

Chapter V: Institutional and Regulatory Influences

There are various types of laws and regulations that relate to water resource protection at the federal, state, and local government levels. The purpose of this chapter is to identify the environmental laws, regulations, programs and groups, as well as political delineations and processes that currently exist within the Oneida Lake watershed. Regulatory and non-regulatory programs are discussed in this chapter, and are separated into federal, state, and local sections. A discussion of the organizational and political structure within the watershed also follows. Municipalities with less than one percent of their land area within the watershed are not included. Municipalities and agencies will be able to use this summary as a resource when future decisions are made regarding land use practices and funding opportunities in the watershed. Municipalities will also be able to use this information to evaluate current laws in relation to local environmental and water resources needs.

Some of the information presented in this chapter was provided by the Cayuga Lake Watershed Restoration and Protection Plan (2001) and Diet for a Small Lake (1990).

Section 1. Organizational and Political Structure

1.1 County Government

1.1.1 County Legislatures

Lewis County

The Lewis County Board of Legislators is the governing, appropriating and policy-making body of Lewis County. It has the power to levy taxes, adopt budgets, incur debt, fix compensation, and approve local laws and resolutions. The Board currently has 10 members; each representative of and equal to the same number of constituents as possible. Each County Legislator is elected to a two-year term.

Madison County

While other Central New York Counties are governed by a County Legislature, the governing body of Madison County is called the Board of Supervisors and is composed of one representative from each of the 15 towns. The City of Oneida is divided into six wards and is represented by four County Supervisors. Each member of the Board of Supervisors holds a two-year term of office. The representative of the town also serves as the Town Supervisor. Supervisors elected from city wards have no other official duties in conjunction with this role. The Board of Supervisors operates through 13 committees including Governmental Operations; Finance, Ways and Means; Administration and Oversight; Social and Mental Health Services; Public Health Services; Planning, Economic Development, Environmental and Intergovernmental Affairs; Criminal Justice, Public Safety and Telecommunications; Public Works; County Building and Grounds; Solid Waste and Recycling; Native American Affairs; Long Range Planning; and Public Utility Service.

Oneida County

The Executive Branch of Oneida County government administers county affairs. A County Executive, who is elected to a four-year term, heads the branch. The County Executive, in turn, appoints the various department commissioners with approval by the Board of Legislators. The Oneida County Board of Legislators is the governing, appropriating, and policy-making body of Oneida County. It has the power to levy taxes, adopt budgets, incur debt, fix compensation, and approve local laws and resolutions. Its powers and duties derive from the Oneida County Charter and code, and the laws of the State of New York. The Board currently has 29 members representing the citizens of Oneida County. Each County Legislator is elected to a two-year term.

Onondaga County

The County Legislature is Onondaga County's chief policy-making body. Legislators within Onondaga County rule on matters including capital improvements, the annual budget, and salary schedules for county employees. The Legislature is presided over by the Chairman, who is elected by the members at the first meeting of the year subsequent to an election. In discharging its responsibilities, the Legislature operates through eight standing committees. Each standing committee oversees the work of several executive branch departments and is expected to review and study policy issues related to the subject matter under its jurisdiction. The Standing Committees include: Education and Libraries; County Facilities; Environmental Protection; Health; Planning and Economic Development; Public Safety; Social Services; and Ways and Means.

Oswego County

There are currently 25 Oswego County Legislators, including a Chairman of the Legislature. The Legislature's 12 Standing Committees oversee functions and departments of Oswego County government, and make policy and budgetary recommendations to the full Legislature. The Standing Committees include: Buildings and Grounds; Economic Development and Planning; E-911, Emergency Management and Fire Control; General Government; Health; Human Resources; Personnel; Public Safety; Public Works; Records; Social Services; and Ways, Means and Budget. In 1979 the Legislature adopted a local law creating a County Administrator. The County Administrator works directly with the Legislature Chairman and County Legislature to develop county policies and local laws, and implement the programs and policy decisions of the Legislature. The County Administrator is also responsible for the development and management of the annual county budget.

1.1.2 County Departments

Each county in the watershed has a **Planning Department** that oversees the development of planning activities, planning boards, and supports municipal local land use regulation and control efforts. County Planning Departments coordinate activities in land use, comprehensive planning, environmental management, and community and economic development. County Planning Departments may also administer federal housing assistance and public transportation programs, conduct zoning reviews, and provide planning assistance to municipalities.

