



NEGATIVE DECLARATION

May 1, 2014

New York City's Revised Long-Term Watershed Protection Program in support of the Filtration Avoidance Determination for the Catskill and Delaware Water Supply System

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This environmental determination and Negative Declaration has been prepared in accordance with the requirements of the City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977 and amendments, Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6 NYCRR Part 617, and the State Environmental Review Process (SERP) as required to obtain financing under the State Revolving Fund Program. As lead agency, the New York City Department of Environmental Protection (DEP) has determined the revision to the Long-Term Watershed Protection Program evaluated below would not have a significant effect on the environment and is hereby publishing a Negative Declaration. The environmental assessment of the program activities are summarized below.

Purpose and General Description of the Program

As required by its 2007 Filtration Avoidance Determination, DEP has prepared an update of its 2006 Long-Term Watershed Protection Program (or Program) for the Catskill and Delaware Water Supply System. The purpose of the Program is to protect and improve existing water quality in the Catskill and Delaware water supply system by engaging in or funding various activities that serve protective and/or remedial water quality functions in the watershed. This Program would also allow New York City to avoid the high cost of filtering a majority of its potable water supply by qualifying for filtration avoidance under regulations administered by the New York State Department of Health (NYSDOH) and the United States Environmental Protection Agency (EPA). The Program, as proposed, is a comprehensive watershed protection strategy that focuses on implementing both protective and remedial initiatives through a number of individual programs and activities. They can be divided into a number of major categories including the Surface Water Treatment Rule (SWTR) Objective Criteria Compliance; Environmental Infrastructure; Protection and

Remediation; Watershed Monitoring, Modeling and Geographic Information System (GIS); Regulatory Programs; Catskill/Delaware Filtration and Ultraviolet Light (UV) Disinfection Facilities; In-City Programs; Administration; and Education and Outreach. These activities are discussed further below.

Activities under the Program would take place throughout those parts of the New York counties that fall within the Catskill and Delaware water supply system plus two basins within the Croton system. These counties are Delaware, Dutchess, Greene, Putnam, Schoharie, Sullivan, Ulster, and Westchester.

The DEP Bureau of Environmental Planning and Analysis (BEPA) has concluded that the overall proposed Program is classified as a Type I action since it effectively falls under 6 NYCRR Part 617(b) (1), “the adoption by any agency of a comprehensive resource management plan” and affects such a broad geographic area.

Background

In 1989, the federal SWTR was promulgated requiring filtration of all surface water supplies unless the water supplier could meet certain water quality, disinfection, and control criteria that would allow the water supplier to obtain a waiver of the filtration requirement from EPA. To demonstrate a basis for a filtration waiver for the Catskill and Delaware water supply system, DEP advanced a program in the early 1990s, which was enhanced and agreed to in 1997, to assess and address water quality threats in the Catskill/Delaware system. This program has provided the basis for a series of waivers from the filtration requirements of the SWTR. DEP has operated the Catskill/Delaware system under this series of Filtration Avoidance Determinations (FADs) since January 1993. The 1997 FAD reflects the framework for long-term watershed protection and partnership reflected in the 1997 New York City Watershed Memorandum of Agreement, agreed to by New York City, New York State, EPA, counties, towns, and villages in the watershed, and several environmental advocacy and land conservation organizations (MOA).

In 2001, DEP conducted a comprehensive assessment of the effectiveness of its watershed protection efforts through that time. Based on that assessment and the knowledge gained by the City during more than a decade of watershed protection, DEP enhanced its comprehensive water protection program, which incorporated two guiding principles in its overall program. First, DEP maintains a long-term commitment to watershed protection programs. Second, DEP would collaborate with watershed partners (such as the Catskill Watershed Corporation and the Watershed Agricultural Council) to enhance program acceptance and implementation. Based on that 2001 water protection program, EPA issued a Filtration Avoidance Determination in November 2002.

Program enhancements in the 2001 Long-Term Water Protection Program and the corresponding 2002 FAD included expansion of the agricultural program to include small farms in the Catskill and Delaware watersheds and east of the Hudson River portions of the Catskill/Delaware watershed; commitment to several new wastewater projects for communities; an expanded stream management program; study of Catskill turbidity and evaluation of control alternatives; and commitment to construction of an ultraviolet light disinfection plant for the Catskill/Delaware water supply.

Similar to its efforts in 2001, DEP conducted an assessment of the effectiveness of its watershed protection programs in March 2006. The resulting report summarized the City's protection programs and included results of a status and trends analysis of water quality throughout the watershed. Following publication of this report, EPA began substantive discussions with DEP and New York State (NYS) about the 2007 FAD. In addition, EPA and NYSDOH reached out to watershed stakeholders and the public in an effort to gain input about various issues and programs. Discussions were held with watershed stakeholders and four public meetings were conducted.

In August of 2006, EPA, with assistance from NYSDOH, issued its "Report on the City of New York's Progress in Implementing the Watershed Protection Program, and Complying with the Filtration Avoidance Determination." The Report found that the City had "successfully satisfied the obligations specified in the 2002 FAD." Highlighted strengths included the land acquisition and small farm programs, while certain delays were noted in the wastewater and stream management programs.

In December 2006, DEP submitted its report to EPA and NYSDOH on its 2006 Long-Term Watershed Protection Program (2006 Program). In this report, the City confirmed its long-term commitment to safeguard and improve the water supply, and its continuing commitment to partnership programs. In its 2006 Program, the City proposed to continue virtually all of the existing program components, and included enhancements to many of them. On September 4, 2007, DEP issued a Negative Declaration for the 2006 Long-Term Watershed Protection Program (2007 Negative Declaration).

Subsequent to submission of the City's 2006 Program, and based on further discussions among the City, EPA, and the State, as well as input received from interested stakeholders, the City, EPA, and NYSDOH agreed that the 2007 FAD should cover a term of ten years, consisting of two five-year periods: (i) 2007-2012 ("First Five Year Period"), and (ii) 2012-2017 ("Second Five Year Period"). The final 2007 FAD was issued on July 30, 2007.

