



Owasco Lake Watershed Management Council (OLWMC)

November 21, 2023- Director's Summary

**Watershed Rules and Regulations**

Project Review:

The Watershed Rules and Regulations (WRR) Workgroup is a state-local partnership consisting of representatives from five New York State agencies, as well as members of a technical local workgroup representing the Owasco Lake Watershed, including members from: Owasco Lake Watershed Management Council (OLWMC); Town of Owasco; City of Auburn; and Cayuga County. The Workgroup was formed in response to the submission of proposed revisions to the 1984 Watershed Rules and Regulations (Part 104.1- City of Auburn and Town of Owasco) to the New York State Department of Health (NYSDOH) in December 2020. NYSDOH project updates are posted on the OLWMC's website (<https://www.olwmc.org/projects>).

Project Update:

The following details were provided within NYSDOH's project update report (11.21.23 Monthly Owasco WRR Update for OLWMC) delivered to the OLWMC Board of Directors, Ex Officio Partners, and engaged members of the public prior to the October 17, 2023 OLWMC public board meeting:

***General Update:***

*DOH continued to prepare the necessary documents (below) for the rulemaking process.*

***Tentative Schedule:***

<i>Regulation Development **</i>	<i>July 2023 to July 2024</i>
<i>Publication in NYS Register- Notice of Rulemaking</i>	<i>August 2024</i>
<i>End of 60-day public comment period</i>	<i>October 2024</i>
<i>DOH submits response to comments</i>	<i>December 2024</i>
<i>DOH publishes revised rulemaking</i>	<i>March 2025</i>
<i>Notice of adoption</i>	<i>July 2025</i>

***\*\*This includes putting the regulations into express terms and developing supporting documentation in accordance with State Administration Procedure Act (SAPA):***

- *Concept paper (DOH only)*
- *Regulatory Impact Statement (RIS)*
- *Regulatory Flexibility Analysis (RFA) or statement in lieu of RFA*
- *Rural Area Flexibility Analysis (RAFA) or Statement in lieu of RAFA*
- *Job Impact Statement (JIS) or Statement in lieu of JIS*
- *Executive Order 17 Assessment*
- *Executive Review Documentation (Proposed Rule Transmittal)*
- *State Environmental Quality Review (SEQR)*

## **NYS Tributary Legislation Project Review**

### **Project Review:**

An OLWMC endorsed, NYS environmental conservation bill ([A6652/S4162](#)) would protect up to 41,000 miles of New York Class "C" waterways, which are regularly used by people for boating, fishing, and other activities. The new law would offer permit-based protections that are currently provided to waterways with higher classifications. The new law would require the need for permit for certain stream access and project(s) scenarios. On May 24, 2022 the bill passed the Senate and was returned to the Assembly. The bill passed both NYS houses. On December 2, 2022, bill A6652 was delivered to Governor Kathy Hochul and was subsequently vetoed, with a veto memo arguing the bill belonged in the budget with monetary resources for implementation. S4162 was reintroduced in the 2023 legislative session under a new print number: S1725. The NYS Senate, at the insistence of Environment Chairman Pete Harckham, has included protections for Class C streams in their budget. The version included in the Senate's "one-house" budget modifies the bill to exempt Soil and Water Conservation Districts (SWCDs) from permitting requirements, if they have an MOU with the NYSDEC outlining appropriate stream protection measures; the ultimate goal of the stream protection bill is to protect stream corridors from disturbance, not to complicate the work of SWCDs. Furthermore, a reduction in permitting requirements for SWCDs that have MOUs could help alleviate some of the NYSDEC budgetary/staffing concerns that the Governor indicated as part of her opposition to the bill. Importantly, the bill now includes \$1 million in implementation funds to cover NYSDEC staff hires to support staffing for compliance. On April 25, 2023 S1725A passed the NYS Senate. The bill was then referred to the Assembly Environmental Conservation Committee. On June 6, 2023 the Assembly passed the bill and returned it to the Senate. The Governor will sign or veto the bill.

## **Recognition, Awareness, Education and Outreach Projects Updates**

- OLWMC staff offered a Nine Element Plan implementation project update to the Cayuga Lake Watershed Intermunicipal Organization at their public forum on October 25, 2023.
- Published feature articles with the Citizen newspaper continue to spotlight watershed protection efforts, including residents and programs making strides in watershed protection. The November, 2023 OLWMC staff article submission features pre-winter construction site, and agricultural field, soil stabilization recommendations.

