

# The Lake Reporter



July 2014 | Volume 14 | Issue 3

## Join us for our Annual Meeting August 16<sup>th</sup>

Please join us Saturday, August 16th at 9:00 am in Stage 14 at Finger Lakes Community College for the Annual Meeting of the Canandaigua Lake Watershed Association.

2014 has been a busy year, and we invite you to come and learn more about the initiatives we believe are most important to our watershed. Hear from presenters on topics including:

### Hydrilla Program

*James Balyszak, Hydrilla Program Manager*

One of the most aggressive aquatic plants to invade North America, called hydrilla, was first detected in August 2011 in the Cayuga Inlet by a volunteer on board the Floating Classroom. Hear from James Balyszak, Manager of the Hydrilla Program, about treatment and removal strategies used to help combat the spread of this aquatic invasive.

### Canandaigua Lake Aquatic Invasive Program

*Al Kraus, CLWA Board Member*

Hear about what CLWA is doing at a local level to try to establish a comprehensive program to combat the spread of dangerous aquatic invasive species into Canandaigua Lake. CLWA Board member Al Kraus will update the group on a proposal that would establish a very strong Education Campaign and Watercraft Steward Program, and establish a Boat Washing Station at the State Park aunch Site at the north end of Canandaigua Lake.

### North Shore Project Update

*Charles Carancini, LeChase Construction Services*

Hear an update from Morgan-LeChase representatives since Phase 1 of the Final Site Plan Application was approved for the North Shore Development on Canandaigua Lake. Opportunity for question and answer.

### Agenda

8:30 am	Coffee and Conversation
9:00 am	Opening Remarks
9:10 am	Photo Contest Awards
9:20 am	Presentations: Hydrilla Program; Canandaigua Lake Aquatic Invasive Program; North Shore Development Project Update
10:20 am	Year in Review and Nomination of New Board Members
10:30 am	Awards and Acknowledgements
10:50 am	Open Q & A
11:30 am	Closing Remarks

We hope to  
— see you! —



Admission and light refreshments at the Annual Meeting are free, but a donation of \$5 is suggested. To reserve a place at the meeting, call (585) 394-5030, or email [info@canandaigualakeassoc.org](mailto:info@canandaigualakeassoc.org).

## From the Chair: Jack Dailey, President

### *A Call to Action*

It's time to apply the cooperative spirit of Docks and Moorings (D&M) to Land Use in the Watershed. Before D&M, there were few guidelines protecting the shoreline. As a result, some residents routinely built structures that encroached on their neighbor's enjoyment of the lake; perhaps obstructing a view, mooring too many boats in a limited area, placing docks too close to neighboring property or just constructing a dock facility far too big for the property. With D&M, guidelines were developed based on inputs from all stake-holders. These guidelines (regulations) were adopted in all of the towns with lakeshore shorelines. Most everyone would agree that our Lake is a better place as a result.

In our neighborhood (the lake and watershed beyond), we continue to face issues associated with landside development. A few examples; placing homes sites on tenuous steep slopes, overdevelopment of a site with hard surfaces (roofs, walkways, decks) resulting in additional run-off to the lake, clear cutting the site with the loss of natural barriers that protect the lake from unfiltered run-off, disturbing land too close to active and semi active streams/brooks that end up failing in major storm events...and the list goes on.

Recognizing these continuing and ever growing pressures on the watershed, your association along with the Planning Departments for Ontario and Yates Counties and the Watershed Council (Kevin Olvany) have em-

barked on a project to identify best practices in protection of watersheds and bring these practices to our towns for consideration and implementation as appropriate.

We have identified 6 areas of initial analysis with the intent of identifying best practices that might work in our watershed. Those areas include:

- *Site Plan Review*
- *Flood Plain Management*
- *Steep Slopes Protection*
- *Ridgeline Development*
- *Stream & Shoreline Erosion*
- *Wastewater Management*

Our mission has just begun. The next step will be to assemble a group of stake-holders to evaluate, analyze and recommend changes to current land use regulations endeavoring to promote commonality amongst all communities in the watershed. We will be active participants in those discussions. Your inputs are certainly welcome. We would also ask that you speak with leaders in your town about the importance of this undertaking and the need for their support.

