

CLP “Keep the Lake a Lake” Campaign Status Report

May 1 2024

- 176 Letters of Support of 2024 herbicide applications to DEC Region 9
 - Town of Busti (+ Lakewood): 28
 - Town of Chautauqua (+ Mayville & Misc): 18
 - Town of Ellery (+ Bemus): 62
 - Town of Ellicott (+ Celoron): 37
 - Town of North Harmony: 31
- 156 Letters of Objection to Wetlands Regulation of Chautauqua Lake to DEC Commissioner, Head of Wetlands Program, and Region 9
 - Town of Busti (+ Lakewood): 37
 - Town of Chautauqua (+ Mayville & Misc): 18
 - Town of Ellery (+ Bemus): 36
 - Town of Ellicott (+ Celoron): 46
 - Town of North Harmony: 28
- Yard Signs “Keep the Lake a Lake”
 - Approximately 250 yard signs distributed to date
- Change.Org Petition “Keep the Lake a Lake”
 - 771 Signatures

Reference timeline of preceding events:

June 2023, Chautauqua Lake Conference at Chautauqua Institution

- Julie Barrett-O’Neill NYSDEC Region 9 Director made comments regarding the potential impacts from the 2022 wetlands law
- She noted that the DEC was evaluating the new wetlands amendment and noted that it may have applicability to the south basin of Chautauqua Lake as the South Basin has wetlands characteristics
- CLP solicited the public to write letters to the DEC following these comments
- Julie Barrett-O’Neill responded to PJ Wendell rearguing these concerns in writing: “Regarding questions over Burtis Bay and other existing parts of Chautauqua Lake, these areas will still be considered a lake under New York State Environmental Conservation Law and associated regulations. DEC will continue to work with Chautauqua Lake municipalities and stakeholders to ensure you are informed of the implementation steps of the new Wetlands law and have an opportunity to provide your perspectives as this initiative advances. “

The DEC Public Comment Period opened in January and closed Feb 19, 2024

- Letters were solicited (unknown number sent to DEC)
- Several letters shared to CLP specifically questioned the broad classification criteria which would be inclusive of lake near-shore areas
- Questions asked relating to lakes during a public webinar were ignored
- No further response from the DEC came forth

News articles & public meetings regarding the NYS DEC declaring intent to regulate “much of the South basin” as Wetlands

- Concern raised by Lakewood Council in Feb 17 article
<https://www.observertoday.com/news/local-region/2024/02/dec-proposal-may-have-economic-impact-on-lakewood/>
- Mar 2, 2024 DEC spokesman Pignatarro statements pertaining to the South Basin
<https://www.observertoday.com/subscribe/?ref=articleMax>
- Mar 9 Keep the Lake a Lake article
2024<https://www.post-journal.com/news/top-stories/2024/03/keep-the-lake-a-lake/>
- March 11, 2024 Julie Barrett O'Neill, Regional Director of NYS DEC Region 9, along with Chautauqua County Executive PJ Wendel, Town Supervisors, local Mayors, and stakeholders convene to discuss Chautauqua Lake's Wetland status
<https://chqgov.com/county-executive/news/video-nys-dec-chautauqua-lake-wetland-presentation>
- Mar 16 CLP Public Meeting discussing Wetlands issue and risks to Chautauqua Lake
<https://chqlake.org/2024/03/clp-meeting-summary-and-powerpoint-presentation/>
- Mar 22 Summary of video by WRFA
<https://www.wrfalp.com/dec-officials-try-to-clear-confusion-over-how-wetland-act-will-impact-chautauqua-lake/>
- Mar 29 PJ Wendell frustrated that people are not satisfied with results of March 11 meeting with DEC officials
<https://www.wrfalp.com/listen-community-matters-pj-wendel-march-28-2024/>
- Mar 30 Kicked off “Keep the Lake a Lake” Campaign with letters enabled on CLP Website <https://chqlake.org/advocate-write-to-officials/>
- April 14 Yard Signs available to the public
- April 16, 2024 Opened Change.org Petition “Keep the Lake a Lake”
<https://www.change.org/p/keep-the-lake-a-lake>

CLP planned additional activities to continue this campaign:

- Flyers at NYSFOLA conference May 3
- Social media promotion of this issue
- Memorial Day CLP Rally/Public M
- Give Big Chautauqua fundraiser
- CLP table with Wetlands Flyer at the June 22 Chautauqua Institute lake Conference
- Labor Day CLP Rally/Public Meeting

Excerpts from Wetlands Letters:

“Wetland protection goals, which focus on preserving natural vegetation, contrast with the management goals for lakes, where controlling vegetation is often necessary to maintain open water spaces for boating, swimming, and fishing. The added regulatory hurdles and uncertainty could lead to increased costs for lake management, impacting both the enjoyment of the lake by residents and visitors and the broader economic health of Chautauqua County. “

“Changing the lake status to a Freshwater wetland will create a swamp sooner than later! A perfect example was approx two years ago, herbicide treatment was not done or insufficient. By August the lake STUNK and boating was almost impossible. I personally picked up dead fowl and fish on our shore rotting in weeds. The smell gets unbearable. Again, please leave the lake A LAKE.”

