



BEDFORD AUDUBON SOCIETY, INC.

*A Northern Westchester & Eastern Putnam County, New York
chapter of the National Audubon Society*

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July 30, 2001

Mr. Jeffrey Gratz
U.S. EPA
Division of Planning
(NYC Watershed)
New York, NY 10007

Dear Mr. Gratz,

Bedford Audubon Society represents over 1,000 members of National Audubon Society in the Northern Westchester and Eastern Putnam County region. We also own and manage over 450 acres of wildlife sanctuaries in our region.

Thank you for soliciting public comment on the US Environmental Protection Agency (USEPA) findings for the New York City Watershed Filtration Avoidance Determination (FAD) Mid-Course Review.

We concur with USEPA's recommendations, with one important exception, and wish to take these one step further to ensure protection of New York City's drinking water supply and their important buffer lands and wetlands.

The Croton System is integrally related to the Catskill Delaware System, both geographically (the Kensico and West Branch-Boy Corners watersheds are East of the Hudson River) and in terms of the flow of drinking water to city taps.

At the moment, up to 30% of the water entering the city from the Catskill-Delaware System can comprise Croton System water including water pumped from the Croton Falls and Cross River Reservoirs during times of drought or of high turbidity during the spring runoff. The pumps at those sources have been upgraded to even higher capacity, so that up to half the water used daily could be pumped from the Croton Reservoir System into the Catskill Delaware System.

If we must filter the Croton System, then we must also filter the Catskill Delaware System due to their interconnection.

The only way to truly protect New York City's drinking water and its watershed is through protection of drinking water at its source in both the Catskill Delaware System and the Croton System.

Based on our experience fighting inappropriate real estate development in the watershed, filtering the water would result in rampant development that will escalate into a need for larger and larger plants at insurmountable cost, without protection of water quality and the environmental health of the watershed.

The waters of the Croton System are now drinkable under EPA Safe Drinking Water/Surface Water Treatment Act Standards. The New York City Department of Environmental Conservation has recently stated this in their public literature.

Furthermore, the following EPA recommendation should apply to the Croton System if we are to save it now:

- 1) The 15% slope requirement for septic systems should be strictly enforced in all areas**
- 2) The city should implement all EPA recommendations on septic system upgrades and Wastewater Treatment Plant Upgrades within the Croton System**
- 3) The city should map, analyze and track impervious cover and better evaluate thresholds**
- 4) Most importantly, the city should take steps to require that any Lead Agency under SEQR ensure that each project applicant initiates the Stormwater Pollution Prevention Plan (SPPP) early in, and on a parallel track, with the project planning process in the Croton Watershed.**

On this last point, we have seen numerous instances where failure to initiate an SPPP have resulted in serious problems or inadequate environmental evaluation.

One notorious case involves the Somers Golf Associates case where the city decided very late in the game (after an appeal to the New York State Freshwater Wetlands Appeals Board) to enforce a SPPP and was unable to stop the project in Federal Court. This project resulted in the largest and worst case of runoff pollution in the history of New York after heavy rains washed construction sediments and fill into tributaries of the New York City reservoirs. While New York State's Article 24 Wetlands laws protect construction *within* wetlands, they did not regulate this obvious, direct threat to wetlands from just outside the wetlands buffer.

In another misguided project proposal, to widen Route 120 adjacent to the Kensico Reservoir, the New York State Department of Transportation did not provide a SPPP until late in the regulatory process, in spite of serious plans to forge ahead with the project that threatened the water supply for 9 million New Yorkers.

We are concerned with increasingly fragmented ecosystems and the impact of rampant watershed real estate development on wildlife in our area. Filtration will be taken advantage of by real estate developers to continue the patterns of sprawl that have hurt the ability of government agencies to protect our drinking water supply at its source.

Our area is an important fly corridor for migrating neotropical migrants, its used as a staging area for many types of migrating birds, as habitat and as breeding grounds.

Fragmentation that will follow filtration could seriously endanger the current decline in species that have been observed in Westchester and Putnam Counties:

DECLINING SPECIES IN OUR REGION

Green Heron

Great Blue Heron

Virginia Rail

Sora Rail

Red Shouldered Hawk

Barred Owl

Wood Duck

STABLE POPULATIONS BUT WOULD BE IMPACTED BY DEVELOPMENT NEAR WETLAND BUFFER LANDS:

Louisiana Water Thrush

Recent proposals to divert sewage waste in Putnam County in lieu of upgrading STP's through funds provided in the New York City Watershed Agreement would substantially spur development within the watershed, further reducing unfragmented wildlife habitat.

This region is part of a green wildlife migration corridor stretching from the Delaware River north through New England. The U.S. Forest Service is just now revisiting their Hudson Highlands Study to encompass lands East of the Hudson River within this important corridor. It lies within the NYC watershed in Putnam County, and no filtration avoidance should be planned until this new study has been completed.

Thank you for providing the opportunity for us to bring these important issues to your attention.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Donald C. Pachner". The signature is written in a cursive, flowing style with a large initial "D" and a long, sweeping tail.

**Donald C. Pachner
Conservation Committee and Board of Directors**