Canandaigua Lake Watershed Association  
***Board of Directors***

Jack Dailey	President
Wade Sarkis	Treasurer
Robert McCarthy	Secretary
Stephen Lewandowski	Consultant
Edith Davey	Technical Assistant
Lindsay McMillan	Administrative Coordinator

**Watershed Education Program:**  
Sharon Radak and Beth Altemus

**Board Members:**  
Carol Benner, Katrina Busch, Ted Carman, Marty DeVinney, Rob Gray, Nadia Harvieux, Al Kraus, Don Sheive, Tom Zimmerman

**Questions?**

**Contact us at:**  
CLWA, PO Box 323  
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(585) 394-5030

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[info@canandaigualakeassoc.org](mailto:info@canandaigualakeassoc.org)

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[www.canandaigualakeassoc.org](http://www.canandaigualakeassoc.org)

The Lake Reporter is published quarterly and distributed free to members and supporters. We invite submissions. Please send via postal mail or email to: [lindsaym@canandaigualakeassoc.org](mailto:lindsaym@canandaigualakeassoc.org)

## CLWA's 2014 Annual Appeal is Underway

### *Early response has been powerful*

Current members may have seen a request for funds send in June to support our 2014 Annual Appeal.

Thanks to the generous support of our membership, last year's Annual Appeal drive was an outstanding success. In 2013, this included a major donation to the Finger Lakes Land Trust to fund the purchase of the Reed property on Bare Hill, a significant contribution to the ecological restoration of the City of Canandaigua's Lagoon Park, and the initiation of the Watercraft Steward Program at the two State boat launch sites.

Because of the success of 2013's Annual Appeal, the CLWA Board hopes that you will continue to be as generous in 2014. Once again, we are asking for your support on several projects that will greatly benefit the lake and watershed community.

**Early response to this solicitation has been tremendous!** We thank you for your support of our initiatives, and we are greatly looking forward to working on the following projects with 2014 funds:

- **Continue the Watercraft Steward Monitoring Program:** CLWA will continue with the success of the Watercraft Steward Program at the State's boat launches to help keep invasive species out of Canandaigua Lake. Contribute toward future construction of a boat washing station. (Goal of \$5,000)
- **Assist the Town of Canandaigua and local property owners with the ecological restora-**

**tion of Old Brookside Park:** Project includes 56 acres and a stretch of Sucker Brook. (Goal of \$5,000)

- **Establish a fund to assist willing property owners looking to donate land or an easement to the Finger Lakes Land Trust:** Fund will assist individuals in need of legal and/or survey assistance. (Goal of \$5,000)
- **Publish and make presentations relating to CLWA's Natural Capital Project:** Natural Capitol Project details the ecological importance of open land, forests and wetlands in the watershed converted to monetary values. (Goal of \$3,000)
- **Sucker Brook Modeling and Water Quality Improvements:** Use a computer model to determine the sources and remedies of pollution in the Sucker Brook watershed, demonstrably the most polluted tributary to Canandaigua Lake, and begin improvements. (Goal of \$25,000)

Thank you for your support, above and beyond what your membership donations already accomplish. Your donations to CLWA will help us move these projects forward **now**.

For more information, or to donate online via paypal, visit: [www.canandaigualakeassoc.org/annual-appeal.htm](http://www.canandaigualakeassoc.org/annual-appeal.htm). *A response section is also included on the back of this newsletter.*

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## Spring Surprise Lake Levels *By Steve Lewandowski*

Normally Canandaigua Lake floods in the months of March and April, during the time when snow and ice is melting and the lake is rising toward Guide Curve summer levels. This year, however, mid-May surprised everyone with two storms that dumped first 5-6 inches, and then 2-3 inches of rainfall in two days on the south end of the lake and watershed.

Everyone has heard that Penn Yan was hit hard by these storms because of the property damage there. But the Canandaigua Lake level was also hit with surges of runoff from these storms which only required 5-6 hours each to drop their intense rainfall on the area.

Over four days, Canandaigua Lake's level rose 1.5 feet to near flood level. Trees, docks and other shore-

line structures floated free in the lake. On the Memorial Day weekend, Ontario Sheriff Povero announced a motorized boating ban on Canandaigua (Honeoye and Keuka were also closed). These bans were lifted at noon on Tuesday May 27.

The gates on Canandaigua Lake were quickly opened after the storms but the Outlet lowers the lake by about an inch per day under these conditions.

Current lake levels are near the recommended summer level of 688.5, down from their peak of 690.27 feet above mean sea level on May 19 and the gates have been closed for several days.

## New State Regulations Target Aquatic Invasives

### *Boaters Using DEC Lands to Launch Boats or Other Watercraft Are Now Required to Clean and Drain Boats Prior to Launch*

As part of an aggressive effort to prevent invasive species from entering and damaging New York water bodies, the State Department of Environmental Conservation (DEC) recently adopted new regulations that require boaters to remove all visible plant and animal materials from boats, trailers and associated equipment, and to drain boats prior to launching from DEC lands.

The regulations, which were effective June 5th, pertain to all DEC boat launches, fishing access sites and other DEC lands where watercraft such as boats, kayak or canoes, can be launched into the water.

