

## RESOLUTION NO. 001 of 2023

### THE COALITION OF WATERSHED TOWNS RESOLUTION IN SUPPORT OF THE DECEMBER 2022 REVISED FILTRATION AVOIDANCE DETERMINATION (FAD)

**WHEREAS**, in the Spring of 2022 the New York State Department of Health (DOH) released for comment a draft Revised Filtration Avoidance Determination (FAD) as part of the mid-term review of the 2017 FAD; and

**WHEREAS**, the Coalition of Watershed Towns submitted comments to DOH which focused upon (1) the need to recognize the 2020 findings of the National Academies of Sciences, Engineering and Medicine (NASEM) of its study of the watershed protection program; (2) the need to amend New York City's Land Acquisition Program (LAP) to eliminate or dramatically reduce the core LAP program of fee acquisition of large parcels; (3) the need to revise the Streamside Acquisition Program (SAP) to require greater coordination with local governments for participation in the program and the design of riparian buffer acquisitions; and (4) assure greater compliance by New York City with its MOA obligations as exemplified by the 2022 dispute regarding the acceptance of septage waste at City-owned wastewater treatment plants; and

**WHEREAS**, in December 2022 DOH issued the final Revised FAD which updated many of the requirements of the 2017 FAD; and

**WHEREAS**, the Revised FAD responded to and included many of the concerns raised by the Coalition by, *inter alia*:

- (1) Including an expanded discussion of the NASEM finding that the City's LAP had matured and was no longer cost-effective for water quality protection by acquiring fee acquisitions of large parcels and that resources should be redirected to flood hazard mitigation, streambank restoration and a focused riparian buffer program.
- (2) Directing DEP to convene a working group of stakeholders to review and submit a proposal for amendments to SAP necessary to allow its expansion beyond the Schoharie Basin before a decision is made to expand the program.
- (3) Directing DEP to convene a working group to propose amendments to the conservation easement granted by DEP to DEC over acquired lands to assure such lands can be used for utility access and renewable energy uses.
- (4) Supporting the use of license agreements with annual payments to landowners as an alternative to fee acquisitions.
- (5) Requiring DEP to work with the Catskill Watershed Corporation to study current and future septage disposal needs in the watershed and to submit a schedule for DEP to fund the necessary capital improvements at non-City owned wastewater treatment plants to accept septage.
- (6) Continued DEP's obligation to meet regularly with stakeholders to resolve issues with the administration of City contracts.

**NOW THEREFORE, LET IT BE RESOLVED** that the Executive Committee of the Coalition of Watershed Towns hereby thanks the Department of Health for carefully considering the comments of the Coalition and other stakeholders and incorporating those comments in the Revised FAD and accepts the Revised FAD as a reasonable compromise to assure the continued protection of New York City's water supply while recognizing the needs of the watershed communities; and

**LET IT BE FURTHER RESOLVED**, that the Coalition is committed to continuing to work with the other watershed stakeholders to develop a revised LAP and SAP that is consistent with the MOA, the NASEM findings, the Revised FAD and the evolving needs of the watershed communities.

**WHEREUPON**, the Resolution was unanimously approved and adopted on **January 16, 2022** by the CWT Executive Board members in attendance as follows:

Chairman Ric Coombe  
Board Member Wayland Gladstone  
Board Member Edward H. Snow, Sr.  
Board Member Winifred Zubin  
Board Member William Federice  
Board Member David Edinger  
Board Member Greg Vurckio