have to take a side or determine whether it is right or wrong, we can just give the facts back to the people as to how it is going to affect an agricultural district parcel that is enrolled in their district. This is how I have handled it with the public and I think that matter will be taken care of through DEC. Here we are talking about farm land preservation and just trying to put a blanket around it. We are not saying it can't be done, but maybe just have to go through another step.

There being no further public comments, the hearing was adjourned at 10:12 A.M.