

To the Chautauqua County Legislature
Second Privilege of the Floor
Wednesday, December 18, 2024

FINAL

Good evening.

I'm Dan Smith, 4416 Lakeside Drive, Bemus Point, NY, Secretary/Treasurer of the Chautauqua Lake Property Owners Association, the CLPOA. The CLPOA is a 501c3 non-profit corporation supporting the interests of property and business owners and lake users in and near to Chautauqua Lake.

I have two topics to address tonight.

First, Wetlands.

We starting alerting all to the significant negative impacts of the NYSDEC's proposed new wetlands regulations in August 2023. CLPOA conducted seven well-attended "Wetlands Public Meetings on the topic between April and November 2024. The Town of Ellery lead lakeside municipalities in opposition to the regulations beginning in May followed by our state Senator and Assemblyman in June, and our US Congressman in September. Thousands of petitions and letters were sent to the NYSDEC and Governor in opposition and in seeking a delay. It wasn't until September that the County Executive joined the opposition and October until the Legislature followed others' lead in opposition.

Although only 13 days remain until the regulations are to be implemented, we remain hopeful he Governor heard this overwhelming opposition and will suspend implementation of the regulations. If the regulations are not made appropriate for large highly-developed lakes like Chautauqua, we anticipate lengthy litigation to protect property and business owner and lake user interests. Given the close relationship between the NYSDEC and the County Executive, we expect the County may be drawn into this litigation as well.

Second, Lake Management.

We now have **two excellent opportunities** which could facilitate more efficient and well organized municipality and County involvement, improving the lake and maintaining the County' tax base to the benefit all in the County. I'll address one of them.

By now you'll all had an opportunity to review summaries and the actual "**Long Term Management Plan for Submersed Aquatic Vegetation at Chautauqua Lake**" completed by the North Carolina State University Aquatic Plant Management Team and Dr. Rob Richardson, highly-respected leaders in lake management, in June 2024.

The Plan is complete and comprehensive “as-is” and needed to implement now for 2025. It includes an “adaptive management” approach, with annual Plan upgrade based on quantitative performance measures and learnings, if any, from other sources.

The Town of Ellery supported the Plan at its December meeting. Other municipalities will consider it in the coming months. After a month, we’ve asked the Legislature to consider joining the Town of Ellery in the lead on adoption. We are disappointed that a supportive resolution was not included on tonight’s agenda but request that you consider it for the January meeting. Further, we would like to hear the County Executive, our County leader and with a permanent seat on the Alliance Board which funded its development, speak in support of the Plan.

Thank you.

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Good evening.

I'm Jim Wehrfritz, 4433 Lakeside Drive, Bemus Point, NY, President of the Chautauqua Lake Property Owners Association, the CLPOA.

I also have two topics to address.

The US Army Corps of Engineers **“Chautauqua Lake Aquatic Ecosystem Restoration Study”** has progressed over the last several months and, from what we hear, it's early work is now ready for review by stakeholders in a two day meeting January 8 and 9. Oddly, the CLPOA, the only Lake organization specifically representing property and business owners and Lake users, has not been included on the invite list. That's a CLPOA with well-recognized leadership on the wetlands issue, significant Lake experience over the past eight years, and engineering and project management experience so lacking on the Lake. The CLPOA has supported the Study with five success actions proposed to the County and shared by the County with the Corps and the provision of 65 previous Lake studies to the Corps. We ask that the County, the “non-Federal sponsor” of the Study, ensure that CLPOA is included as a Lake stakeholder in this meeting. We are certain to add value to the process given our familiarity with the issues, project management experience, willingness to consider all options to restore the Lake.

One last and especially important point.

We have observed that the County, the Executive and this Legislature, has, over the years and more and more, delegated Lake responsibilities to the Chautauqua Lake and Watershed Management Alliance (Alliance) and the Chautauqua Institution. This is of great concern to us since business and property owners and Lake user interests are not directly represented by these surrogate organizations.

Alliance staff and Board members have publicly stated that “they don't manage the Lake” and that “they don't work for or answer to other than its member organizations”. Both the Alliance and Institution are private organizations with Boards elected only by their members, not property owners and taxpayers with fiduciary responsibility only to their members, not property owners and taxpayers. Their deliberations and actions are out of the reach of open meeting laws and Freedom of Information Act information requests. County government's constituents, County property owners and taxpayers, have no say in selecting or replacing Board members.

Conditions in the Lake have not improved after tens of millions of dollars have been spent in just the past decade. Even if preferred by the County, it is clear the current structure, with non-representative private organizations delegated the lead on our Lake, is inappropriate and ineffective. It's wrong and it is not working. Another way must be found.

Thank you.

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