



Owasco Lake Watershed Management Council (OLWMC)

August 20, 2024- Director's Summary

Watershed Rules and Regulations

Project Review:

The Watershed Rules and Regulations (WRR) Workgroup was 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>).

The NYSDOH has indicated that it does not have the authority from the legislature to create nutrient management regulations for the Owasco Lake watershed. Specifically, the NYSDOH indicated that when the Agricultural Environmental Management (AEM) program was established, nutrient management on farms became the sole responsibility of the NYS Department of Agriculture and Markets (NYSDAM).

The City of Auburn, Town of Owasco, and Owasco Watershed Lake Association (OWLA) filed an Article 78 with NYS, seeking to clarify whether the NYSDOH has the right to regulate nutrient management practices under updated Owasco Lake Watershed Rules and Regulations. Article 78 is a petition that challenges the actions of administrative agencies and other government bodies. The lawsuit contends that the laws cited do not firmly establish that the NYSDAM's authority concerning nutrient management supersedes the NYSDOH's responsibility to promulgate regulations for the protection of public health.

Project Update:

On July 22, 2024, the New York State Department of Health, Bureau of Water Supply Protection notified the City of Auburn and Town of Owasco that the Department does not intend to move forward with amendments to 10 NYCRR Part 104.1 City of Auburn and Town of Owasco Watershed Rules and Regulations. According to their letter, 'following internal evaluation of the existing regulations, the Department determined that amendments are not necessary to ensure potable water quality for the foreseeable future.'

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 proposed 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. The bill passed both NYS houses in 2022, 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, included protections for Class C streams in their 2023 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 included \$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 passed both houses again in 2023. On November 17, 2023, the NYS Senate Bill (S1725A), which would have added Class C streams to the list of protected streams, was vetoed by Governor Hochul.

Staff, Recognition, Awareness, Education and Outreach Project Updates

- The OLWMC's staff feature article published with the Citizen on July 26, 2024 spotlighted the Town of Lansing's decision to join the OLWMC. The August article, composed by Lead Watershed Inspector, Jesse Lloyd, provides an introduction to Mr. Lloyd and his reflection on his services to date.
- The Environmental Protection Agency (EPA) removed a potentially dangerous chemical used in agriculture from the market over concerns it can cause damage to unborn fetuses. In its emergency order, the agency said exposure to dimethyl tetrachloroterephthalate (DCPA) can change fetal thyroid hormone levels in pregnant mothers, particularly those working on farms or living in farm-working communities. The exposure could result in low birth weight, impaired brain development, and a decreased IQ. The EPA said pregnant women working with DCPA products could be exposed to levels four to 20 times higher than what is deemed safe for fetuses.
- In collaboration with the Federal Environmental Protection Agency, the State of Minnesota has made progress toward adopting numeric nutrient water quality criteria for nitrogen and phosphorus. Beyond NYS's 20 ug/L guidance value for phosphorus, NYS had failed to create a nutrient standard for this limiting nutrient.
- On Saturday, August 24, 2024, OLWMC staff will partner with leaders from OWLA to present with the Scipio Lake Property Owners' Association during their meeting at

Cazowasco, NY. The group will discuss the Owasco Lake 9E Plan for Phosphorus Reduction, as well as the Lake Friendly Living Pledge, among other topics.

- OLWMC staff will partner with the Cayuga County Planning Department to present the OLWMC's educational watershed model with school children at the Cayuga County Soil and Water Conservation District's (CCSWCD's) Conservation Field Days on September 18, 2024.

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). 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 to 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 9E 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 (OLWAP) similar to what was created for the Skaneateles Lake watershed.
- The following grant proposal was submitted and funded in response to NYS grant program solicitations in the summer of 2023, and targets 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.
 - a. The City of Auburn's NYS non-point non-agricultural planning grant proposal was awarded \$75,000.