## **Nine Element Watershed Plan (9EP)**

### **Project Review:**

Cayuga County received a New York State Department of State grant to implement a high priority recommendation from the 2016 Owasco Lake Watershed Management and Waterfront Revitalization Plan, which was to incorporate the EPA Nine Key Elements. This project was led by the Cayuga County Department of Planning and Economic Development and the consultant on the project was Ecologic, LLC.

The Owasco Lake Watershed Nine Element Plan for Phosphorus Reduction (9EP) was approved by the New York State Department of State and the New York State Department of Environmental Conservation ([https://www.dec.ny.gov/docs/water\\_pdf/owasco9e.pdf](https://www.dec.ny.gov/docs/water_pdf/owasco9e.pdf)). This Clean Water Plan advances efforts to restore and protect the water quality of Owasco Lake and its watershed. This collaborative effort identified focused strategies to ensure the lake water supply, aquatic habitat, and recreational uses are protected.

The development of the plan focused on understanding and managing phosphorus and sediment inputs from the Owasco Lake watershed to provide for recommendations that will drive watershed protection and remediation projects. The OLWMC is providing a coordination role for future projects and programming according to the recommendations of the 9EP.

The OLWMC's 9EP Project Coordination Committee (via Resolution 03-2022 at its November 15, 2022 public board meeting) prioritizes, coordinates, and facilitates project and programming implementation based on the recommendations of the 9EP. Partnering agencies and organizations convene on a semi-monthly basis to advance 9EP goals.

As part of the group's 2023 work plan, the Committee discussed next steps and a phased approach towards preparing project proposals and fundraising for watershed streams inventorying and engineering planning in 2024 to direct stream restoration projects between 2024-2025, for funding tributary monitoring between 2024-2025, and for developing an Owasco Lake Watershed Agriculture Program similar to what was created for the Skaneateles Lake watershed.

The OLWMC's 9E Coordination Committee is advancing watershed inventorying and monitoring initiatives to drive implementation projects in accordance with the recommendations of the 9EP. The following grant proposals were submitted in response to NYS grant program solicitations earlier this summer, and target the highest phosphorus contributing landscape/acre within the Owasco Lake Watershed, as documented in the 9EP:

1. The City of Auburn submitted a NYS non-point non-agricultural planning grant proposal to assess stream corridors including for Sucker and Veness Brooks, as well as other small tributaries within the prioritized Owasco Lake HUC 12 subwatershed at the northern end of the lake.
2. The Cayuga County Soil and Water Conservation District submitted two proposals in response to the first round of the NYS Department of Environmental Conservation Finger Lakes Watershed Grants Program. Their proposals targeted advancing stream corridor assessments of Dutch Hollow and Sucker Brooks.
3. In further response to the Watershed Grants Program solicitation, the OLWMC submitted a funding request to place 2024-2025 watershed tributary sampling, analysis, and results display under management of Community Science Institute (CSI) located in Ithaca.

### Project Update:

The 9E Coordination Committee is focused on capacity building for local organizations to provide the programming necessary for the watershed agricultural industry to advance best management practice (BMP) implementation at the rate recommended by the NYS approved 9EP. The next Committee meeting, scheduled for November 30, 2023, will focus on discussions involving the development of and Owasco Lake watershed agricultural program.

### **Watershed Lake and Tributary Monitoring**

#### Project Review:

- Cayuga County's comprehensive monitoring budget for 2023 included costs for 1) a new Owasco Lake monitoring role by the Finger Lakes Institute, Hobart William Smith Colleges, 2) laboratory analysis for watershed tributary samples collected by the Owasco Watershed Lake Association (OWLA), 3) continued funding of the USGS gauge station along the Inlet, 4) continuation of the Citizen's Statewide Lake Assessment Program (CSLAP) and 5) the continuation of Hyfi level sensor use for monitoring water levels within the Owasco Flats constructed retention basins. The Cayuga County Planning Department submitted elements of the program budget to the NYSDEC as part of their 2023 Finger Lakes Lake Ontario Watershed Protection Alliance (FOLLOWPA) budget.
- The Cayuga County Planning Department and water quality monitoring project partners adhered to a Quality Assurance Project Plan (QAPP) that reflects monitoring logistics for the 2023 field season.

