



## Owasco Lake Watershed Management Council (OLWMC)

April 16, 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:

The NYSDOH has discontinued providing monthly project updates for the OLWMC and the greater public. On advice of NYSDOH counsel, the department is now focused on re-evaluating the accuracy of guidance provided to the field regarding the development of Watershed Rules and Regulations. The NYSDOH will provide notification in the event that a decision is made to re-establish a schedule for amending 10 NYCRR 104.1.

## **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. 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 April 4, 2024 provided recommendations for lake friendly lawncare practices in spring. OLWMC staff will continue spotlighting watershed protection efforts, including residents and programs making positive strides in watershed protection.
- OLWMC staff are finalizing the 2023 annual report, which highlights both statistics and outcomes concerning watershed inspections, as well as OLWMC driven projects. The report will be printed and distributed to municipal and partner offices and will be given in the form of a presentation to City of Auburn City Council on May 9, 2024. The presentation will align with City's annual mayoral proclamation in support of Lake Friendly Living programming and messaging.
- The OLWMC's aquatic invasive species 'Clean, Drain, Dry' billboard has been moved adjacent to the Emerson Park boat launch to continue to promote boat stewardship there.

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

### **Project Review:**

- Cayuga County received a New York State Department of State grant to implement a high priority recommendation from the 2016 Owasco Lake Watershed Management and Waterfront Revitalization Plan, which was to incorporate the EPA Nine Key Elements. This project was led by the Cayuga County Department of Planning and Economic Development and the consultant on the project was Ecologic, LLC. The Owasco Lake Watershed Nine Element Plan for Phosphorus Reduction (9EP) was approved by the New York State Department of State and the New York State Department of Environmental Conservation ([https://www.dec.ny.gov/docs/water\\_pdf/owasco9e.pdf](https://www.dec.ny.gov/docs/water_pdf/owasco9e.pdf)). This Clean Water Plan advances efforts to restore and protect the water quality of Owasco Lake and its watershed. This collaborative effort identified focused strategies to ensure the lake water supply, aquatic habitat, and recreational uses are protected. The development of the plan focused on understanding and managing phosphorus and sediment inputs from the Owasco Lake watershed to provide for recommendations that will drive watershed protection and remediation projects. The OLWMC is providing a coordination role for future projects and programming according to the recommendations of the 9EP.
- The OLWMC's 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 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.
- 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 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. 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.

- \$500,000 was included within the Senate one house budget for the 9E Coordination Committee’s proposed OLWAP. The program baseline funding, yet to gain full approval within the greater NYS budget, would be used to get the program underway while the Committee continues to seek additional funding for sustaining the program over the long term.
- The City of Auburn’s NYS non-point non-agricultural planning grant proposal was awarded funding.

#### Project Update:

- 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 as we move forward.
- The SWAT report has been made available through the Cayuga County Planning Department’s website in the near term (more details provided below).

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

#### 2024 Project Update:

The Cayuga County Planning Department has 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, included 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 app of fertilizer and manure in areas that abut streams, and 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, concerning their support for 2024 monitoring initiatives:

- *FOLLOWPA funds this year 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 be used this year again 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.*

### **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:**

- 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 Review:**

- 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.
- Funding for HABs monitoring, to provide for strategic science and data collection, was included within the 2024 NYS one-house budget.

### **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.
- \$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 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 gravel to build the public access lot.
  - The OLWMC 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 for trails expansion and marking. They offered two project managers who will be primary partners along with a team of 5-10 students. The project manager and teams were chosen in late November 2023 for spring 2024 implementation.
    - 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 continue to assess the conditions and locations of the existing trail network and gather information for mapping and marking trails. Their team will conduct draft mock ups of color schemes and themes of potential trail signage.
  - The Town of Owasco, in-kind, created an onsite access from Fillmore 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.

#### Project Update:

- 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.
- During the week of April 8, 2024, the Town of Owasco made further headway staking the planned public access lot. The lot will be cleared with an additional 5-10' wide perimeter around the gravel for OWLA to create an adjacent garden in the month of May. The implementation of the wildflower garden is poised to act as an OLWMC/OWLA collaborative Lake Friendly Living public event in late May. Municipal Highway

Departments for the Towns of Moravia and Summerhill have been contacted and will truck gravel in early May for the creation of the public access lot.

#### Other Potential OLWMC 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:
  1. 72-acre parcel in Venice, dense wetland
  2. 100-acre parcel in Groton, mixed farmland
    - 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.TNC will present these acquisitions to the OLWMC Board for ownership and stewardship consideration.

#### 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.

### **Projects and Funding**

#### 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.

#### 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, 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 has gained approval from four out of five thus far. If possible, CCSWCD plans to have site seven surveyed, permitted and designed by August 1, 2024 with the goal of having construction underway this year. CCSWCD and EA Engineering are coordinating to schedule a site visit and initial survey as early as Wednesday, March 20, 2024. Lastly, EA Engineering has

completed drafts of the NEPA, ESA, and NHPA compliance forms and has submitted them to the NFWF.

### SOGL Project Update:

EA Engineering (EA) completed and delivered the required environmental compliance documentation/forms for the project and is awaiting feedback. 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's engineering deliverables for the project are poised to meet the CCSWCDs expectations and needs. Conditions of 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 the SOGL Grant and followed up with our new NFWF grant administrator, to determine whether there is need for any documentation or approval to memorialize this change with NFWF. EA Engineering held the initial field visit on April 9th (Task 2) when they collected site data, conducted a drone flyover, and identified plant/aquatic species as observed. The project team is attempting to identify a laboratory to run streambank soil samples.

Next project team meeting will be held on April 16, 2024 at 2-3PM.

### Invasive Species Job Opportunities:

The Finger Lakes Partners for Regional Invasive Species Management (PRISM) and Finger Lakes Institute (FLI) has announced the 2024 recruitment process launched this past week for regional watercraft inspection stewards and aquatic invasive species technicians. There will be employment opportunities for both aquatic and terrestrial stewards. Please find PRISM watercraft steward job opportunities here: <https://www.hws.edu/offices/hr/employment/summer.aspx>

### 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.

**Prepared by Adam Effler, April 12, 2024**