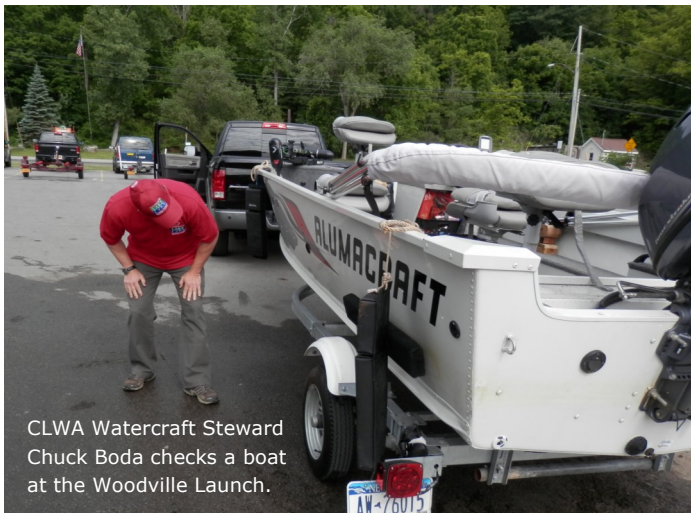
"New York State continues to work with its state, local, federal and environmental partners to protect water bodies from destructive invasive species," DEC Commissioner Joe Martens said. "Boats, trailers and associated equipment are common pathways for spreading aquatic invasive species. These new regulations will help reinforce the message that boaters need to clean their equipment of any clinging plant and animal materials and drain their boats prior to launching at lands administered by DEC."

Boaters should take the following steps to ensure that their boat, trailer and equipment are free of aquatic invasive species:

- Visually inspect the boat, trailer and other fishing and boating equipment and remove all mud, plants and other organisms that might be clinging to it. Materials should be disposed of in one of the Nuisance Invasive Species Disposal Stations installed at many DEC boat launches, in the trash or at an upland location away from the launch ramp.
- Drain the boat's bilge and any other water holding compartments such as live wells, bait wells and bilge tanks. This does not apply to water associated with sanitary systems or drinking water supplies.

Drying boats is also highly recommended but is not required under the new regulations. Boaters who are unable to dry their boats between uses should flush the bilge and other water holding compartments with water, preferably at a temperature of 140 degrees Fahrenheit. Microscopic larval forms of aquatic invasive species, such as zebra mussels and spiny waterflea, can live in as much as a drop of water. To ensure that these organisms are not accidentally spread, anything holding water should be dried, flushed or disinfected with hot water to ensure that these aquatic invasive species are not spread. Additional information on AIS and disinfection recommendations can be found on the DEC website at [www.dec.ny.gov](http://www.dec.ny.gov).

## CLWA Watercraft Stewards... Back on the Scene



CLWA Watercraft Steward Chuck Boda checks a boat at the Woodville Launch.

For the third year, Watercraft Stewards in red hats and shirts are inspecting boats entering Canandaigua Lake through the Woodville and Canandaigua launches. Typically the inspection of boats and trailers and answering a few questions (What lake was your boat in last?) takes 2-3 minutes.

If organisms are found attached to the boats and trailers, the Steward remove and dispose of them. They have brochures to hand out showing pictures of the aquatic invasive species they are seeking.

Eight Stewards have volunteered this year: Victoria Barnsbee, Jacob Maslyn, Rob McLean, Doug Howles, Katie Proe, Nancy Fedick, Jack Dailey, and Charles Boda. If you see them, give them a big THANKS for volunteering their time protect our lake.

# Invasive Species Advisory

Canandaigua Lake contains the following harmful invasive species:



**Water Chestnut**

*Forms dense floating mats, seeds have four sharp spines.*



**Eurasian Watermilfoil**

*12-21 pairs of leaflets, forms dense mats.*



**Fishhook Waterflea**

*Tiny clumps look like gelatin/cotton batting on fish line.*



**Chinese Mystery Snail**

*2.25" in length, shell can have 6 to 7 whorls.*



**Zebra Mussel**

*0.25–1" in length.*



**Quagga Mussel**

*Slightly larger than the zebra mussel (0.8 -2").*



**Scud (Echinogammarus ischnus)**

*Less than 0.5" in length.*

**Help prevent the spread of these and other harmful invasive plants and animals between our lakes and streams.**

## When you leave a body of water:

- Remove any visible mud, plants, fish or animals before transporting equipment.
- Eliminate water from equipment before transporting, e.g. dry wells.
- Clean and dry anything that comes in contact with water (boats, trailers, equipment, clothing, dogs, etc.)
- Never release plants, fish or animals into a body of water unless they came out of that water.



Partial funding for this program is supported by a grant/cooperative agreement from the U.S. Department of the Interior, Fish and Wildlife Service.



