



Owasco Lake Watershed Management Council (OLWMC)

May 20, 2025- 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 petition 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.

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."

The City of Auburn, the Town of Owasco, and OWLA filed a new lawsuit on November 22, 2024 to help ensure that NYS Department of Health fulfills its duties for protecting NYS watersheds. The new Article 78 lawsuit responds to the NYS Department of Health's recent decision that new rules and regulations are not necessary to protect Owasco Lake drinking water, wherein New York

State failed to provide data or information to support its decision to terminate the rulemaking process. The new Article 78 petition, initially filed in the Cayuga County Supreme Court and now moved to Albany, challenges the Department's decision to deny the City of Auburn and Town of Owasco's request to regulate the Owasco Lake watershed for the expressed purpose of protecting Owasco Lake's water quality. Under NYS Public Health Law, the NYS Department of Health is responsible to support the advancement of watershed rules and regulations for the protection of water supplies. A request for an oral hearing of the Article 78 petitions was made for mid-May, 2025. The January 27, 2025 Porceng article linked [here](#), references the Owasco Lake Green Amendment as it pertains to Owasco Lake WRR litigation with the NYSDOH.

Project Update:

In response to the NYSDOH's request for dismissal of the initial Article 78 complaint brought by the Owasco Lake drinking water purveyors and OWLA, the Court found NYSDOH's determination that it lacks legal authority to promulgate watershed rules and regulations to control agricultural nutrient pollution is an error of law, and was made arbitrarily and capriciously. Therefore, the lawsuit remains in place for adjudication under the court of law. The ruling is attached as an addendum to this summary.

Staff, Recognition, Awareness, Education and Outreach Projects

Project Review:

- The OLWIPD is working with Town of Fleming codes officers to require an erosion and sediment control plan for a construction site of concern. The group hopes that the site concern will provide a launching point for Fleming to further consider the OLWMC's draft Erosion and Sediment Control ordinance that was prepared for the town.
- As available staff will be attending municipal planning board meetings throughout the watershed for introductions and advocacy concerning erosion and sediment control planning for construction activities.

Project Updates:

- Staff have finalized and printed the Owasco Lake Watershed Inspection and Protection Division's (OLWIPD's) 2024 Annual Report and will be distributing copies of the report to all of the watershed municipal offices this spring. Elements of the report were delivered to the City of Auburn for inclusion within their 2024 Annual Water Report.
- The week of May 18, 2025 is invasive species awareness week.
- Staff presented the OLWMC's purpose and initiatives with nearly 80 Auburn High School students on the morning of May 8, 2025.
- Staff presented a OLWMC status update and the OLWIPD 2024 report at Auburn City Council the evening of May 8, 2025.
 - The City of Auburn's annual mayoral proclamation endorsed the OLWMC's 'Lake Friendly Living' initiative and pledge programming.
 - In collaboration with OWLA, this year's Lake Friendly Living Awareness Day will be held on Saturday, May 17, 2025 from 10am - 1pm at Emerson Park where the public is welcome to help grow a rain garden, experience a water monitoring demonstration and observe a water sample. Wegmans Food Markets has provided the OLWMC with

- a market gift card to sponsor lunch for volunteers who will attend and participate at the event.
 - Senator May's office has agreed to help craft and champion the annual NYS legislative Finger Lakes LFL commemorative resolution for regional conservation, events and messaging initiatives.
- The Auburnpub staff article published on May 3, 2025 features roadside trash and its effects on the Owasco Lake watershed.
- Staff have been communicating with CC Parks and Trails and CC Planning Department for salvaging the ecological educational kiosk along Route 38 in Moravia, which broke under high winds. The group is considering redesigning the panels and reconstructing the broken kiosk.

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. The collaborative effort identified focused strategies to help 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. In 2024, Soil and Water Assessment Tool (SWAT) scenarios were modeled 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.
- 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 developed a phased approach towards preparing project proposals and fundraising for watershed streams inventorying and engineering planning in 2024 to direct streambank stabilization 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.
 - b. The Finger Lakes Land Trust (FLLT), a member of the 9E Coordination Committee, will help leverage synergies between their 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.
 - c. The City of Auburn developed its grant contract with NYS.
 - d. The 9E committee is considering replicating this project for priority subwatersheds, understanding that stream corridor assessments will provide a pathway for funding related streambank stabilization projects.
- The 9E Coordination Committee is supporting 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 a proposal for NYS to fund the development of a focused OLWAP that would leverage the existing tiered Agricultural Environmental Management (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 funded within the 2024 NYS budget.
- The Committee updated the 9E Plan's implementation checklist to track the status of associated programming and projects implementation.
- The 9E Coordination Committee is developing a 2023-2024 progress report to feature the 9EP projects and programs that have been advanced thus far.
- The City of Auburn selected an engineering firm for its Owasco Lake HUC 12 stream corridor assessments, according to the City of Auburn's recent NYS non-point non-agricultural planning grant award. This advancement was spotlighted in a Citizen article published on March 22, 2025.
- During the March 26, 2025 9E Coordination Committee meeting, the group engaged with Ducks Unlimited (DU). DU was recently awarded a \$252,436 grant to restore a wetland in the Owasco Flats Wildlife Management Area near the Town of Moravia. The project will provide habitat for migratory birds and other wildlife, help mitigate flood impacts downstream and

improve water quality. The committee also discussed furthering the development of its progress report.

