



Owasco Lake Watershed Management Council (OLWMC)

February 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>).

Project Update:

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.

The following details were provided within NYSDOH's project update report (2.20.24 Monthly Owasco WRR Update for OLWMC) delivered to the OLWMC Board of Directors, Ex Officio Partners, and engaged members of the public prior to the February 20, 2024 OLWMC public board meeting:

General Update:

DOH continued to prepare the regulatory impact statement and other necessary documents for the rulemaking process.

Tentative Schedule:

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

****This includes putting the regulations into express terms and developing supporting documentation in accordance with SAPA:**

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

NYS Tributary Legislation Project Review

Project Review:

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

indicated as part of her opposition to the bill. Importantly, the bill 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 was then referred to the Assembly Environmental Conservation Committee. On June 6, 2023 the Assembly passed the bill and returned it to the Senate. 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.

Recognition, Awareness, Education and Outreach Projects Update

The OLWMC's staff feature article published with the Citizen on February 9, 2024 spotlighted City of Auburn Mayor Giannettino's commitment to protecting Owasco Lake water quality and his wish to recognize the efforts of City staff towards providing drinking water to the community. OLWMC staff will continue spotlighting watershed protection efforts, including residents and programs making positive strides in watershed protection.

On January 25, 2024 Watershed Inspectors presented with the AP Environmental class of Victor Senior High School, educating on watershed science and professional opportunities in environmental protection.

OLWMC staff are developing the 2023 annual report, which highlights both statistics and outcomes concerning watershed inspections, as well as OLWMC driven projects.

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 that will drive watershed protection and remediation projects. The OLWMC is providing a coordination role for future projects and programming according to the recommendations of the 9EP.

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

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

The following grant proposals were submitted in response to NYS grant program solicitations in the summer of 2023, and target the highest phosphorus contributing landscape/acre within the Owasco Lake Watershed, as documented in the 9EP:

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

Project Update:

The 9E Coordination Committee is focused on capacity building for local organizations to provide the programming necessary for the watershed agricultural industry to advance best management practice (BMP) implementation at the rate recommended by the NYS approved 9EP. The Committee finalized its proposal for NYS to fund the development of a focused Owasco Lake Watershed Agricultural Program 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. The 9E Coordination Committee plans to continue holding monthly meetings in 2024 to drive implementation of the 9EP with the next meeting scheduled for February 28, 2024.

Watershed Lake and Tributary Monitoring

2023 Projects Review:

- Cayuga County's comprehensive monitoring budget for 2023 included, but was not limited to, costs for 1) a new Owasco Lake monitoring role by the Finger Lakes Institute, Hobart William Smith Colleges, 2) laboratory analysis for watershed tributary samples collected by the Owasco Watershed Lake Association (OWLA), 3) continued funding of the USGS gauge station along the Inlet, 4) continuation of the Citizen's Statewide Lake Assessment Program (CSLAP) and 5) the continuation of Hyfi level sensor use for monitoring water levels within the Owasco Flats constructed retention basins. The Cayuga County Planning Department and water quality monitoring project partners adhered to a Quality Assurance Project Plan (QAPP) that reflects monitoring logistics for the 2023 field season.

- OWLA completed the 2023 Owasco Lake tributaries monitoring program. Sampling locations aligned with those used for developing the 9EP's Soil and Water Assessment Tool (SWAT), and project data will be used for calibrating that model.
- The Cayuga County Planning Department has completed, and had approved, its data usability report for the tributary monitoring data collected by OWLA for 2023. Those data are now available for use to calibrate the 9EP SWAT or otherwise.
- Owasco Lake *in situ* water quality monitoring (buoy) data is available online here: <https://www.olwmc.org/news>

Project Update:

The Cayuga County Planning Department is developing 2024 lake and watershed monitoring and implementation priorities in the context of annual Finger Lakes Lake Ontario Watershed Protection Alliance (FLLOWPA) funding.