# Draft 2014 Watershed Management Plan

*Building on the Knowledge Gained*

By Kevin Olvany, Watershed Program Manager

**The Draft 2014 comprehensive update of the Canandaigua Lake Watershed Management Plan (2000)** builds on the knowledge gained and projects completed over the last fourteen years to develop a more comprehensive strategy to protect Canandaigua Lake and its surrounding watershed from existing and emerging threats. Over the last fourteen years a wide range of projects and programs have been coordinated through the Canandaigua Lake Watershed Council (consists of the fourteen watershed and water purveying municipalities) to manage and reduce the impacts from numerous potential sources of pollution under five main protection themes of:

- **Research**
- **Education**
- **Restoration**
- **Open space protection**
- **Regulation**

Many partners (especially the Association) have been involved in the success of these efforts to maintain the high quality of Canandaigua Lake.

Even with the success of these actions, many of the existing potential pollution threats identified in the 2000 Plan still need to be managed.

In addition to these existing threats, numerous emerging threats and trends heightened the need to update our watershed management plan in order to properly meet these new challenges we will face with a broader array of tools.

### **The emerging threats include:**

- More intense development along shoreline and steep slopes
- More intense rain events on a more frequent basis
- New invasive species entering the lake with the potential for additional species

- Increasing boat use
- Harmful algal bloom potential
- Increased aquatic vegetation growth
- Pharmaceutical/personal care products in wastewater
- Legacy pollutants at the north end of the lake
- More local oversight needed of onsite wastewater systems
- Shifts in crops that are more prone to soil erosion
- Potential for hydrofracking operations in the watershed.

The combination of the existing and emerging threats and trends have the cumulative potential to significantly impact the water quality of Canandaigua Lake by **increasing phosphorus and other pollutants of concern in the lake, increased intensity and duration of algae blooms, aquatic weed growth, increased difficulty for filtration of drinking water and potential beach closures.**

The Draft 2014 Watershed Plan has been organized using thirteen management categories to provide comprehensive level protection of the lake. There are over 120 specific recommendations within these thirteen management categories. The following summary is a very limited snapshot of some of the actions that are identified in the Draft 2014 Plan.

The full Plan will be available through our website ([www.canandaigualake.org](http://www.canandaigualake.org) - in development now) and through the various municipal locations.

Your comments will be greatly appreciated as we move through the comment period and then bring it to the municipalities as part of renewing the Intermunicipal Agreement. The municipalities will be reviewing and hopefully approving the full update of the Watershed Plan this late summer/fall. Please encourage your municipalities to adopt the Plan.

Feel free to reach out if you have any comments or questions at 585 396-3630, or via email at: [Kevin.Olvany@canandaiguanewyork.gov](mailto:Kevin.Olvany@canandaiguanewyork.gov).

*The Draft 2014 Watershed Plan has been organized using thirteen management categories to provide a comprehensive level of protection for the lake:*

<b>1. New and Existing Development</b>	<ul style="list-style-type: none"> <li>• Consider increased regulations dealing with site plan review, stormwater quality, steep slopes, shoreline development and amount of impervious cover</li> <li>• Obtain new open space areas to collect and filter runoff to offset the net negative water quality impact of development</li> <li>• Implement retrofit projects to reduce the impacts of existing development</li> </ul>
<b>2. Lawn and Landscaping Practices</b>	<ul style="list-style-type: none"> <li>• Update and mail educational publications on proper lawn care</li> <li>• Promote to commercial landscapers and homeowners the use of City of Canandaigua IPM program instead of spraying pesticides 4-5 times per year</li> <li>• Consider pesticide sampling of streams and lake</li> </ul>
<b>3. Municipal Roads and Highway Facilities</b>	<ul style="list-style-type: none"> <li>• Proper culvert sizing to avoid culvert collapse and tons of sediment entering the lake</li> <li>• Treat runoff from highway facilities before entering a stream</li> <li>• Promote sensible deicing salt practices</li> </ul>
<b>4. Stream and Shoreline Management</b>	<ul style="list-style-type: none"> <li>• Continue to work with landowners to stabilize eroding stream banks</li> <li>• Promote softer solutions to managing the shoreline areas</li> <li>• Encourage regulatory setbacks from streams and shoreline areas</li> </ul>
<b>5. Wetlands and Floodplains</b>	<ul style="list-style-type: none"> <li>• Encourage updated floodplain maps</li> <li>• Utilize municipal funds and incentive programs to promote, restore, and create wetlands and floodplains</li> </ul>
<b>6. Wastewater Management</b>	<ul style="list-style-type: none"> <li>• Encourage local law adoption of inspection of onsite system at deed transfer (Gorham and South Bristol currently have the law) along with higher design standards near lake</li> <li>• Promote centralized sewer in the Village of Naples</li> <li>• Continue research on impacts from Pharmaceutical products</li> </ul>
<b>7. Agriculture</b>	<ul style="list-style-type: none"> <li>• Promote and help fund practices that reduce the pollutant load from fields</li> <li>• Promote buffers along streams and road side ditches</li> <li>• Find ways to work with increasing Mennonite population</li> </ul>
<b>8. In-Lake Issues: Invasive Species, Harmful Algal Blooms and Fish Kill Management</b>	<ul style="list-style-type: none"> <li>• Enhance the watercraft steward program and consider ways to have boat wash stations at launch sites</li> <li>• Continue to research invasive species and algal bloom impacts</li> <li>• Develop a strategy to deal with a major fish kill on the lake</li> </ul>
<b>9. Recreation</b>	<ul style="list-style-type: none"> <li>• Promote the multiple uses of the lake through the Water Trail program</li> <li>• Encourage strict enforcement of docks and moorings law</li> <li>• Encourage marinas to maintain green marina standards</li> </ul>
<b>10. Lake Level Management</b>	<ul style="list-style-type: none"> <li>• Promote drought management strategy to all water users</li> <li>• Continue to use the Guide Curve for lake level management</li> <li>• Research getting the public real time access to lake level via the web</li> </ul>
<b>11. Forestry</b>	<ul style="list-style-type: none"> <li>• Advertise the culvert arch loan program</li> <li>• Consider the timber harvesting law</li> <li>• Periodic training workshops</li> </ul>
<b>12. Mining and Natural Gas Extraction</b>	<ul style="list-style-type: none"> <li>• Monitor sand and gravel sites</li> <li>• Encourage the state and local municipalities to not allow hydrofracking in the watershed- equal protection to NYC watershed and Skaneateles</li> </ul>
<b>13. Chemical Contamination Prevention</b>	<ul style="list-style-type: none"> <li>• Continue to promote clean up of brownfield sites in watershed- provide technical assistance</li> <li>• Monitor illegal dump sites and enhance enforcement of these sites</li> </ul>

