

# ULSTER COUNTY LEGISLATURE



DAVID B. DONALDSON  
*Chairman 845-340-3699*

TRACEY A. BARTELS  
*Vice Chair 845-340-3900*

P.O. Box 1800  
KINGSTON, NEW YORK 12402  
Telephone: 845 340-3900  
FAX: 845 340-3651

JONATHAN R. HEPPNER  
*Majority Leader 845-340-3900*

KENNETH J. RONK, JR.  
*Minority Leader 845-340-3900*

VICTORIA A. FABELLA  
*Clerk 845-340-3666*

March 18, 2021

Commissioner Vincent Sapienza, P.E.  
New York City Department of Environmental Protection  
59-17 Junction Boulevard, 13<sup>th</sup> Floor  
Flushing, NY 11373

Dear Commissioner Sapienza,

We, as the Chair and Vice Chair of the Ulster County Legislature's Standing Committee on Economic Development, Tourism, Housing, Planning and Transit, along with the below signed members of the Legislature, are reaching out to, once again, express our concerns with the adverse effects of the New York City Department of Environmental Protection's turbid water management in the Ashokan Reservoir on Ulster County.

Every day scientists and climate experts provide more and more data stressing exactly how fragile our environment is and how vital it is that we do everything we can to safeguard it. As Ulster County policy makers, we continue to learn exactly how fragile our economy is and how important it is that we do everything we can to strengthen it. It seems more and more common that these two imperatives meet and require a true partnership between governments, organizations, and stakeholders to preserve and protect both.

Counties like Ulster have inherently limited resources for economic development. Our ability is even further limited by the fact that New York City owns somewhere around 118,000 acres in Ulster County, and the state itself owns upwards of 250,000 acres more. One tried and true economic stimulator has been the Esopus Creek and the fishing and recreational opportunities it provides, as well as serving as an invaluable resource to area farmers. We cannot afford to jeopardize the valuable economic stimulation provided to the residents of Ulster County or harm the precious habitat offered to wildlife and cold water wild trout fisheries.

We recognize that the NYC DEP's current application to amend the Catalum SPEDES Permit seeks to, among other things, "incorporate turbidity control measures, including operation of the Ashokan Reservoir in accordance with the Interim Ashokan Release Protocol (IRP)." With that said, we would be remiss if we did not continue our efforts to advocate on behalf of the residents of Ulster County, especially those who live and work along the Esopus Creek, and the countless others who find recreation in and along the waterway. Amendments to the IRP, as well as projects currently being discussed regarding hydroelectric power generation and the creation of additional reservoir(s) must be cautiously evaluated for effects on communities bordering the Esopus Creek, especially the Lower Esopus.

It goes without saying that since the DEP began regularly using the Ashokan Release Channel to mitigate turbidity in the Ashokan Reservoir, the effects on the Lower Esopus have been damaging and measurable. For more than a decade the NYC DEP has abdicated responsibility and denied a correlation between turbid water management in the Ashokan and the resulting turbidity and compromised water quality in the Lower Esopus. Effects which can be readily

observed by an unaided and untrained eye. We are pleased that the DEP is beginning to recognize the severity of the situation.

As compared with naturally occurring erosion in nearly all other watershed reservoirs, the easily erodible lacustrine clay deposits prevalent in the Ashokan Reservoir, as reported in your 2018 Watershed Water Quality Annual Report, puts Ulster County in a unique and compromised position. Despite this additional challenge, the City's investment in stream bank restoration and flood resilience upstream of the Ashokan have resulted in decreased turbidity in the waters of the Upper Esopus resulting in easier management of the City's drinking water and fewer harmful impacts on the Lower Esopus.

