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April 12, 2024

To: Burt Samuelson, Planning and Ben Ganon, Department of the Environment

From: Emilie Hauser, Chair, on behalf of Kingston Conservation Advisory Council
eehauser@gmail.com, 845-430-9276

Re: Comments on the Draft Lower Esopus Stream Implementation Program (March 2024)

The CAC sent comments on the Lower Esopus Stream Management Plan on January 22, 2023. In addition to those, we would like to add the following points on the Implementation Program.

We would like to ensure that the Lower Esopus Creek is safe to enjoy. We urge the creation of a program to frequently measure water quality of the Creek, particularly where it flows through points of existing and proposed public access -- including the Sandy Road boat launch located in the Town of Ulster. We reiterate the suggestion that workshops are offered for property owners on ways to mitigate run-off from parking lots and other impermeable surfaces with the use of constructed green infrastructure as well as the reduction of lawn care chemicals, for all areas adjacent to the Creek. We'd also like to increase awareness of monitoring that homeowner's septic systems are working as they should, and not leaking sewage into the Creek. A watershed coordinator would be helpful in monitoring water quality and suggesting remedies, including the use of TMDLs if necessary.

We would also very much like to see increased access for boats and swimmers to the Lower Esopus Creek from the City of Kingston. It is very much in keeping with an effort to protect and beautify the Creek that we encourage people to enjoy and appreciate it. However, in developing a waterfront plan, there is a need for flood risk studies for the Kingston Plaza and adjacent floodplains both in Kingston and in the Town of Ulster near Washington Avenue and the Roundabout.

We support projects that address the entire Lower Esopus. This includes Reservoir Release Notification System, Certified Floodplain Manager Initiative, Baseflow Study and Environmental Flow Releases; FEMA Map Revisions, Build Relationships with Key Organizations, and Management Plans for the Plattekill and Sawkill. Our comments correspond to project numbers 12,13,31 and 33 to 42.

These suggestions fit with the mission of the City of Kingston Conservation Advisory Council, that we "ensure the conservation of the City of Kingston's natural resources and the enhancement and protection of its environment while fostering unified action on environmental matters."

Thank you for the opportunity to comment.

Resolution in Support of the Lower Esopus Stream Management Plan

WHEREAS, the Lower Esopus is an important water resource that adds environmental and economic value to the communities through which it passes and the landowners along its banks; and

WHEREAS, unilateral actions by the New York City Department of Environmental Protection to release turbid water into the Lower Esopus from the Ashokan Reservoir resulted in an Order on Consent (DEC Case No. D007-0001-11, Appendix A) issued in 2013 that provided funding for the development and implementation of a Stream Management Plan (SMP) for the Lower Esopus Creek; and

WHEREAS, the Lower Esopus Stream Management Plan was developed in collaboration with partners across the watershed through a rigorous planning process consisting of a data review, geomorphic assessment, public outreach, and both public and agency comment processes; and

WHEREAS, for the Lower Esopus Stream Management Plan and the Implementation Projects contained therein to be successful requires that the efforts of various state agencies, municipal governments, county departments, and nonprofit organizations work collaboratively towards a unified goal of ensuring that the Lower Esopus is a clean and vibrant creek providing value to all the communities along its route; and to safely enjoy; and

WHEREAS, the CITY OF KINGSTON is one of seven municipalities sharing the Lower Esopus stream corridor; and

WHEREAS, the Lower Esopus Creek is an important community asset cherished by many people; and

WHEREAS, the CITY OF KINGSTON Conservation Advisory Committee reviewed the Lower Esopus SMP and submitted comments on January 22, 2024 ; and

WHEREAS, the SMP Implementation Plan contains the several projects that the Conservation Advisory Committee submitted comments on April 12, 2024, and which the community supports and urges that these projects receive funding;

- Reservoir Release Notification System,
- Certified Floodplain Manager Initiative,
- Baseflow Study and Environmental Flow Releases,
- FEMA Map Revisions,
- Flood Risk Studies along the Kingston and Town of Ulster boundary in the vicinity of Washington Avenue and Kingston Plaza,
- Build Relationships with Key Organizations,
- Management Plans for the Plattekill and Sawkill, and
- Lower Esopus Watershed Coordinator

now, therefore be it

RESOLVED, that the COMMON COUNCIL OF THE CITY OF KINGSTON supports the Lower Esopus Stream Management Plan; and be it further