Project Update:

The next 9E Coordination Committee meeting will be held on June 25, 2025.

Watershed Lake and Tributary Monitoring

Projects Review:

- The Cayuga County Planning Department developed its 2025 lake and watershed monitoring and implementation priorities in the context of annual Finger Lakes Lake Ontario Watershed Protection Alliance (FOLLOWPA) funding. As in 2024, they will include monitoring, data management, and implementation projects for Owasco Lake and its watershed. FOLLOWPA funds in 2025 will be used for:
 - The installation and implementation of BMPs by SWCD
 - 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
- The Cayuga County Planning Department finalized the data usability assessment report (DUAR) and 2024 tributary monitoring project report, which have been approved by the NYSDEC.
- Doctorate Assistant Professors from SUNY College of Environmental Science and Forestry (SUNY ESF) provided processing and analyses in-kind for both tributary and lake data collected from recent years.
 - Two of the 2024 tributary sampling sites that were 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) are scoped for sampling again in 2025 during project construction.
 - Associated topics of discussion have included the want to fund and install tributary flow monitoring sensors that track flow to generate nutrient proxy loading, as well as small weather stations to better constrain how localized storms drive nutrient inputs. The proposal would include the delivery of real-time data to the internet, as part of a long-term strategy for early warning capabilities for HAB-likely conditions. There is a National Science Foundation grant solicitation that should be opening soon, which may represent a potential collaboration.
 - SUNY ESF professors and students' topics of interest include characterizing the relationship between freshwater sponges and various water quality parameters in New York, including in the Finger Lakes Region. Their proposed project includes the determination of where the sponges currently exist, and the development of an outreach component to train community members on sponge identification for help with their

search. OLWMC staff and OWLA volunteers are considering providing support for the research project on Owasco Lake.

- There have been growing concerns and community outreach regarding lake foam that collects on and near the shoreline. Global Aquatic Research (GAR) plans to sample Owasco Lake foam this year and perform specialized laboratory analysis for emerging lake contaminants, Per- and polyfluoroalkyl substances (PFAS).
 - GAR included Owasco, Seneca, Keuka, and Skaneateles Lakes within their Water Resources Institute grant submission. They would be sampling in 2025, whereby one sampling trip to each lake is proposed, and GAR would quantify PFAS concentrations and a few water quality parameters in foam, the surface microlayer, and lake water. The overarching purpose is to understand how PFAS partitions between these phases, which impacts both monitoring and routes of exposure. This will also establish a baseline that partners can build on in future work. A secondary project feature proposed would be to implement in Owasco Lake the foam reporting tool that was developed with the Canandaigua Lake Watershed Association ([Canandaigua Lake Foam Survey](#)). This will involve coordinating with and training citizen scientists to use the tool. After sampling and data collection is complete, a stakeholders meeting would be scheduled in Fall/Winter 2025-2026, and representatives from all four lakes (as well as Canandaigua Lake) would be included. The team would use this meeting to consider the impact of the project on management strategies, public outreach, and next steps. The OLWMC provided a letter of support for the collaborative grant proposal.
 - The OLWMC endorsed proposal, *Characterization of PFAS in foam forming on the Finger Lakes*, was selected for funding by the Water Resources Institute. GAR is planning to develop and expand the ‘foam reporting tool’ in the spring of 2025. They hope to have it available for distribution to the community by early summer. The purpose is to start compiling more information about the prevalence and timing of foam formation on the Finger Lakes.
- On February 12, 2025, local partnering organizations, SUNY ESF analysts, and Sustain Our Great Lakes program (i.e., Owasco Inlet streambank stabilization) project partners convened to discuss the approach for 2025 Owasco Lake tributary monitoring in the context of future 9EP SWAT calibrations and grant project monitoring.
- The Cayuga County Planning Department’s Owasco Lake Tributary Sampling Project Quality Assurance Project Plan was approved by the NYSDEC under NYS FLOWPA funding guidelines.
 - Tributary sampling program review and training, hosted by CC Planning Department and OLWMC staff, was held on April 14, 2025.
- SUNY ESF is supplementing support for the Owasco Lake tributary monitoring program. They plan to collect and run alkalinity samples and estimate instantaneous discharge at sampling locations.

Project Update:

A storm event based tributary monitoring run was conducted on May 8, 2025 to attempt to capture constituent concentrations under high flow conditions.

