

**Howard Schuman
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To: Town of Washington Board
Date: 8/5/10

Re: Public Hearing Wetlands Ordinance

Please add this to the public comments.

I fully support the Town's efforts to implement a much needed wetlands ordinance.

As it is the intent of this law to regulate all wetlands, which includes vernal pools, and in fairness to property owners and officials charged with enforcing the regulations, it is necessary that a map showing the location of vernal pools such as the one based on the Hudsonia study of the Town of Washington be included as one of the official maps in the Wetlands Ordinance.

At the last public hearing for the proposed Wetland Ordinance, I expressed concern that most of the vernal pools were not located on the National Wetlands Inventory (NWI) map series that the ordinance proposes to use as the official wetlands map. Further research on my own has confirmed this fact. Additional information can be obtained from the GIS Services Lab at the Cornell Cooperative Extension Dutchess County.

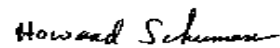
According to the 2004 the Hudsonia study *Significant Habitats in the Town of Washington* commissioned for the town by the Tribute Gardens, the Dyson Foundation, and the Dutchess Land Conservancy there are at least 203 vernal pools in the Town of Washington, covering approximately 45.6 acres. Only 45 would fall within the boundaries of NWI map, only 22 of them would even be large enough to be regulated, as the ordinance is presently written, and of those only 3 would receive the needed 100 foot buffer. According to the scientific literature, all regulated vernal pools should have a 100 foot buffer if they are valuable enough to be protected.

The fact is that 158 of the 203 vernal pools in the town are not located in a NWI wetland. The remaining 45 which happen to be located within an NWI area are not actually shown on the NWI map, making their identification impossible for property owners or officials who use that map series.

All 203 vernal pools are clearly delineated in the Hudsonia map series for anyone to see.

Without the Hudsonia map series, the only way for a landowner, the zoning administrator, or the CAC for that matter to determine if any regulated activity under this ordinance affects a particular property with regard to vernal pools would be to do a field test of that property for vernal pools for any submitted application.

Yours truly,



Howard Schuman.

Additional Information

Vernal Pool Count for the Town of Washington (Source: Hudsonia)

Total Count	203
<.25 A	140
>=.25<1 A	059
>=1 A	004
Total Acres	45.6

Vernal Pools that are partially or wholly contain within the Town of Washington NWI Map (THEY ARE NOT ACTUALLY INDICATED ON THE MAP. But according to the Hudsonia data they happen to be in an NWI location.)

In NWI <.25 A	23	Not regulated in proposed ordinance
In NWI >=.25 <1 A	19	50 foot buffer in proposed ordinance
In NWI >=1 A	03	100 foot buffer in proposed ordinance
Total	45	
Total regulated	22	

Dutchess County GIS Metadata Record: 1020

Title: Wetlands - NWI

Category Theme: Physical

This record was last modified on: 20060130 (year, month, day) and it is being maintained by: EMC located in: Millbrook, NY.

The NWI maps do not show all wetlands since the maps are derived from aerial photointerpretation with varying limitations due to scale, photo quality, inventory techniques, and other factors. Consequently, the maps tend to show wetlands that are readily photointerpreted given consideration of photo and map scale. In general, the older NWI maps prepared from 1970s-era black and white photography (1:80,000 scale) tend to be very conservative, with many forested and drier-end emergent wetlands (e.g., wet meadows) not mapped. Maps derived from color infrared photography tend to yield more accurate results except when this photography was captured during a dry year, making wetland identification equally difficult. Proper use of NWI maps therefore requires knowledge of the inherent limitations of this mapping. ***It is suggested that users also consult other information to aid in wetland detection, such as U.S. Department of Agriculture soil survey reports and other wetland maps that may have been produced by state and local governments, and not rely solely on NWI map [emphasis added].***

Sample Prototype Vernal Pool Map submitted electronically as: WS_Vernal_Pools_parcel.pdf