- 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 Committee composed and submitted its proposal for NYS to fund the development of a focused OLWAP that would leverage the existing tiered AEM program. Committee members met with NYS Officials on January 25, 2024 to discuss official sponsorship of the proposed program under the NYS 2024 budget.
 - \$500,000 was included within the Senate one house budget for the 9E Coordination Committee’s proposed OLWAP.
 - Ultimately, the OLWAP was not funding within the 2024 NYS budget.
- The Finger Lakes Land Trust (FLLT) was invited to participate as a member of the 9E Coordination Committee. The group plans to leverage synergies between FLLT’s recently NYS-awarded \$1,240,000 for Land Acquisition to Protect Owasco Lake, which targets protections of the Sucker Brook wetland, and the City of Auburn’s NYS-awarded \$75,000 for stream corridor assessments in the Owasco Lake HUC12 subwatershed, which includes Sucker Brook. Restored streambanks and wetland corridors are ranking criteria for FLLT while targeting land acquisitions to create protected preserves and easements.
- The Committee is updating the 9E Plan’s implementation checklist to track the status of associated programming and projects implementation.

Project Update

During the upcoming August 28, 2024 9E Coordination Committee Meeting, the committee will discuss continuing watershed monitoring in the context of SWAT modeling used for prioritizing watershed restoration practices and spatial priorities. The committee will also discuss the status of grant awards and next steps to seek funding for the proposed OLWAP.

Watershed Lake and Tributary Monitoring

2024 Projects Review

The Cayuga County Planning Department developed 2024 lake and watershed monitoring and implementation priorities in the context of annual Finger Lakes Lake Ontario Watershed Protection Alliance (FLLOWPA) funding. Their overall 2024 workplan, approved by the NYSDEC, includes monitoring the tributaries in the Owasco Lake Watershed to collect data that can be used for updating the 9EP SWAT for Owasco Lake. Cornell University ran SWAT scenarios for a 20% reduction in phosphorus loading to the lake to simulate the effects of expanded nutrient management Planning Tier 3 or equivalent, restricted applications of fertilizer and manure in areas that abut streams, and the implementation of cover crops. A MEANSS approach was used to estimate relocating septic systems within 100 feet of surface waters.

Two of the tributary sampling sites are also being used to collect baseline data for the OLWMC’s “Owasco Lake Watershed Critical Streams Restoration Project” funded by the National Fish and Wildlife Foundation – Sustain Our Great Lakes (SOGL) program.

The following additional details were provided by the Department in the spring of 2024, concerning their support for 2024 monitoring initiatives:

- *FOLLOWPA funds in 2024 will be used for the installation and implementation of BMPs by SWCD, the O&M for the USGS Owasco Inlet Gage, CSLAP for OWLA, Duck Lake Association and Lake Como Association, OWLA Tributary Sampling Program, Owasco Watershed Data Portal, public outreach and education on invasive species and water quality, aquatic vegetation harvesting, O&M of the boat cleaning station at Emerson Park, support for the septic system inspection program and updating and utilizing the SWAT model.*
- *The Quality Assurance Project Plan for the OWLA Tributary Monitoring Program funded by the FOLLOWPA and Cayuga County has been approved by the NYSDEC. Training for the samplers occurred on April 10th.*
- *FOLLOWPA funds will also be used for Nick Colas to update and utilize the SWAT Model. The final report from last year's work is available on the 9E Plan website.*
- *Cayuga County will fund the buoy in Owasco Lake. FOLLOWPA funds were used last year to create a data portal that contains the buoy data and historical data from John Halfman. FOLLOWPA funds will be used this year to add more data to that portal.*
- *The County is funding the CSI Tributary Monitoring Program and the CSI HABs Monitoring Program, and contracts are in process.*

The Department has made the Owasco Lake Watershed SWAT Model Report available on their website. Here's a summary of report features:

- *A recommended practice in the Owasco Lake Watershed 9E Plan was to update watershed SWAT Model with new data and information including hydrologic data files. Cayuga County utilized Finger Lake-Lake Ontario Watershed Protection Alliance (FOLLOWPA) funds to enhance and update the Soil and Water Assessment Tool (SWAT) nutrient loading model that provides a quantitative framework for the Owasco Lake Watershed planning process and guides the prioritization of projects for implementation. The model was used to analyze three scenarios. These three scenarios were grassed waterways, grade stabilization structures and streambank stabilization. This work was performed in accordance with an approved NYSDEC QAPP.*

Tributary Monitoring Project Update

- OWLA's 7th Owasco Lake tributary sampling run of 2024 was in response to storm conditions from tropical storm Byrly and was conducted on August 18, 2024.