Every county in the watershed also has a **Soil and Water Conservation District (SWCD)**. SWCDs protect soil, water, and other natural resources by reducing agricultural and non-agricultural non-point sources of pollution through the use of Best Management Practices. SWCDs provide information and education to the public on sound natural resource conservation principles and practices, and are responsible for implementing the NYS Agricultural Non-Point Source Abatement and Control Program. The Agricultural Non-Point Source Abatement and Control Program is often included as part of the Agricultural Environmental Management (AEM) Program (see Chapter IV Section 2 *Agricultural Land Use* for additional information). A Board of Directors governs each SWCD and sets program policy to be implemented by the SWCD staff. SWCDs in the Oneida Lake watershed are funded largely through federal and state grants and county appropriations. The United States Department of Agriculture Natural Resource Conservation Service (USDA-NRCS) works closely with SWCDs on many projects and activities.

Madison, Oneida, Onondaga, and Oswego Counties each have a County **Health Department** that oversees drinking water supplies, implementation of the Source Water Assessment Program (SWAP), inspection of on-site wastewater systems, and enactment of watershed rules and regulations. In Lewis County, the NYS Department of Health's District Office in Watertown oversees these activities. See Chapter IV Sections 3 and 4 for additional information on Health Department responsibilities.

County Planning Departments, Health Departments, and Soil and Water Conservation Districts within the watershed have assisted with numerous aspects of the Oneida Lake and Watershed Management Planning and Implementation Project, including providing data for the State of the Lake and Watershed report and assisting with the review process, participation on various Task Force Committees, and assistance with the Oneida Lake Tributary Monitoring Program.

1.1.3 Advisory Agencies

The counties in the Oneida Lake watershed each have a **Water Quality Coordinating Committee (WQCC)** responsible for providing guidance and monitoring of issues related to county water quality and resources. Each of the groups consists of members from various agencies including County Planning Departments, County Departments of Health, Soil and Water Conservation Districts, Regional Planning Boards, Cornell Cooperative Extension, and other government agencies, private organizations, and individuals. Non-point source pollution is often discussed at committee meetings. Each of the WQCCs have developed a County Water Quality Strategy that provides a framework for county agencies and associated entities to address non-point source water quality pollution problems, serves as a way to enhance and improve the effectiveness of coordinated efforts to protect or improve water quality in the county, and provides a means for assessing progress made toward improving and protecting the quality of the county's water resources.

In the Oneida Lake watershed, Madison, Oneida, and Oswego Counties have an **Environmental Management Council (EMC)**. EMCs are authorized by Article 47 of the Environmental Conservation Law, and are established at the county level by the county governing body. EMCs serve as an advisory agency within county government and as a countywide forum and advocate

for environmental concerns. EMCs have the authority to advise the county on all matters affecting the preservation, conservation, and proper management of the natural resources of the county. They also prepare annual reports on the state of the environment in the county. EMCs often work closely with planning and other agencies on land development issues and natural resource inventory.

In Onondaga County, the **Council on Environmental Health** provides an advisory role to county government on environmental health and other environmental matters. Representation includes citizenry and representatives of county and city government departments.

1.1.4 Intermunicipal Districts

County Law provides for the formation of county agencies and special districts. A county district consists of two or more noncontiguous areas within a county in which certain community concerns such as water, sewer, drainage, or wastewater management are interrelated and interdependent. The Legislature or Board of Supervisors of each county has the authority to establish or extend county water, sewer, wastewater disposal, drainage, or refuse districts. These districts would be created or extended for the purpose of developing or acquiring a supply of water, for sewage treatment and disposal, for administering and planning aspects of wastewater disposal systems, for waste collection and disposal, for drainage of stormwater and other waters, and for lake protection and rehabilitation. Towns also have the authority to create districts such as water supply districts.

1.2 State Government

1.2.1 NYS Department of Environmental Conservation Regions

The NYS Department of Environmental Conservation (NYS DEC) functions as both an environmental regulatory agency and a natural resource management agency. The NYS DEC has divided the State into nine regions along county boundaries. Day to day activities are directed from these Regional Offices, while the long term management framework is developed by staff in the Central Office in Albany. Within the Oneida Lake watershed, Lewis and Oneida counties are under the jurisdiction of NYS DEC Region 6, while Region 7 covers the remainder of the watershed.