As part of the 2007 FAD, there is a requirement to assess the success of the First Five Year Period and establish a plan for the Second Five Year Period.

DEP submitted the Revised 2011 Long-term Watershed Protection Plan in December 2011 (Revised LTP). Since then, DOH issued a Draft Revised FAD in August 2013, which was subject to a public review period. An addendum to the Revised LTP has been developed to include new and revised elements as a result of this process leading up to the Final Revised 2007 FAD.

This environmental review evaluates DEP's Revised LTP and addendum in support of the Revised 2007 FAD.

Summary of Proposed Program Modifications for Remaining Period of the 2007 FAD

As presented above, the Program as a whole was last reviewed under SEQRA/CEQR in 2007; however some components of the Program have been reviewed separately in the intervening years. In particular, the Extended Land Acquisition Program (LAP) was evaluated in an FEIS in 2010 to support the 15-year Water Supply Permit for LAP issued by the New York State Department of Environmental Conservation (NYSDEC) in December of 2010.

The Revised LTP and its addendum, as noted above, build upon the solid foundation of the 2006 Long-Term Watershed Protection Program. A significant number of the individual programs and activities within the overall watershed protection program have been ongoing since at least 1997, if not longer, in some form or manner. The program activities for the remainder of the 2007 FAD would continue, both in functional and geographical scope, as they have been.

The majority of the program activities in the Revised LTP and its addendum continue activities that underwent prior environmental review, where any minor modifications to the Program as part of this revision are not anticipated to result in a change to those environmental determinations. The few program activities that do not fall within that category with respect to environmental review are analyzed below. Some of those program activities would result in discreet projects that vary site-by-site in scope, such as sewer extensions, wastewater treatment plant (WWTP) improvements, and structural best management practices (BMPs). As the actual extent of any potential adverse environmental impacts due to these discreet projects cannot, at this time, be fully evaluated in the absence of more thorough design consideration and siting information, they will be subject to site-specific environmental assessments as applications for permits and approvals are considered on a project-by-project basis. Similarly, as noted below, DEP, with NYSDEC serving as lead agency, is undertaking an environmental review in connection with proposed modifications to the NYSDEC permit that authorizes periodic additions of alum to the Catskill Aqueduct. That environmental review will assess, among other things, the impacts of DEP's use of the Ashokan Release Channel, which is a component of DEP's Phase III Catskill Turbidity Control Study Implementation Plan under the FAD. Other programs activities would be typically classified as Type II actions under 6 NYCRR Part 617.5, such as replacement in-kind, data collection, studies, regulatory interpretation and enforcement, and program administration, and would not be subject to further environmental review.

Description and evaluation of program modifications and proposed new elements for the remaining period of the 2007 FAD are further described below. The following sections provide such analysis for both the benefits and potential adverse impacts of the Revised Long-Term Watershed Protection Program and its addendum, for the remaining period of the 2007 FAD.

Long-Term Watershed Protection Program Benefits

The Program reflects the City's comprehensive efforts to protect and improve water quality within its water supply system. The water supply system is an essential and irreplaceable resource, drawing water from approximately twenty-nine thousand miles of streams and over forty-three thousand acres of surface water in City's upstate watersheds. It provides water to the approximately eight million residents of New York City and one million residents in the watershed and other upstate counties, as well as for industry and commerce and the millions of tourists and commuters who visit New York City and the watershed counties.

The continuation of the Long-Term Watershed Protection Program and the proposed modifications would protect this valuable resource from the cumulative and episodic impacts of pollution sources that are generated by certain environmentally deleterious activities in the watershed. Protecting the City's watershed would ensure the continued availability of high

quality drinking water for generations to come, and would contribute substantially to the quality of life for all New Yorkers.

Water Quality

The Revised LTP and its addendum would continue to provide water quality benefits by reducing pollutants entering the water supply through the remediation of existing water quality problems and the prevention of future sources detrimental to water quality. The City realized and expects to continue to see localized improvements in water quality in the Catskill and Delaware water supply systems. In general, the Long-Term Watershed Protection Program prevents and reduces pollution from contaminants such as coliform bacteria, other waterborne pathogens, phosphorus, and other nutrients through a variety of mechanisms. Land acquisition provides long-term anti-degradation benefits to water quality through the preservation of sensitive lands such as wetlands and undeveloped lands near water resources. Agricultural farm plans and BMPs help to manage nonpoint sources of agricultural pollution and prevent it from entering watercourses. Implementation of forestry management plans helps maintain well-managed forests as a beneficial land cover for watershed protection. Improvement or construction of stormwater infrastructure reduces nonpoint source pollution carried in stormwater runoff. The rehabilitation and upgrades of existing sewage treatment infrastructure and the construction of new sewage treatment infrastructure reduce water quality impacts associated with wastewater sources.

Continuation of this Program with the proposed modifications would be a positive influence on water quality since it would incorporate activities that serve protective and/or remedial water quality functions for the watershed. Therefore, no potential significant adverse water quality impacts are anticipated.

Additional Environmental Benefits

The Program with its proposed modifications would continue to protect wildlife living in habitats in or adjacent to water bodies and/or State-designated wetlands because the Watershed Rules and Regulations limit development in these areas and additional land buffers would be gained through acquisition. Endangered species, such as the bald eagle, which nest in these areas, as well as other vertebrates and invertebrates that live in or near water bodies would be further protected. Existing open space in the watershed, including both public and some private lands, offers opportunities for a variety of recreational activities such as fishing, hunting, and hiking. The Land Acquisition Program supports and enhances opportunities for these recreational activities where consistent with water quality protection. In addition, by ensuring that septic systems, hazardous materials, and impervious surfaces would be located further from wetlands and other sensitive lands, the Program would continue to protect these land resources.