## What's All the Fuss about Phosphorous?

Nutrients are the chemicals essential to growth. For plants, the big three nutrients are nitrogen, phosphorus and potassium. Maintaining a good balance of these nutrients, in the presence of adequate sunlight and water, is the basis of the science of agriculture.

But just as a weed is any plant **out of place**, too much nutrient **in the wrong place** is considered a pollutant. In an agricultural field, phosphorus regulates the growth of plant cells and affects flowering and fruiting, but too much phosphorus in water will fuel unwanted plant growth.

In the waters of the Finger Lakes, like most aquatic ecosystems, the factor most limiting growth is phosphorus. In other words, it is relatively the most scarce, compared to other nutrient needs. If more potassium or nitrogen were added to the lake water, there would be little response in the way of plant (mostly algae) growth. But, if more phosphorus were added, there would be a large response in growth. The process of enrichment of lakes and streams has been compared to the maturation process of living organisms. Adding too much phosphorus causes the lake to age prematurely.

The most common sources of phosphorus in the Finger Lakes watersheds are human and animal waste, commercial detergents and fertilizers.

What can be done to control phosphorus inputs to the Finger Lakes? Sewage treatment plants can be upgraded to remove more phosphorus from their effluent. The proper installation and maintenance of household septic systems will limit direct phosphorus releases to water. Animal manures should be tested for nutrient concentrations and applied at a rate similar to crop requirements. Commercial fertilizers, whether for farm or lawn, should be selected to supply sufficient phosphorus levels. Often, soil testing reveals that no additional phosphorus is needed from a fertilizer. Non phosphate detergents should be used. For example, researchers have been experimenting with replacing the detergents used for cleaning dairy equipment with acetic acid.

## Did You Know?

In 2012, the NYS DEC ban on phosphorous fertilizer for all lawns and non-agricultural turf went into effect as part of the Dishwasher Detergent and Nutrient Runoff Law. *The only exceptions are new lawns and areas where soil tests from a certified lab show deficiencies in phosphorous.*

**Many homeowners fertilize their lawns at least once in the summer months, with some species needing to be fertilized multiple times. Before you fertilize, be in the know!**

- Application of any fertilizer on lawns or non-agricultural turf within 20 feet of a water body or on paved surfaces is not allowed
- Any commercial seller of fertilizers must display educational signage related to the ban
- **HOWEVER**, it is the homeowners responsibility to purchase phosphorous free lawn fertilizers—**look for a zero in the middle number**
- If you hire a landscaper to care for your lawn, make sure they are aware of (and adhere to) the DEC restrictions
- Application of any fertilizer containing nitrogen, phosphorous or potassium on lawns or non-agricultural turfs is prohibited between December 1st and April 1st

# Canandaigua Lake Facts

LAKE LENGTH 15.5 miles  
AVERAGE WIDTH 1.1 miles  
VOLUME 433 billion gallons  
MAX DEPTH 276 feet  
SHORELINE LENGTH 36 miles

