

WATERSHED RULES AND REGULATIONS UPDATE PROJECT
LAKE ASSOCIATION / LAKESHORE OWNERS STAKEHOLDER GROUP
MEETING DISCUSSION NOTES
OCTOBER 5, 2017 | CCSWCD CONFERENCE ROOM 6:30PM

Steve Lynch, Director of County Planning, was facilitating the meeting. Steve welcomed everyone and gave an overview of Owasco Lake Watershed Management Council, including the general history and its efforts made to date on the Watershed Rules & Regulations Update (WSRR).

Steve explained the review and approval role that the NYS Department of Health, Bureau of Public Water Protection would play in any significant amendment to the WSRR.

Steve outlined the four initial Stakeholder Groups identified by the Steering Committee:

1. Agriculture/Farm Community
2. The Lake Associations and Lakeshore Property Owners
3. The Municipalities and Elected Officials, including Highway Superintendents
4. Contractors— individuals and companies building homes, roads, etc., this group may also include the Highway Superintendents. Steve explained that the elected officials and contractors stakeholder groups may be merged for logistics and coordination.

Steve outlined the two-phase project concept needed to move through a major amendment process for Watershed Rules and Regulations: (1) A Local Phase that is underway now, that will be followed by (2) a State/Agency Review Phase. Steve explained the phases in some detail, but briefly outlined:

- We are currently in the “Local Phase” that includes education and communication with the public in general and with stakeholder groups, including the elected officials in the City and Town of Owasco. The intent is to prepare an initial draft of revised/updated Watershed Rules and Regulations that would need to be presented to the City of Auburn and Town of Owasco to approve prior to submission to the State via the Cayuga County Health Department.
- The “State Phase” would follow, where the NYS Department of Health, Bureau of Public Water Protection, will conduct its initial review and possibly suggest changes. The County Health Department, referred to in the process as the “Local Health Unit” or “LHU”, would be the local entity coordinating between the City/Town and the NYS agencies during this phase.
- Overall, once any changes are made as agreed to between the state and the localities, and subsequent local approvals have been documented (published, etc.), then the NYS Health Commissioner will sign the new regulations/law and the amended WSRR would be in effect.

Steve then opened up the floor to discussion and asked for any questions or concerns people have.

There was a question if those working on the revisions are looking nationally or internationally at solutions to the (Blue-Green) algae problem?

Steve explained that everyone working on the WSRR and the overall water quality issues with Owasco Lake were working with, and looking at current science/practice at all levels, including state, national, and academia. Steve also outlined the close working relationship being built with the newly established NYSDEC Finger Lakes Hub and the research scientists on that team. In addition, Steve underscored the County efforts to move through the EPA “Nine Elements Plan” process that will involve considerable scientific data collection, analysis and modeling.

The question was brought up as to how the Skaneateles Lake WSRR compares to ours? Steve and the Steering Committee members commented that the Skaneateles WSRR were more recent and more comprehensive than ours, and contained requirements and provisions not included in the Owasco Lake WSRR, such as the creation of whole farm plans (subsidized) and communication and coordination on building and development permits (as a couple of examples that were shared).

A question/concern was raised as to how we would determine the cost to landowners to implement compliance with increased regulations—how do the stakeholders cover the cost for implementing? It was discussed that this should be part of the full consideration.

There were some questions about the extent of the current inspection program and some clarifications on the process for the update:

- Confirmed that there were 2 full-time watershed inspectors currently responsible for seeking compliance and enforcing the WS rules and regulations.
- Confirmed that any significant amendments would need to be officially adopted by both City & Owasco and then need to be approved by NYS
- Steve provided some clarification between land use rules such as those found in Town and Village Zoning Ordinances - which are established by the municipalities and govern the permissible uses of land, and the current or proposed WSRR which transcend municipal boundaries (and apply to the entire, multi-jurisdiction watershed) and act as an overlay – or additional set of rules and regulations on the uses allowed within the municipalities.
- There was some discussion, and further definition of, the stakeholder meetings. There will be follow-on meetings with stakeholders.
- There was further clarification on who submits to NYS and that the City of Auburn and Town of Owasco have to approve the final draft submitted to NYS for review/consideration.

There was some discussion of making sure that we include the approximate 235 homes on Owasco Lake that source their drinking water directly from lake as part of the stakeholder meetings and overall discussion of the WSRR.

There was a question of how many septic tanks are generally on the lakeshore. There was a comment that there were approximately 1000 residential parcels around lake with 232 of them drawing water from lake. (A stakeholder estimated that 232 homes drew water from the lake, staff checked records and estimate that 496 homes actually draw water from the lake.) It was also noted by attendees that approximately 1100 homes draw water directly from Skaneateles Lake.

The fact that approximately 50% of the water flowing through the watershed and into the lake ultimately comes in via the inlet in Moravia was shared and commented on.

There was further discussion on gaining various Stakeholders input, including people drawing water from the lake and a discussion on how we can best conduct outreach to the general public, including those who are not in the watershed but who drink the water. One suggestion was to use various groups (religious, educational, fraternal, etc.) to open lines of communication (not necessarily to create additional stakeholder groups).