Program Descriptions and Assessment of Potential Adverse Impacts

A summary of the revisions to the Long-term Watershed Protection Program since it was last reviewed in 2007 and an environmental assessment of the proposed revisions are provided below for each category of the program:

Surface Water Treatment Rule Objective Compliance

Under the SWTR, to qualify for a waiver from the filtration requirement, the City must meet certain objective water quality criteria. The SWTR requires compliance with certain source water criteria (coliforms and turbidity levels) and disinfection standards (inactivation requirements, maintenance of chlorine residual, disinfection system redundancy and other requirements). In addition, the City must meet the Total Coliform Rule and the Stage 1 Disinfectant and Disinfection Byproducts Rule. Furthermore, as an unfiltered public water supply, the City must comply with the Long Term 2 Enhanced SWTR.

To date, the City has consistently met all SWTR standards.¹ To ensure continuing conformity, the City will continue to monitor water quality in accordance with applicable rules to demonstrate compliance.

SWTR compliance consists of a continuation of previous activities. In addition, as described in the addendum to the Revised LTP, planning for an independent, comprehensive review of the City's watershed protection plan by an organization like the National Academy of Sciences would be initiated during the remainder of the 2007 FAD period, with the expectation that the expert review would be completed in time to inform the midterm review of the next FAD in approximately 2021. The activities under the Revised LTP and its addendum for this category would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Environmental Infrastructure

Since 1997, DEP has worked closely with the Catskill Watershed Corporation² (CWC) and local communities to develop and implement core environmental infrastructure programs in the WOH reservoir basins, including rehabilitation of septic systems, extension of existing sewer systems, construction of new wastewater facilities and implementation of stormwater controls. These core environmental infrastructure programs together address some of the most significant anthropogenic sources of pollution in the watershed. Control of the pollution sources in these areas has required creation or rehabilitation - and requires continued management - of pollution control infrastructure systems. DEP's continuing support of these activities is intended to result in reduction and remediation of pollution at the source, offering long-term watershed protection. The elements for the remaining period of the 2007 FAD under the Revised LTP and its addendum for these core programs are discussed below. They are a continuation of previous programs. Any new environmental infrastructure project would be evaluated for the need to conduct an individual site-specific review prior to construction.

¹ In the late summer 2011, runoff from Hurricane Irene and Tropical Storm Lee led to elevated fecal coliform levels in Kensico Reservoir and throughout the system. There were a number of individual exceedances at Kensico Reservoir, but DEP maintained compliance with the Surface Water Treatment Rule. Investigations point to wildlife as the predominant source of coliforms following the storms. Based on the highly unusual conditions that gave rise to these exceedances, no further actions to control wildlife are warranted at this point.

² The Catskill Watershed Corporation was established as an independent locally-based and locally administered not-for-profit corporation to manage certain Watershed Partnership and Protection Programs that were created as the result of the 1997 NYC Watershed Memorandum of Agreement (MOA).

Septic and Sewer Programs

DEP is committing funding for the continuation of the basic Septic Rehabilitation and Replacement Program, the Small Business Program, and the Cluster System Program. In addition, the Septic Maintenance Program will continue with funds provided previously. Further, DEP will continue its ongoing efforts to complete design and construction of sewer extensions at three City-owned wastewater treatment plants (WWTPs), which are Pine Hill-Shandaken (Pine Hill WWTP), Showers Road-Hunter (Tannersville WWTP), and Margaretville-Middletown (Margaretville WWTP), to collect wastewater in certain priority areas where existing septic systems are failing or likely to fail. Finally, DEP will also continue to use its regulatory powers to approve design and construction of new septic systems and remediation of failed septic systems that are not covered by these other septic programs.

New Infrastructure Program

The objective of the New Infrastructure Program (NIP) is to decommission failing and likely to fail septic systems in identified hamlets and villages by funding the construction and operation of new state-of-the-art WWTPs. These facilities are designed and operated to comply with the NYC Watershed Regulations. The NYC Watershed MOA identified seven priority communities which could be eligible for new WWTPs under the New Infrastructure Program. Six of these have been completed. The Phoenicia project was not advanced by the Town of Shandaken, and was subsequently dropped from the NIP in 2012. As of this FAD revision, this program is considered to be concluded.

Community Wastewater Management Program

DEP developed a Community Wastewater Management Program with CWC to implement community wastewater solutions, such as the development of septic maintenance districts and/or construction of community or cluster septic systems, in 15 specified villages and hamlets.³ Ten communities have been funded. Of those, seven are complete and three are in the design phase. During the period 2012-2017, DEP would provide sufficient additional funding to complete implementation of the three projects currently in design ((Trout Creek, Lexington, and South Kortright), and to design and complete appropriate projects for the remaining five communities: Shandaken, West Conesville, Claryville, Halcottsville, and New Kingston. As a new program requirement, DEP would also study the potential need for a community wastewater management system for the Hamlet of Shokan. This study would be considered a Type II action under 6 NYCRR Part 617. Implementation of any new system would be subject to a subsequent site-specific environmental review.

Wastewater Treatment Plant Upgrade Program

Under the 1997 Watershed MOA, the City agreed to fund improvements for wastewater treatment plants in the City's watershed to enable them to meet City and State requirements. The upgrades of all existing WWTPs in the City's Catskill/Delaware watersheds have been completed. This program would therefore no longer be included in the Revised 2007 FAD;

³ These fifteen communities are located in Delaware, Greene, Schoharie, and Ulster Counties and were identified as priority communities 8 through 22 in the MOA New Infrastructure Program. In order, they are: Bloomville, Boiceville, Hamden, Delancey, Bovina Center, Ashland, Haines Falls, Trout Creek, Lexington, South Kortright, Shandaken, West Conesville, Claryville, Halcottsville, and New Kingston (Article V, paragraph 122 (c) of NYC Watershed MOA).

however, DEP would continue to provide certain funding for the operation and maintenance and, as necessary, capital replacement of certain equipment, of upgraded WWTPs, as required by the Public Health Law and the MOA.