RESOLVED, that the COMMON COUNCIL OF THE CITY OF KINGSTON urges those state and federal agencies that provide funding for water quality and recreational resources recognize the SMP

and the efforts associated with its development in their decisions regarding funding requests made in accordance with the Plan; and be it further

RESOLVED, that a copy of this Resolution be filed with the municipalities through which the Lower Esopus passes, the County and the federal and state agencies with jurisdiction, as well as state and federal representatives,

and moves its Adoption



January 22, 2024

To: Burt Samuelson, Planning and Ben Ganon, Department of the Environment

Copy: Consultants: Michael Chergosky and Jackie Van Der Hout

From: Emilie Hauser, Chair, on behalf of Kingston Conservation Advisory Council
eehauser@gmail.com, 845-430-9276

Re: Comments on the Lower Esopus Stream Management Plan DRAFT 12/18/2023

General Comments

Overall, the document is very well written and inclusive.

Both References and citations should be included: many citations are not listed.

Typo: SMP Objectives described in Sections 5.1 and 5.2. Objectives are in Sections 6.1 and 6.2.

Distinguish between objectives, strategies, and projects. Make it clear how each are used and described in the SMP and the Implementation Plan. Objectives should be SMART: Specific, Measurable, Achievable, Relevant and Time-Bounded. For example, this objective should be revised to be SMART:

Objective: Watershed Coordination Program.

Revision: By 2026, a watershed coordination program will be implemented that fosters collaboration and alignment between stakeholders.

Section and Page Specific Comments

Page 12: The IRP specifies three types of releases: a community release, a spill mitigation release, and an operational release (NYSDEC and DEP 2013).

- Comment: include short descriptions of these three types of releases.

Page 14: Invasive species and pathogens have also degraded upland forests and affected floodplain forest and stream dynamics.

- Comment: provide more descriptions of these. Are invasive species both animal and plant? Aquatic and terrestrial? What is meant by pathogens?

Page 15: Lower Esopus Creek faces challenges posed by climate change, releases from the Ashokan Reservoir.

- Comment: this sentence needs review and further discussion.

Page 16: Hurricane Irene:

- Comment: Often Hurricane Irene and Lee are listed together as they occurred so close in time.

Page 16: Large storm events, magnified by climate change, will continue to impact regional biogeochemical cycles, ecosystem metabolism, and thermal structures within reservoirs through the export of terrigenous dissolved organic matter (Yoon and Raymond 2012).

- Comment: This sentence could use more explanation. What is meant by export? Is dissolved organic matter being exported from the reservoir or to the system?

Page 17: areas with legacy glacial sediment

- Comment: Legacy implies created by humans. Perhaps a better phrase is “deposits of glacial sediments.”

Page 17: The absence of a centralized hub for watershed-wide data is also a challenge for appropriate management. Improved centralized organization will improve data access and management.

- Comment: Collection of consistent long-term water quality data is important. Specify what parameters are being monitored currently, including frequency and location, and what is planned for the future. Appendix 1 is cited regarding the *primary water quality parameters of concerns include turbidity, phosphorus, and viruses/coliform bacteria*, (page 12) but Appendix 1 is not included in the document, so no comments are possible. By watershed – does this imply basin observations or monitoring of tributaries such as Saw Kill and Plattekill?

Page 19: 5.2.4 Enjoyment –

- Comment: Creekside homeowners and other property owners should be included in the description as they enjoy the Creek and live with its problems 24/7/365.

Page 20: 5.3.1 Improving Water Quality

- Comments:
 - No mention of phosphorus is included in this paragraph even though throughout the document turbidity, phosphorus and bacteria are listed as a trio of water quality issues.
 - Are there plans to create TMDLs for any of these impairments: turbidity, phosphorus, and viruses/coliform bacteria? Noting that the Esopus is *listed as impaired for sediment under the Clean Water Act Section 303(d) and is regulated under New York Code Title 6 Reservoir Release Regulations* (page 12).