The NYS DEC has been involved with the Oneida Lake and Watershed Planning and Implementation Project in a variety of ways. A portion of the funding for the project was provided to the Central New York Regional Planning and Development Board from the NYS DEC (through the Environmental Protection Fund). The NYS DEC has served as a member of the various Oneida Lake Task Force Committees including the Executive, Technical, and Education and Outreach Committees. The NYS DEC also helped design the Oneida Lake Tributary Monitoring Program and conducted the Rotating Intensive Basin Studies (RIBS) Program in the watershed (see Chapter II Section 4.3 *Monitoring Programs* for additional information) The NYS DEC continues to be very active in various public participation and outreach efforts throughout the Oneida Lake watershed. Additional information about the NYS

DEC is available from Chapter V Section 3.1 *Environmental Conservation* and on the Internet (<http://www.dec.state.ny.us/>).

1.2.2 NYS Department of Transportation Regions

The New York State Department of Transportation (NYS DOT) maintains and operates the State's highways and bridges, and promotes economic growth in New York State by planning, coordinating, and implementing strategies to improve and ensure a safe and efficient transportation network. The NYS DOT is headquartered in Albany and includes 11 regional offices. Within the Oneida Lake watershed, Onondaga and Oswego Counties are served by NYS DOT Region 3, Region 2 serves Madison and Oneida Counties, and Region 7 serves Lewis County. The NYS DOT is important within the Oneida Lake watershed because of its historic relevance to the NYS Canal System (see Chapter V Section 1.2.4) and general connections to economic development. Additional information about the NYS DOT is available on the Internet (<http://www.dot.state.ny.us/>).

1.2.3 NYS Office of Parks, Recreation and Historic Preservation Regions

The New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) operates state parks, state historic sites, beaches, swimming pools, golf courses, cottages, cabins, campsites, nature centers, trails, and heritage area in New York State and the Oneida Lake watershed. The NYS OPRHP, through state and federal funding sources, also provides a number of grant programs. In addition, the agency coordinates boating and snowmobile safety efforts throughout the State and watershed.

The NYS OPRHP is divided into 13 regions. Lewis County is included in the Thousand Island Region, and the remainder of the Counties in the Oneida Lake watershed are in the Central Region. The NYS OPRHP is an important element in New York's tourism and economic development efforts. A list of NYS Parks and Recreational Facilities in the Oneida Lake watershed is presented in Chapter 3 Section 4.2 *Parks and Recreational Facilities*. Additional information about the NYS OPRHP is available on the Internet (<http://nysparks.state.ny.us/>).

1.2.4 NYS Canal Corporation

The New York State Canal Corporation (NYSCC), headquartered in Albany, services the Oneida Lake watershed through its Syracuse Division and Utica Section. The NYSCC is a subsidiary of the New York State Thruway Authority. State legislation transferred responsibility and day-to-day operations for the 524-mile Canal System from the NYS Department of Transportation to the Thruway Authority in 1992. The Old Erie Canal flows through Oneida, Madison, and Onondaga Counties in the southern portion of the Oneida Lake watershed, and the Barge Canal flows through Oneida Lake. Locks and dams are operated and maintained by the NYSCC. Within the watershed, locks are located in Sylvan Beach and Brewerton to assist navigation. The taintor gate dam in Caughdenoy is operated by the NYSCC to manage water levels within the watershed. The NYSCC also regulates watercraft speed, issues development permits, and permits the building of docks on navigation waters. Additional information about the NYSCC's

responsibilities within the Oneida Lake watershed is presented in Chapter IV Section 5 *Oneida Lake Watershed Flooding*.

1.3 Regional Organizations

1.3.1 NYS Association of Regional Councils

The New York State Association of Regional Councils (NYSARC) is composed of ten locally created Regional Councils throughout New York State. New York's Regional Councils provide comprehensive planning for the coordinated growth and development of their regions. This responsibility involves marketing the region and providing services such as: economic development, land use, transportation, environmental and water resources management planning, human resources management, and regional data services. Through communication, planning, policy making, coordination, advocacy, and technical assistance, regional councils serve the local governments and citizens in their region by dealing with issues and needs that cross city, town, county, and in some instances, state boundaries.