Stormwater Programs

DEP would continue to fund the Stormwater Retrofit Program, which implements stormwater best management practices (BMPs) at existing sites throughout the WOH watershed, thereby reducing the loading of suspended solids, pathogens, excessive nutrients, and other pollutants into watercourses and the reservoir systems through stormwater runoff. As part of this program, the City also funds stormwater assessments and planning efforts that yield specific proposed stormwater retrofit projects and management practices in the context of an overall plan. The resulting recommended projects from these assessments and plans would then be given funding priority by DEP and CWC. A companion program, the Future Stormwater Controls Program, funded by the City, would continue to fund the incremental costs of stormwater measures required solely by the NYC Watershed Regulations above the state and federal requirements. DEP would be required to provide funding necessary to construct nine stormwater retrofit projects per year for the remaining term of the 2007 FAD.

This program consists of a continuation of previous activities and would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Protection and Remediation

Waterfowl Management Program

The Waterfowl Management Program includes avian population monitoring and avian deterrence and/or displacement activities. First implemented at Kensico Reservoir in 1992 and then expanded to an additional five City reservoirs, this program has been one of the most successful and cost-effective watershed protection programs developed by the City. The 2006 Program expanded the Waterfowl Management Program to include avian harassment and deterrent activities for the Hillview Reservoir as well as for other City reservoirs. Similar to that done for the last expansion, this program expansion would be implemented on an “as needed” basis using a prescribed set of criteria. These activities are a continuation of DEP practices and were evaluated in the 2007 Negative Declaration. No significant changes to this program are proposed in the Revised LTP for the remaining period of the 2007 FAD.

Land Acquisition Program

The City, under its Land Acquisition Program, seeks to prevent future degradation of water quality by acquiring real property interests in sensitive undeveloped lands and by managing uses on these lands. The City offers interested landowners fair market value to acquire either conservation easements or fee simple. Landowner participation in the program is completely voluntary. The City pays property taxes as assessed on all real property interests acquired.

DEP will continue to implement its Land Acquisition Program (LAP) under the Revised LTP. The City will also continue its efforts to increase the use of land trusts and other non-government organizations to identify and help the City acquire eligible lands. In 2010, DEP conducted and issued a strategic review to help establish the shape of the Extended Land Acquisition Program. In December 2010, DEP received a 15-year Water Supply Permit from

NYSDEC authorizing land acquisition through 2025. The Permit includes a cap on authorized acquisitions: not to exceed 106,712 acres in total City acquisitions in fee title and Watershed Conservation Easements across the entire Watershed which are acquired (i.e. executed contract to purchase) from January 1, 2010 forward, of which no more than 105,043 acres shall be located in the West of Hudson watershed.

The activities of this program were fully evaluated and described in the Final Environmental Impact Statement for the Extended New York City Land Acquisition Program issued December 10, 2010 (CEQR No. 10DEP046U).

In the aftermath of Tropical Storms Irene and Lee in 2011, the City is participating in a flood buy-out program that is managed by the Federal Emergency Management Agency (FEMA) and the State Emergency Management Office (SEMO), consistent with the conditions under the 2010 Water Supply Permit (WSP). Properties purchased through this program would have existing structures and other potential sources of water contamination removed and would be maintained in accordance with local flood hazard mitigation goals. In accordance with the terms of the WSP, the City is allowed to purchase these properties because they are part of a federal or state-sponsored flood buy-out program.

Additional updates to the LAP during the remaining period of the 2007 FAD with respect to solicitation requirements of 300,000 acres over 6 years, funding commitments or otherwise would still be in compliance with the conditions of the Water Supply Permit and would not be anticipated to require additional evaluation under SEQRA, and would not be anticipated to effect the conclusions of the LAP FEIS.

Under the Revised LTP the City would also develop a City Flood Buyout Program intended to supplement FEMA's Buyout Program. This Program would require a modification of the WSP, and an evaluation of whether this change to the WSP would trigger need for additional SEQRA would be conducted as part of that permit modification.

Land Management Program

The City has made a significant investment in purchasing water supply lands and conservation easements. To maximize the utility of these lands in protecting the long-term water supply for the City, they must be monitored, managed, and secured properly. Effective and routine monitoring of lands and easements is vital to discovering encroachments, timber trespass and overuse of fee lands, and potential violations for easements. In addition, the City supports and provides for many uses of its lands, such as recreation and agriculture. City lands can also be an important economic asset to local communities and the City continues to allow various uses of its lands for various recreational activities, and also by issuing revocable land use permits that allow a variety of public and private uses, including agriculture.

This program consists of a continuation of previous activities and would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review. Each individual land use permit application to allow for uses of City lands would be subject to separate individual environmental review.

In addition to the existing activities, under the Revised LTP, DEP would develop and adopt a proactive, agency-wide comprehensive plan to identify, prioritize and address invasive

species threats before they become entrenched and intractable. For those invasive species that are currently present in the watershed, this plan would provide guidance for identification and prioritization, eradication and/or control to reduce or eliminate the threat of spreading as deemed necessary. DEP would continue to work with watershed partners to address invasive species issues within the watershed and the state. The development of this plan would be a new activity for the remaining period under the 2007 FAD. As presently envisioned, the plan would consist of threat identification, risk assessment, early detection, and rapid response to occurrences/infestations. Response could include chemical or mechanical means. It is anticipated that the activities under this plan would fall within the scope of a Type II action under 6 NYCRR Part 617.5. Depending on the circumstances, activities under this plan might constitute “maintenance or repair involving no substantial changes in an existing structure or facility,” Section 617.5(c)(1), or “emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment,” Section 617.5(c)(33). It is not anticipated that this plan, as currently envisioned, would be subject to further review. Once specific plan elements have been developed, DEP would evaluate the potential for environmental impacts, and if necessary, conduct a separate environmental review.