NYS-awarded Drinking Water Source Protection Program (DWSP2)

Project Review:

- Consultants for the City of Auburn's NYS-awarded Drinking Water Source Protection Program (DWSP2) worked with City of Auburn water resource managers and partners to identify potential sources of Owasco Lake water quality contamination and provide recommendations for resource protection. The DWSP2 committee reviewed and edited the draft plan. A refined draft of the City of Auburn's DWSP2 was delivered from the contracted consultant to the City of Auburn and circulated among the project committee. The local group awaits final plan approval from NYSDEC and NYSDOH to move forward on plan implementation and associated project(s) proposal(s) development. Barring any changes based on agency feedback, the plan can be finalized. At that point, Auburn City Council will be asked to endorse the plan.
- The Town of Owasco received consultant support through NYS to develop its DWSP2. The sixth Town of Owasco DWSP2 group meeting held on October 12, 2023 hosted a final review and discussion among local partners involved in development of the proposed plan. The consultants involved in the project have finalized and delivered the plan to NYS agencies for their review and approval.

Municipal Codes and Ordinances

Project Review:

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

Project Update:

- 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 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 Reporting Update

A summary of HABs reported during 2023 is available in the archive section of the Harmful Algal Blooms webpage. Historical HABs data through 2022 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 DOW Monitoring Portal. Both Open NY and the Monitoring Portal will be updated with 2023 HABs data over the coming months.

Land Holdings

Fillmore Nature Preserve Project Review:

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

Fillmore Nature Preserve Access and Education Project Review:

- On September 14, 2023, the OLWMC submitted its proposal to the Emerson Foundation for the creation of a public access lot and educational kiosk at the OLWMC's new Fillmore Nature Preserve. The gravel lot will allow members of the public to access the land preserve for respectful use of its trails for hiking. The kiosk will provide educational information about the land preserve concerning its purpose. The Town of Owasco has agreed to provide labor in-kind for creating the public access lot. The Cayuga County Planning Department has agreed to provide support through the development of parcel maps to be included within the kiosk. The Owasco Watershed Lake Association (OWLA) will support the effort with \$500 of plant material for a rain garden they will install at the site. Information about the value of native plants, and the ecosystem services they provide, will also be included within the kiosk. The Towns of Moravia and Summerhill have

committed to hauling the public access lot gravel in-kind. The OLWMC also applied for program support for the creation and posting of trails within the Fillmore Nature Preserve; a Cornell University program called Design Connect accepted a request for project support with trails expansion. They will offer two project managers who will be primary partners along with a team of 5-10 students. The project manager and teams will be chosen in late November for spring 2024 implementation.

- \$9,117 was approved by the Fred L. Emerson Foundation for the OLWMC, specifically towards implementing the *Fillmore Nature Preserve- Conservation Education Kiosk, Access Lot, and Trail Network* project, as detailed in the OLWMC's project proposal dated September 14, 2023.
- The Town of Owasco, in-kind, created an onsite access from Filmore Road to the Fillmore Nature Preserve. This represented the first step in the creation of the planned public access lot. The Towns of Moravia and Summerhill will haul gravel to finish the lot in the spring of 2024.
- Designing of the proposed education kiosk signage is planned for the winter of 2024, in preparation for the construction of the kiosk, and development of a limited trail network, in the spring-summer of that year.

Project Update:

Cornell's Design Connect program team held a field trip at the Fillmore Nature Preserve on February 18, 2024 to identify the existing trail network there and gather information for mapping and marking trails.

Other Potential Acquisitions Review:

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

Programs, Funding, and Related Opportunities

SOGL Project Review:

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

- Total Amount Requested: \$299,640.00
 - Matching Contributions Proposed: \$100,360.00
- The OLWMC was awarded \$457,839.92 from the National Fish and Wildlife Foundation (NFWF) Sustain Our Great Lakes (SOGL) program for the *Owasco Lake Watershed Critical Streams Restoration Project* targeting stream restoration projects along the Owasco Inlet.
 - The Board of Directors of NFWF, having reviewed the OLWMC’s 2022 financial audit, approved of the \$457,839.92 grant award to the OLWMC through the SOGL program. Subsequently, the OLWMC has signed the grant agreement. Project consultant, EA Engineering, will navigate the environmental permitting process and design, in preparation for project implementation during the 2024 and 2025 field seasons.

SOGL Project Update:

On February 13, 2024, the working group confirmed that contractor contracts have been executed and reviewed the schedule for the ‘Reducing Sediment in Owasco Lake (NY)’ project. This Owasco Inlet stream restoration project will progress through project permitting, design, and implementation over the next couple of years.