## PRIMARY WATERSHED LAND USE



**48%**  
Forest



**34%**  
Agriculture

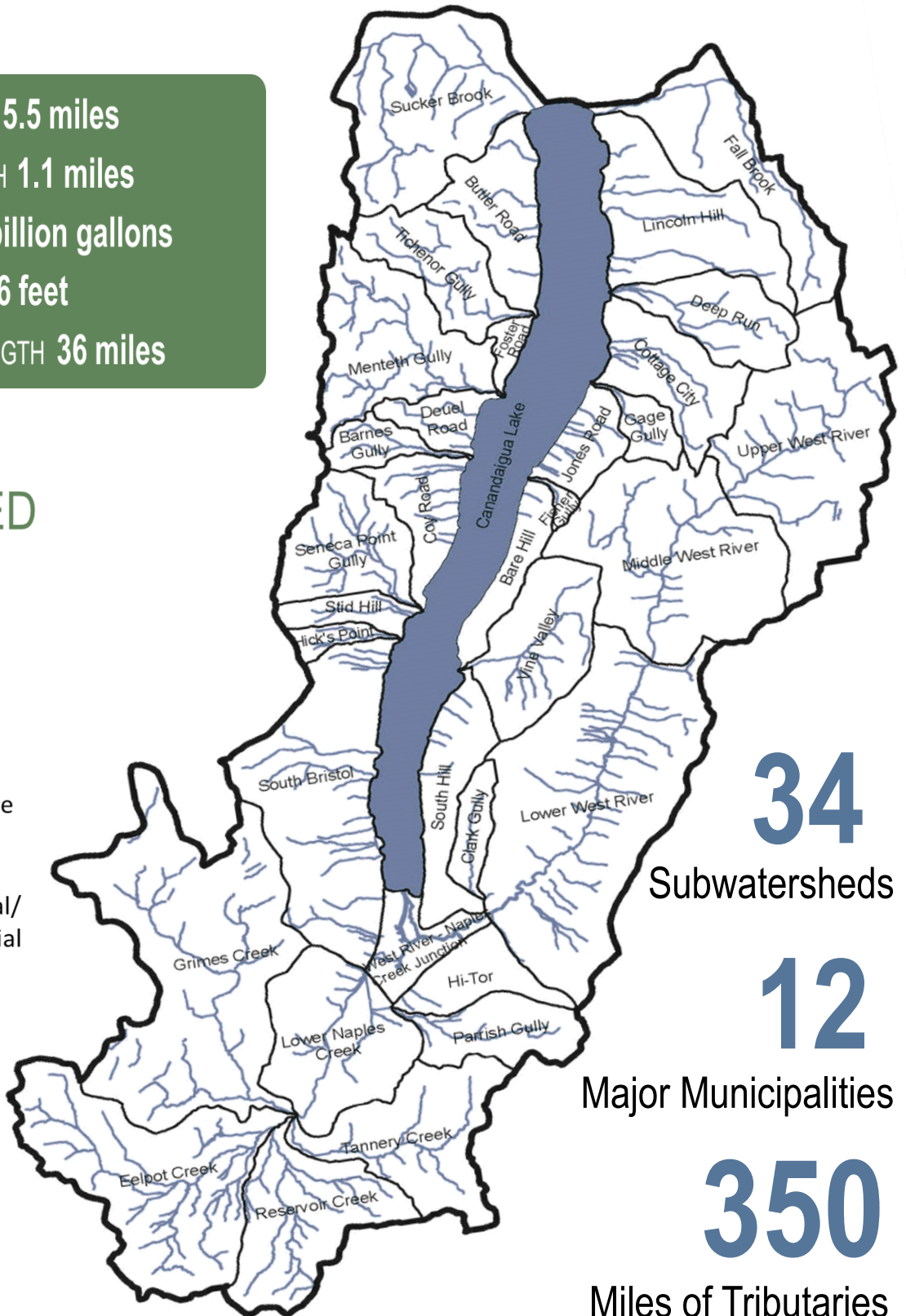


**12%**  
Residential/  
Commercial



**6%**  
Wetlands

Ask us how you can help ensure the economic and environmental vitality of Canandaigua Lake and its watershed.



**34**  
Subwatersheds

**12**  
Major Municipalities

**350**  
Miles of Tributaries

## From the Watershed Education Program

CLWA Watershed Educators Sharon Radak and Beth Altemus worked productively until the very end of the school year.

In addition to their regular schedule of classes, Canandaigua 6th grade teachers invited the CLWA to teach students about stream life at their annual Camp Bristol Hills overnight. Students enjoyed investigating a stream and playing instructional games with Sharon and Beth while learning about living environments.