#### Project Update:

- OWLA has completed the 2023 Owasco Lake tributaries monitoring program. Sampling locations aligned with those used for developing the 9EP's Soil and Water Assessment Tool (SWAT), and project data will be used for calibrating that model.
- The Cayuga County Planning Department drafted Data Usability and Final Reports for the 2023 project.
- Owasco Lake *in situ* water quality monitoring (buoy) data is available online here: <https://www.olwmc.org/news>

### **NYS-awarded Drinking Water Source Protection Program (DWSP2)**

#### Project Review:

- Consultants for the City of Auburn's NYS-awarded Drinking Water Source Protection Program (DWSP2) worked with City of Auburn water resource managers and partners to identify potential sources of Owasco Lake water quality contamination and provide recommendations for resource protection. The DWSP2 committee reviewed and edited the draft plan. A refined draft of the City of Auburn's DWSP2 was delivered from the contracted consultant to the City of Auburn and circulated among the project committee. The local group awaits final plan approval from NYSDEC and NYSDOH to move forward on plan implementation and associated project(s) proposal(s) development. Barring any changes based

on agency feedback, the plan can be finalized. At that point, Auburn City Council will be asked to endorse the plan.

- The Town of Owasco received consultant support through NYS to develop its DWSP2. The sixth Town of Owasco DWSP2 group meeting held on October 12, 2023 hosted a final review and discussion among local partners involved in development of the proposed plan. The consultants involved in the project will finalize and deliver the plan to NYS agencies for their review and approval.

## **Municipal Codes and Ordinances**

### **Project Review:**

The Village of Moravia adopted the Sediment and Erosion Control Plan, and associated Appendix E, prepared and proposed by the OLWMC for advancing municipal control requirements for new construction activities.

## **Harmful Algal Blooms (HABs) Identification and Reporting**

### **Project Review:**

- Generally, year over year, observations of HABs are increasing throughout the eastern Finger Lakes Region.
- Regarding HABs, the NYSDEC encourages the community to “know it, report it, and avoid it.”
- Consistent with previous years, in 2023, the Owasco Watershed Lake Association (OWLA) led the volunteer HABs surveillance program for Owasco Lake.

### **Project Update:**

- According to the NYHABs website, as of November 15, 2023, there were 49 reported and archived HABs more than two weeks old, an ~27% increase from last month, and zero current HABs reported within the previous two weeks. Therefore, consistent with the seasonality of the production of cyanobacteria, HAB season has come to a close.

## **Land Holdings**

### **Fillmore Nature Preserve Project Review:**

- The OLWMC closed on the property transfer of the Fillmore Nature Preserve from The Nature Conservancy (TNC) on January 10, 2023. Fillmore Nature Preserve property boundary signage was installed by OLWMC staff with the help of TNC on March 8, 2023. The associated field trip accommodated the first annual property inspection to meet the OLWMC’s annual property inspection commitment.
- On May 22, 2023, student conservation work at the Fillmore Nature Preserve was one of the activities included as part of Moravia High School 'Moravia Gives Back Day.' Students collected litter along the roadway adjacent to the preserve, pulled invasive species, and identified species to inform a conservation database. Moravia High School students were the first to assess biodiversity at the preserve.

- The Town of Owasco is providing trail maintenance support at the Fillmore Nature Preserve.
- An OLWMC grant proposal was developed, submitted, and funded to create a public access lot and educational kiosk at the nature preserve.

Other Potential Acquisitions:

- TNC has expressed interest in having the OLWMC own and steward two additional properties poised for acquisition and preservation within the Owasco Lake watershed. These include:
  - 100-acre parcel in Groton, mixed farmland
  - 72-acre parcel in Venice, dense wetland
 TNC will present these acquisitions to the OLWMC Board once they are complete.
- On October 4, 2023, OLWMC staff and Board Chair, Ed Wagner, visited the Groton parcel to evaluate the property and prompt discussions about the OLWMC taking ownership of the property at some point in the future.

**Programs, Funding, and Related Opportunities**

SOGL Project Review:

A National Fish and Wildlife Foundation (NFWF) Sustain Our Great Lakes (SOGL) funding proposal was developed in partnership with Cayuga County Soil and Water Conservation District (CCSWCD) and EA Consulting, targeting stream restoration along the Owasco Inlet. Proposed project partners also include the Cayuga County Planning Department, OWLA, and SUNY College of Environmental Science and Forestry. Based on a successful pre-proposal the OLWMC submitted a full project proposal for streambank restoration project sites between Booth Hill Road and Cat Path Road in the Town of Locke. Landowners who reside along the targeted Owasco Inlet reaches have expressed concern about severe streambank erosion in those areas.

- Total Amount Requested: \$299,640.00
- Matching Contributions Proposed: \$100,360.00

SOGL Project Update:

- The OLWMC was awarded \$457,839.92 from the National Fish and Wildlife Foundation (NFWF) Sustain Our Great Lakes (SOGL) program for the *Owasco Lake Watershed Critical Streams Restoration Project* targeting stream restoration projects along the Owasco Inlet. Members of the project team convened October 10, 2023 to acknowledge the award and review the proposed project. Once the project team gains engagement from the NFWF liaison and understands next steps and contracting, it will convene for a project kickoff meeting.