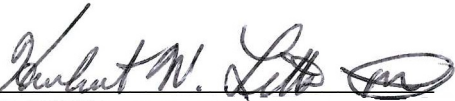
A renewed commitment to funding for stream bank restoration and flood resilience projects in the Upper Esopus, coupled with additional data supported engineered solutions to the current IRP will go a long way to solving turbidity issues in both the Ashokan and the Lower Esopus. We call on the NYC DEP to continue to explore turbid water mitigation solutions in the Ashokan Reservoir with particular concern and regard for the adverse effects on Ulster County residents, visitors and economic viability.

We appreciate your time.

Sincerely,

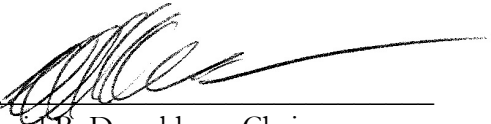


Brian B. Cahill, Chair  
Economic Development, Tourism, Housing Planning & Transit Committee

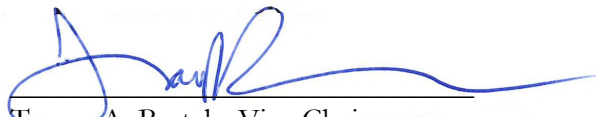


Herbert W. Litts, III, P.E., Vice Chair  
Economic Development, Tourism, Housing Planning & Transit Committee

cc: Kristen Cady-Poulin, Environmental Analyst, NYS Department of Environmental Conservation  
Paul Rush, Deputy Commissioner – NYC DEP Bureau of Water Supply  
Ulster County's NYS Senate and Assembly Representatives  
Ulster County Executive Patrick Ryan



David B. Donaldson, Chairman



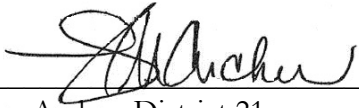
Tracey A. Bartels, Vice Chairwoman



Jonathan Heppner, Majority Leader



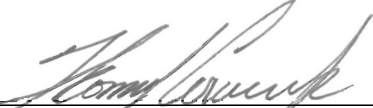
Kenneth J. Ronk, Jr., Minority Leader



Lynn Archer, District 21



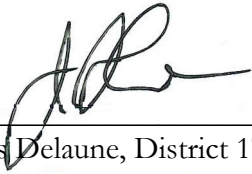
Albert Bruno, District 2



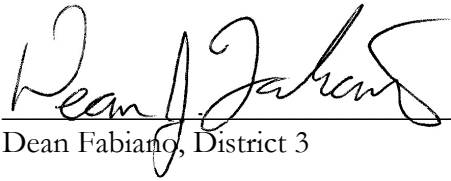
Thomas Corcoran, District 11



Peter Criswell, District 7



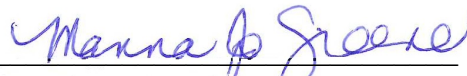
James Delaune, District 17



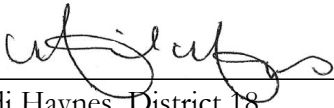
Dean Fabiano, District 3



John Gavaris, District 15



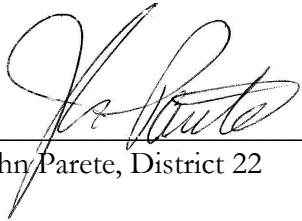
Manna Jo Greene, District 19



Heidi Haynes, District 18



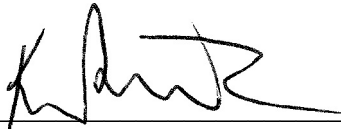
Mary Beth Maio, District 10



John Parete, District 22



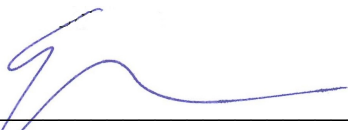
Laura Petit, District 8



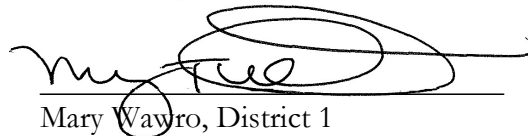
Kevin Roberts, District 12



Abe Uchitelle, District 5



Eve Walter, District 20



Mary Wawro, District 1