Forest Management

The overarching goal of the Forest Management Program is to preserve water quality by increasing diversity of species and age structure of City forest lands to enhance forest vigor and forest resiliency. The Forest Management Plan includes the use of silvicultural activities such as: harvesting, following resource conservation guidelines set forth by DEP, and enhanced best management practices. DEP issued a Negative Declaration of the Forest Management Program in November 2011 (CEQR No. 12DEP023U).

Watershed Agricultural Program (WAP)

The Watershed Agricultural Program (WAP) strives to protect the City’s water supply from agricultural pollution while keeping farms in operation. It is a comprehensive effort to develop and implement pollution prevention plans (“Whole Farm Plans”) on small and large farms in the City’s Catskill/Delaware watersheds. The program is a voluntary partnership funded primarily by DEP, with particular emphasis on water-borne pathogens, nutrients, and sediment. To date, the WAP has developed nearly 400 Whole Farm Plans and implemented nearly 6,000 Best Management Practices (BMPs) on large and small farms West-of-Hudson as well as a number of East-of-Hudson farms. The WAP also supports a Farmer Education Program, Farm to Market Program, and the federal Conservation Reserve Enhancement Program (CREP). Numerous agencies and organizations directly support the WAP through local and federal staffing arrangements, including the United States Department of Agriculture, Cornell Cooperative Extension, and Soil and Water Conservation Districts.

There would be a continuation of previous activities during the remaining period of the 2007 FAD. Prioritization of projects would be geared toward those with maximum water quality benefit. This program, as discussed in Revised LTP, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

As required by the 2007 FAD, the City, in consultation with the Watershed Agricultural Council (WAC), reviewed the existing evaluation criteria by which the success of the Watershed Agricultural Program (WAP) has been measured. The review resulted in the development of a new prioritization methodology by which BMPs for preventing pollution of the water supply from agricultural activities will be selected for implementation. This new methodology will be adopted for use in the remaining period of the 2007 FAD. A review of the methodology and metrics used to evaluate the WAP is scheduled in 2015.

In addition, as described in the addendum to the Revised LTP, DEP would provide funding to support implementation of Precision Feed Management (PFM) on 60 eligible farms in the watershed. Precision Feed Management is a program that formulates nutritional management plans for dairy herds based upon dietary needs to reduce overfeeding of nutrients. This results in fewer nutrients being brought into the farm, reducing nutrients excreted by the cows, hence reducing nutrient release in the watershed. The City may provide justification for not implementing PFM on all 60 farms if it is demonstrated that PFM will provide minimal water quality benefit. For some dairy farms, PFM has been demonstrated to be an effective tool, as part of a comprehensive nutrient management plan, for reducing the amount of phosphorus and nitrogen that comes onto dairy farms and that is subsequently excreted in manure, reducing the potential for these nutrients to enter the City's source waters.

Funding PFM would support continuation of existing activities. This would be considered a Type II action under 6 NYCRR Part 617 and fall under Section 617.c (20) "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment," and not subject to further environmental review.

WAC Watershed Forestry Program

The Watershed Forestry Program (also referred to as the WAC Forestry Program because it is administered by the Watershed Agricultural Council) supports and maintains well-managed forests as a beneficial land cover for watershed protection. The program is a voluntary partnership that provides funding to private landowners to develop 10-year forest management plans, and conducts various educational programs and outreach activities targeted to forest landowners, water consumers, environmental groups, and other audiences. To date, the Watershed Forestry Program has developed more than 850 forest management plans covering more than 150,000 acres, in addition to training hundreds of loggers and foresters, and educating thousands of landowners, teachers, students, and other upstate/downstate audiences. This program largely consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

As described in the addendum to the Revised LTP, for the remaining period of the FAD, DEP would support a riparian buffer restoration program (such as Trees for Tributaries) in the east-of-Hudson (EOH) watershed. Trees for Tributaries engages volunteers in planting riparian areas with trees and shrubs, thereby creating forested buffers, which help protect water quality. At the same time, watershed residents learn about the valuable role of riparian forests and develop a vested interest in watershed protection. This activity would be

considered maintaining landscaping and natural growth, which would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Stream Management Program

The goal of the Stream Management Program (SMP) is to protect and restore achievable levels of stream system stability and ecological integrity by facilitating the long-term stewardship of streams and floodplains with the Catskill/Delaware watersheds. The 2007 FAD continued the program strategy. Stream management plans have been completed for all main stem river corridors, and the recommendations within each stream management plan define a 'road map' for achieving the program's mission.

As described in the Revised LTP and its addendum, there would also be new program initiatives aimed at mitigating the risk of flooding to streamside communities, including initiatives that are administered by the SMP partners (County Soil and Water Conservation Districts and Ulster County Cornell Cooperative Extension) and components administered by Catskill Watershed Cooperation. DEP would fund a \$10.1 million Local Flood Hazard Mitigation (LFHM) Program, a \$17 million CWC LFHM Implementation Program, seven stream restoration projects in the Ashokan basin, water quality monitoring projects at a stream restoration site to evaluate efficacy in reducing turbidity, and an additional \$500,000 for Emergency Watershed Protection Projects.

Stream Management Plans or programs in the Revised LTP and addendum would be subject to individual reviews by local towns or conservation districts adopting these plans or programs.

Riparian Buffer Protection Program

The Riparian Buffer Protection Program (RBP) was initiated under the 2007 FAD, committing the City to continue its riparian buffer protection efforts through the existing programs (e.g. Land Acquisition, Watershed Agricultural, Stream Management, and Forestry programs) as well as initiating selected program enhancements. The primary programmatic enhancement has been the Catskill Streams Buffer Initiative (CSBI), a component of the Stream Management Program, which targets improved riparian buffer protections along privately-owned and primarily non-agricultural streamside areas. In the next five years, the CSBI is anticipated to complete 80 plans or projects; implement a marketing, education, and outreach plan; and convene annual meetings of the Riparian Buffer Working Group.

