



A clean lake reflects well  
on all of us.

**(final)**

## **ONONDAGA LAKE PARTNERSHIP (OLP)**

### **EXECUTIVE COMMITTEE MEETING MINUTES**

**April 29, 2009**

#### **1. ATTENDEES**

##### **Committee Members Present:**

Lieutenant Colonel (LTC) Daniel B. Snead, District Commander, USACE, Buffalo District  
Mr. Kenneth Lynch, Regional Director, NYSDEC, Region 7  
Mr. Seth Ausubel, Chief, New York Watershed Management Section, USEPA Region 2  
Mr. Charles Silver, Environmental Scientist, NYS Office of the Attorney General  
Mr. David Coburn, Director, Onondaga County Office of the Environment  
(Alt. for Ms. Joanie Mahoney, Onondaga County Executive)  
Mr. William Owens, Contract Compliance Officer, City of Syracuse  
(Alt. for Mayor Matthew Driscoll, City of Syracuse)

##### **Others In Attendance:**

Ms. Mary Jane Peachey, Project Committee Chair, NYSDEC  
Ms. Susan Miller, Outreach Committee Chair, Onondaga County  
Mr. Steven Vriesen, OLP Program Manager, USACE, Buffalo District  
Ms. Lynn Greer, Outreach Program Specialist, USACE, Buffalo District  
Mr. Joseph J. Heath, Esq., Onondaga Nation General Counsel  
Ms. Lindsey Speer, Office of Joseph J. Heath, Esq.  
Mr. Chris Dere, Onondaga Lake Program Manager, USEPA, Region 2  
Dr. Ed Michalenko, President, Onondaga Environmental Institute  
Ms. Meredith Perrault, Project Scientist, Onondaga Environmental Institute  
Ms. Jean Smiley, Onondaga County Physical Services Administrator

##### **Committee Members Absent:**

none

**2. MEETING ARRANGEMENTS:** The meeting was held on Wednesday, April 29, 2009 at 10:00 a.m. at Onondaga County Water Environment Protection, Phosphorous Operations Center.

3. **AGENDA ITEMS:** An Agenda was provided which included the following items:
- a. **Opening Remarks:** LTC Snead welcomed everyone to the meeting.
  - b. **Executive Session:** An Executive Session was not deemed necessary for this meeting.
  - c. **Approval of the March 27, 2009 Meeting Minutes:** A Motion to approve the minutes of the March 27, 2009 meeting, as amended, was moved by Mr. Coburn, seconded by Mr. Lynch, and approved unanimously.
  - d. **Review Open Action Items:** Mr. Vriesen reviewed the Action Items E08-1 and E09-1.
4. **CORRESPONDENCE:** Mr. Vriesen reported that USACE had not received any incoming correspondence since the last meeting. The Tully Valley Mudboils whitepaper was distributed, but no one has received feedback to date.

5. **STANDING COMMITTEE REPORTS:**

- a. Outreach Committee: Ms. Miller reported on the Outreach Committee meeting held on April 22, 2009. The following are highlights from that meeting:
- Progress Assessment and Action Strategies: Presentation given by Mr. David Kubek of CNYRPDB on the Lake Watershed Progress Assessment and Action Strategies.
  - OLP Newsletter: The next OLP newsletter is under development and is scheduled for publication in early June.
  - OLP Mini-grants: Application deadline is May 1, 2009. Applications will be reviewed and recommended by the sub-committee, and approved by Outreach Committee.
  - OLP 2009 Public Events: Discussion on possible alternative public events sponsored by the Partnership in lieu of Onondaga Lake Day and the Annual Progress Meeting. Among the possibilities discussed were: narrated weekend and/or week day boat tours for school groups, sponsorship of lecture/class series at Liverpool Library or elsewhere on various lake issues, and/or publishing an additional newsletter this year.

Following Ms. Miller's update, the floor was opened for questions and discussions. LTC Snead inquired about the status of the Mini Grants applications. Dr. Michalenko reported that OEI has received two inquiries to date. LTC Snead also inquired about the time available to resource and coordinate a new public activity this summer. Ms. Miller advised the Executive Committee that any new event will likely occur in September and the proposed Annual Report would be distributed to 85K residents in Onondaga County, released through Syracuse Post-Standard. Mr. Lynch expressed his support of the narrated boat tours alternative. Mr. Lynch, as well as the other Partners, also commended Ms. Miller for her planning efforts at past Onondaga Lake Day events.

