

**Chautauqua Institution Lawsuit Against the
NYSDEC, the Town of Ellery and the Chautauqua Lake Partnership as Intervenor**
UPDATE as of November 5, 2018

Fear of Knowledge

We're happy to report that the Chautauqua Institution's (Institution) extraordinary efforts to prevent the all-volunteer Chautauqua Lake Partnership (CLP) from joining the opposition to Institution's suit have failed.

Recall that several weeks ago the Post Journal reported that the Court denied the Institution's opposition to CLP's motion to intervene in the suit. Then more recently, the Court denied the Institution's request to disqualify CLP's legal counsel from representing CLP in the lawsuit.

The Institution has now been denied twice while attempting to block CLP's involvement in opposition to their suit. It's obvious the Institution fears the in-depth knowledge of the comprehensive Supplemental Environmental Impact Statement and State Environmental Quality Review Act process which CLP brings against their suit.

Motions seeking to dismiss the Institution's suit previously filed by the DEC, the Town of Ellery and CLP and subsequent responses by all parties are scheduled to be heard November 14. We believe the Court will dismiss the suit due to one or more of its flaws. If the Institution's suit survives dismissal, we believe it will fail on its merits.

SEIS-supported and DEC-permitted herbicide use are not the cause of the Chautauqua Institution's drinking water safety issues. These issues are due to blue-green algae (cyanobacteria) toxins and illegal herbicide use in the vicinity of their water supply intake.

We will continue to oppose the Institution's efforts, through this lawsuit and otherwise, to invalidate the recently-completed SEIS. The Institution cannot be allowed to take away the right of communities and municipalities around the lake, some over 15 miles from the Institution, to use herbicides to control the invasive weeds which have been allowed to flourish in Chautauqua Lake for at least the last 25 years.

Unsupported lawsuits, in December 2017 by a small group of Maple Springs and Institution residents and in July 2018 by the Institution and supported by the Chautauqua Watershed Conservancy and the Chautauqua Lake Association, have done nothing and will do nothing to improve Chautauqua Lake. The suits have served to redirect scarce funding, over \$35,000 to date, from lake improvement to legal fees. They have also exposed the parochial motivations of well-funded lake organizations with limited vision, entrenched management and large payrolls. The CLP remains an all-volunteer non-profit organization with projects addressing all Chautauqua Lake water quality issues.

Consider e-mailing the Institution's Board of Trustees (trustees@chq.org) to tell them how you feel about the lawsuit they voted for and continue to pursue. Although 20 of the 24 Board members live outside Chautauqua County and 19 of 24 live outside New York State, we expect the Institution will forward your e-mail to them and we hope they'll take interest in how you feel.

www.chqlake.org

11/12/18