As discussed in the 2007 Negative Declaration, the RBP consists of minor enhancements to existing programs and not subject to further review. For the Second Five Year Period, RBP efforts through existing WAC, Stream Management and Forestry programs would continue.

The RBP implemented under land acquisition was reviewed under the 2010 Final Environmental Impact Statement for the Extended New York City Land Acquisition program (CEQR No. 10DEP046U). The RBP is not expected to have a large impact on the supply of developable land in towns where it is implemented.

Wetlands Protection Program

Although wetlands occupy only approximately one percent of the Catskill/Delaware watersheds, they are an important part of maintaining the high quality of surface waters in the water supply system. Wetlands moderate peak runoff and improve water quality through sediment retention, chemical transformations, and biotic uptake. Wetlands also detain floodwaters, recharge groundwater, and maintain base flow in watershed streams.

Recognizing these important water quality functions, DEP has long targeted protection of wetland resources through a variety of regulatory and non-regulatory means. This program largely consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

During the remaining period of the 2007 FAD, DEP would also explore the use of Light Detection and Ranging (LIDAR)-derived data to detect wetlands and assess wetland connectivity. This would also be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

East of Hudson Non-Point Source Pollution Control Program

DEP developed, as part of its 2001 Long-Term Watershed Protection Program, a plan to address non-point source pollution in the Catskill/Delaware basins located EOH. The plan, based upon watershed surveys, water quality monitoring, and the Croton Watershed Strategy, was designed to reduce known non-point sources of pollution and identify and eliminate other sources of non-point pollution. DEP will continue its EOH Non-Point Source Program to ensure that the projects implemented to date achieve the intended goals and acquire additional sources of data to guide future decision-making.

Under the Revised LTP and addendum for the remaining period of the 2007 FAD, DEP would complete prior DEP projects designed for this program, which have been/would be subject to their own individual environmental review. A condition of the 2010 Water Supply Permit also included funding for the East of Hudson Non-Point Source Pollution Control Program. As discussed in the 2010 LAP FEIS, this would fall in the category of continuing administration and management of an existing regulatory program not including a reordering of priorities

In addition for the remainder of the FAD, DEP would establish a new east-of-Hudson Septic Repair Program for the West Branch and Boyd Corners basins, as well as a proposal to expand the program to the Cross River and Croton Falls basins. This program would help protect these unfiltered supplies from contamination by human pathogens resulting from failing septic systems. These activities would be considered maintenance and repair involving no substantial changes in an existing structure or facility and fall under a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Kensico Water Quality Control Program

DEP developed a multi-faceted program to protect and improve water quality in Kensico Reservoir. This reservoir serves as the final impoundment for more than a billion gallons of potable water that enters from the Catskill/Delaware watersheds each day. Maintaining high quality water in Kensico Reservoir is one of the highest priorities for DEP. Major ongoing elements of the Kensico Water Quality Control Program include active stormwater and waterfowl management programs, a septic repair program, periodic maintenance dredging at intake channels, and maintenance of stormwater retrofits, turbidity curtains, and hazardous spill containment facilities. The remaining period of the 2007 FAD would include be a continuation of these elements, which have been previously reviewed or would be categorized as maintenance activities and considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review

During the period 2012-2017, DEP would complete construction of the four projects identified in the Kensico Action Plan. DEP has completed environmental reviews and issued Negative Declarations on July 20, 2009 for the four programs listed under the Kensico Action Plan (Whippoorwill Stream Stabilization, CEQR No. 09DEP017U, West Lake Drive Drainage Improvements, CEQR No. 09DEP018U, N7 Pipeline System, CEQR No. 09DEP019U, and the Extended Detention Basin for the Sub-Basin N12, 09DEP020U).

As discussed in the addendum to the Revised LTP, DEP would complete design of a project to stabilize a section of the Kensico Reservoir shoreline in the vicinity of Shaft 18. The goal of the project is to minimize erosion of the shoreline, which can result from wind and wave action, and associated water quality impacts. This project would be subject to a separate site-specific review.

Catskill Turbidity Control

Due to the hydrology, topography, and underlying geology, the Catskill water supply system is prone to elevated levels of turbidity in streams and reservoirs. High turbidity levels are associated with high flow events, which mobilize the streambeds and suspend the glacial clays that underlie the streambed armor. The Catskill system was designed to address this endemic turbidity, and provides for settling within Schoharie, Ashokan, and the upper reaches of Kensico Reservoir. Usually, this extended detention time in the reservoirs is sufficient to allow turbidity-causing particles to settle out, and the system easily meets turbidity compliance limits at the Kensico effluents. Periodically, however, following extreme runoff events, DEP has had to use chemical treatment (alum) to control high levels of turbidity.

To assess possible strategies for controlling turbidity, DEP conducted the Catskill Turbidity Control Study (CTCS). CTCS evaluated a range of structural and non-structural (operational) alternatives for managing turbidity in the Catskill system. Alternatives were evaluated using linked water quantity/water quality models. The CTCS assessment determined that selected infrastructure improvements, along with “Modified Operations” using the linked models as part of a decision support system, would be the most effective and cost-effective method of controlling turbidity levels. Accordingly, in November 2009, DEP initiated development of the Operations Support Tool (OST). This tool utilizes near-real-time (NRT) data from a network of water quality sensors on streams, in reservoirs, and at aqueduct and tunnel monitoring sites, as well as USGS stream flow and DEP reservoir and snowpack data. By

assimilating probabilistic stream inflow forecasts from the National Weather Service and NRT data, the linked models can provide projections of reservoir water quality and quantity at various points in the future. DEP uses this information to help guide decisions on individual reservoir operations and overall water supply system management.