Tributary Assessment and Identification Project (TAIP)

Project Review:

The Tributary Adoption and Identification Pilot Project (TAIPP) “pilot” project involved the installation of tributary signage in the northern portion of the watershed and effectively engaged the public for tributary protection and education. The OLWMC expanded this initiative with additional tributary signage installed within the Town of Moravia, Village of Moravia, and Town of Locke. The purpose of this collaborative project is to increase public awareness of watershed watercourses and provide easily accessible contact information for members of the public to engage with the Owasco Lake Watershed Inspection and Protection Division to communicate watershed concerns. Consistent with existing signage, new signage includes the name of the sub watershed/tributary flowing at a specific road crossing, as well as “quick response” (QR) scan codes that will link smartphone users to the Owasco Lake Watershed Inspection and Protection Division’s project webpage. Emergency contact information will also be included for the public to report observed water quality issues at the location. The Cayuga County Planning Department designed the accompanying watershed map, in-kind. The grant funding requested covered the material costs of the project; the SW Metcalf Foundation granted the OLWMC \$4,100. TAIP signage was designed and produced, and project materials were purchased and delivered. The Cayuga County Highway Department, in-kind, spearheaded the installation of the tributary identification signage during the month of November, 2023.

Pertinent Federal and NYS Programming and Funding Updates:

- Paraphrased from Governor Hochul’s 2024 State of the State address, page 100 (<https://www.governor.ny.gov/sites/default/files/2024-01/2024-SOTS-Book-Online.pdf>)

‘To help protect our valuable ecosystems, Governor Hochul will dedicate resources to some of the most highly valued watersheds, including the eastern Finger Lakes watershed and Chautauqua Lake.

Governor Hochul is directing key investments into the Eastern Finger Lakes Coalition of Soil and Water Conservation Districts 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 the root causes of HABs and significantly reduce their prevalence. 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.’

- From NYSDEC-
 - 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.
 - Applications and eligibility criteria are available for the next round of New York State’s Water Infrastructure Improvement (WIIA) and Intermunicipal Grant (IMG) programs. This round of WIIA/IMG includes improvements to maximize benefits for small, rural, and disadvantaged communities. The Environmental Facilities Corporation (EFC) administers the WIIA and IMG programs in coordination with DEC and the Department of Health. Applications are due by 5:00pm on June 14. Find more information, including the applications and eligibility criteria, on EFC's website. A webinar is scheduled from Monday, March 4 from 9:30am to 10:30am to review program changes and the application process. Advanced registration is required.
 - The New York State Department of Environmental Conservation (DEC) has released for public comment new proposed eligibility guidelines to improve, expand, and assess New York’s forestry efforts on public and private lands under the \$4.2 billion Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022. These guidelines will help support Governor Kathy Hochul’s initiative to plant 25 million trees by 2033 by building capacity for production of plant materials and investing in a comprehensive data tracking and management system for forestry projects. These guidelines will also help achieve and evaluate long-term outcomes in New York’s Great Lakes Action Agenda; unchanging or increasing trends in riparian forest and forest cover. The draft eligibility guidelines available for comment enable the public to provide input on the implementation of Bond Act funding for forestry and community health benefits as part of the \$400 million directed towards ‘Climate Change Mitigation.’ Once finalized, the

criteria will guide funding allocations DEC will use to undertake State-administered forestry projects. Additional eligibility guidelines will be developed to include grant opportunities for locally administered initiatives. The full eligibility guidelines are available in the February 7, 2024, Environmental Notice Bulletin. Public comments on the draft guidelines may be submitted in writing to: Division of Lands and Forests, NYS DEC, 625 Broadway, Albany, NY 12223, or by email to dec.sm.urbanforestry@dec.ny.gov. Public comments will be accepted through Friday, March 8, 2024.

Municipality Buy-In

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

Project Update:

On February 13, 2024, a meeting was held at the Town of Sennett to inform Town leadership of the objectives and purpose of the OLWMC and encourage their continued support and directorship on the OLWMC Board of Directors.

Prepared by Adam Effler, February 16, 2024