Page 20: A rigorous water quality testing program will be needed to monitor progress and identify spatial and temporal patterns in water quality degradation.

- Comment: Provide more detail on the “*rigorous water quality testing program*”.

Page 20: 5.3.3 Promoting Floodplain Management

- Comment: well stated.

Page 21: 5.3.4 Supporting Ecosystem Health and Biodiversity

- Comment: Creel surveys should be added to the list of types of surveys which can assess ecosystem health and biodiversity.

Page 21: 5.3.5 Encouraging Responsible Recreation

- Comment: Possibly add removal of debris dams and snags to enhance recreation subject to protocols as discussed elsewhere in our comments.

Page 21 et seq. 5.3.6 Engaging Local Communities

- Comment: this section uses the term communities and does not spell out the role of municipalities, NGOs, other stakeholders, property owners, decision makers and users. Municipalities have important roles in passing laws and ordinances, protecting wetlands and riparian buffers, providing access sites, and conducting programs through recreation departments and conservation advisory councils.

Page 22: 6.1 Watershed-Wide Objectives Thirteen watershed-wide objectives were identified for this assessment. These objectives provide discrete projects to help achieve the project goals.

- Comment: there are only 12 watershed-wide objectives listed. The headings under 6.1.1 to 6.1.12 are confusing, why are objectives listed as sub-headings? Distinguish between projects, objectives and strategies.

Page 22: 6.1.1 Lower Esopus Water Trail & Reservoir Release Notification
Objective: Create Water Trail for Lower Esopus Creek

- Comments:
 - Separate 6.1.1 into two objectives because Reservoir release notifications are needed despite whether a formal water trail is created. This point is even stated in the document: *Such a system of communication would also be a worthwhile project in its own right by keeping interested parties updated on flow rates.*
 - Suggestions for the two SMART objectives:
 - By 2034, a Lower Esopus Water Trail will be created for all navigable reaches.
 - By 2026, recreational users, property owners and local decision makers can easily access and understand real time flow rates from the Ashokan Reservoir.
 - It should be noted that the Water Trail can be discontinuous, including access from Saugerties Beach going upstream and access from Tina Chorvas Waterfront Park to the Saugerties Lighthouse in the tidal portion.
 - The economic opportunities of rental of paddling crafts should be mentioned under 6.1.1 as part of a water trail and Goal 5.3.5 and 5.3.6. At least two businesses already exist: Kenco and I Paddle New York.

Page 23: Text states “lack of absence of major obstacles in the stream between Marbletown Town Park and Glenerie Falls”

- Comment: The text may be inconsistent with page 47 and Figure 25 which discuss wood jams. While Page 23 acknowledges the need for a water trail maintenance plan, protocols

for removing wood jams in a manner that will not disturb habitat should be included together with safety protocols for recreational use concerning Glenerie Falls.

Page 23: 6.1.2 Watershed Coordination Program

- Comment: Watershed coordination is extremely important. The stream management plan and the Implementation Plan is a first step. There is also a need for a Watershed Management Plan. A Watershed Plan should be explicitly mentioned and described.

Page 26: 6.1.5 Septic System Assessment

- Comments:
 - Has it been determined that human waste and septic systems are the main source of bacterial contamination?
 - Mention should be made of local laws for septic inspection upon property transfer.

Page 26: 6.1.6 Riparian Buffers

Objective: Continue to establish riparian buffer easements along Esopus Creek

- Comments:
 - We suggest that easements be deleted from the Objective. List other methodologies besides easements to protect riparian buffers
 - Include NYSDEC Trees for Tribs <https://dec.ny.gov/nature/forests-trees/saratoga-tree-nursery/trees-for-tribs#New>.

Page 27: 6.1.8 Stormwater Management Improvements

- Comment: This is an important concern and green infrastructure is an important solution. Reduction of pollution through appropriate use of lawn and agriculture chemicals should also be covered.