CLWA also hosted the second annual "Watershed Exploration Days" for the Canandaigua 3rd grade. Nearly 260 students spent the day at Onanda Park rotating through different stations that were engaging both physically and mentally. Eleven different experts in their fields taught the students about the environment and the world around them. Students, teachers and parents left feeling fulfilled and they are looking forward to having us back next year. The event was the perfect way to end Sharon and Beth's year of teaching.

**CLWA thanks Beth and Sharon for all their hard work this school year!**



Hundreds of Canandaigua students got the chance to experience a day of environmentally focused activities at "Watershed Exploration Days", held at Onanda Park.

## CLWA Supports Environmental Conservation Majors at FLCC

Once again this year, CLWA supported three FLCC students with scholarships for Conservation Field Camp.

Field Camp is a requirement for students enrolled in FLCC Natural Resources Conservation, Conservation Law, and Environmental Studies degree programs. During the week long course, students learn field techniques used in fish, wildlife, and forest management. The course includes opportunities for students to participate in lake sampling on both Canandaigua and Honeoye Lakes.

This year's FLCC scholarship recipients were: Brandon Parsell, Beau Lemmerman and Aubrey Needham.

"FLCC thanks the Canandaigua Lake Watershed Association for their continued support of our programs," said Sasha Mackenzie, Technician with the Environmental Conservation and Horticulture Department.

For more information on the FLCC Conservation Programs, visit [www.flcc.edu](http://www.flcc.edu).

*In Honor of*

Janet Harris  
Bodwell

*From Scott Harris*

*In Memory of*

Charles H.  
Brigham

Who loved boating on  
Canandaigua Lake

*From Joyce A. Keeney*

We are sorry for some confusion that arose in the Annual Listing of our Membership. Our apologies go out to Stuart Norris, Joe & Ann Daley, Maria Bucci & Al Jenkins, and Robert Sykes for the mistaken omission.

## Land Trust Acquisition Adds to Protected Lands Overlooking Canandaigua Lake

*By the Finger Lakes Land Trust*

In June, the Finger Lakes Land Trust acquired a forested parcel located near the summit of Bare Hill – an iconic landmark on the east side of Canandaigua Lake. The property is located just off Van Epps Road in the Town of Middlesex, Yates County – close to the entrance to New York State’s Bare Hill Unique Area.

The Land Trust identified the five-acre parcel as a priority for protection due to its location near the summit of the hill and the fact that it is adjacent to other conserved lands. The property was previously owned by Canandaigua residents Chris and Jill Glattly, who owned the property for 25 years as a recreational retreat.

“Chris and Jill were a pleasure to work with on this project,” says the Land Trust’s Land Protection Specialist Elizabeth Newbold. “The Glattlys expressed their joy in working with the Land Trust because it meant that their land would be ‘returned to Bare Hill.’ We’re grateful to them for their commitment to the land. The protection of this property is particularly significant given the natural and historical importance of the area.”

The Land Trust intends to sell the property to New York State as an addition to Bare Hill Unique Area at some point in the future when funds are available. The property is entirely forested with a mix of oak-hickory forest. Bare Hill is well known in the area as the scenic ridge that rises 865 feet above Canandaigua Lake’s eastern shore just north of Vine Valley. Old photos show that the area was indeed “bare” in the past but today it is largely forested, except for its summit which is covered with a mix of meadows and shrub lands. One Seneca legend has it that the writhing of a great serpent swept the hill of its trees and bushes until it was bare. Whatever the cause, Bare Hill is notable for its shallow soils that are susceptible to drought stress most summers.

The Land Trust was able to take advantage of this opportunity through an internal loan from its revolving land protection fund. This is the fourth project the Land Trust has completed at Bare Hill. In 2013, the organization acquired two parcels here, including a rare stretch of undeveloped shoreline on Canandaigua Lake.

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## 2014 Water Clarity Monitoring



CLWA Board Member Carol Benner, Secchi Disk volunteer Carol Stark, and Dr. Bruce Gilman after a Secchi Disk training session.

CLWA is now in its 5th year of its “Take-a-Dip” Program, and we are excited to have several new volunteers join in to help monitor lake clarity. More volunteers mean more locations for data collection around the lake — which ultimately helps us learn more about the factors affecting water quality.

This year, we are pleased to announce that the weekly data that is collected is now being uploaded to our website. You can check out weekly clarity results by visiting [www.canandaigualakeassoc.org](http://www.canandaigualakeassoc.org).

Of course, new volunteers are always welcome. If you are interested in learning more about becoming a Take-A-Dip volunteer, call the CLWA Office at (585) 394-5030 or email: [info@canandaigualakeassoc.org](mailto:info@canandaigualakeassoc.org).

