

Bemus Bay Property Owners
January 4, 2017

Mr. Vince Horrigan
Chautauqua County Executive
Gerace Office Building
3 North Erie Street
Mayville, NY 14757-1007

We sincerely appreciate your commitment to address our concerns, the listing of steps being taken on our behalf and the description of Macrophyte Management Strategy (MMS) development history and completion plans included in your December 21, 2016, letter (attached).

We're encouraged the County has requested multiple options for near shore/shoreline cleanup from the Chautauqua Lake Association (CLA). We suggested CLA develop three options when we met with them on December 14, options of increasing cleanup capacity and cost. *We're anxious for the County to schedule the January, 2017, follow-up to the November meeting in which you requested CLA action.*

Also, as in our November 1 letter, we request Chautauqua County support ensuring CLA accepts responsibility for (1) transparency to homeowners in weed cutting prioritization, and, (2) mitigation of negative near shore/shoreline impact of its weed cutting activities, and, (3) seriously considers weed management alternatives other than mechanical weed cutting, including herbicides.

We look forward to County responses to our November 1 and December 19, 2016, letters which included MMS-related homeowner comments and questions, and our December 19 FOIA request.

We are disappointed that the County has not responded to our request to review Technical Review Committee and others' prior MMS comments, especially after homeowner comments were shared with others not on the Committee. We've prepared a FOIA request to access this information but have held off on submission given the anticipated large document volume. *Will a FOIA request be required?*

Once again, we request participation in Technical Review Committee discussions of MMS content and implementation. The current Committee is seriously imbalanced with no homeowner representation.

Chautauqua Lake is a great lake for which we're seeking a greater future. We, Bemus Bay Property Owners, are committed to do all we can to see significant improvement in Chautauqua Lake water quality and prevention of a recurrence of 2016 problems in summer/fall 2017. *Will your commitment to "...work diligently and productively to resolve (our) concerns..." support our plans?*

You mentioned the County's plan "...to use the input from the Lakeside Drive stakeholders as a 'test drive' of the MMS..." *We need to understand more about the County's plans in this regard and how they relate to ours. We request a meeting with the appropriate County staff for this purpose.*

Please respond to *the italicized requests* to Bemus Bay Property Owners c/o Jim Wehrfritz, 4433 Lakeside Drive, Bemus Point, NY 14712 or by e-mail to jjwehrfritz@msn.com.

Sincerely,

Jim Wehrfritz, Mike Latone and Jim Cirbus
on behalf of **Bemus Bay Property Owners**

Attachment

cc: Ms. Catherine Young, New York State Senator, District 57
Mr. Andy Goodell, New York State Assemblyman, District 150
Mr. Arden Johnson, Town of Ellery Supervisor
Mr. Bryan Dahlberg, Mayor, Village of Bemus Point
Mr. Dave McCoy, Chautauqua County Watershed Coordinator



**CHAUTAUQUA COUNTY
OFFICE OF THE COUNTY EXECUTIVE**

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www.co.chautauqua.ny.us

VINCENT W. HORRIGAN
County Executive

December 21, 2016

Bemus Bay Property Owners
C/O Jim and Deb Wehrfritz
4433 Lakeside Drive,
Bemus Point, NY 14712

Dear Jim,

I wanted to let you know that we are listening to you and we are taking a step by step approach to address your concerns. I've assembled a summary of the steps we have taken to gather stakeholder input and begin to formulate a plan to address your concerns.

On October 12, you reached out to Dave McCoy, the Chautauqua County Watershed Coordinator and discussed your concerns about the shoreline conditions at your property. Afterwards, Dave reached out to me and Mayor Dahlberg about your concerns. I suggested that we schedule a meeting to gather input from the Lakeside Drive stakeholders. On November 14, we met with the Lakeside Drive Stakeholders, Town of Ellery Supervisor Arden Johnson, Village of Bemus Point Mayor Bryan Dahlberg and Chautauqua Lake Association (CLA) representatives Paul Stage, Don Emhardt and Doug Conroe. At that meeting you provided a summary of the issues that you raised in your letter to Dave McCoy dated November 1, 2016. The outcome of the town hall meeting was that we would work together to address the Lakeside Drive stakeholders concerns and meet again in early 2017.

