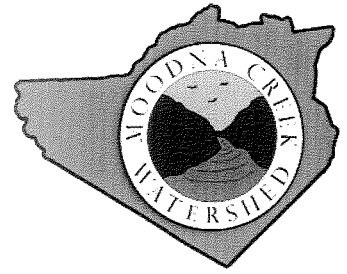


Moodna Creek Watershed Intermunicipal Council

c/o Orange County Water Authority
99 Main Street, Goshen, New York 10924
(845) 615-3868
http://waterauthority.orangecountygov.com/moodna_council.html



June 17, 2015

Village of Kiryas Joel
c/o Tim Miller Associates, Inc.
10 North Street
Cold Spring, NY 10516

Re: Draft Generic Environmental Impact Statement on the proposed Petition for Annexation of 507 Acres from the Town of Monroe to the Village of Kiryas Joel

June 16, 2015

The Moodna Creek Watershed Intermunicipal Council is comprised of 15 towns and villages and the Orange County Water Authority as voting members, and 13 non-voting members. We formed in October 2010 because of our shared concerns about watershed issues that go beyond individual municipalities and may require a collaborative approach for an effective response. We recognize that what we each do may have impacts on those upstream or downstream. We are submitting comments to express our concerns about water supply and wastewater management plans related to this proposed annexation, and about the potential environmental and economic impacts these plans may cause on water resources in the Moodna Creek and some of its tributaries.

We are particularly concerned about water withdrawals from water sources located inside the Moodna Creek watershed and where some of this water is or may be discharged outside the Moodna Creek watershed. There are a number of existing water withdrawals from locations in the Moodna basin that involve such diversions to other adjacent basins through wastewater systems, including water that flows to the county's wastewater treatment plant in Harri-man, to the Village of Goshen wastewater treatment plant, and to the Silver Stream diversion that flows into the City of Newburgh water supply. These are diversions to the Ramapo, Wallkill and Quassaick Creek basins, respectively. In the context of the NYS DEC's registration requirement for interbasin diversions, the diversion of water from the Moodna to the Ramapo basin does constitute a diversion from one major basin to another as defined by DEC, while the others noted above do not. Yet from an ecological, recreational and economic viewpoint, it is largely irrelevant whether the existing diversions, or new ones in the future, are categorized by DEC as "interbasin transfers" in this context, because individual streams can be significantly impacted in any case.

Notably, we are not aware of any significant diversions from adjacent watersheds *into* the Moodna basin. We believe, therefore, that the Moodna Creek is currently impacted by a net export of water that's being withdrawn inside the

Executive Committee

Town of Blooming Grove

Town of Chester

Village of Chester

Town of Cornwall

Village of Cornwall-on-Hudson

Town of Goshen

Town of Hamptonburgh

Town of Monroe

Town of Montgomery

Town of New Windsor

Village of South Blooming Grove

Town of Warwick

Village of Washingtonville

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Orange County Water Authority

Non-Municipal Members

Black Rock Fish & Game Club

Black Rock Forest Consortium

Friends of Walton Lake

New York Natural History Council

NY/NJ Trail Conference

Orange County Land Trust

Orange County Federation of Sportsmen's Clubs

Palisades Interstate Park Commission

Preservation Collective

John Mickelson

Dick Manley

Kate Ahmadi

Ed Butler

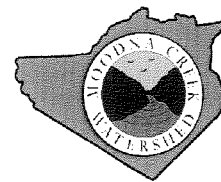


basin, used for water supply purposes, and conveyed via wastewater discharges to streams outside the basin. Our Council submitted detailed comments on some of these issues as they relate to the Woodbury Creek, an important tributary of the Moodna Creek, and to the lower portion of the Moodna Creek itself, during the comment process for the Village of Kiryas Joel water supply permit application for the proposed Mountainville Well and Pump Station (DEC Application ID: 3-3399-00065/00001) in 2013. These concerns were re-affirmed in our comments at the public hearing on this application on April 29, 2014, and comments by some other parties included similar concerns. Those comments remain highly relevant and are attached with this letter to be considered as an attachment to these comments. They include more detailed technical material based on several studies that indicate some apparent underlying and pre-existing risks for the Moodna Creek and some of its tributaries regarding potential for low-flow conditions that could damage fisheries and other instream flow values and functions in these streams.

There appears to have been a highly significant change in the Village of Kiryas Joel's proposed use of the Mountainville well referenced above since the water supply permit application for it was subject to public review and comment in 2013 and 2014. That previous application indicated this well would be used only as a backup supply after a pipeline connection and tap to the NY City water system was completed, with continuous daily use proposed only for an initial interim period for c. 1 year. The current DGEIS that is the subject of this comment letter seems to indicate a different plan in which the Village of Kiryas Joel could wait considerably longer before the NY City water connection comes on-line. This new plan was not considered in the previous SEQRA process for the Mountainville well, and the DGEIS for the proposed annexation must consider the environmental and economic impacts of this new scenario on the Woodbury Creek and the lower Moodna Creek that receives flow from the Woodbury Creek. We do not believe that it adequately considers and addresses these issues.

Over time, the cumulative and growing impact of the existing withdrawals and diversions outside of the Moodna basin has slowly diminished the amount of water available for use in the basin. This affects what is available for others as fresh water and it can decrease the assimilative capacities of the streams, creeks, and rivers to accept stormwater and wastewater without significant impacts on fish, shellfish, crustaceans, and aquatic and associated terrestrial habitats. Water availability within the Moodna basin is vital to the health, safety, and welfare of all of the residents, businesses, and visitors in our communities. Research referenced in our attached, previous comments on the 2013 water supply permit application indicate that existing flows may be near a limit for sustainable use during low or even normal flow conditions in parts of the basin.

In summary, the Moodna Creek Watershed Intermunicipal Council is requesting that the DGEIS include more detailed information on current instream flow conditions and projected low-flow conditions under various scenarios, including a no-action scenario in which low-flow conditions may change due to



other factors outside the proposed annexation (such as climate change, drought, or more water diversions from the Moodna basin by other new projects and actions). The Council requests a more thorough consideration of the impacts and risks noted above, and consideration of alternatives and mitigation strategies as required by SEQR. Pending decisions about water supply and wastewater capacity for Kiryas Joel and other nearby communities will be closely connected to, and affected by, the current SEQR process for the proposed land annexation plans. In this regard, the proposed land annexation will potentially have a major impact on the Moodna Creek, the Woodbury Creek and other tributaries of the Moodna. We urge the Village and all involved agencies, including the New York State DEC, to ensure that this process considers these issues carefully to minimize and avoid adverse impacts.

Sincerely,

(KD)

Michael Sweeton

Michael Sweeton, Council Chairman

Cc: Town of Blooming Grove
Town of Chester
Village of Chester
Town of Cornwall
Village of Cornwall-on-Hudson
Town of Goshen
Town of Hamptonburgh
Town of Monroe
Town of Montgomery
Town of New Windsor
Village of South Blooming Grove
Town of Warwick
Village of Washingtonville
Town of Woodbury
Village of Woodbury
Orange County Water Authority