Two Regional Councils serve the Oneida Lake watershed. The Central New York Regional Planning and Development Board (CNY RPDB) covers the watershed counties of Madison, Onondaga, Oswego and Cortland. Oneida County is served by the Herkimer-Oneida Counties Comprehensive Planning Program (HOCCPP). Lewis County is not a member of a regional council. Both CNY RPDB and HOCCPP have been fundamentally involved with the Oneida Lake and Watershed Management Planning and Implementation Project. CNY RPDB secured funding from the NYS DEC and US EPA (via Congressmen Walsh and Boehlert) to conduct the watershed planning program, and is the project manager. CNY RPDB is involved in all aspects of the project including the State of the Lake and Watershed report and the Management Plan, the Tributary Monitoring Program, and the Task Force Committees. HOCCPP, under contract to CNY RPDB, is responsible for the GIS portion of the project. HOCCPP is also responsible for portions of the project that involve public participation and outreach, and the inventory and analysis of local land use regulations as they pertain to Oneida County.

It should be noted that both regional councils, together with other water quality partners in the watershed, worked on the CNY RPDB-coordinated Oneida Lake and Watershed Protection Project, conducted from 1997-2000. This earlier project laid the foundation and led to the securing of funding for the current, full-scale watershed planning effort.

1.3.2 Tug Hill and Sub-Regions

The Tug Hill region is represented by a number of agencies and organizations. The Tug Hill Commission, Tug Hill Tomorrow Land Trust, and East Branch of Fish Creek Working Group are prominent groups in the Tug Hill region of the Oneida Lake watershed.

The primary organization in the region is the **Tug Hill Commission** – a non-regulatory state agency, created in 1972, charged with helping local governments, organizations, and citizens to shape the future of the region, especially its environment and economy. The Tug Hill Uplands is a sub-region of Tug Hill and forms a portion of the entire area overseen by the Tug Hill

Commission. The entire Oneida Lake watershed situated north of the lake (except for the City of Rome) is part of the Tug Hill region.

A board of nine volunteers, all residents of the region, oversees the Tug Hill Commission. The Commission provides technical assistance to local governments, economic development organizations, and other local groups in the areas of land use planning, community economic development, and natural resource management. The Tug Hill Commission also provides skill development and information for local officials through workshops and issues papers on a variety of topics.

The Tug Hill region is also represented by five **councils of government** (COGs): the Cooperative Tug Hill Council (CTHC), North Shore Council Of Governments (NorCOG), Northern Oneida County Council Of Governments (NOCCOG), River Area Council of Governments (RACOG), and the Salmon River Local Government Services Cooperative (SRLGSC). Each is served by one or more “circuit riders” that help foster communication between communities and help individual towns and villages take advantage of a more regional perspective in trying to enhance their communities. Circuit riders also help communities in identifying and solving problems and, when more specialized assistance is needed, call upon Tug Hill Commission staff for help in land use planning, finding grants and loans for community improvement, and providing technical assistance and training opportunities for local officials.

Another significant group in the region is the **Tug Hill Tomorrow Land Trust**. Tug Hill Tomorrow is a regional, non-profit land trust and education organization helping to retain Tug Hill's farm, forest, recreation, and wild lands through education, research, and voluntary land protection. Tug Hill Tomorrow currently has 10 volunteer board members, with at least one from each county in the region. Tug Hill Tomorrow offers three programs to help landowners interested in protecting the natural features of their property - conservation easements, land registry, and conservation planning.

The **East Branch of Fish Creek Working Group**, formed in 1995, is composed of a variety of groups and individuals that have an interest in protecting the East Branch of Fish Creek. The area of concern includes 100,000 acres (156 square miles) in Lewis County's southern towns of Lewis, Martinsburg, Montague, Osceola, Turin, and West Turin. Through conservation easements, the Working Group aims to help permanently protect the land while simultaneously providing for traditional uses such as logging, hunting and fishing, seasonal access for recreational activities, and protecting forest health and water quality. As a result of efforts of the Working Group and others, state legislation was passed in 1998 that requires New York State to pay the portion of the property taxes associated with the value of any conservation easement the state buys in the Tug Hill region. This allows total property tax to remain unchanged and does not place a monetary burden on local residents. Additional information about conservation easements in the East Branch of Fish Creek subwatershed is located in Chapter II Section 4.1.3.