- b. Project Committee: Ms. Peachey reported on the Project Committee Meetings held on April 23, 2009. The following are highlights from that meeting:
- Onondaga Lake Water Quality Model: Ms. Peachey sent a letter to Dr. Joseph Atkinson, Peer Review Technical Coordinator, asking the Peer Review Panel to advise Project Committee to what extent, if any, the concerns raised by Upstate Freshwater Institute (UFI) regarding the lake model need to be addressed. The following questions were posed to the Peer Review Panel: 1) are the issues of plunging inflow and phosphorus

bioavailability raised by UFI addressed in the current model, and 2) is the model adequate for OLP purposes or is it necessary to revise the model or undertake additional studies to determine if model revisions are necessary?

- Onondaga Creek Conceptual Revitalization Plan: Dr. Michalenko advised that, despite previous reports to the contrary, sufficient funds remain in the Onondaga Creek Conceptual Revitalization Plan (OCCRP) account to complete outreach tasks related to reproducing and distributing the plan to the public and local media.

The Executive Committee tasked Project Committee in February to review the OCCRP and advise if the approved project scope of work was accomplished. Per this review, three work elements were not completed including: 1) the Jurisdictional Guide, 2) release and public comment to the draft plan, and 3) reproduction and distribution of the final plan. Dr. Michalenko requested feedback regarding the Jurisdictional Guide. Per the proposal, the Jurisdictional Guide was to be for informational purposes advising the public who to contact regarding regulatory issues/concerns, etc. Project Committee expressed the continued need for that document and indicated their willingness to assist OEI if necessary.

- Microbial Track down Study: Ms. Peachey advised that Phase 1 is near completion. The 12-hour sampling events are the next task and are weather-dependent. Project Committee will try to identify how subsequent phases may be funded, including through Onondaga County environmental benefits project (EBP) funds. NYSDEC is waiting internal approval to expend funds provided through a grant from USEPA. Ms. Peachey confirmed that sole source issues are addressed in the paperwork.

Following Ms. Peachey's update, the floor was opened for discussion. Dr. Michalenko reported that he sent the letter to Dr. Atkinson, who has posed the questions to the Peer Review Panel, prepared an outline, and is soliciting comments from the panel members. Mr. Coburn suggested that the recommendation should identify a defined role for UFI on the collaboration to ensure the two efforts are complimentary. Mr. Lynch commented that the completion dates should not change and is glad to hear a specific role for UFI was requested. Mr. Ausubel reiterated Mr. Lynch's comment. Mr. Ausubel commented on the need to run and use the model as soon as possible and asked that the Peer Review Panel, within the context of the lake water quality model, improve the model's performance but not undertake another long term modeling study.

## 6. UNFINISHED BUSINESS:

a. Onondaga Creek Conceptual Revitalization Plan (OCCRP): Dr. Michalenko gave a presentation to the Executive Committee summarizing the OCCRP. Highlights of that presentation are as follows:

- The OCCRP team included OEI staff, interns, City of Syracuse, Natural Resources Conservation Service, NYSDEC, Onondaga County Soil and Water Conservation District, SUNY ESF, USGS, and other stakeholder facilitators.
- Technical information contained in the OCCRP is also included in a set of fact sheets appended to the plan. The plan assessed three case studies: Bronx River, NY; Guadeloupe River, California; and Platt River in Denver, CO. The Working Group conducted several

Public Education Forums to foster public awareness and involvement in Onondaga Creek watershed issues. The public forums were facilitated by Cornell Cooperative Extension and SUNY ESF throughout multiple neighborhoods. The public events were fairly well attended and created a “buzz” about the creek which got youth and older citizens involved and excited about proposed creek revitalization.