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 City of Auburn approved of the plan. The local group awaits final plan approval from NYSDEC and NYSDOH to move forward on plan implementation and associated project(s) proposal(s) development. 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 have finalized and delivered the plan to NYS agencies for their review and approval. The local group awaits final plan approval from NYSDEC and NYSDOH to move forward on plan implementation and associated project(s) proposal(s) development.

Project Update:

- Based on NYS's decision not to update Owasco Lake Watershed Rules and regulations, a recommendation included within the draft City of Auburn DWSP2, that feature was removed from the plan, allowing the plan to move forward to completion. The project Community Advisory Group met with project consultants on August 14, 2024 to review final details of the draft plan.

Municipal Codes and Ordinances

Project Review:

- Proposed erosion and sediment control ordinances concerning new construction activities were prepared for OLWMC directing municipalities for their independent board review and consideration for adoption.
 - 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.
 - The Town of Fleming reviewed the proposed ordinances and concluded that they already have adequate protections in place concerning new construction activities as part of an existing overlay district.

Harmful Algal Blooms (HABs) Identification and

Programming Updates:

- On July 23, 2024 both Camp Y Owasco and the Owasco Yacht Club were closed due to HABs.
- As of August 16, 2024, there were 13 HAB reports more than two weeks old, but reported this year.

Land Holdings

Fillmore Nature Preserve Project Review:

- Fillmore Nature Preserve is a 161-acre property that is critical for protecting water quality in Owasco Lake, which provides drinking water to more than 70% of Cayuga County. A study by The Nature Conservancy ranked the property within the top 10 parcels in the Owasco Lake watershed with the greatest impact on water quality. The land includes diverse forests and approximately 40 acres of freshwater wetlands. It is located near the birthplace of President

Millard Fillmore and Fillmore Glen State Park.

- The OLWMC closed on the property transfer from The Nature Conservancy (TNC) on January 10, 2023, and established the Fillmore Nature Preserve. 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.
- \$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. The grant proposal was funded to create a public access lot and educational kiosk at the nature preserve.
 - The gravel lot provides public access to the land preserve for respectful use of its trails for hiking. The Towns of Moravia and Summerhill hauled gravel to build the public access lot. The Town of Owasco provided labor in-kind for creating the public access lot. The Owasco Watershed Lake Association (OWLA) committed \$500 of compost and wildflower seed for the creation of a perennial pollinator wildflower garden adjacent to the lot; the event acted as an OLWMC/OWLA collaborative Lake Friendly Living public event that was held May 25, 2024. The kiosk will provide educational information about the land preserve concerning its purpose.
 - The OLWMC applied for, and received, 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 mapping and identifying trails. They offered two project managers who acted as primary project managers along with a team of 5-10 students.
 - Cornell's Design Connect program team held a field trip at the Fillmore Nature Preserve on February 28 and again on March 16, 2024 to assess the conditions and locations of the existing trail network and gather information for mapping and marking trails. Their team conducted draft mock-ups of color schemes and themes of potential trail signage, and designed panels for the educational kiosk.
 - Cornell's Design Connect worked with the OLWMC on trail map and educational kiosk panel revisions.
- The OLWMC responded to an offer for project support by the Partners for Regional Invasive Species Management (PRISM) and proposed for a plant inventory, including for both terrestrial invasive and sensitive native species, at the Fillmore Nature Preserve. The proposal included a request for plant pictures and blurbs for inclusion on the educational kiosk that will be constructed there.
 - The Finger Lakes Partners for Regional Invasive Species Management (PRISM) Crew Assistance Program (CAP) accepted the OLWMC proposal to work on a Fillmore Nature Preserve project this summer. The proposal requested PRISM's support to conduct a 'species of interest' inventory at the preserve and the preparation of associated pictures and blurbs concerning both invasive species and

sensitive native species present there. The content will be included on signage for attachment to the educational kiosk. PRISM plans to do their survey work on July 8-July 10, 2024.