# STATE OF FRACKING

## *New York State reasserts both the power and responsibilities of home rule.*

By Wade Sarkis

On June 30<sup>th</sup>, the New York State Court of Appeals upheld a lower court ruling that allows towns to use zoning ordinances to ban hydraulic fracturing, the controversial natural gas extraction technique known as fracking. While the state has had a moratorium on fracking in place for six years as the Health Department studies the potential health effects, some towns have taken action to ban fracking in anticipation the state will soon lift the moratorium.

Two upstate towns – Dryden in Thompsons County, and Middlefield in Otsego County – changed their local zoning in 2011 to prohibit fracking within their borders based on concerns about health, the environment and character of the communities. Subsequently, an energy company with gas leases in Dryden and a dairy farm in Middlefield sued the respective towns claiming the state oil and gas law pre-empted the town ordinances. Both cases were ruled in favor of the towns and upheld by New York's highest court.

Fracking opponents count the ruling as a victory in their efforts to protect the environment while the gas and oil industry view it as another anti-business hurdle and reason to avoid investment in New York State.

Perhaps the true winner in the process is the concept of home rule. Article IX of the State Constitution contains the Municipal Home Rule Law providing the power to enact local laws - which have the same status as an act of the State Legislature. Essentially, the ruling puts the interests of the local community ahead of the oil and gas industry. Local governments can create laws to regulate or prohibit specific commercial enterprises so it would seem only fair that the list would include heavy industrial activities such as fracking.

We shall see if the high court decision has any influence on the Cuomo Administration's decision to maintain the current statewide moratorium on fracking. One could assume that after the fall election (of course), Governor Cuomo could announce he is lifting the ban. Perhaps the State will add strict regulations to current law based on the Health Department findings. The buck would then officially pass to the local municipalities to decide whether or not fracking can take place within their borders.

For towns within sensitive and vital watersheds like the Finger Lakes, it is time to face the facts. If the state-wide moratorium is lifted, the oil and gas companies will descend upon local residents with promises of fortune and ready-to-sign leases. The clock is ticking for towns to decide if they are willing to welcome heavy industry and the potential impacts to health, the environment and the rural character of our region. The ruling by the New York State Court of Appeals reasserts both the power and responsibilities of home rule. Local governments have the power to dictate what happens in their towns, and they have the responsibility to create sensible land use regulations. While the clock ticks, where does your town stand?

## **Timeline of High Volume Hydraulic Fracturing in New York State**

<b>1972</b>	First NYS oil and gas regulations
<b>1992</b>	DEC finalizes a "Generic environmental Impact Statement" (GEIS) to expedite approval of all oil and gas drilling permits
<b>2005</b>	Oil and gas industry exempted from federal Clean Water and Clean Air Act via "Halliburton Loop hole"
<b>2008-2009</b>	NYS Governor Patterson authorizes update of the 1992 GEIS. Public scoping and public hearings held on sGEIS. Public submits thirteen thousand comments on the sGEIS
<b>July 2010</b>	NYS Senate passes moratorium on High Volume Horizontal Fracturing (HVHF)
<b>Dec 2010</b>	<ul style="list-style-type: none"><li>• NYS Assembly passes moratorium on HVHF</li><li>• Governor Patterson vetoes HVHF moratorium bill, passes Executive Order no. 41 for one year moratorium on horizontal but not vertical fracking and opens sGEIS for another round of public comments</li></ul>
<b>Jan 2011</b>	Andrew Cuomo elected Governor, signs continuation of Executive Order no. 41
<b>Sept 2011</b>	Proposed rdSGEIS regulations, SPDES, and economic study released and comment period opens
<b>Jan 2012</b>	Sixty-seven thousand comments received on sGEIS
<b>Feb 2012</b>	NYS Courts uphold Town of Dryden decision to ban HVHF
<b>Jan 2013</b>	DEC receives over two hundred thousand comments on the proposed drilling regulations
<b>June 2014</b>	NYS Court of Appeals ruled that towns can use zoning ordinances to ban hydraulic fracturing



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## SPECIAL REQUEST: 2014 Annual Appeal

As seen of page 3 of this newsletter, the Canandaigua Lake Watershed Association's second Annual Appeal is now in full swing and we'd love your help.

**We are asking for your support—above and beyond what your membership donations already help us accomplish.** Your donations to CLWA will help us move these projects forward **now**. Often, private donations from a large number of individuals impacts our ability to successfully get grant support by providing a "local match". Please help us better serve our watershed by making a donation to the CLWA Annual Appeal.

**Please circle your donation amount and return with payment.**

\$25   \$50   \$100   \_\_\_\_ other

**Mail your payment to CLWA:**  
P.O. Box 323 Canandaigua, NY 14424

**Or pay via PayPal at:**  
www.canandaigualakeassoc.org

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