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.
 - Based on NYS’s decision to terminate amendments to 10 NYCRR Part 104.1 City of Auburn and Town of Owasco Watershed Rules and Regulations, the amendments being 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 last met with project consultants on August 14, 2024 to review final details of the draft plan.
 - At the tail end of 2024, the project Community Advisory Group made additional changes to the City of Auburn’s DWSP2 for transmittal to, and approval by, NYS. Among other changes, the group is included the Owasco Lake Watershed Agricultural Program concept within the proposed plan for the prospect of NYS funding the farmer-driven program in coming years.
- In December 2024, on behalf of the Town of Lansing, OLWMC staff reviewed and provided feedback regarding the Southern Cayuga Lake Intermunicipal Water Commission’s draft DWSP2 for Bolton Point, leveraging experience with developing both the City of Auburn’s and Town of Owasco’s DWSP2s. Staff engaged with the Commission on January 23, 2025 to discuss suggestions that were made.

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.

Harmful Algal Blooms (HABs) Identification and Programming:

Review:

- In 2024, HABs have been observed statewide, with many reports generated within the Finger Lakes Region. Climate change, nutrient pollution, and invasive species are considered important drivers for HABs development. Regional advocates, watershed organizations, and municipalities call for stricter regulations and enforcement of nutrient pollution entering the Finger Lakes. Governor Kathy Hochul recently committed an investment of 42 million dollars to the newly formed Eastern Finger Lakes Coalition of Districts to enhance Finger Lakes water quality. The funds are intended to help farmers manage stormwater runoff and associated nutrient pollution.
- NYSDEC's Harmful Algal Bloom (HAB) 2024 Notification Season Summary (in their words):
During 2024, 218 waterbodies statewide were listed as "Confirmed HABs" on the NY HAB System (NYHABS). Over 2,100 HAB reports were submitted to DEC and confirmed by staff. The reports ranged from a single observation to widespread blooms that were persistent throughout the season. A summary of HABs reported during 2024 is available in the archive section of the [Harmful Algal Blooms webpage](#). Historical HABs data reported to the DEC dating back to 2012 is provided on [Open NY](#), which gives public access to digital data (Search the "Data NY" portal for "Harmful Algal Blooms"). One can view historical water quality monitoring data, including HABs information, at the Division of Water's [DOW Monitoring Portal](#). Both Open NY and the Monitoring Portal will be updated with 2024 HABs data over the coming months.

Update:

- The New York Harmful Algal Bloom System (NYHABS) link is now available to support NYS HABs monitoring efforts. The NYS program has a new url: on.ny.gov/nyhabs
- The DEC's virtual HABs surveillance training will be offered to volunteers on May 29, 2025 from 6:00-7:30 PM.

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.

- \$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 provides 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, 2024 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.
 - 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. From July 8-10, 2024 PRISM conducted the proposed 'species of interest' inventory at the Fillmore Nature Preserve, focusing on the identification of invasive species that exist there.
 - With the help of CC Planning for the submission of an additional application through PRISM, the OLWMC applied for a 'boot brush station' that was installed with the educational kiosk to support visitor education and efforts to reduce the spread of invasive species.
- 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.

- On September 25, 2024, the perennial garden installed around the perimeter of the public access lot was overseeded to improve establishment and limit the competition of nuisance weeds. Preserve signage was also installed.
- Construction of the kiosk and boot brush station took place, starting October 15 and was completed on October 17, 2024.
- The Emerson Foundation grant final report was submitted on October 21, 2024.
- The Fillmore Nature Preserve grand opening was held November 7, 2024 with promotional support provided by CC Chamber of Commerce, CC Water Quality Management Agency (WQMA), and the Citizen Newspaper.
- The 2024 Annual Property Inspection Report for the Fillmore Nature Preserve is now complete.
- TNC, NYSDEC, and OLWMC staff convened at the Fillmore Nature Preserve on April 9, 2025 for an opportunity to showcase the preserve to the NYSDEC, as a successful grant implementation towards land preservation and stewardship.

Fillmore Nature Preserve Project Update:

- On May 19, 2025, staff will partner with the CC Planning Department to host Moravia High School students for ‘Moravia Gives Back Day,’ whereby students will learn about terrestrial invasive species and assist with trail maintenance activities.