- With the help of CC Planning for the submission of an additional application through PRISM, the OLWMC applied for a ‘boot brush station’ to be installed with the educational kiosk to support visitor education and efforts to reduce the spread of invasive species.

Project Updates:

- From July 8-10, 2024 PRISM conducted the proposed 'species of interest' inventory at the Fillmore Nature Preserve, focusing on the identification of invasives species that exist there.
- Education kiosk signage was printed and is ready to be mounted following kiosk construction later this summer or fall.
- PRISM ‘boot brush station’ signage has been designed for inclusion on the educational kiosk.
- As recorded in the meeting minutes from its August 8, 2024 board meeting, the Town of Owasco formally committed to a mutual aid agreement for assisting with property maintenance, when available, at the preserve.
 - During the weeks of August 5, 2024 and August 12, 2024, Town and OLWMC staff collaborated on clearing trees from the trail networks there.

Other Potential OLWMC Acquisitions Review:

- On June 14, 2023 NYSDEC announced that New York State, in partnership with The Nature Conservancy, permanently protected two environmentally sensitive parcels of open space in Cayuga County. A 203-acre addition to Fillmore Glen State Park in Moravia and 72 acres of forested wetlands in Venice were preserved. Both projects were funded through the State Department of Environmental Conservation’s Water Quality Improvement Project program to protect the water quality in Owasco Lake Watershed.
- TNC has expressed interest in having the OLWMC own and steward two properties poised for preservation within the Owasco Lake watershed. TNC will present these acquisitions to the OLWMC Board for ownership and stewardship consideration. The acquisitions include:
 - 72-acre parcel in Venice, dense wetland
 - 100-acre parcel in Groton, mixed farmland

Other Potential OLWMC Acquisitions Update:

- Based on an inquiry with the OLWMC’s insurance producer and the pre-existing policy, the increase in property liability insurance premium associated with the proposed acquisitions would be nominal.

Additional Partner Land Acquisitions/Targets Review:

- Under 2023 Round 19 of the Water Quality Improvement Projects (WQIP) Grant, the Fingers Lakes Land Trust, Inc. (FLLT) received \$1,240,000 for Land Acquisition to Protect Owasco Lake. FLLT will work with landowners and partners in the Owasco Lake watershed to permanently protect approximately 500 acres through direct acquisition and the use of perpetual conservation easements. The program will focus on conservation and stewardship efforts to protect Owasco Lake. The proposed program grant will provide FLLT an opportunity to create a new nature preserve on the Sucker Brook wetland, one the largest remaining natural wetlands in the region and conserve additional lands throughout the Owasco Lake Watershed.
 - The FLLT, in its recent testimony to the Joint Legislative Committee on Environmental Conservation, explained that New York land trusts are currently holding over 100,000 acres of land that was acquired upon the request of the state, with a market value of over \$150 million. This backlog is largely due to two issues:
 1. The lack of adequate staffing at the Real Property Bureau and the Office of General Counsel at DEC and within the Real Property Bureau at the Office of the Attorney General;
 2. NYS's current approach to property title review that involves a higher standard than is typical in the private sector and does not include the acceptance of title insurance to resolve title issues.