There was a request for maps showing who gets water from Auburn/Owasco- a visual of the water system distribution. The staff will provide such a map to the stakeholder group(s) via an email PDF.

There was a discussion of the need for education on the current (and ongoing for future) WSRR, including briefing and educating local Code Enforcement Officers on the WSRR and the need to have them communicate and coordinate with the watershed inspection teams.

The group felt strongly that there should be a clear process outlined for violations and fees/fines and for it to be clearly spelled out. Some suggested that every town in the watershed can adopt rules to follow that complement the requirements of the WSRR.

Steve made a note that with current rules or with updated rules, that implementing consistently is key.

A related questions was if the current WSRR were provided to new homeowners in the Watershed? We do not believe any group has initiated that.

There was a question about which rules “rule” if municipalities have different regulations than the WSRR? Steve explained that, in general, the more strict or restrictive regulations would apply in any particular instance.

There was a question regarding if inspectors can inspect any property and is there legal authority to enter properties in the watershed. (Yes, and Yes).

There was a discussion of CAFO farms that follow nutrient management plans and the testing that occurs on various fields to assess any location’s capacity to manage/utilize/uptake nutrients and manure, etc. A follow up question was whether farmers can self-submit samples or is this done by a third (objective) party? Some of the farm representatives explained that most farms have contractors that do that.

There was some discussion on the need for the rules and regulations to achieve a kind of balancing act between the ability to regulate, enforce and implement the rules and regulations effectively on the one-hand and the preparation of rules and regulations that would be very difficult or impossible (for various reasons) to implement and/or enforce effectively on the other hand.

There was a question on what the qualifications were for being a watershed inspector?

- Currently a Civil Service Position requiring at least bachelor degree. Some have a Master's Degree. ED-- Experience in field—one has background in writing grants. Realize need more staff—which means more vehicles. Have to maintain training annually (after 80 hrs. of initial training).

There was an overview of the structure of the Watershed Inspection Program (WIP). Currently, the operational money for the program comes from City/Owasco, however it was explained that all of the users of the water (everyone billed for water in Auburn, Owasco, Fleming, Aurelius, Weedsport Brutus, etc., etc.) are paying a portion of these program costs via a fee added to their water bills. It was also discussed that Auburn and Owasco have both recently increased budgets for watershed inspection.

There were comments and concerns expressed that we should look to have the best science behind the rules and regulations? There was a follow-on discussion on the value of adopting accepted best practices employed by other successful programs (discussion about innovating vs. “not needing to reinvent the wheel”).

Towards the end of the discussion, there was conversation on what specifically the stakeholders need to do?

Steve asked all of the stakeholders to closely review the existing rules and regulations for both Owasco Lake and Skaneateles Lake (for contrast and comparison) and to note any ideas, or suggestions to enhance/clarify or to simply add to the rules and regulations. It was suggested within the group that they use the email list to stay in contact with each other and perhaps get together in groups and submit feedback.

There was a question on if this was a good, representation and size for a Lake Association / Lakeshore Owners Stakeholder Group? There was agreement that this size group is good. There was some discussion and comment that, in their role as stakeholders, they each need to make the effort to reach out and inform others on the process, the ideas and the status of the project as we move forward.

The group went around the room and introduced themselves and their general interest in, and relationship with, the watershed and lake:

Ed Wagner (Steering Committee Member), Aileen McNabb Coleman (Steering Committee Member), Linda Vitale, Sam Vitale, Jim Cassanta, Patti Beer, Elain Buchberger, Ellen Cotter, Beth and Peter Caplan, Sue Secaur, Robert Duckett, Jim Beckwith, Ken Post (Steering

Committee Member), Greg Rejman (Steering Committee Member), Joshua Cochran, Tracy Yardley, Peter Rogers, Bill Phillips.

There was a comment that we should have an educational meeting with the group next time to go over data and trends on erosion, fertilizer, septic tanks and other areas that contribute to problems, including point source—water treatment plant in Groton, non-point source—all roadside ditches that contribute, etc. Some discussion followed on the ability to provide these sessions and some alternative resources available for review, balanced with the need to focus on the WSRR and keep the process going forward.

There was some discussion of the EPA Nine Element Plan funded by a NYS Department of State Grant secured by the County Planning Department. It was noted that Research Scientists in the private sector and at ESF and Cornell are all working on with staff and the DEC on the Plan.

There was general consensus that at the next meeting, the group should systematically go through the current rules and regulations, and the input from public, and look at best practices. Some suggested that the Skaneateles WSRRs point to best practices that are outlined in state agency or other institutional documents that are updated from time to time and not stagnant. There was also a suggestion that we should align the revised WSRR with other rules and regulations already in place for certain practices (such as in agriculture) so that a farmer trying to comply with each set of rules is not contradicting one rule by following another.

There was a request that an agenda (and to-do list) be distributed to the group in advance of the next meeting.

The meeting closed at approximately 9PM.