Potential OLWMC Acquisitions Review:

- TNC has expressed interest in having the OLWMC own two properties poised for long term stewardship and preservation within the Owasco Lake watershed. TNC will present the remaining acquisition to the OLWMC Board for ownership and stewardship consideration.:
 - 100-acre parcel in Groton, mixed farmland

Potential OLWMC Acquisitions Update:

- During its March 18 meeting, according to Resolution 01-2025, the OLWMC agreed to accept from TNC the transfer of a 72-acre parcel in Venice for the purposes of ownership and long-term stewardship.
 - The Galbato Law Firm is supporting the property closing and is tracking down the original abstract to summarize the title’s history. Property closing will be scheduled during the month of June, 2025.
 - The 99-megawatt Agricola wind project in Scipio and Venice, by Liberty Renewables, is adjacent to the Venice property the OLWMC plans to acquire. More info is available here <https://www.liberty-renewables.com/projects/agricola-wind/>

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 New York State Department of Environmental Conservation (DEC) and The Nature Conservancy announced the State's addition of 92 acres to Owasco Flats Wildlife Management Area (WMA) in the town of Moravia, Cayuga County. The acquisition more than doubles the size of the WMA and offers new and enhanced public recreation opportunities.

Organizational Bylaws Review:

The OLWMC Members are underway with reviewing the final draft for proposed updated OLWMC bylaws.

Grant Projects and Funding

NFWF 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 streambank stabilization along the Owasco Inlet. Proposed project partners also included the Cayuga County Planning Department, the Owasco Watershed Lake Association (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*.
- In February, 2024 CCSWCD delivered mailers to the landowners who have adjacent properties along our targeted reach of the Owasco Inlet.
- 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.
- 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.
- EA Engineering, navigated the environmental permitting process and design, in preparation for project implementation during the 2025 field season. They completed drafts of the NEPA, ESA, and NHPA compliance forms and submitted them to the NFWF.
- EA Engineering 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 project team met on August 9, 2024 to review preliminary design recommendations. EA Engineering 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 an acceptable range, 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.
- The project team received regulatory approvals from the US Fish and Wildlife Service to submit for project reimbursements and, ultimately, get underway with construction.
- An additional project update report was submitted, as required, to the NFWF on November 11, 2024.
- EA Engineering is developing the required NYSDEC and US Army Corps of Engineers (USACE) project permit application package, which includes the Nationwide Permit 13, 27 and 401 water quality certifications.
- The existing conditions and 60% design set is complete and was submitted to CCSWCD and OLWMC staff in December of 2024 for review. Designers are adapting to site-specific constraints.
- The project team is on track to implement the streambank restoration project in the summer of 2025, following construction permitting restrictions due to trout spawning in the spring.
- The OLWMC requested a grant extension from the originally proposed deadline of fall 2025, to a new deadline of fall 2026. The extension is necessary for project completion due to project schedule delays associated with NYS agency permitting.
- The OLWMC's request for a grant extension was approved, allowing the project team to complete remaining implementation features in the 2026 calendar year.

NFWF SOGL Project Update:

According to new NYSDEC wetlands designations, the project team believes that a wetlands delineation will be required before project implementation, and OLWMC contractors are coordinating that work element.

Relevant NYS Programming:

Newly Delineated Wetlands within the Owasco Lake Watershed Review:

NYSDEC released the new wetland data on January 13, 2025. The regulations implement new statutory requirements under the State's Freshwater Wetlands Act that will safeguard an estimated one million additional acres of wetland habitat. There are 11,910.59 acres (18.6 sq miles) of new delineated wetlands within the Owasco Lake watershed. Combined with the pre-

existing National Wetlands Inventory data, there are 13,261.22 acres (20.7 sq miles) of wetlands in the Owasco Lake watershed.

Owasco Lake Impairment Listing Review:

The week of January 13, 2025, the United States Environmental Protection Agency (EPA) notified the NYSDEC that it is now required to designate Owasco Lake as an impaired water body due to HABs. Read more here: <https://www.epa.gov/tmdl/epas-addition-96-waterbodypollutant-combinations-new-york-2020-2022-303d-list>

Proposed Ambient Water Quality Guidance Values for Phosphorus Project Review:

The OLWMC was a signatory on a joint response to the public comment period for the NYSDEC's proposed ambient water quality guidance values for phosphorus. The response requested that NYS take a more aggressive approach towards reducing guidance values for NYS lakes by creating a framework for developing phosphorus standards.

Municipal Funding Opportunity Update (NYS Announcement in their words):

Green Resiliency Grants Now Open-

New York State Environmental Facilities Corporation is now accepting applications for the next round of Green Resiliency Grants. Governor Kathy Hochul made \$60 million available for vital stormwater management and resilient infrastructure projects in flood-prone communities across New York State. The program advances Governor Hochul's comprehensive clean water and resiliency agenda to protect New Yorkers from extreme weather, while making these projects more affordable to minimize the financial impact on local ratepayers. **Applications are due by 5:00 pm on August 15, 2025.** For questions, email Green Resiliency Grants or contact EFC's Community Assistance Teams.

NYS Relevant Bills Review:

Finger Lakes Watershed Steward act (S7627/A8073): This bill will be redrafted to address the watershed rules and regulations issues for Owasco Lake Watershed.