Federal Grant Projects and Funding

SOGL Project Review:

- A National Fish and Wildlife Foundation (NFWF) Sustain Our Great Lakes (SOGL) funding proposal was developed in partnership with CCSWCD and EA Engineering, 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 Owasco Inlet streambank restoration project sites between Booth Hill Road and Cat Path Road in the Town of Locke. Landowners who reside along the targeted reaches have expressed concern about severe streambank erosion in those areas.
 - Total Amount Requested: \$299,640.00
 - Matching Contributions Proposed: \$100,360.00
- 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*.
- The Board of Directors of NFWF, having reviewed the OLWMC's finances, approved of the \$457,839.92 grant award to the OLWMC through the SOGL program. Subsequently, the OLWMC has a signed grant agreement. Project consultant, EA Engineering, is navigating the environmental permitting process and design, in preparation for project implementation during the 2024 and 2025 field seasons.

- In February, 2024 CCSWCD delivered mailers to the landowners who have adjacent properties along our targeted reach of the Owasco Inlet, and CCSWCD gained early approvals for four out of five sites.
- EA Engineering has completed drafts of the NEPA, ESA, and NHPA compliance forms and has submitted them to the NFWF. EA Engineering and CCSWCD conducted a March 25, 2024 field trip to record baseline conditions, channel types, and to evaluate parcel access. CCSWCD and EA staff spoke with adjacent landowners and discussed survey needs for project modeling and design.
- Conditions of project Site 7 have changed since the initial project proposal last spring. The alignment of the channel and banks in the vicinity of Site 7 appears to have been altered and bank erosion at Site 7 is no longer as significant as previously observed. The property owner apparently self-implemented these changes. From the perspective of prioritizing funding sources and adaptive management, the project team plans to remove Site 7 from the planned scope under grant.
- EA Engineering held a field visit on April 9, 2024 (Task 2) when they collected site data, conducted a drone flyover, and identified plant/aquatic species as observed. The project team identified a laboratory to run project soil samples.
- The project team awaits regulatory approvals from the US Fish and Wildlife Service to submit for project reimbursements and, ultimately, get underway with construction. EA Engineering has developed a computer-aided design (CAD) model for the project. Additionally, they started utilizing a hydrologic model to estimate flow conditions that will inform their project designs. The one-dimensional model utilizes geometry and flow inputs (i.e., using historic USGS gauge data) and will output velocities and water surface elevations. This information is helping the engineering firm recommend materials and placements to the Cayuga County Soil and Water Conservation District (CCSWCD), which is contracted for project implementation.
- The Interim Programmatic project report will be due to the NFWF on September 4, 2024.

SOGL Project Update:

- The project team met on August 9, 2024 to review preliminary design recommendations. EA screened the stabilization alternatives for Sites 1-6. Each site has stationed cross-sections where the channel velocities and shear stresses were calculated for the 2-year and 100-year flow events.
- Of the alternatives where the permissible shear stress/velocity is within the range they provided, CCSWCD informed the designers of which bioengineering alternatives they would like EA Engineering to focus on incorporating into the design. In response, CCSWCD shared a variety of nature-based stabilization techniques that they recommend and are comfortable using for streambank stabilization projects.
- Once EA's 30% design is complete, project partners will look at which practice features can be implemented under the CCSWCD's general permit.

NYS Recognition and Relevant Bills Review

- NYS Senator Rachel May and Assemblymember Anna Kelles honored the Lake Friendly Living Coalition through the presentation of a NYS proclamation commemorating the Finger Lakes' Community Celebration of Lake Friendly Living in May, 2024.
- On the morning of June 14, 2024 participants were invited to Ventosa Vineyards, Geneva, to join those from across the region who care deeply about the health of the Finger Lakes and to make connections and learn about proposed NYS legislation aimed at mitigating environmental threats therein. The legislators shared information about the following proposed bills they are cosponsoring to address Harmful Algal Blooms, the discharge of per- and polyfluoroalkyl substances (PFAS) into our waterways, and other conservation efforts:
 - The **New York Open Water Data Act (Senate 239E/Assembly 3299A)** would enable better water governance statewide by asking water-related agencies to come together to create a common set of water data standards for the state and a public-facing interface where such data can be shared, viewed, and used by interested parties.
 - The **Harmful Algal Bloom (HABs) Monitoring and Prevention Act (Senate 8356/Assembly 8867A)** would develop and maintain a comprehensive state 'clearinghouse' to bring together existing and new available statewide cross-sectional and longitudinal data and information on harmful algal blooms, potential and known causes, best practice interventions, expertise, and funding resources. These data and the subsequent report would enable the state to effectively and efficiently administer a grant program supporting data-driven best practices in prevention and mitigation of harmful algal blooms.
 - The **PFAS Discharge Disclosure Act (Senate 227B/Assembly 3296)** would require those proposing to discharge pollutants into New York's waterways disclose whether their existing or proposed discharges contain PFAS.
 - The **Biosolids Spreading Ban (Assembly Bill A8317)** would prohibit the sale or land application of biosolids from wastewater treatment facilities unless such biosolids are treated and tested to not exceed the maximum contaminant levels established in the public health law.