Page 29: 6.1.11 Lower Esopus Creek Website

Regularly updated monitoring data on metrics such as river flow rates, turbidity levels, macroinvertebrate counts, and E. coli contamination. Data pertaining to Lower Esopus Creek can be managed through a centralized repository to decrease redundancy in data collection (for example, both Riverkeeper and the Ulster County Department of Health tracking E. coli contamination). Additionally, a centralized data repository would also allow for data gaps to be better identified. Improved data management could allow for coordination between various agencies, departments, municipalities, and organizations. Additionally, a centralized Lower Esopus Creek data repository would create an opportunity to track SMP implementation.

- Comments:
 - We agree that there should be regular, consistent, and funded monitoring data collection program with a centralized data repository.
 - Explain in more detail what data is being collected currently and what are the needs and gaps. An example of centralized data collection and real time dashboard is Hudson River Environmental Conditions Observing System (HRECOS.org), which collects water level, temperature, turbidity, specific conductivity, dissolved oxygen, and acidity.

Page 30: Development of a system for data collection

- Comment: The development of a consistent and sustained water quality testing and monitoring system should be thoroughly discussed with suggested parameters, collection points and frequency. Include a discussion of what parameters are monitored currently.

Page 30: 6.1.12 Building and Maintaining Relationships with Key Organizations

- Comments:
 - We suggest adding Kingston Land Trust as they are property owners along Esopus Creek in several locations and their mission is “protecting and providing access to land for the common good.”
 - A discussion about all stakeholders would be helpful. There are levels of stakeholder involvement and the roles they play: project team, advisory, promotional and users, for example.

Page 33: et. Seq. MZ 1 – Existing Conditions - “damaged beds of water celery (*Vallisneria americana*) in this Management Zone.”

- Comment: water celery has been recovering in the Hudson River since the high turbidity events in 2011, this may warrant mentioning. See <https://hrnerr.org/research-monitoring/mapping/>. Or restate as “it has been observed that high turbidity events such as Irene and Lee in 2011, have caused the temporary reduction in size and extent of the beds of the perennial water celery (*Vallisneria americana*).”

Page 37: 6.2.2 Esopus Bend – MZ 2

- Comment: Motorized boats are used in MZ 2. Include a similar objective to the one for MZ1: *Objective: Public Outreach for Motorized Watercrafts.*

Page 44 et seq. 6.2.4 Lake Katrine MZ 4:

- Comments
 - It should be noted that this zone includes parts of the Kingston at the southern, upstream reach from the city boundary near Wrentham Street, in the vicinity of Lincoln Park. (We note Lincoln Park is not a common descriptor for this area and it is not a hamlet or zip code designation even though it is on some maps.) In Kingston, this area has important floodplain wetlands, and the predominant land use is residential development.
 - Wood jams in the reach make it difficult for paddling and for a water trail. Removing wood jams would improve public access.
 - We agree that improving public access, for example through an accessible kayak launch in the reach, would allow for an improved paddler experience, either at Orlando Street or elsewhere.
- Comment: We agree with the following Objectives
 - Improve Public Access
 - Floodplain Management

- Plattekill and Saw Kill Stream Management Plans
- Comment: We also would like to point out the presence of water wells for the Town of Ulster Water District at Fording Place Road and Parish Lane in Lake Katrine, producing almost 307 million gallons annually. The wells draw from an unconfined aquifer and the impact on the base flow of the Esopus should be considered (Objective 6.1.4) Source: Annual Drinking Water Quality Report for 2022 Town of Ulster Water District.

Page 51: Note Figure 25

- Comment: Wood jams are discussed in 6.1.1 comments with respect to protocols and maintenance plan so as to not disturb habitat.

Page 52 et seq. 6.2.5 Interstate Crossing – MZ 5

Page 53: MZ-5 Human Infrastructure –

- **Comment:** Commercial development includes not only the Kingston Plaza, but also areas of impervious surfaces near the Roundabout, including car dealerships, hotels and apartment complexes, a Thruway work area, gas stations, park and ride, and bus garage. Some of these developments have been elevated, changing the flood way. This area flooded in April 2-3, 2005, besides any flooding related to Hurricanes Irene and Lee in 2011. We suggest adding an objective for flood studies of changes in flood way and flood zone and solutions for flood wall at the Plaza, under goal Promoting Floodplain Management 5.3.3. We further suggest that the flood studies we propose review the Kingson Meadows, the proposed development in the floodplain in the City of Kingston near to the Kingston Rail Trail (O&W) and the NYS Thruway as that proposal as presented to the Kingston Planning Board calls for significant engineering regarding elevations and movement of soil which could affect not j Kingston and the Town of Ulster.

