



December 2, 2014

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Commissioner

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Dear Dr. Young and Mr. Sweeney:

Enclosed is the DEP Response to NYSDOH/USEPA Comments on FAD Deliverables submitted September 30, 2014, in accordance with the Revised 2007 Filtration Avoidance Determination (FAD).

As always, if you have any questions about these comments or other aspects of the City's watershed protection efforts, please do not hesitate to contact me.

Sincerely,

David S. Warne
Assistant Commissioner

**DEP Response to DOH/EPA Comments on the FAD Deliverable Reports
Submitted September 30, 2014
Response Date December 2, 2014**

4.1 Waterfowl Management Program

The annual report on the activities of the Waterfowl Management Program was submitted as required by the revised 2007 FAD. The deliverable has been met.

DEP Response:

Comment noted.

The report clearly documents the continued success of this program in managing the numbers and potential impacts of waterfowl and other wildlife on targeted NYC reservoirs. We offer the following questions/comments on this report:

On page 22, second paragraph, the report states that "...the high count of gulls reached 268 on October 13, 2014." Was this observation actually made on October 13, 2013?

DEP Response:

Yes, this observation was made during the daily morning census of Kensico Reservoir for roosting waterbirds.

The report provides daytime counts of birds at West Branch, Rondout, and Ashokan Reservoirs. These observations were recorded to provide supplemental information in response to NYSDOH's approval of NYCDEP's request to reduce weekly bird surveys for these reservoirs to "as-needed". Given that bacterial contributions from waterfowl occur mainly from waterfowl roosting on the reservoirs at night, does NYCDEP feel that these daytime observations offer information that enhances water quality protection?

DEP Response:

Given the limited use of routine bird counts in management decision-making at these reservoirs, these weekly observations serve the intended purpose of providing observations of birds that are roosting or staging in close proximity to the intakes during the morning hours. While DEP would not implement as needed bird management based on these data alone, changes in bird counts coincident with changes in fecal coliform levels may prompt further investigation and as needed actions by DEP.

The last paragraph on page 30 notes that, "The reduction in bird surveys in 2013/2014 from the previous year may not capture temporary or short-term migratory population increases." Now that bird survey frequencies have been reduced at West Branch, Rondout, and Ashokan Reservoirs for over one year, please provide a brief discussion evaluating the potential impacts of this change and whether or not maintaining current frequencies is sufficient to meet program goals, including identifying annual trends in bird numbers and identifying possible sources of elevated fecal coliform.

DEP Response:

Prior to implementing the reductions in surveys, DEP carefully considered whether or not program objectives could be met. While the reduction in bird surveys in

2013/2014 from the previous year may not capture temporary or short-term migratory population increases, bird survey data are not the primary trigger for as needed actions at West Branch, Rondout and Ashokan. In the event that DEP observed elevated fecal coliform counts at these reservoirs, as needed surveys will be implemented to identify potential sources of fecal coliform.

With the revision of the 2007 FAD, the due date for this report was changed from July 31 to September 30 of each year. Given this change, would it be feasible to change the reporting period for the report, which currently ends on March 31 of each year, to a period that ends closer to the report due date (e.g., through July 31)? This would provide a more timely report on the status of the program.

DEP Response:

DEP has no issue implementing this requested reporting period change. To get on schedule, next year's report will cover April 1, 2014 – July 31, 2015. Subsequent reports will cover twelve month periods ending on July 31.

9. Administration

The annual report on FAD budget and staffing was submitted as required by the revised 2007 FAD. The deliverable has been met.

DEP Response:

Comment noted.

NYSDOH notes that only two of nine positions have been filled, with no positions in the pipeline, in Fiscal Year 2014 in Wet Chemistry in NYCDEP's Distribution Water Quality Laboratory Operations – Management Program. Please provide a brief explanation for the discrepancy and any impacts the shortfall may have on NYCDEP's analytical capabilities.

DEP Response:

The report contained an error. The revised report, dated November 24, 2014, gives the following data: Wet Chemistry has ten budgeted positions, eight filled positions and two positions in the pipeline.