Relevant NYSDEC Programming Review (as sourced from DEC Delivers):

- *On June 26, 2024 New York State Departments of Environmental Conservation (DEC), Agriculture and Markets (AGM), and the 11 Soil and Water Conservation Districts (SWCDs) in the Eastern Finger Lakes, announced \$1.2 million in funding for the Eastern Finger Lakes Coalition to accelerate watershed protection and restoration measures to improve water quality and combat harmful algal blooms (HABs). This key investment into the Eastern Finger Lakes Coalition to build professional capacity and accelerate agricultural and resiliency-related projects – specifically providing necessary capital investments that will galvanize implementation of the plans and programs developed to address on-the-ground actions necessary to address HABs. The capital infusion will also include support for farmers to invest in more cover crops, improve culverts to reduce*

runoff, and other investments to improve soil health and reduce water quality impairments in the region. The Eastern Finger Lake watershed covers more than 30 percent of the Lake Ontario drainage basin and contains seven of New York's Finger Lakes and their watersheds: Canandaigua, Keuka, Seneca, Cayuga, Owasco, Skaneateles, and Otisco lakes.

The county Soil and Water Conservation Districts in the Eastern Finger Lakes (Cayuga, Chemung, Cortland, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tompkins, Wayne, and Yates) have planned for, written, and implemented hundreds of millions of dollars of competitive grants to protect and improve water quality in the region. However, there remains a substantial need for increased program support and funding to implement DEC-approved clean water plans, HABs Action Plans, and Strategic Agricultural Environmental Management plans specific to the Eastern Finger Lakes. Established in 2023, the Eastern Finger Lakes Coalition are the 11 SWCDs working to protect and improve water quality and critical natural resources in the watershed. The lakes and waterways serve as public water supplies, provide recreational opportunities, are key habitats for fish and wildlife, and are important for local economies via tax bases, agricultural production, and tourism.

In 2018, DEC convened four regional summits to examine the causes of HABs and develop sustainable solutions to reduce impacts. DEC worked with State and local partners to develop and implement HABs Action Plans for 12 high priority waterbodies, including several in the Eastern Finger Lakes. New York State supports the Eastern Finger Lakes Coalition as another action to aggressively combat HABs.

To date, New York State awarded more than \$428 million in grants for projects designed to reduce the frequency of algal blooms by targeting phosphorus and nitrogen pollution, factors that trigger HAB occurrences. Supporting SWCD programs aligns with recommendations from the Action Plans and with the regional protection/improvements priorities as described in the Finger Lakes and Great Lake Action Agendas, Lake Ontario Lakewide Area Management Plan, and other initiatives.

Among the many environmental victories in the enacted 2024-25 State Budget, Governor Kathy Hochul and legislative leaders maintained the Environmental Protection Fund (EPF) at \$400 million, the highest-ever level of funding in the program's history. Under the EPF Open Space line, \$1.2 million was made available for the Eastern Finger Lake Coalition, fulfilling a promise Governor Hochul made in the 2024 State of the State.