Further information on Tug Hill and its resources can be found in Chapter II and in other areas throughout this report.

1.4 Lake Associations

1.4.1 Oneida Lake

The Oneida Lake Association (OLA) was founded in 1945 to protect, restore and preserve the natural resources of Oneida Lake and its surrounding ecosystem. Membership in the Oneida Lake Association is open to anyone interested in preserving the beauty, water quality, and recreational opportunities of the Oneida Lake environment. The Association has a history of environmental activism and its efforts have promoted water quality, a renewable supply of game fish, and increased access to the lake. Current issues of concern for the OLA include the lake's diminished walleye and yellow perch populations, the effect of double-crested cormorants on the lake's fish stocks, and the maintenance of appropriate water levels in the lake. The OLA's outreach efforts include an annual meeting, semiannual publication of the *Oneida Lake Bulletin*, other informational brochures and pamphlets, and activities such as the annual "Take a Child Fishing" contest. Additional information about the Oneida Lake Association can be obtained from the Internet (<http://web.a-znet.com/~ola/index.html>) or by calling (315) 675-3103.

1.4.2 Cazenovia Lake

The Cazenovia Lake Association is a volunteer advocacy organization for the protection and preservation of Cazenovia Lake and its watershed. Cazenovia Lake, located in the Town of Cazenovia, is the largest lake in Madison County (1,146 acres) and serves as a water supply for the canal system. The lake is used for recreational purposes including boating, fishing, swimming, and water skiing. A small section of the lake's watershed, the Village of Cazenovia, is sewered. Most homes around the lake are year-round residences. Beyond the shoreline, the lake's outlying watershed is a mixture of agricultural and forest lands. The Cazenovia Lake Association actively participates in educational and aquatic plant control activities. Additional information about the Cazenovia Lake Association can be obtained by phone (315) 655-4212 or email cazlake@aol.com.

The Cazenovia Area Watershed Group is a coalition of like-minded local groups including the Cazenovia Lake Association, Cazenovia Lake Foundation, Cazenovia Preservation Foundation, Cazenovia Advisory Conservation Commission, League of Women Voters, Madison County Planning, and Project Cafe. The mission of the group is to work for the protection of all the watersheds in the Cazenovia Central School District (with specific focus on the Cazenovia Lake watershed) through education, stewardship, and conservation. For more information contact Anne Hartt at 655-3846.

The Cazenovia Area Planning Project (CAPP) is a regional planning initiative focused on the Cazenovia Lake and Chittenango Creek subwatersheds. Additional information about CAPP is presented in Chapter II Section 4.1.1 *Chittenango Creek Subwatershed*.

1.4.3 Tioughnioga Lake (DeRuyter Reservoir)

The Tioughnioga Lake Association is made up of people interested in keeping the lake clean and beautiful. Tioughnioga Lake, located in the Town of DeRuyter in Madison County, is also

referred to as DeRuyter Reservoir or Tioughnioga Reservoir. The 570-acre waterbody was created in the 1860's to supplement the water supply for the canal east of the City of Syracuse. The lake receives surface runoff, is fed by artesian springs at its southern end, and can also receive diverted water from the Tioughnioga River. Seasonal and year-round residences enjoy the lake's recreational benefits, including fishing, boating, and swimming. In the past, problems have arisen from poorly designed septic systems coupled with soils of low septic suitability. The Lake Association has worked to address this problem.

1.4.4 Tuscarora Lake (Erieville Reservoir)

Tuscarora Lake, also known as Erieville Reservoir, is a 304-acre waterbody in the Madison County Town of Nelson that was built in 1850 as part of the canal system. Water levels and discharge rates are managed by the New York State Canal Corporation and flow from the lake is used to supply the barge canal. The lake's shoreline is heavily developed with seasonal and permanent homes, while the rest of the watershed is primarily forest and agricultural land. Local concern stems from septic systems located on the watershed's poorly suited soils. There is no public access point or boat launch, but local residents use the lake for recreation. The Tuscarora Lake Association is actively involved in maintaining the aesthetic beauty and environmental health of the lake and its watershed, and has played an active role in management of the lake's fishery.

