

To the Chautauqua County Legislature
Second Privilege of the Floor
Wednesday, January 22, 2025

FINAL

I'm Jim Wehrfritz, President of the Chautauqua Lake Property Owners Association, the CLPOA.

First, Wetlands

We began 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 between April and November 2024 with another to be held this Saturday, January 25, 9:30-11:00 am at The Lawson Center in Bemus Point. The Town of Ellery lead municipality opposition to the regulations 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. The County Executive and the Legislature followed their lead in September and October.

We were disappointed that support did not convince the Governor to suspend implementation until the many incomplete tasks were complete. As a result, piecemeal additions of related documents are following the January 1, 2025, implementation. The understanding of their impact is evolving but it is clear that hundreds of homes and businesses near Chautauqua Lake and more around the entire County will find themselves in newly regulated areas. And this is just the "tip of the iceberg" given the DEC's Jurisdictional Determination process and identification of in-Lake wetlands still to come.

Second, Lake Management

You have had an opportunity to review the **"Long Term Management Plan for Submersed Aquatic Vegetation at Chautauqua Lake"** completed by the North Carolina State University Aquatic Plant Management Team in June 2024. The Plan is a comprehensive "adaptive management" Plan with annual upgrade with quantitative performance measures and learnings.

The Town of Ellery supported the Plan at its December meeting and the Village of Bemus Point followed in January. The December Planning and Economic Development Committee meeting included discussion of the Plan with concerns about adoption of the Plan. We believe a County legal opinion would allay these concerns and/or identify an easy way to deal with them. Further, we would like to hear that County Executive Wendell, Legislature Chair Chagnon, and lakeside Legislator Proctor, all with seats on Alliance Board and with a half million dollars in County funding behind them, strengthen the Alliance commitment to "adopt the Plan" instead of the inconsequential "accept the strategy" passed in December.

The County “accepted a strategy,” the Macrophyte Management Strategy, in 2017. With that and even with its implementation included in the Alliance’s Mission Statement and after years of work and hundreds of thousands of dollars spent, the Strategy was never used as intended.

Third, the Army Corps of Engineers Study

Initial results of the Corps’ “Chautauqua Lake Aquatic Ecosystem Restoration Study” were reviewed by County-selected participants in a two-day meeting January 8 and 9. Oddly, the CLPOA, the only Lake organization specifically representing property and business owners was excluded from invitation. Based on County guidance, the ACOE invited only Lake organizations dependent on the County for funding to this “closed” meeting. We restate our many months-old request to meet with the County Executive given his recently stated “open door policy” to discuss this Study, the wetlands regulations, and the NCSU Lake Management Plan. We do not understand why the County Executive fears such a meeting.

One last and especially critical point

We related our concerns about the County’s delegation of Lake responsibilities to the Chautauqua Lake and Watershed Management Alliance in last month’s meeting. Business and property owner interests are not directly represented in the Alliance while significant County funding is handed to Alliance board member organizations.

The Alliance is a private organization with a board elected only by their members and with fiduciary responsibility only to its members. We have heard the Alliance is concerned that it has no authority to manage the Lake, and we’ve heard them say they don’t manage the Lake, and they don’t work for or answer to the public. Deliberations and actions are out of the reach of open meeting laws and Freedom of Information Act information requests. In December they eliminated all but one public board meeting a year, from twelve to one over its life, with a motion by the Legislature Chair seconded by the County Executive.

Conditions in the Lake have not improved after tens of millions of dollars have been spent in the past decade. There are better options for our Lake’s management. More to come.

Thank you.