

Coalition of Watershed Towns

c/o Delaware County Department of Watershed Affairs

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Comments of Carl Stuendel, Chairman of the Coalition of Watershed Towns Presented to the Ulster County Legislature Environmental, Energy & Technology Committee Hearing on the Draft Filtration Avoidance Determination September 25, 2013

My name is Carl Stuendel. I'm the chairman of the Coalition of Watershed Towns. I'm from the Town of Tompkins in Delaware County. Cannonsville was our town seat and it was centrally located. Today it's the site of the Cannonsville Reservoir.

Though we in the Coalition don't know all the details of Ulster County's issues with the City on how to best manage the Ashokan reservoir for flood control and the release of turbid waters, we do know the effects on the Lower Esopus communities  devastating, especially in these times of ever-increasing severe-storm frequency; a threat to life, livelihood, property, and riparian habitat.

I want to congratulate you for organizing this public hearing. I hope you'll persevere in what is probably just the beginning of an effort that may take years (hopefully not decades) to resolve.

The FAD is one vehicle for addressing these issues. We are encouraged that the FAD requires the City to develop its Operations Support Tool to look at ways of better managing reservoir releases and to convene a panel of experts to study the development and use of the OST. That is one step in the process and an important one. But it should not be the only effort. We believe careful consideration should be given to the draft Order on Consent issued by DEC. The CWT supports your efforts to have that Order finalized as soon as possible.

As currently drafted the Order requires DEP to prepare an Environmental Impact Statement to consider, among other factors, limiting releases to the Lower Esopus. It is important that the Ulster County towns participate in that process, the first step of which is a scoping document, an outline of all the issues to be considered. Make sure that it calls for consideration of changing weather patterns and provides for the mitigation of potential impacts from the City's operation of the water system.

As an initial matter that can be addressed in the short term, the Coalition believes that the City should be relieved of a significant amount of the \$50 million set forth in the FAD for further land acquisition and direct those funds to other necessary projects, such as flood hazard mitigation both inside and outside of the watershed. That is one manner in which immediate relief can be achieved without putting a national burden on the City.

As you continue working with each other to formulate your positions and expectations, we at CWT can more easily determine where our concerns overlap and hopefully, on that basis, form alliances as needed.

You already have access to us through your two representatives that sit on the executive committee of the CWT, Bruce LaMonda and Linda Burkhardt, both council members from the Town of Olive. And from Ulster County, Amanda LaValle (Dept of the Environment) and Dennis Doyle (Director of County Planning) approached the CWT at our September 16th meeting, seeking to find common ground.

Wrapping up, I would again like to emphasize the importance of organization and dedicated commitment. Al Rosa, the Executive Director of the Catskill Watershed Corporation, couldn't be here today, but he prepared a written statement and submitted it to Chairman Carl Belfiglio. I'd like to quote one paragraph from his statement.

"In March of 1991, we held a public meeting in my town at the Margaretville High School gym to start responding to NYCDEP. We filled every seat on the bleachers. The idea of a Coalition of Watershed Towns (CWT) came out of that meeting. I was proud to serve on the Executive Committee of the CWT, and most of the meetings of the CWT were held in my town office in Margaretville. After pooling our resources and hiring our own team of lawyers, it took years of fund raisers, negotiations, several lawsuits, and hundreds of meetings. As a principal negotiator for the CWT, I personally attended 468 meetings over five years before we reached an outline of the agreement that would ultimately become the 1997 Watershed Memorandum of Agreement."

In conclusion, we in the CWT have struggled for 20 years to reach a variety of accords with NYC. And the dialogue and negotiations continue. While we could not always say this in the past, in recent years DEP officials are accessible and cooperative and we have found it more productive to engage in constructive dialogue than making public attacks in the press. Understandably you may feel that the City has not been responsive to your concerns, but we think there are means of having a useful discussion. Of course, if that isn't working, then there is recourse to various legal procedures that may change the dynamic. That is the path the CWT originally was forced to take that resulted in the MOA.

I'd like to introduce Jeff Baker. He is the attorney for the Coalition and one of the primary writers of the 1997 MOA document. I'd like to invite him to add a few sage comments. Jeff...