1.4.5 Panther Lake

Panther Lake borders the Towns of Constantia and Amboy in Oswego County and is part of the Fish Creek subwatershed. The Panther Lake Association is primarily made up of local landowners and permanent and seasonal homeowners. The Association has strong recreational interests. The group holds a fishing derby for children in the summer and is concerned with resolving aquatic weed problems.

1.4.6 Kasoag Lake

Kasoag Lake, located in the Town of Williamstown in Oswego County, is situated at the headwaters of the West Branch of Fish Creek. The lake is used for a variety of recreational activities. Public access to the lake is gained through the Kasoag Lake Park. The Kasoag Lake Association is active in the local community. For example, the association helped sponsor the first Williamstown Cranberry Harvest Festival in 2000.

Section 2. Federal Regulations and Programs

2.1 U.S. Environmental Protection Agency

The United States Environmental Protection Agency (US EPA) was created in 1970 in response to the growing public demand for cleaner water, air and land. The US EPA, headquartered in Washington, D.C., has 10 regional offices; the Oneida Lake watershed is represented by Region 2. The US EPA is led by the Administrator who is appointed by the President of the United

States. The mission of the US EPA is to protect human health and to safeguard the natural environment – air, water, and land – upon which life depends.

The US EPA offers a variety of grants, fellowships, and other funding opportunities. The CNY RPDB received State and Federal funding in 2001 to initiate a three-year, six-county Watershed Management Plan for Oneida Lake. The funding includes \$325,000 from the NYS DEC via the Environmental Protection Fund, and \$300,000 from the US EPA via the FY 2001 VA-HUD Appropriations Bill secured by Congressmen Walsh and Beohler.

More than a dozen major statutes or laws form the legal basis for the programs of the US EPA, some of which are described below.

2.2 Clean Water Act

The Clean Water Act (CWA) (see <http://www.epa.gov/region5/water/cwa.htm> for more information) was passed in 1972 and signaled the creation of federal legislation to protect and restore the biological, chemical, and physical properties of the nation's water. This protection was to be achieved through legislation requiring a permit for the discharge of pollutants, the encouragement of best management practices to control pollution, and funding for the construction of sewage and wastewater treatment plants and facilities. The act was amended five years later and placed more stringent controls on the discharge of toxic materials and allowed states to assume responsibility over federal clean water programs.

The primary focus of the CWA and the 1977 amendments was the prevention of pollution discharges from point sources. In 1987 the act was again amended, this time to focus on non-point sources of pollution (NPS). The Section 319 Non-Point Source Management Program was enacted to aid states, territories and tribal lands in reducing NPS. This is accomplished through technical and financial assistance, training, education, and the monitoring of projects aimed at curbing NPS. In addition, the EPA has requested that funding provided under section 106 of the act for water quality program assistance grants be used by states, territories, and tribal lands for the inclusion and development of programs that reduce NPS. In 1996, Section 319 funding was used in place of Clean Lakes Program (Section 314 Federal Water Pollution Control Act) funding to provide technical and financial assistance for restoring public lakes.

2.2.1 Stormwater and Erosion Control

Phase I of the U.S. EPA's Storm Water Program (for more information see http://cfpub.epa.gov/npdes/home.cfm?program_id=6) was promulgated in 1990 under the CWA. Phase I relies on National Pollution Discharge Elimination System (NPDES) (for more information see <http://cfpub.epa.gov/npdes/>) permit coverage to address storm water runoff from: (1) "medium" and "large" municipal separate storm water systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity. In NYS, NPDES permitting is under the purview of the NYS DEC, which issues a State Pollution Discharge Elimination System (SPDES) permit (for more information see Chapter IV Section 7 *SPDES Permits*).

The Storm Water Phase II Final Rule (for more information see http://cfpub.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6) was published on December 8, 1999. The permitting authority of the Storm Water Phase II Rule will be phased in over a 5-year period. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted storm water runoff.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation, the environmental problems associated with discharges from MS4s in urbanized areas and discharges resulting from construction activity including lowering the construction activity threshold for a permit from 5 acres to 1 acre or more. There are 15 municipalities in the Oneida Lake watershed that are impacted by the Phase II regulations. Workshops have been scheduled during 2002 to help local government representatives with the implementation process.