- The Working Group solicited goals and issues at seven community forums with over 350 participants. In addition, there was one stakeholder meeting with 700 invites and over 100 participants, one government workshop attended by 12 agencies and departments, and six organizational meetings with over 100 participants. At each of these events, the Working Group asked two questions: 1) What is your goal/vision for Onondaga Creek?, and 2) What concerns/obstacles/limitations to achieving that goal?
- The Working Group took the information to guide and direct the planning process and met monthly for 2.5 years. Working Group results included the development of revitalization maps at design charettes. Meeting attendees placed symbols representing activities/functions within three main categories of hydraulic, biologic, and land use along the map to identify areas where they wanted specific activities to occur. The Working Group bundled the items and identified main drivers (page 70 of the report) such as water quality, human health and safety, etc.
- Working group goals are to achieve Class B standard (fishable/swimmable) throughout the watershed to support diverse fish and wildlife, and contact recreation. Water should be clear and attractive and free of garbage, and provide access and recreation to surrounding neighborhoods. Proposed projects should support a naturalized, attractive creek. Educational goals include providing diverse educational experiences and opportunities for multiple audiences. Other local initiatives include interactions and synergies between OCCRP and existing projects in the watershed. Three examples of existing projects include: Onondaga Creek Walk, Connective Corridor, and Near Westside Initiative.
- Constraints and Opportunities: A significant constraint is data gaps in ecological and design perspective; further information is available in the report appendices. Opportunities include advantages of monitoring to identify the system’s health, threats and impairments, and impacts of human activity to design and measure restoration efforts.
- Implementation Strategies: Find revitalization opportunities in exiting land use patterns. Establish ecological communities, and seek sources of funding.
- Regulatory and Non Regulatory Measures: Regulatory measures considered include erosion control ordinance, stream buffer strips, and conservation overlay districts. Non regulatory measures include land use. The Working Group used urban strategies and divided the city into four geographic areas: lakefront, downtown, southside, and valley. Overall, a large amount of urban area is publicly owned or vacant.
- Design and sustainability standards: Ecological goals and economic development goals are mutually beneficial. The focus is to protect and restore natural creek features and function, and regenerate the creek front as a human realm. Compromises and collaboration will be necessary to achieve the multiple objectives and will require the process of planning for and designing the Onondaga Creek corridor with broad participation.

- Ecological Standards: Ecological standards establish an endpoint and include improving ecological conditions, increase the system's capacity to sustain itself, and avoid irreparable damage to the system. Pre- and post-monitor projects would occur and it is important to share data that would help describe or predict intended outcomes.
- Recommended pilot projects: Several pilot projects were reviewed by the working group. Recommended projects include a living fence, green infrastructure, trail creation, conservation easement, flood and storm water retention, and channel modification.
- Continuation of Onondaga Creek Working Group: The Working Group would like to continue and coordinate ongoing projects that affect Onondaga Creek. In addition, the Working Group and OEI would like to be involved in implementation of recommended demonstration projects.

Dr. Michalenko requested Executive Committee acceptance of the draft plan so the document can be released for public comment. In addition, Dr. Michalenko announced his intent to pursue a joint proposal to continue the Working Group, identify a Technical Team, and develop conceptual designs for OCCRP demonstration and pilot projects.

Mr. Lynch inquired if funding would support conceptual design and cost estimates. Dr. Michalenko advised Executive Committee that funds requested in the joint proposal would support design and cost estimates. (Mr. Dere reminded the committee that Dr. Ted Endreny from SUNY ESF still needs to finalize a report in support of a separate USEPA grant funded project that supports the OCCRP.)

Mr. Lynch stated that the plan, by providing thoughts and ideas about creek development in one document, is helpful for State and Federal agencies, and local development initiatives. The OCCRP has implementation challenges, some of which probably cannot be done and some cannot be done immediately. There is work that needs to be done on rolling out the proposed initiatives.

LTC Snead commented that local public support upfront is powerful and public safety is our main concern. Channels must be maintained to provide flood protection. The San Antonio project is an example of USACE involvement. Ms. Perreault commented that OEI referenced the successful San Antonio project throughout the project development. Dr. Michalenko stated that the OCCRP is an evolving document, and over time sections may become obsolete, inserted, and/or replaced.

Ms. Smiley commented that the County has been talking with Dr. Michalenko and there is a lot of synergy between the plan and County initiatives for green infrastructure. The County is looking at conceptual plans with Metropolitan Development Association (MDA) funds that could move forward with County green infrastructure projects. Mr. Ausubel mentioned that it is important to bring proposals forward in a timely manner consistent with the Federal budget process. Entities should be prepared to submit proposals when special funds are available (i.e., Stimulus, State Revolving Fund, etc.).

Mr. Silver inquired about the price of the land along the creek that would need to be purchased, what percent is City-owned vs. privately owned, and of that land, what percent is blighted. Ms. Perreault advised that SUNY ESF and the City of Syracuse completed a vacant land use plan that will be available soon and has answers to Mr. Silver's questions. Mr. Owens agreed with the pragmatic, long term approach to creek revitalization and concurs that there is a

need for a government/agency agreement to complete coordination of activities, such as a clearing house. To date, such an agreement does not exist. Mr. Owens pointed out that one clearing house agency created through an agreement to oversee these activities would bring order to reach the goals of revitalization of the creek.