- *DEC has announced an Advanced Notice of Proposed Rule Making (ANPRM) to solicit public input toward DEC's Triennial Review of Water Quality Standards (WQS). The Clean Water Act includes requirements for states to perform a formal regulatory review of WQS every three years, known as the Triennial Review. It provides an opportunity for DEC to integrate the best available science and methods into WQS to protect the waters of the State. Regulations subject to Triennial Review are any that direct the water quality standards, waterbody classification, and antidegradation policies and actions of the State. The effort may result in amendments to water quality standards found in 6 NYCRR Parts 700-706. [View the ANPRM document](#) on DEC's website. You can submit input and*

feedback in response to the ANPRM through **November 4, 2024**. Find more information in the May 8 Environmental Notice Bulletin

- DEC's Interim Commissioner Sean Mahar has announced the finalization of DEC's Division of Environmental Permits Policy "Permitting and Disadvantaged Communities"(DEP-24-1) to implement environmental justice provisions of the Climate Leadership and Community Protection Act (Climate Act). The policy provides guidance in DEC's permitting processes for considering impacts and existing burdens on New York's most vulnerable communities. Find the full text and pdf printable version of this policy on DEC's website.

Relevant NYSDEC Programming Updates (as sourced from DEC Delivers):

Proposed Regulations to Protect Freshwater Wetlands

The New York State Department of Environmental Conservation (DEC) Interim Commissioner Sean Mahar has announced the release of proposed regulations to protect freshwater wetlands across New York State. The draft regulations are now **available for public comment until September 19** and would safeguard an estimated one million additional acres of unprotected wetland habitat by expanding the number of wetlands regulated by DEC.

View the proposed rule and supporting documents on DEC's website. Virtual public hearings are scheduled **September 10 at 1 p.m. and 6 p.m.** An in-person public hearing is scheduled **September 12 at 1 p.m.** at the DEC office at 625 Broadway, Albany, NY. Registration for the public hearings can be found on DEC's website.

Find additional information in the July 10 Environmental Notice Bulletin.

DEC will also be hosting an informational webinar on **Tuesday, August 27, 2024 from 1 - 2 p.m.** These webinars will cover the need for the regulatory changes, the contents of draft regulations, how the comments received earlier in the year were incorporated, and the next steps in finalizing the regulations. Questions may be submitted, as described below, in advance of the webinar

Tuesday, August 27, 2024, 1:00-2:00 p.m. on WebEx

Conservation and Land Use Webinar Series

Register to attend. (This webinar may fill up; capacity is limited to 1,000).

Once you register, you will receive an email message with a link to submit questions.

How to Submit Comments on the Draft Freshwater Wetland Regulations

DEC encourages the public to comment on the proposed freshwater wetland regulations.

Comments will be accepted through September 19, 2024, and can be submitted via e-mail to WetlandRegulatoryComments@dec.ny.gov (subject: "Wetlands Part 664 Comments") or via mail to NYSDEC, Attn: Roy Jacobson, Jr., 5th Floor, 625 Broadway, Albany, NY 12233-4756.

Additional information is available on the Freshwater Wetlands Program page.

Relevant NYS Funding Updates (as sourced from DEC Delivers):

- **Applications Now Open for DEC's Municipal Zero-Emission Vehicle Rebate Program.**

On Thursday, April 25 2024, NYSDEC announced the next round of its Municipal Zero-Emission Vehicle (ZEV) Rebate Program with \$750,000 available for municipalities to purchase or lease all electric, plug-in hybrid, and hydrogen fuel cell vehicles for their municipal fleets. Municipalities can apply for funding, which is available on a first-come, first-served basis through Sept. 27, 2024. Rebates are available to municipalities across the State that purchase or lease for a minimum of 36 months an eligible vehicle placed into municipal service at a dealership in New York State between Sept. 30, 2022, and Sept. 27, 2024. More details can be found in the Request for Applications (RFA) posted on the DEC website. Applications are available through the New York State Statewide Financial System Grants Management System. Of the funding awarded to date, \$1.2 million went to municipalities that contain disadvantaged communities, as identified by the Climate Justice Working Group's final criteria. Under the Climate Act, New York is required to direct at least 35 percent with a goal of 40 percent of the benefits of investments on clean energy and energy efficiency programs toward disadvantaged communities. Since its inception in 2016, the ZEV Rebate Program has awarded a total of more than \$1.5 million toward the purchase or lease of 114 plug-in hybrid vehicles and 182 all-electric vehicles. More information about DEC's Municipal ZEV Rebate Program, as well as Municipal ZEV Infrastructure Grants, is available on DEC's website. For questions regarding the program, email ZEVrebate@dec.ny.gov or call DEC's Office of Climate Change at 518-402-8448.

