

# ULSTER COUNTY OFFICE OF THE COMPTROLLER

March S. Gallagher, Esq.  
Comptroller



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Deputy Comptroller

VIA EMAIL SUBMISSION

February 24, 2023

Kenneth Kosinski  
Director, Bureau of Flood Protection and Dam Safety  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Dear Director Kosinski:

I am writing to express my strong objection to the proposed modification of the Ashokan Reservoir Interim Release Protocol (IRP) giving Ulster County responsibility for requesting releases.

I serve as the fiscal watchdog for the people of Ulster County. The proposed changes to the IRP will have a number negative financial and economic impacts on Ulster County:

- 1) **The proposed modification shifts the burden of liability resulting from release activities from New York City Department of Environmental Protection (NYCDEP) to Ulster County.** Simply put if Ulster County makes the wrong call on releases and affected communities are flooded, suffer property damage or loss of life, Ulster County could be at risk of liability for that damage for failing to call for a release.
- 2) **The proposed modification will place an obligation on the County to develop technical expertise and staff resources at a significant cost to Ulster County taxpayers.** The County does not have the technical capacity in staff or modeling to make informed decisions about appropriate releases, as it relates to potential flooding or ecological impact. This would require an investment of public resources for which Ulster County taxpayers should not bear the burden.
- 3) **The IRP itself, and changes to it, have significant ecological, visual and property value impacts on downstream communities when turbid discharges are made or conversely when not enough flow is released to protect ecology or downstream flooding conditions.** These IRP related impacts have direct economic cost to the community in terms of the ecological health, the property impacts and visual impacts for tourism and recreation.

In addition to the financial and economic impacts, it is unclear to members of the public how potential revision of the IRP affects the overall SEQR process and the Supplemental Draft Environmental Impact Statement (SDEIS) since the IRP may become a condition of the Catalum SPDES permit now under review. The public comments submitted on the SDEIS were made with the current IRP in place. Community members might have different concerns under the revised proposal.

Finally, the modification of the IRP in this manner belies transparency and accountability. The existing IRP was adopted through a process with the Ashokan Releases Working Group that was called for in the 2013 Consent Decree governing the releases and required engagement of stakeholders. The Ashokan Releases Working Group process used to adopt the IRP did not include all the affected communities such as the Hudson 7, but at least it was a collaborative effort to create acceptable release protocol which has operated since its adoption. The current proposal failed to involve *all* the affected stakeholders such as property owners along the Esopus Creek, many of whom are unaware of this current *informal* round of comment on the draft IRP. If there had been a dialogue with the stakeholders, these concerns would have been aired.

While it is a great honor for Ulster County to host the Ashokan Reservoir System, it comes at a great cost to our communities. Host communities must be involved in decisions that affect our health, safety, and economy. We rely on New York State Department of Environmental Conservation and Department of Health to protect our interests.

Accordingly, I respectfully request that the proposed IRP modification be abandoned, and that DEC provide clarity on the IRP and the SEQR process for the Catalum permit.

Yours truly,

A handwritten signature in blue ink that reads "March Gallagher". The signature is written in a cursive, flowing style.

March Gallagher  
Ulster County Comptroller

cc: Senator Michelle Hinchey (via email)  
Assemblywoman Sarahana Shrestha (via email)  
County Executive Jen Metzger (via email)  
Supervisor Mike Baden, Ulster County Supervisors Association (via email)  
Gary Basset, Hudson 7 (via email)  
Tracy Brown, Riverkeeper (via email)