PFAS disclosure act (S227/A3296): The US Environmental Protection Agency (EPA) has determined that there exists no safe level of PFAS, and legislators are proceeding with legislation to require a clear and concise procedure for testing of PFAS in wastewater discharges. This will require operators with a SPDES permit to disclose measured PFAS levels with the public.

Harmful algal bloom monitoring and prevention act (S8356/A8867): Reintroduced under the 2025 legislative session, under new print, NYS Senate bill S1833 Enacts the 'Harmful Algal Bloom Monitoring and Prevention Act.'

Finger Lakes Commission (S7628): Legislators are discontinuing this bill with plans to prepare more comprehensive language for inclusion under the 'watershed steward act.'

Protection for C streams (S1725/A4601): This bill has passed both houses over the last couple of years, only to be vetoed by the governor. Legislators are not pursuing this bill in the 2025 legislative session.

NYS Relevant Bills Update:

Concerning S8356 spearheaded by Senator Rachel May's office, the Senator was successful with her request for HABs hearing in Albany. NYS Environmental Conservation Committee Chair, Pete Harckham, and hearing cosponsor, Senator May, are pleased to invite the OLWMC to the NY Senate Environmental Conservation Committee's hearing to evaluate the efficacy of the state's monitoring and management of harmful algal blooms and to examine potential legislative solutions. The hearing will be held on Wednesday, May 21st at 10 a.m. in Hearing Room A of the Legislative Office Building in Albany, NY. In order to ensure testimony is received, a completed and returned hearing reply form is due by Friday, May 16th at the latest.

Municipality Buy-In 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, May 16, 2025

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ALBANY

In the Matter of the Application of

CITY OF AUBURN, TOWN OF OWASCO, OWASCO
WATERSHED LAKE ASSOCIATION, INC.

Petitioners-Plaintiffs,

For a Judgment Under Article 78 of the Civil Practice
Law and Rules,

-against-

JAMES V. MCDONALD, in his capacity as the
Commissioner of the New York State Department of
Health, NEW YORK STATE DEPARTMENT OF
HEALTH, RICHARD A. BALL, in his capacity as the
Commissioner of the New York State Department of
Agriculture and Markets, and NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS,

Respondents-Defendants.

(Supreme Court, Ulster County, Special Term)

APPEARANCES:

EARTHJUSTICE
Michael Youhanna
Suzanne Novak
48 Wall St., 15th Floor
New York, New York 10005
Counsel for Petitioners-Plaintiffs

Letitia A. James
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(Mihir A. Desaid, Assistant Attorney General, Of Counsel)
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Counsel for Respondents-Defendants

Savona, J.:

Petitioners-Plaintiffs filed a petition on or about January 5, 2024, asserting three separate causes of action. Many months of mutual adjournment requests followed the initial filing and,

ultimately, two of the three causes of action were withdrawn. The only relief sought by the remaining cause of action is a judgment: “Adjudging and declaring that DOH’s determination that it lacks legal authority to promulgate watershed rules and regulations to control agricultural nutrient pollution was affected by errors of law, arbitrary and capricious, and/or an abuse of discretion.” The Respondents-Defendants filed a motion to dismiss, pursuant to CPLR §§3211(a)(2) and (7), “for lack of subject matter jurisdiction in that the petitioners-plaintiffs lack of standing, and for failure to state a cause of action.”

The following facts are not in dispute:

- 1) Petitioner, City of Auburn, is “one of two suppliers of water sourcing and distributing public water from Owasco Lake to 45,000 residents of Cayuga County.” (Petition at paragraph 11). Petitioner, Town of Owasco is “one of two suppliers of water sourcing and distributing public water supply from Owasco Lake to 5,000 residents of Cayuga County.” (Petition at paragraph 12). Petitioner, Owasco Watershed Lake Association (“OWLA”) is a “non-profit founded in 1988 and dedicated to the protection and restoration of Owasco Lake.” (Petition at paragraph 13).
- 2) The State is possessed with the authority, pursuant to PHL §§ 201(1)(l) to “supervise and regulate the sanitary aspects of water supplies...and control the pollution of waters of the state.” In order to fulfill this duty, the New York State Department of Health (“DOH”) is authorized, pursuant to PHL § 1100 to “make rules and regulations for the protection from contamination of any or all public supplies of potable waters...and their sources within the state.”
- 3) The regulations promulgated by the DOH in order to protect the State’s water supplies from contamination are known as Watershed Rules and Regulations.

(WRRs). The WRRs that “apply to Owasco Lake and its tributaries, which is a source of the public water supply for both the City of Auburn and the Town of Owasco, Cayuga County, New York, and to all watercourses tributary thereto or which may ultimately discharge into said lake” were developed in 1984 and are set forth at 10 NYCRR §104.1. These regulations address both pollution from a single, identifiable source such as a drain pipe, and pollution originating from a diffuse and widespread area, such as fertilizer runoff from farms.