Pursuant to the approved CTCS Phase II and Phase III implementation plans, DEP is pursuing additional projects designed to improve operational flexibility and enhance turbidity control. Such projects include improvements to the Catskill Aqueduct stop shutters, a connection between the Catskill and Delaware Aqueducts at Delaware Shaft 4, and operation of the Ashokan Release Channel. DEP issued a Negative Declaration in 2010 on the Shaft 4 Interconnection (CEQR No. 10DEP065U), and the Stop Shutter Improvements along the Catskill Aqueduct would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review. The use of the Ashokan Release Channel in accordance with an interim release protocol (IRP) developed by NYSDEC is subject to separate environmental review associated with the proposed modifications to the NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit for the Catskill Influent Chamber (Catalum SPDES Permit No. 026 4652).

As part of the NYSDEC Order of Consent dated October 4, 2013, DEP is required to submit a Draft Environmental Impact Statement that analyzes the environmental and socioeconomic impacts of operating the Ashokan Release Channel in accordance with the IRP and assesses alternative methods of operating the Catskill System. NYSDEC will serve as Lead Agency for this review.

The results of this environmental review may result in the City's modifying its selection or use of the options for Catskill turbidity control defined in its Phase III Catskill Turbidity Control Study Implementation Plan. An expert panel will be convened to review the City's use of OST for water supply operations, and for evaluating the proposed modifications to the Catalum SPDES Permit and the alternatives that will be considered in the environmental review. As noted in the Revised LTP addendum in support of the Revised 2007 FAD, the City will meet with NYSDOH/EPA, NYSDEC, and the Watershed Inspector General to discuss the findings of the DEIS and potential alternatives for operating the Catskill water supply system to control turbidity. In addition, the expert panel may provide recommendations on the use of OST for water supply operations. The addendum to the Revised LTP in support of the Revised 2007 FAD also outlines additional reports and plans that would be required during the remaining period of the FAD. These reporting activities would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Watershed Monitoring, Modeling, and GIS

New York City's watershed monitoring, modeling, and GIS programs form the basis for the City's ongoing assessment of watershed conditions and changes in water quality, and ultimately any modifications to the strategies and management of the Long-Term Watershed Protection Program. DEP will continue to support and enhance these programs.

Watershed Monitoring Program

DEP conducts extensive monitoring throughout the watershed. The monitoring framework is defined by the Watershed Water Quality Monitoring Plan (Plan), which was finalized in January 2009. This Plan describes the DEP's comprehensive watershed monitoring programs, which supports regulatory compliance, FAD program evaluation, modeling, and surveillance for reservoir operations. Further, DEP submits monthly reports that describe its compliance with the objective regulatory requirements for filtration avoidance, such as turbidity and coliform bacteria levels in source water, and disinfection.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Multi-Tiered Water Quality Modeling Program

DEP has developed a Multi-Tiered Water Quality Modeling Program (Modeling Program) that consists of integrated reservoir and terrestrial models. The Modeling Program develops and applies simulation models for understanding and quantifying the effects of watershed management, reservoir operations, and climate (floods and drought) on the quality and reliability of the water supply system. The models encapsulate the key processes and interactions that control generation and transport of water, sediment, and nutrients from the land surface, throughout the watersheds, and within the reservoirs. A wide variety of data are integrated, including land cover, land use, soils, topography, population, wastewater treatment, stream flow, stream water chemistry, reservoir bathymetry, reservoir operations, and reservoir chemistry and thermal structure. The models are useful for predicting the effects of changing land use, population, watershed management, and reservoir operations on water supply quantity and quality.

The overall goals of the program include using models to evaluate the various watershed management programs, reservoir operations, and long-term water supply planning. Specifically, models have been used to evaluate the effectiveness of various watershed programs to control eutrophication⁴ in the Delaware water supply system, and to predict turbidity transport in the Catskill water supply system and Kensico Reservoir.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Geographic Information System

DEP maintains an extensive Geographic Information System (GIS) to manage the City's interests in the lands and facilities of the upstate water supply system, and to display and evaluate the potential efficacy of watershed protection programs through maps, queries, and spatial analyses. The GIS is also used to support watershed and reservoir modeling of water quantity and quality, as well as modeling of water supply system operation. Under the 2006 Long-Term Watershed Protection Program, DEP further developed the GIS program into a

⁴ Eutrophication is caused by the increase of chemical nutrients, typically compounds containing nitrogen or phosphorus that may occur on land or in water.

mature enterprise solution that is widely accessible through native GIS software and through its integration into other database applications. The GIS provides visualization and analysis tools that assist in the design, implementation, and evaluation of water quality monitoring and watershed protection programs in a unique spatial and temporal context.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Regulatory Programs

Watershed Regulations

New York City's Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources, 10 NYCRR Part 128; 15 Rules of the City of New York Chapter 18 (Watershed Regulations or WRRs) give DEP regulatory authority over certain activities that, if improperly carried out, could threaten to add nutrients, pathogens, and other contaminants into the water supply. The WRRs are directed primarily toward controlling sewage collection and treatment, stormwater discharges, and impervious surfaces, but also govern such activities as petroleum storage, winter highway sand and salt storage facilities, and solid waste management and disposal. In general, they require that persons proposing to engage in a regulated activity in the watershed meet stringent standards set out in the regulations and, in many cases, obtain prior DEP review and approval of the activity.

The Watershed Rules and Regulations were amended in 2010 and the Negative Declaration for those amendments was issued October 26, 2009 (CEQR No. 04DEP207U). These amendments incorporated changes in federal and state law since 1997, when the Watershed Regulations were adopted in their present form, and also address issues that arose during administration and enforcement of the Regulations over the past twelve years. Among other things, the amendments to the Watershed Regulations incorporated the 2010 New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity, while prior to the amendments, the Watershed Regulations incorporated an older version of that Permit, from 1993. The amendments also revised the definition of "Phosphorus restricted basin" to incorporate, with respect to basins of source water reservoirs, a phosphorus concentration standard of 15 micrograms per liter, consistent with the Phase II Total Maximum Daily Loads for Phosphorus for New York City's Drinking Water reservoirs proposed by NYSDEC and approved by EPA.