2.2.2 Section 404 Wetlands

Section 404 of the CWA (see <http://www.epa.gov/owow/wetlands/facts/fact10.html> for more information) establishes a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. EPA and the Army Corps of Engineers (ACOE) jointly administer the program. In addition, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and State resource agencies have important advisory roles. Activities in waters of the United States that are regulated under this program include fills for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports), and conversion of wetlands to uplands for farming and forestry.

The basic premise of the program is that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must show that you have a) taken steps to avoid wetland impacts where practicable; b) minimized potential impacts to wetlands; and c) provided compensation for any remaining, unavoidable impacts through activities to restore or create wetlands.

Regulated activities are controlled by a permit review process. An individual permit is usually required for potentially significant impacts. However, for most discharges that will have only minimal adverse effects, the Army Corps of Engineers often grants up-front general permits. These may be issued on a nationwide, regional, or state basis for particular categories of activities (for example, minor road crossings, utility line backfill, and bedding) as a means to expedite the permitting process.

Section 404(f) exempts some activities from regulation under Section 404. These activities include many ongoing farming, ranching, and silviculture practices. Farmers who own or manage wetlands are directly affected by two important Federal programs: (1) Section 404 of the CWA, which requires individuals to obtain a permit before discharging dredged or fill material into waters of the United States, including most wetlands, and (2) the Swampbuster provisions of

the Food Security Act, which withholds certain Federal farm program benefits from farmers who convert or modify wetlands. Together, these two programs have helped to reduce the rate at which wetlands are converted to agriculture and other uses.

2.3 National Flood Insurance Program

Congress created the National Flood Insurance Program (NFIP) in 1968 in response to the increasing amount of damage caused by floods and the rising cost of taxpayer funded disaster relief for flood victims. The NFIP makes Federally backed flood insurance available in communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage. The Federal Emergency Management Agency (FEMA) manages the NFIP. Additional information about the NFIP is available on the Internet at <http://www.fema.gov/nfip/index.htm> and presented in Chapter IV Section 5.3.3 of this report.

2.4 Safe Drinking Water Act

The Safe Drinking Water Act (see <http://www.epa.gov/region5/defs/html/sdwa.htm> for more information) was passed in 1974 to protect drinking water supplies from harmful contaminants. The legislation attempts to provide safe drinking water through primary drinking water regulations, underground injection control regulations, and protection of sole source aquifers. In 1986 the act was revised to speed up implementation and included additional provisions for regulating contaminants, filtration systems, distributions systems, and wellhead protection systems.

The Safe Drinking Water Act establishes both health-related (primary) and nuisance-related (secondary) standards for public drinking water. Under the original legislation, the EPA set primary standards for 25 contaminants. The 1986 amendments required the EPA to include an additional 48 contaminants, raising the total number of chemicals regulated in drinking water to 83.

In August 1996, the Safe Drinking Water Act was amended to include a program that requires states to monitor and evaluate the quality of sources of drinking water supplies through the Source Water Assessment Program (SWAP) (for more information see <http://www.epa.gov/safewater/sdwa/summ.html#1A>). In addition, more stringent standards for drinking water and reporting of contaminant levels by water providers to their customers were also included. Other amendments passed in 1996 included financial assistance to communities attempting to upgrade or replace existing water treatment facilities and train and certify water treatment plant operators. The 1996 amendments also granted states the authority to require public water suppliers with over 10,000 customers to annually disclose the levels of contaminants in public water.

The Safe Drinking Water Act is important in that it not only protects the water humans consume directly, but also water used for agriculture and the production of livestock. The identification and control of NPS is a major consideration in attaining the standards set by the EPA to ensure the quality of water used for drinking and agricultural purposes.

Additional Information on Safe Drinking Water Act - 25 Years of the Safe Drinking Water Act: History and Trends (see <http://www.epa.gov/safewater/sdwa/trends.html>). Additional information on New York State's Source Water Assessment Program is located in Chapter IV Section 3.2.1 of this report.