On December 1, you provided samples of material collected from your shoreline to Legislator Chagnon for analysis which was reported to you on December 8. We met with the CLA on December 2 to discuss how the CLA could best help to resolve your concerns. The outcome of the meeting was that the CLA would prepare two cost proposals: (1) Contingency Operations to mitigate unusual or unforeseen shoreline maintenance issues, and (2) Extended Season Operations to adapt to climate change and the longer recreational season. You and I met on December 10 to further discuss your concerns. Dave McCoy then coordinated a meeting with you and Mike Latone at the CLA offices on December 14 in an effort to further facilitate the resolution of your concerns. On December 19, we acknowledged receipt of your Freedom of Information Act request and today received your December 19 letter by certified mail. Once we have the CLA proposals for dealing with near shore floating vegetation we will look for funding streams and then provide the plan to you.

Certainly there is a lot of history here, and I'll do my best to explain to you how we have gotten to where we are today. The Macrophyte Management Strategy (MMS) examines all aquatic vegetation management techniques that are currently legal to deploy in waters of New York State and makes recommendation for their implementation. The MMS is also intended to be adaptable to changing lake conditions and land use. For certain, the drought conditions we experienced in 2016 were significant especially in your part of Bemus Bay.

During the initial development of the MMS, a proposal was offered by the Chautauqua Lake Partnership (CLP) to provide funding for the services of a law firm to assist with the preparation of a Generic Environmental Impact Statement (GEIS). The rationale for the preparation of a GEIS, as proposed by the CLP and its legal partner, was that such a document would vet of all aquatic vegetation management techniques (especially herbicides) that are currently legal to deploy in Chautauqua Lake – all techniques, all species, anywhere, any time. The voice of CLP was heard and the law firm was retained with funding provided by the CLP. It is worthwhile to note that the New York State Department of Environmental Conservation (NYSDEC) did not request that a GEIS be prepared. Rather, the NYSDEC encouraged the preparation of a plan for Submerged Aquatic Vegetation (SAV) management which correlated with the Local Waterfront Revitalization Plan and the Chautauqua Lake Watershed Management Plan.

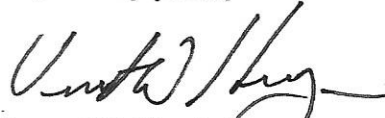
We submitted the April 2016 Draft MMS to the NYSDEC and the United States Army Corps of Engineers (USACE) for a cursory review before we initiated work on the GEIS. Their feedback was positive and only minor edits were suggested. We took a hard look at the NYSDEC's and USACE's existing regulatory framework which examines permit applications on a case by case basis and decided that a "one size fits all" approach to the environmental review process or GEIS was neither cost-effective nor appropriate. We also revisited the NYSDEC's requirement for the development of a plan before permit applications for herbicides would be considered. The NYSDEC agreed with us that the completion of a GEIS was not a regulatory requirement associated with the implementation of the MMS.

We believe the best path forward is to complete the MMS as a strategy or resource document that can be used by the public and regulators. Potential applicants who intend to obtain permits for macrophyte management measures in Chautauqua Lake must follow existing NYSDEC and USACE protocols, and if there are environmental sensitivities to be considered, they will be mitigated to the extent possible through the New York State Environmental Quality Review Act (SEQRA) process, which is the responsibility of the NYSDEC to undertake. The Pesticide General Permit (PGP) for herbicides will facilitate permit applications for small controlled applications which are likely to be considered as "Unlisted Actions" within the framework of SEQRA and will not require the preparation of an environmental impact statement unless there are environmental sensitivities within the proposed area of application.

We plan to use the input from the Lakeside Drive stakeholders as a "test drive" of the MMS to reinforce the concept of adaptive management. As you know from our recent conversations and your December 14 meeting with Dave McCoy and the CLA, Chautauqua County has requested that the CLA prepare proposals for Contingency Operations and Extended Season Operations. You also are aware that the CLA is currently modifying one of its harvesters to effectively manage near-shore floating vegetation.

Responses to your November 1 letter, December 19 letter and Freedom of Information Act request will be forth coming. Please understand that we are moving in a positive direction and will continue to work diligently and productively to resolve your concerns.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Vincent W. Horrigan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Vincent W. Horrigan
Chautauqua County Executive

cc: Sen. Catharine Young
Assemblyman Andrew Goodell
Arden Johnson, Town of Ellery Supervisor
Bryan Dahlberg, Village of Bemus Point Mayor

CHAUTAUQUA COUNTY
OFFICE OF THE COUNTY EXECUTIVE
GERACE OFFICE BUILDING
3 NORTH ERIE STREET
MAYVILLE NY 14757-1007

RETURN SERVICE REQUESTED

14757-1007
04/11/1999

Bemus Bay Property Owners
% Jim and Deb Wehrfritz
4433 Lakeside Drive
Bemus Point nY 14712

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