



September 14, 2015

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Dear Dr. Young and Mr. Sweeney:

Enclosed is the DEP Response to the NYSDOH/EPA Comments on Revised 2007 FAD Deliverables submitted through July 2015.

As always, if you have any questions about these comment responses 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 NYSDOH/EPA Comments on the FAD Deliverable Reports
Submitted July 31, 2015**

Response Date September 14, 2015

4.2 Land Acquisition Program

The semi-annual report on the status and activities of the Land Acquisition Program was submitted as required by the 2007 Revised FAD.

DEP Response:

Comment noted.

The report states that the contract for the Riparian Buffer Program was approved and registered in early 2015.

The contract between DEP and WAC for long-term stewardship of farm and forest easements was due March 31, 2015. The report notes that it has been finalized and is in the process of being registered.

Reporting on the FEMA buyout program, DEP indicates that 37 properties are being acquired in three counties (Greene – 15; Ulster – 16; and Delaware – 6.) However, in the March 2015 FAD Annual Report, DEP reported higher numbers of properties that had been appraised, including 28 properties in Delaware County. Please explain if additional properties are expected to be added to the 37 properties for which acquisition is proceeding under MOAs with the counties.

DEP Response:

Both figures, the higher and lower numbers found in the two reports, are correct, which requires some explanation. Between the March 2015 Annual Report and the subject Report, Delaware County requested that purchase contracts for 22 of the properties be assigned from the City to the County, after which the County would close on and own those properties. While the City performed considerable work moving the properties toward closing during the purchase contract timeframe, these 22 projects will now be entirely managed by Delaware County. The 22 properties will continue within and are expected to be eventually protected by the FEMA acquisition process, while six remaining projects in Delaware County will be acquired, owned, and managed by the City.

In the table entitled “Parcels Eased or Acquired in Fee Simple: 01/01/2015 to 06/30/2015 Newly Acquired Tax Parcels by County and Town and Closing Date,” there is some small font text that begins: “This report is being submitted....” This text appears to be missing some words at the end of the second sentence.

DEP Response:

DEP apologizes for the error; the missing text at the end of that sentence is “cross reference.” The table has been corrected for future reports.

4.8 Wetlands Protection Program

A report on a small-scale LIDAR wetland mapping project was submitted as required by the Revised 2007 FAD. The report is titled "*Pilot Investigation: LIDAR Applications for Wetland Mapping and Connectivity Assessment.*"

NYSDOH/USEPA commend the efforts of DEP to identify and map wetlands with greater precision than the Wetland Mapping Initiative (WMI) within the East of Hudson and West of Hudson watershed. The use of a Compound Topographical Index together with LIDAR derived data along with other GIS layers combined with field checks resulted in a 136% and 74% increase in vegetated wetlands West-of-Hudson (WOH) and East-of-Hudson (EOH) watersheds, respectively. The identification of an additional 23.5 miles of streams connecting wetlands within the 30 pilot study areas was also highly significant in the context of watershed protection.

It is unfortunate that polygons smaller than 0.5 acres were eliminated in the pilot project in order to comply with latest NWI standards, but NYSDOH/USEPA note that in future wetland mapping efforts, the DEP will include polygons as small as 0.5 acre.

DEP Response:

Comment noted.

Will DEP continue to map wetlands using the current (2013-2014) protocols with the intention of mapping the both EOH and WOH watersheds? Or, will the next step consist of performing additional pilot studies to further refine the current protocols?

DEP Response:

The pilot study demonstrated that application of an automated wetland protocol followed by photointerpretation pursuant to NWI standards is not only feasible for the entire watershed, but has the potential to significantly improve the completeness and accuracy of wetland maps. Given the extensive research and refinement of the mapping protocol that was conducted for the pilot areas, DEP does not anticipate that additional pilot studies will be required.

DEP does, however, intend to confirm the gains in wetland mapping accuracy and completeness for the pilot areas prior to applying the protocol to the entire watershed. DEP will conduct a visual wall-to-wall assessment of the pilot NWI product against the current USFWS NWI data, and generate detailed statistics comparing the pilot and current NWI output by wetland class. Since the pilot wetland protocol includes novel automated mapping procedures followed by traditional photointerpretation pursuant to NWI standards, DEP expects that these additional analyses will confirm the benefits of the mapping protocol.

5.1 Watershed Monitoring Program

Comments on this deliverable – the *Watershed Water Quality Annual Report* – will be provided under separate cover.

DEP Response:

Comment noted.