Dr. Michalenko mentioned that it is the City's intent to couple the OCCRP with the City Master Plan and Land Use Plan. Mr. Lynch commented that there is Federal, State, County, and City jurisdictional land along the creek and implementation could be more complicated. Mr. Owens stated the clearing house agency could be a non profit organization such as OEI. Mr. Ausubel advised the Committee of a coalition on Long Island, Hempstead Harbor, where six or seven municipalities developed a storm water management plan with common goals. The coalition enabled a broader vision to be accomplished. Mr. Lynch commented that the Partnership is the mechanism already in place that may need to be tweaked to move the OCCRP forward. Mr. Owens did not agree there is an overarching mechanism in place and restated his support for an agreement with OEI to execute the OCCRP. Ms. Smiley agreed it is an idea worth considering. Mr. Lynch questioned who that would be and who would be responsible for forming that entity. Ms. Smiley advised there is an existing City/County agency and perhaps a sub-component of the existing agency could be established for this purpose. The City and County may want to discuss further with OEI.

Ms. Peachey mentioned there are a lot of cooperative models used throughout the Country that we could learn from to implement something successful. Mr. Lynch recommended charging the Working Group to look at existing National models and provide recommendations on how to implement. Ms. Miller mentioned the County has an intermunicipal agreement with the City in support of green infrastructure, greening the creek walk, and in other areas, similar to what is proposed in the plan. The agreement is coordinated through the Common Council and County Legislature. Mr. Owens recommended looking at the City of Cincinnati's plan. Ms. Perreault commented that the City of Cincinnati plan is in the OCCRP Appendix for reference.

Ms. Miller advised the County is submitting a stimulus package for green creek walk and work with the City. Also, the City and County are working together more now than ever when the Creek Plan began. Dr. Michalenko admitted this is a great point to bring back to the public. Ms. Smiley acknowledged there is a lot of interest from private developers regarding green infrastructure along the creek walk that could also benefit from this information.

Mr. Ausubel recommended the OLP provide a supportive statement showing government support and affirmative message including recommendation on how to move forward, identify roles, etc. Mr. Lynch recommended the Executive Committee accept the report and then develop a statement for inclusion. The following Motion was moved by Mr. Owens, seconded by Mr. Ausubel, and approved unanimously.

**MOTION:** The Executive Committee accepts the draft Onondaga Creek Conceptual Revitalization Plan as presented and approves its release for public comment.

b. Contact Recreation/County Protocol: Mr. Coburn distributed in advance of the meeting the 'Special Event Water Quality Protocol' developed by the County. Mr. Coburn summarized the proposed protocol as a tool to be used to evaluate water quality as it relates to contact recreation event or activity to occur. The County would be responsible for sampling prior to an event, and information would be posted on the OLP website and a notification/advisory issued.

Mr. Ausubel recommended incorporating a map to show buoys or landmarks (i.e., north vs. south end) in and around the lake for the general public to understand locations identified in the protocol and advisories. Mr. Coburn agreed that a map would be helpful, however, some areas are not clearly defined and a scale map may not be very meaningful due to the size of the lake.

Mr. Silver inquired about the determination process on page one. Mr. Silver recommended identifying factors or reasons for why the conditions occur, for example, 2 inches of rain in 48 hours or CSO events. Mr. Coburn remarked that the County does not believe there is sufficient data correlation to determine preemptive conditions. Based on the protocol, the County will conduct evaluations and collectively decide if an advisory is needed. In extenuating circumstances (e.g., 3 inches of rain in one hour), the County Health Department Commissioner could evaluate conditions and supersede the proposed protocol. Mr. Silver stated the protocol is what is needed but thinks understanding the variables of an event and what would trigger the protocol/advisory would be helpful. Mr. Coburn explained the intent of the protocol is to be conservative.

The Committee agreed to post the protocol, or a link to the protocol, on the OLP website.

#### 7. NEW BUSINESS:

a. OLP Resolution 2009-1: Ms. Miller explained that the resolution is to move \$20,000.60 from the PMIS project line item to the Public Website line item of the Outreach Committee budget, and move \$61,476 from Outreach Support Services, to the general Outreach Committee budget and distribute the funds across out-years. The following Motion was moved by Mr. Lynch, seconded by Mr. Coburn, and approved unanimously.