- 4) The 1984 WRRs contain language regulating “agricultural-associated animal waste” and the runoff of same, as well as language regulating the spread of manure and the storage of chloride salt within a certain distance from the lake or watercourse.
- 5) The 1984 WRRs empowered the Mayor and council of the City of Auburn and the town board of the Town of Owasco to ascertain compliance with the WRRs, to notify any persons deemed to be in violation of said WRRs, and to “promptly notify the State Commissioner of Health” of any uncorrected violations. The WRRs also required the local governments to “report to the State Commissioner of Health in writing annually, prior to the 30th of January, the results of the regular inspections made during the preceding year. The report shall state the number of inspections which were made, the number of violations found, the number of notices served, the number of violations abated and the general condition of the watershed at the time of the last inspection.”
- 6) Pursuant to PHL §§1101-1103, the DOH has the power to conduct investigations to ascertain compliance with the Owasco Watershed Regulations and to pursue injunctions, abatements and/or penalties for violations.

- 7) In 2000, the “Agricultural Environmental Management Act” was passed (Agriculture and Markets Law, Article 11-a) (hereinafter “the Act”). The Legislative findings and declarations set forth within the Act discuss concerns over water quality, and the impact that agricultural production has on water quality. The Act specifically mentions the manure management practices of farms, and the impact of same on water quality. The Legislative findings and declarations state that: “[i]n order to accomplish environmental protection and improvement while maintaining viable agricultural operations in New York State, it is declared to be in the best interest of the state to establish a voluntary, incentive-based program of agricultural and environmental management...The goals and objectives of this voluntary program are to: document farmers’ stewardship of the land; enhance environmental stewardship through the adoption of best management practices that are consistent with individual farm resources; provide assistance to *enable farmers to comply with federal, state and local environmental regulations*; and reduce farmers’ exposure to environmental liability.” (Agr. & M., Art. 11-A)(emphasis added).
- 8) The Act created an Agricultural Environmental Management Program (hereinafter “AEM”) designed to allow farmers to voluntarily follow a plan developed by a “certified AEM planner”, designed to “abate and control agricultural nonpoint source water pollution, air pollution and other adverse environmental impacts from farm operations through the implementation of best management practices, in a way which maintains the viability of the farm operation.” (Agr. & M. §150(3)).

- 9) In 2017, the City of Auburn, the Town of Owasco and Cayuga County each passed resolutions to commence a public process through which to examine and update the 1984 WRRs.
- 10) The 1984 WRRs contain language requiring a minimum distance of 250 linear feet between “agricultural-associated animal waste” and the lake or watercourse. Those WRRs also specify that the area beyond 250 linear feet “shall be maintained in such manner that surface runoff will not carry agricultural-associated animal waste directly into the lake or watercourse.” The 1984 WRRs mandated that “manure shall not be field-spread within 75 feet of the lake or watercourse unless it is plowed underground on the same day it is spread.”
- 11) In December of 2020 the Town and the City made a formal request to the DOH to propose new WRRs pertaining to Owasco Lake. This request was made pursuant to procedures set forth in the DOH’s Environmental Health Manual. In connection with this request, the Town and City submitted to the DOH a draft of proposed new WRRs (the “local WRRs”). This draft contained a lengthy and comprehensive “nutrient management” section. The nutrient management section obligated operators of certain farms with seven or more acres of land to “have and comply with a current *farm management plan...*” (emphasis in original). The local WRRs also required the installation and maintenance of “vegetated buffers” and established rules about manure stacking, waste storage, feed storage areas, wastewater, manure application, and livestock access to the lake and watercourses.

- 12) The parties participated jointly in a number of workshops/workgroups. The parties were ultimately unable to reach an agreement with respect to the issue of language designed to address nutrient management.
- 13) In June of 2023, counsel for the DOH opined at a state-local meeting that “any authority held by DOH to promulgate agricultural management regulations such as those being proposed by the Owasco Parties had been stripped by the more recently enacted provisions of Article 11-a in the Agriculture and Markets Law, which enacted the Agricultural Environmental Management Program.” (Memorandum of Law in Support of the State’s Motion to Dismiss at pg. 6).
- 14) During a workgroup in July of 2023, the DOH presented their proposed WRRs. The “Nutrient Management” section in the State’s “Proposed Revisions to the 1984 Owasco Lake Watershed Rules and Regulations” says simply that “Non-CAFO farms are actively encouraged to participate in the AEM program (AML 11-A), locally led by the Soil and /Water Conservation District and further guided by state approved clean water plans as applicable....Other observations of concern by Owasco Lake Watershed Inspection and Protection Division personnel shall be referred to the local Soil and Water Conservation District to assess and address through participation in AEM.” (A CAFO is a Concentrated Animal Feeding Operation, where agricultural meat, dairy or egg producing animals are kept and raised in confinement rather than being permitted to graze or eat in pastures or fields.)
- 15) The DOH’s draft WRRs do not contain the language from the 1984 WRRs mandating a specific distance between the lake or watercourse and agricultural-associated animal waste, nor do they contain the 1984 language pertaining to the spread of manure. The

DOH's draft WRRs do not contain the language from the 1984 WRRs mandating the maintenance of land in a manner designed to prevent surface runoff that would carry agricultural-associated animal waste directly into the lake or watercourse.