## Tributary Assessment and Identification Project (TAIP)

### Project Review:

The Tributary Adoption and Identification Pilot Project (TAIPP) “pilot” project involved the installation of tributary signage in the northern portion of the watershed and effectively engaged the public for tributary protection and education. The OLWMC will expand this initiative with additional tributary signage be placed within the Town of Moravia, Village of Moravia, and Town of Locke. Consistent with existing signage, new signage includes the name of the sub watershed/tributary flowing at a specific road crossing, as well as “quick response” (QR) scan codes that will link smartphone users to the Owasco Lake Watershed Inspection and Protection Division’s project webpage. Emergency contact information will also be included for the public to report observed water quality issues at the location. The Cayuga County Planning Department designed the accompanying watershed map, in-kind. Furthermore, the Cayuga County Highway Department committed to the installation of the signage, in-kind. The grant funding requested is intended to cover the material costs of the project. The SW Metcalf Foundation granted the OLWMC \$4,100 for the expansion of Tributary Adoption and Identification Project (TAIP) signage in the southern portion of the Owasco Lake watershed. TAIP signage was designed and produced, and project materials were purchased and delivered.

### Project Update:

The OLWMC is underway with expanding the Tributary Adoption and Identification Project (TAIP) through the installation of new tributary signage near the south end of Owasco Lake. The purpose of this collaborative project is to increase public awareness of watershed watercourses and provide easily accessible contact information for members of the public to engage with the Owasco Lake Watershed Inspection and Protection Division to communicate watershed concerns. The Cayuga County Highway Department spearheaded the installation of the tributary identification signage during the month of November, 2023.

## NYS Finger Lakes Watersheds Grant Program -Round 1

### Project Review:

The OLWMC acted as the lead applicant for the submission of a grant proposal targeting NYS funding for watershed tributary monitoring in 2024 that would accommodate the presentation of collected data in a public facing database. The collaborative proposal sought to fund continued monitoring of 9EP Soil and Water Assessment Tool (SWAT) sites, which would support continued model calibration, and additional sites that align with upstream stream restoration planning proposals underway by the Cayuga County Soil and Water Conservation District. The OLWMC’s collaborative NYS Finger Lakes Watershed Grant Proposal was successfully submitted, meeting the July 21, 2023 program deadline.

### Project Update:

According to NYSDEC award announcements, the OLWMC was not funded through the NYS Finger Lakes Watersheds Grant Program, in response to its request for funding 2024-2025 watershed tributary monitoring.

## Fillmore Nature Preserve Access and Education

### Project Review:

- On September 14, 2023, the OLWMC submitted its proposal to the Emerson Foundation for the creation of a public access lot and educational kiosk at the OLWMC's new Fillmore Nature Preserve. The gravel lot will allow members of the public to access the land preserve for respectful use of its trails for hiking. The kiosk will provide educational information about the land preserve concerning its purpose. The Town of Owasco has agreed to provide labor in-kind for creating the public access lot. The Cayuga County Planning Department has agreed to provide support through the development of parcel maps to be included within the kiosk. The Owasco Watershed Lake Association (OWLA) will support the effort with \$500 of plant material for a rain garden they will install at the site. Information about the value of native plants, and the ecosystem services they provide, will also be included within the kiosk. The Towns of Moravia and Summerhill have committed to hauling the public access lot gravel in-kind. The OLWMC also applied for program support for the creation and posting of trails within the Fillmore Nature Preserve; a Cornell University program called Design Connect accepted a request for project support with trails expansion. They will offer two project managers who will be primary partners along with a team of 5-10 students. The project manager and teams will be chosen in late November for spring 2024 implementation.
- \$9,117 was approved by the Fred L. Emerson Foundation for the OLWMC, specifically towards implementing the *Fillmore Nature Preserve- Conservation Education Kiosk, Access Lot, and Trail Network* project, as detailed in the OLWMC's project proposal dated September 14, 2023.

### Project Update:

- Prior to the hauling of gravel and creation of the proposed public access lot, the Town of Owasco is first planning construction of an onsite access from the road and the preparation of the ground surface.
- Designing of the proposed education kiosk signage is planned for the winter of 2024, in preparation for the construction of the kiosk in the spring-summer of that year.

## Municipality Buy-In

Project Review: The OLWMC continues to encourage participation and directorship from the remaining towns within the watershed that have yet to join to help direct project initiatives. They include the Towns of Venice, Sempronius, Groton, Genoa, Skaneateles, and Lansing.

**Summary Prepared by Adam Effler, November 17, 2023**