MOTION: The Executive Committee approves OLP Resolution 2009-1 as presented.

b. 2009 Outreach Committee Operating Budget: Ms. Miller requested approval of the 2009 Outreach Committee budget. Ms. Miller explained the Outreach Committee intends to produce two newsletters each year. However, the publication date of the second newsletter of 2008 was released later than expected. As a result, bills were received in January and paid using 2009 funds vs. 2008 funds. In order to have enough money to print two newsletters in 2009, the committee moved \$2400.00 from Public Education Events/Conferences into Materials for Publications. The following Motion was moved by Mr. Ausubel, seconded by Mr. Lynch, and approved unanimously.

MOTION: The Executive Committee approves the 2009 Outreach Committee Operating Budget as presented.

#### 8. OTHER BUSINESS:

a. Committee Housekeeping: LTC Snead would like to make sure there is full participation from all committee members for Outreach and Project Committee. LTC Snead asked the respective Committee Chairs if attendance is where it needs to be and what is the way forward to get attendance to where it needs to be. Ms. Peachey advised there has been a quorum at every Project Committee meeting in the past year. One individual had missed three or more meetings; Ms. Peachey spoke to that person who has since had good attendance. Ms. Miller advised that Outreach Committee has had quorum issues. The lack of a quorum was due to one person who was critically ill and unable to attend. Secondly, Outreach Committee lost a representative from SUNY ESF and the university took a long time to replace the vacant seat. In addition, two

members have attended less than half of the meetings in 2008 and one member attended only once in 12 months. Ms. Miller contacted the two members who have attended less than half the meetings and hopes that their attendance improve. Mr. Sam Sage, the representative from Atlantic States Legal Foundation, only attended one meeting in 2008. Ms. Miller spoke to Mr. Sage but recommends LTC Snead send a letter requesting his interest to participate. Mr. Lynch and Ms. Smiley mentioned that they attend weekly meetings with Mr. Sage and will inquire about his interest to participate on the OLP Outreach Committee. Pending the results of those conversations, LTC Snead may send a letter to Atlantic States Legal Foundation requesting their interest to participate.

b. Tully Valley Mudboil Whitepaper: Mr. Ausubel has scheduled a meeting for June 2, 2009 with senior staff at USEPA including the Regional Administrator, Communications Director, and Superfund Director to determine if USEPA can become involved to support continued mudboil initiatives. Mr. Coburn recommended that the Mudboil whitepaper should be distributed to other groups, agencies, foundations, etc. to broaden awareness of the issue. Executive Committee will likely have to move forward with assessing the need to use USEPA contingency funds to continue work next year. In addition, Mr. Ausubel explained that even if USEPA has sufficient funds to continue this work, it would only be for the short term since OLP funding expires in 2012. The Partnership needs to identify a long term solution. Mr. Vriesen noted that Mr. Kappel's work to assess mudboils source control is probably the most feasible long term solution, aside from identifying a perpetual source of funds to continue ongoing activities. Mr. Ausubel will report back to Executive Committee after the June 2<sup>nd</sup> meeting.

c. Issues – Mr. Silver recommended that the Onondaga Creek Cleanup be put on the next meeting agenda. Mr. Ausubel recommended that Cornell Cooperative Extension (CCE) provide a risk management brief to Executive Committee. Mr. Coburn asked if CCE is aware this activity is being evaluated by Executive Committee. Ms. Miller, Mr. Dere, and Ms. Greer advised that CCE is not aware because they did not attend the last Outreach Committee meeting. Mr. Lynch asked if the event has been approved in the Outreach Budget. Ms. Miller advised that the event is budgeted under 'Other Outreach Activities' but has not yet been approved for funding.

9. PUBLIC COMMENT: None.

10. FUTURE MEETINGS: An Executive Meeting will be scheduled in June 2009. Mr. Ausubel recommended using Doodle, a web based calendar, to schedule the meeting. Mr. Vriesen publicly acknowledged that Ms. Greer recommended use of this program to schedule the April meeting but did not think it would be effective.

10. ADJOURNMENT: The meeting was adjourned at 1:30 p.m.

Number	Date of Origin	Due Date	Action Officer	Tasking	Status
E09-2	29-Apr-09	30-Jun-09	Vriesen	Draft OLP cover letter to announce public release of the OCCRP.	In-progress