- 16) In response to the DOH's position that Article 11-a had stripped the DOH of their authority to promulgate certain agricultural management regulations, Senator Rachel May sent a letter to the State, asking questions concerning the DOH's position with respect to the WRRs. One of the questions asked was: "During public meetings, the NYSDOH indicated that regulations couldn't address pollution sources already covered by other laws. For instance, they argued that since the Agricultural Environmental Management Agency is mentioned in Ag and Markets Law, the Owasco Rules and Regulations cannot include farming requirements. Similarly, they stated that regulations on sediment and stormwater are unnecessary due to existing Environmental Conservation Law. The Skaneateles Rules and Regulations contain substantial farming and sediment erosion/stormwater requirements. Why can regulations address these aspects in one context but not another, and how does the law prohibit the inclusion of certain pollution sources in Owasco's regulations?"
- 17) The DOH's response to Senator May's "Question 3" opined that: AML Article 11-a created a "clear statutory preclusion on Title 10 agricultural management provisions..." The response also stated that: "DOH has reviewed AML Article 11-a in detail and determined DOH lacks delegated legislative authority to promulgate regulations of the kind proposed by the City and Town that would attempt to effectively amend the statutory requirements of AML 11-a."

- 18) By email dated September 15, 2023, the State transmitted a revised set of draft WRRs, and indicated in the email that “The State plans to keep the Nutrient Management provision in the proposed regulations as written and presented during the 7/31 meeting.”
- 19) The September 15, 2023 email from Ashley Inzerillo at the DOH also stated that: “DOH will update the group once the package is ready to submit for Department of State for public comment.” Pursuant to the State Administrative Procedure Act (SAPA), the DOH is required to publish the proposed new WRRs in the New York State Register for a period of public comment. After publication in the Register and the exhaustion of the public comment period, the DOH has the ability to adopt the new WRRs.
- 20) In December of 2023, the Petitioner-Plaintiffs filed a petition seeking a declaratory ruling from the DOH, asking the DOH to further elaborate their legal reasoning. The DOH denied this request.
- 21) Following a protracted settlement negotiation process, the Owasco Parties withdrew all causes of action except for one seeking: “that this Court enter judgment against Respondent...[a]djudging and declaring that DOH’s determination that it lacks legal authority to promulgate watershed rules and regulations to control agricultural nutrient pollutionwas affected by errors of law, arbitrary and capricious, and/or an abuse of discretion.”

Standing

“A party challenging governmental action must meet the threshold burden of establishing that an injury-in-fact has been suffered and that the injury asserted ‘fall[s] within the zone of

interests or concerns sought to be promoted or protected by the statutory provision under which the [government] has acted.”” Matter of Stevens v. New York State Div. of Criminal Justice Servs., (206 A.D.3d 88, 97 (1st Dept., 2022))(quoting Matter of Mental Hygiene Legal Serv. v. Daniels, 33 NY3d 44, 50[2019]). Additionally, in order to have standing, a party must have an injury distinct from that of the general public.

The Respondents-Defendants assert that the Petitioners-Plaintiffs lack standing in that the “legal determination” (contained in the DOH’s response to Senator May’s inquiry) complained of “was a non-binding statement that did not affect the Owasco Parties’ legal rights or commit DOH to a definitive position on whether it would or would not proceed with the proposed rulemaking.” (Memorandum of Law in Support of the State’s Motion to Dismiss at page 12). The Court disagrees. The DOH averred, in writing, that the DOH lacked delegative legislative authority to issue WRRs that contain agricultural management provisions. Accordingly, the DOH informed the Owasco parties that its hands were forever tied by the enactment of AML Article 11-a. This written response was provided as clarification and support for the DOH’s verbal statements in public meetings that WRRs were no longer permitted to include farming requirements, as a result of the enactment of AML Article 11-a.

The DOH’s interpretation of Article 11-a and the DOH’s verbal and written assertion that they were precluded from drafting and passing WRRs containing agricultural management provisions was, therefore, a binding legal determination. The Court is hard-pressed to imagine a situation where the DOH would suddenly change its mind, declare that they were incorrect, and acknowledge that WRRs can contain agricultural management provisions. The City of Auburn and the Town of Owasco have therefore suffered an injury in fact. The ability of the City and the

Town to fight to protect their residents' drinking water from nutrient pollution has now been reduced to a hope that farmers will engage in voluntary programs.

