

**NEW YORK**  
state department of  
**HEALTH**

Howard A. Zucker, M.D., J.D.  
Acting Commissioner of Health

Sue Kelly  
Executive Deputy Commissioner

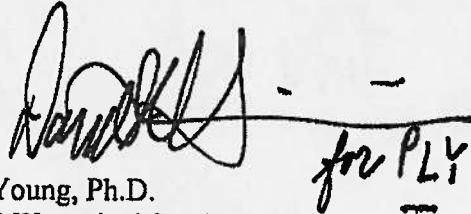
June 30, 2014

David S. Warne  
Assistant Commissioner  
NYC Department of Environmental Protection  
Bureau of Water Supply  
465 Columbus Avenue  
Valhalla, NY 10595

Dear Mr. Warne:

NYSDOH and USEPA have reviewed the Revised 2007 FAD deliverables that were due through May 31, 2014. Our comments are attached. We would appreciate if you could provide a reply to these comments by July 31, 2014. Please feel free to contact me if you have any questions.

Sincerely,

Handwritten signature of Pamela L. Young, with a horizontal line through it and the initials "for PLY" written below.

Pamela L. Young, Ph.D.  
Chief, NYC Watershed Section  
Bureau of Water Supply Protection

Att.  
Cc: R. Sokol  
T. Boepple-Swider  
A. Thompkins – USEPA  
P. Sweeney – USEPA  
K. Kosinski – NYSDEC

## **NYSDOH/USEPA Comments on FAD Deliverables due May 31, 2014**

### **4.2 Land Acquisition Program**

The Land Acquisition Solicitation methodology was submitted as required by the Revised 2007 FAD. NYSDOH/USEPA understand that the farm easement solicitation process involves a few steps, including discussions, eligibility evaluation, and an application. If all the steps are successfully completed, the acreage will be counted as solicited "for the applicable year." NYSDOH /EPA support this process, but want ensure that the frequency of resolicitation is consistent with the base LAP. Please provide confirmation that this will be the case. Include language that prevents acreage for which the solicitation process may span more than one calendar year from being credited for solicitation in successive years, and resubmit the farm easement methodology.

Please clarify how the Riparian Buffer Acquisition Program is crediting acreage. The methodology indicates that DEP plans to credit the solicitation of the acreage of whole parcels at rate of twice the actual acreage if it is vacant. However, since only a portion of most parcels can be considered riparian, this crediting rate should be reevaluated. Also, please describe the mechanisms in place, if any, to prevent a landowner from keeping portions of lot if he decide to divide the property after the initial solicitation to make a counter offer.

It is also not entirely clear how Forest CEs will be credited -- as whole parcels, just the forested portions, or some combination of the two? Some landowners may want to keep part of a forested tract out of a CE. The document references Attachment Z of the MOA, the MOA, the FAD, and the WSP (final bullet on page three) describing how credits will be determined. NYSDOH/USEPA suggest that at least a summary of the property requirements from these references be provided in the current document.

### **4.6 Stream Management Program**

The Revised 2007 FAD requires that, each year, a rolling two-year Action Plan be submitted for each of the West of Hudson Basins that outlines upcoming projects in the program areas (Stream Projects, CSBI, SMIP, Education/Outreach/Training, and LFHMP). Two-year action plans were submitted for the following basins: Ashokan, Pepacton, Rondout/Neversink, and Schoharie. No action plan was received for the Cannonsville basin.

NYSDOH/USEPA appreciate the detailed Ashokan Plan, but ask for a short update that clarifies the current plan for 2014 projects. Please confirm that the Stony Clove/Warner Creek confluence project will proceed in 2014. The previous action plan listed three possible projects that are no longer included: Beacher Smith Property, Rt. 212 below s-curve, and Full Moon Resort. Briefly describe why these projects were removed. Describe which other Stony Clove projects (Wright Road, Stony Clove Lane) or Esopus Creek projects will be constructed this year.

In the Ashokan Plan (page 14), please clarify the purpose of the grants to the Town of Olive (AWSMP-2013-69) and the Town of Shandaken Highway Department (AWSMP-2013-78), as the listed purposes are the same.

The Ashokan Plan indicates a stream assessment was completed for Bushnellsville Creek in 2013 (page 22). However, this plan is not listed on the Program's website (<http://ashokanstreams.org/exploring-the-watershed/bushnellsville-creek/>), which states: "Bushnellsville Creek has not yet been assessed. A full report on Bushnellsville Creek conditions and management recommendations will be available on this website when it becomes available." Please clarify this discrepancy.

For the East Branch Delaware Plan, please provide expanded descriptions of all the projects and programs listed in Recommendation 13 and include target milestone dates for each.

For the Rondout/Neversink Plan, it is not clear that there will be any demonstration or restoration projects conducted in 2014, including CSBI. If there are projects planned, please provide the locations and target completion dates for each.

NYSDOH/USEPA request that DEP and its partners merge the annual rolling two-year action plans for the Cannonsville and Pepacton basins. Most of the listed tasks clearly overlap (such as education/outreach, gravel and debris management, flood hazard mitigation, and streamline work permitting). Merging the action plans would also allow for reporting on stream project and CSBI workplans on a more frequent basis.

In general, the submitted action plans contain useful information, are well organized, and reflect tremendous efforts of the dedicated and talented SMP teams. NYSDOH/USEPA recommend that, to the extent possible, efforts should be made to develop a common design and format for these action plans. Great variability in formatting makes it difficult for the reader to efficiently process provided information and make comparisons/assessments.