Page 53: MZ 5- Public Use – Watertrail –

- Comment: An objective should be added specific to the launch on Sandy Road. This is not in Kingston but is just across Esopus. Kayak trips and races could occur here and there could be an opportunity to coordinate with Kenco, a nearby kayak rental business. The economic opportunities of rental of paddling crafts should be mentioned under 6.1.1 as part of a water trail and Goal 5.3.5 and 5.3.6. At least two businesses already exist: Kenco and I Paddle New York.

Page 53: MZ 5 - Objectives

Objective: Kingston-Esopus Waterfront Plan:

Primary Goal: Engaging Local Communities

- Comments:
 - Discussion has begun within Kingston government agencies on creating a Local Waterfront Revitalization Program (LWRP) for Kingston’s Esopus Creek, this would include waterfront in MZ 4 from city line near Wrentham Street and all of MZ 5. The

LWRP is a project of the NYS Department of State. Other municipalities could also develop LWRPs on the Esopus.

- The Waterfront Plan suggested by the plan should include a discussion of the proposed development, Kingston Meadows, discussed by us under MZ-5 Human Infrastructure above.
- Maintenance Plan and wood jams discussed in our 6.1.1 comments would also apply.
- Efforts to provide access on the City of Kingston side would be included, while acknowledging that the Sandy Road boat launch located in the Town of Esopus is only a short distance from the Washington Avenue bridge, the bus station, and the O&W Rail Trail.
- Ideas expressed under **6.1.9 Public Events**, have applications to the MZ 5 with regard to Goal 5.3.1 **Improving Water Quality**. We suggest the addition of workshops for property owners on ways to mitigate run-off from parking lots and other impermeable surfaces with the use of constructed green infrastructure as well as the reduction of lawn care chemicals. A watershed coordinator would be helpful in monitoring water quality and suggesting remedies, including the use of TMDLs if necessary.

Page 56: 6.2.6 Northern Hurley - MZ 6

Page 60: Figure 36

- Comment: A wood jam is shown in Figure 36. Maintenance Plan and wood jams discussed in our 6.1.1 comments would also apply here.

Page 87: Section 8 Conclusions:

- Comment: The flood study proposed under our MZ 5 comments and the Maintenance Plan that should include log jam protocols should be included in conclusions and next steps.

Tinti, Elisa

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From: Baker, Daniel
Sent: Thursday, November 7, 2024 3:40 PM
To: Shaut, Andrea
Cc: Noble, Steve; Tinti, Elisa; matthew.branford@gmail.com
Subject: Board of Assessment Review Appointment
Attachments: 2024 Board of Assessment Review Member List.pdf

Madam President,

Please accept this email as an official communication.

On 9.30.2024 the term of Philip Bender-Tymon expired as a member of the City of Kingston's Board of Assessment Review (BAR). Philip has been a very valuable member of the Board of Assessment Review. I am hopeful that the Common Council will reappoint Philip to another 5-year term. Philip has indicated he would be willing to serve if appointed.

His experience and professionalism as a BAR member would be invaluable to the City of Kingston.

In accordance with Chapter 8 of the City of Kingston Charter, the Common Council will need to pass a resolution to reappoint Philip Bender-Tymon or to fill this seat with a new member.

<https://ecode360.com/12699865>

Attached is the current BAR member list and their expiration dates of their terms.

Please refer this communication to the most appropriate committee of your choosing to fill this vacant seat.

Respectfully,

Daniel Baker, SCAA

Assessor

City of Kingston

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dbaker@kingston-ny.gov

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City of Kingston

Board of Assessment Review Members

<u>Member</u>	<u>Term Expires</u>
Phillip Bender-Tymon	9/30/24
Virginia Davis	9/30/25
Matthew Branford	9/30/26
Paul Famiglietti	9/30/27
David Niles	9/30/28