“As a home owner on the lake, I do not want wetland protection of the vegetation here; I want the vegetation controlled. I fear a designation as a wetland here would create new barriers for herbicide use and mechanical harvesting.

I fear that there would be added cost, complexity and uncertainty due to regulations and new requirements with being designated as a wetland. I have heard that the DEC has said, "There will be no changes to Chautauqua Lake with the wetland designation." If that is true, why designate Chautauqua Lake as wetland in the first place?!

Chautauqua Lake is a LAKE not a SWAMP. It should be regulated as such!"

“Actually, I don't even own a boat or have property on the lake, so I really am not biased. My degree from college is in biology and I'm all for the environment. However...in this case I strongly disagree with not treating the lake and turning the south basin into wetlands. Without the lake being able to be used as a recreational lake, we might as well kiss Chautauqua County goodbye. All the boatyards, business on and around the lake as well as property owners would suffer. I can't even imagine all of the repercussions to our area.”

“It is crucial to recognize that the goal of wetland protection is to preserve natural vegetation, not to manage it actively. This approach is incompatible with our vision for the lake, which relies on proactive management to ensure its continued enjoyment by residents and visitors alike.”

“I have lived on Chautauqua Lake since 1975. The south basin is not a wetland, and it should not be managed as one! I am a full time resident and purchased my home as both a home and an investment, At 75, I know that I likely will not be able to live here at some point in time as I will need assistance. My plan was to stay here as long as possible, then sell at a good price and use the funds for assistant living. By declaring much of the south basin as wetlands the state of New York is putting

that at risk! This is over the top regulation and is not needed! Why is New York State declaring war on Lakefront property owners?"

"I want to remain a resident of this area, but the condition of Chautauqua Lake, is making it very difficult. We want to use Chautauqua Lake for recreation and enjoyment. This has, however, become increasingly difficult, if not impossible, due to the deteriorating condition of the lake. We have had issues for years. Year after year, nothing gets done. Now the DEC in its infinite wisdom wants to regulate Chautauqua Lake as a wetland. The goal of wetland protection is to protect the vegetation, NOT to manage it. This is NOT what we want for our lake."

"My family has owned property on the lake since 1950 and to now say our property is going to be effected by these new regulations is disturbing. Are my property taxes going to go down??? Is my property value going to go down? We take pride in this lake and preserving it, not making it a swamp."

"Please don't make this lake wet lands , I would love for my kids and grandchildren to experience the same experience that I have had growing up . Fishing swimming kayaking boating and so much more ."

"I'm 79 lived here over 36 years have kept my property up so when day comes to sell my property I will get good price. Wet land will decrease it greatly causing hardship for me."

"As a lakefront homeowner I strongly object to the property I own being regulated as wetland. I purchased this as lakefront property on a fresh water lake and performed significant due diligence on the regulations that would apply to my ownership. This proposed change would significantly impair my existing rights and have a negative impact on my property value. It also creates a significant amount of uncertainty about the use of my property and about my ability to sell my home and property at some time in the future."

"I am writing to vehemently oppose the New York State Department of Environmental Conservation's proposal to designate my lakefront property as a wetland. This overreaching regulation not only represents a dubious stretch of legal authority but also poses a grave threat to the property values and economic stability of our community. By enforcing such an unwarranted designation, you are effectively usurping the rights of property owners, undermining the years of investment and hard work put into our homes and businesses. This action does not just cripple property values; it tears at the very fabric of our community's livelihood, impacting real people and real lives."

"My family has owned property in the Chautauqua Lake south basin since 1949. The thought of treating our frontage as a swamp disgusts me. For decades, we have fished and played in these waters and wish to continue the legacy for decades to come. The invasive weed problems of the South Basin need to be addressed like it was 50 YEARS AGO !! A combination of harvesting and responsible herbicide application is required."

"I have been a Lakefront property owner for over 30 years. In earlier years the lake was very nice. Weeds were controlled early and kept the lake clean. It seems in the last 10 years it has been a battle to enjoy the lake."

“My dream was to retire and move to this beautiful lake, we bought our cottage 12 years ago, we have invested a lot of money into remodeling and finally retired to live here permanently. Please don't let my dream end in a nightmare. I beg you please keep this beautiful lake a lake.”

“Regulation as wetland will give ammunition to the small minority of herbicide opponents to use the DEC's own regulation to prevent our permits from being approved. This cannot happen. This is the Lake George Association "playbook" and we will not stand for it.

Also, I do understand the value of wetlands, and I believe that the DEC would be cheating New Yorkers out of actual wetland protection by including thousands of acres of lake against the target of 1M new acres of wetland protection, Please go after actual wetlands - they should be on land, not in the lake.”

“I have lived on Chautauqua Lake for 43 years and know if the lake is managed effectively with good science using herbicides, harvesting. And stewardship it is a beautiful useful lake LAKE Chautauqua Lake should be maintained as a lake and IS NOT A WETLAND”

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