Wastewater Treatment Plant Inspection Program

The Wastewater Treatment Plant (WWTP) Inspection Program is comprised of onsite inspections, sample monitoring, compliance assistance, and enforcement of State Pollutant Discharge Elimination System (SPDES) permits for all WWTPs discharging in the New York City watershed. The program is coordinated through an EPA-approved Memorandum of Understanding (MOU) between NYSDEC and DEP. To ensure that watershed WWTPs are operated and maintained in accordance with their SPDES permits, DEP inspects all year-round operating wastewater facilities every quarter, and inspects seasonal operating facilities, groundwater remediation sites, or industrial permits two out of every four quarters. DEP's

sampling program includes regular monitoring of the effluent parameters of all treatment plants in the watershed. The City uses the results of the sampling to assist plant operators or to initiate enforcement activities as necessary.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Catskill/Delaware Filtration and Ultraviolet Light Disinfection Facilities

Although water from the Catskill and Delaware supplies currently meets all water quality regulations, DEP, in accordance with EPA requirements, began to plan in the late 1990s for the filtration of its Catskill and Delaware water supplies. DEP prepared preliminary designs and a preliminary draft environmental impact statement, and completed several other planning and engineering tasks. The commitment to update the preliminary filtration designs every two years was memorialized in the 2002 FAD that would be continued with each subsequent Long-Term Watershed Protection Program and corresponding FAD.

DEP had begun to assess the use of ultraviolet light (UV) for the Catskill and Delaware water supplies during the late 1990s. The decision to proceed with design and construction of UV facilities was supported by EPA, in consultation with NYSDOH, based on the DEP's feasibility study report and other relevant data. In its 2001 Long-Term Watershed Protection Program, DEP included a commitment to design and construct a UV disinfection facility. That commitment continued with the 2006 Program. The UV disinfection facility also fulfills the DEP's obligation under EPA regulations to provide enhanced treatment for cryptosporidium, as memorialized in an Administrative Order on Consent (AOC) between EPA and DEP and EPA which, as modified in September 2012, required full UV disinfection of the Catskill/Delaware water supply by December 2012.

The addition of UV disinfection to the Catskill/Delaware water supply has provided an additional disinfection barrier enhancing the City's water supply protection efforts. Updates every two years to the preliminary design for the Catskill/Delaware filtration plant ensure that the existing design documents do not become obsolete, thereby minimizing the overall time to commence filtration in the event that it is determined later that filtration is necessary.

The Catskill/Delaware Ultraviolet Light Disinfection Final Environmental Impact Statement was issued on November 30, 2004 (CEQR No. 04DEP05U).

In-City Programs

Waterborne Disease Risk Assessment Program

The City's Waterborne Disease Risk Assessment Program (WDRAP) was established in the early 1990s and is managed by both DEP and the NYC Department of Health and Mental Hygiene (DOHMH). Among other things, the objectives of the WDRAP going forward include continuing to implement programs established to determine rates of giardiasis and cryptosporidiosis in New York City.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Cross Connection Control Program

The Cross Connection Control Program has as its primary objective the avoidance of any potential for backflow from within premises to the public water supply system. To accomplish this objective, property owners are required to install backflow prevention containment devices in water service lines for premises that pose a potential hazard.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Administration

Beginning in the early 1990s, to support its comprehensive watershed protection program, DEP hired hundreds of professionals in a variety of fields, including hydrology, limnology, engineering, wastewater treatment, project management and administration. The efforts of this dedicated staff have allowed DEP to successfully implement the elements of the overall protection effort. DEP is committed to maintaining the level of staffing, funding and expertise necessary to support all elements of the Long-Term Watershed Protection Program.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Education and Outreach

Public education and outreach efforts have been a component of DEP's watershed protection strategy since the early 1990s. DEP's activities are built on the principle that an informed base of watershed residents and water consumers facilitates development and implementation of protection strategies. An effective outreach program enhances consumer confidence in the safety and quality of the water supply, while teaching watershed residents and consumers alike the importance of watershed protection and conservation.

DEP's efforts have included, and would continue to include, both program-specific education efforts and broad-based outreach. In many cases, program-specific outreach efforts are conducted in coordination with DEP's partner agencies and organizations – the Catskill Watershed Corporation, the Watershed Agricultural Council, Soil and Water Conservation Districts, and the watershed towns and counties, to name a few. It is important to acknowledge the contributions of these locally-based groups in spreading the word about the links between land use activities and water quality.

This program consists of a continuation of previous activities, and as described in the 2007 Negative Declaration, would be considered a Type II action under 6 NYCRR Part 617 and not subject to further environmental review.

Statement of No Significant Effect

DEP has determined that the Revised LTP and addendum would not result in any significant adverse impacts on the environment. The above determination is based on the review of the original environmental assessment for the design of the proposed project and evaluation of the modified project conditions. Therefore, the previous Negative Declaration and the supporting documentation remain unchanged in their conclusions.

The revised LTP and addendum, as a whole, has provided and will continue to provide water quality benefits by reducing pollutants entering the water supply through the remediation of existing water quality problems and the prevention of future water quality problems. DEP has seen and expects to continue to see an overall improvement in water quality throughout its water supply system.

Overall, the Program would improve water quality and allow existing development to continue and future growth to occur in a manner that is consistent with the existing community character and planning goals of each watershed community and that there would be no potential for significant adverse cumulative environmental impacts.

Supporting Statements

The above determination is based on an environmental assessment that finds that the proposed program would not result in significant effects on the environment, which would require the preparation of an Environmental Impact Statement (EIS).

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