- **Additional Funding Available for Zero-Emission School Buses**

New York School Bus Incentive Program Makes Clean Buses and Charging Infrastructure More Affordable for Public Schools

Helps Improve Air Quality and Reduce Transportation Pollution in Local Communities and Across the State

An additional \$200 million is now available to school districts and bus operators for zero-emission school buses through the second installment of funding from the historic \$4.2 billion Clean Water, Clean Air, and Green Jobs Environmental Bond Act (Bond Act). The funding, distributed through the New York School Bus Incentive Program (NYSBIP), provides support for the purchase of electric buses, charging infrastructure or fleet electrification planning as public schools transition to zero-emission technologies that improve air quality and reduce pollution in communities.

Administered by the New York State Energy Research and Development Authority (NYSERDA), NYSBIP provides incentives to eligible school districts and bus fleet operators purchasing electric buses. It also offers charging vouchers to school districts or bus operators and provides funding for these groups to develop fleet electrification plans. This funding is available on a first-come, first-served basis with incentive amounts

covering up to 100 percent of the incremental cost of a new or re-powered zero-emission school bus, depending on the type of vehicle, helping make the cost of an electric bus comparable to that of a gas or diesel bus. Charging vouchers can offset the cost of installing Level 2 or DCFC fast chargers. All school districts in New York State also qualify for funding for fleet electrification plans, which provide each with a customized roadmap for electric bus adoption.

Larger funding amounts are available for high-need school districts and disadvantaged communities, as determined by the New York State Climate Justice Working Group criteria. While these districts are defined as priority districts (PDF) through this program, all school districts can earn increased incentives through the program with additional eligible funding amounts available for removing a gas or diesel bus from operation, purchasing wheelchair accessible buses, or purchasing buses with vehicle to grid capability. All school districts that complete fleet electrification plans also become eligible for higher funding amounts.

This funding builds on the successful first round of Bond Act school bus funding issued in November 2023. Since NYSBIP's launch, more than 75 school districts have applied for funds to purchase 350 buses, including 51 districts located in disadvantaged communities, and almost half of the state's school districts are now working with NYSERDA to create Fleet Electrification Plans. To date, 250 districts have started developing these plans, and more than 100 additional districts are in the process of applying for fleet planning in coordination with their local BOCES districts.

NYSERDA has engaged every school district to offer training and information, hosts a recurring webinar series, and is in regular contact with districts across the state. School bus fleets seeking assistance should contact NYSERDA at schoolbus@nyserda.ny.gov.

NYSERDA has also developed wide-ranging resources for school districts and school bus fleets as they plan for, and purchase, electric school buses. These include the Electric School Bus Roadmap, which presents an overview of the key challenges, costs, funding mechanisms, and policy options involved in school bus electrification, and the Electric School Bus Guidebook, a series of practical user guides meant to assist school district staff and bus operators on specific topics. Learn more on NYSERDA's website.

The announcement complements New York State's nearly \$3 billion investment in clean transportation and the State's clean car and truck regulations that require 100 percent zero-emission passenger car and light-duty truck sales by 2035. Active medium- and heavy-duty truck initiatives include zero-emission truck purchase vouchers through the New York Truck Voucher Program (NYTVIP) and the New York City Clean Trucks Program, the "EV Make Ready" initiative to help expand electric vehicle use, fleet assessment services, and the \$24 million Electric Truck and Bus Prize Challenge under the \$85 million New York Clean Transportation Prizes.

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, and Skaneateles.

Prepared by Adam Effler, August 19, 2024