A lack of standing is also claimed in the DOH's assertion that "it is wholly speculative whether any judgment or declaration by the Court regarding the DOH statement would provide them with practical relief." (Memorandum of Law in Support of the State's Motion to Dismiss at page 13). The Court disagrees. There is no question, in the Court's mind, that the DOH's determination renders the Plaintiff-Petitioners powerless to regulate the amount of harmful agricultural nutrient contamination entering and impacting the waterway. There is nothing speculative about the fact, acknowledged by both sides, that agricultural nutrient contamination contributes to HABs.

There is no dispute that Owasco Lake is bordered by farmland and that those farms raise animals that produce waste. There is no dispute that animal waste discharging into a body of water contributes to the incidences of HABs. There is no dispute that HABs negatively impact the potability of water as well as the ability of individuals to safely recreate on or in a body of water. There is no dispute that the City of Auburn and the Town of Owasco are tasked with the sourcing and distributing of drinking water to tens of thousands of residents and that HABs negatively impact their ability to do so. There is no dispute that Owasco Lake is used for recreational purposes and that such use results in economic benefit to the City and the Town. There is no dispute that the 1984 WRRs contained regulations mandating certain nutrient contamination regulation language and that the DOH now asserts an inability to mandate compliance with any sort of nutrient pollution management plans.

Finally, there is no dispute that the DOH has made a legal determination that they no longer have the ability to mandate any sort of nutrient management by farmers and that the

DOH's proposed WRRs removed all mandatory language. The DOH argues that this was not a "final determination" because the proposed WRRs have not yet undergone the SAPA process. This is a game of semantics. The DOH has been abundantly clear in their position that Article 11-a has rendered them powerless to mandate any sort of nutrient waste management. While it is true that the SAPA process has not yet played out, public comment will not convince the DOH that their interpretation of the law is incorrect.

The City of Auburn and the Town of Owasco have suffered an injury-in-fact as a result of the DOH's legal determination. The Court finds, therefore, that they have standing. The Owasco Watershed Lake Association, Inc., did not establish such an injury-in-fact, and the petition is dismissed as to that party.

Review of Agency Determination

"In a CPLR article 78 proceeding to review a determination of an administrative agency, the standard of judicial review is whether the determination was made in violation of lawful procedure, was affected by an error of law, or was arbitrary and capricious or an abuse of discretion. An agency's action is arbitrary and capricious when it is taken without sound basis in reason or regard to the facts." Matter of Richmond Children's Ctr., Inc. v. Delaney, 233 A.D.3d 1328, 1329-30 (3rd Dept., 2024) (internal quotes and citations intentionally omitted).

The DOH's analysis and application of AML Article 11-a is an error of law and is arbitrary and capricious. AML Article 11-a was intended to *supplement* existing laws, not replace them. It is clear that the Legislature recognizes that nutrient pollution caused by runoff from farms is harming the State's potable and recreational water supplies. It is also clear that Article 11-a was passed in an effort to incentivize farmers to voluntarily ask for assistance in managing pollutants stemming from their farms.

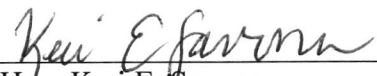
It makes no sense that, in response to a known agricultural and health crisis, the Legislature would determine to abolish the ability of the State to mandate rules and regulations designed to address this area of serious concern, and replace it with a program that is voluntary in nature and for which the failure to participate in the program and/or the failure to manage pollutants has no consequences. As noted in the Legislative findings and declarations accompanying AML 11-a, the Act was passed “to enable farmers to comply with federal, state and local environmental regulations...”

Accordingly, the motion to dismiss is DENIED as it pertains to the City of Auburn and the Town of Owasco. The motion to dismiss as it pertains to Owasco Watershed Lake Association, Inc. is GRANTED.

The Court hereby finds that DOH’s determination that it lacks legal authority to promulgate watershed rules and regulations to control agricultural nutrient pollution as a result of the enactment of AML Article 11-a is an error of law, and was made arbitrarily and capriciously.

SO ORDERED AND ADJUDGED
ENTER.

Dated: May 6, 2025
Albany, New York


Hon. Keri E. Savona
Acting Supreme Court Justice

Papers Considered:

1. Petition dated January 5, 2024
2. Memorandum of Law dated January 5, 2024
3. Affirmation of Michael Yohana, Esq. dated January 5, 2024 with accompanying exhibits A through AG
4. Affirmation of Timothy P. Mulvey, Esq. dated January 23, 2024
5. Notice of Motion to Dismiss dated October 18, 2024
6. Memorandum of Law in Support of Motion to Dismiss dated October 18, 2024
7. Affirmation dated November 22, 2024 with accompanying exhibits A through G
8. Memorandum of Law in Opposition dated November 22, 2024
9. Memorandum of Law in Reply dated January 15, 2025