2.5 Agricultural Programs

The Farm Security and Rural Investment Act of 2002, commonly referred to as the **Farm Bill**, was signed into law by President Bush in May of 2002. This Farm Bill is an extensive, six-year federal initiative designed to strengthen the nation's farm economy and protect natural resources on agricultural lands. Several new and existing conservation programs in the 2002 Farm Bill provide opportunities for farmers in the Oneida Lake watershed to protect natural resources. Among these programs are the Environmental Quality Incentives Program, the Agricultural Management Assistance Program, the Conservation Reserve Program, the Conservation Reserve Enhancement Program, the Wetlands Reserve Program, the Wildlife Habitat Incentives Program, and the Grassland Reserve Program. Information about these programs follows below. Additional information about other agricultural programs and protection, such as the Concentrated Animal Feeding Operation (CAFO) regulations and other livestock controls, Agricultural Environmental Management (AEM), agricultural districts and farmland protection plans is located in Chapter IV Section 2.6 and Chapter V Section 3.2.

The **Environmental Quality Incentives Program (EQIP)** is a USDA-NRCS initiative re-authorized by the 2002 Farm Bill. EQIP is a voluntary program that provides farmers all over the United States with technical, financial, and educational assistance to address soil, water, and natural resource concerns in an environmentally beneficial and cost-effective manner. The program addresses priority areas where significant natural resource problems exist. A conservation plan for development or implementation is required to receive EQIP funding. Up to 75 percent cost-sharing is available for conservation practices including grassed waterways, filter strips, manure management facilities, abandoned well capping, nutrient, pest, and grazing management, and other practices important to improving and maintaining the health of natural resources in the area. Funding is limited to \$10,000 per year and \$50,000 for the length of the contract, which ranges from five to ten years. Additional EQIP information is available from <http://calais.itc.nrcs.usda.gov/eqip/>.

The **Agricultural Management Assistance Program (AMA)** is a voluntary program for agricultural producers that provides technical assistance and cost share funds to address natural resource concerns such as water conservation and quality, soil erosion, and the transition to organic farming. In New York, AMA is available to any agricultural producer seeking to implement a prescribed grazing management system or erosion control practices on cropland. More information about AMA is available from <http://www.ny.nrcs.usda.gov>.

The **Conservation Reserve Program (CRP)** is a program administered by the USDA Farm Service Agency (FSA) whereby farmers who retire highly erodible cropland can receive annual rental payments for establishing permanent vegetation. Additional information about the CRP is available from <http://www.fsa.usda.gov/dafp/cepd/crpinfo.html>.

The **Conservation Reserve Enhancement Program (CREP)** is an offshoot of the CRP and is a state-federal conservation partnership program targeted to address specific state and nationally significant water quality, soil erosion, and wildlife habitat issues related to agricultural use. The program uses financial incentives to encourage farmers and ranchers to voluntarily enroll in contracts of 10 to 15 years in duration to remove lands from agricultural production. This community-based conservation program provides a flexible design of conservation practices and financial incentives to address environmental issues. Additional information about the Conservation Reserve Enhancement Program is available on the Internet at <http://www.fsa.usda.gov/dafp/cepd/crep.htm>.

The **Wetlands Reserve Program (WRP)** is a voluntary program offering landowners the opportunity to protect, restore, and enhance wetlands on their property. The USDA-NRCS provides technical and financial support to help landowners complete wetland projects. In all cases, the landowner retains ownership and responsibility for the land including property taxes. Benefits of the WRP include improved water quality, reduced flooding, and wildlife habitat improvement. Additional information about WRP is available on the Internet at <http://www.ny.nrcs.usda.gov/programs.htm>.

The **Wildlife Habitat Incentives Program (WHIP)** is a voluntary program that encourages the creation of high quality wildlife habitat. The NRCS provides funding to landowners to develop upland, wetland, riparian, and aquatic habitat areas on their property. Additional information about WHIP is available from <http://www.ny.nrcs.usda.gov/programs.htm>.

The **Grassland Reserve Program (GRP)** is a new Farm Bill program designed to restore and preserve rangeland, pastureland, and grasslands. More information about this program will be forthcoming on the Farm Bill website at <http://www.usda.gov/farmbill/agencies.html>.

Section 3. State Regulations and Programs

There are numerous other regulations and programs that also influence land use activities in the Oneida Lake watershed. Some of these are adopted and applied on a statewide basis. The regulations and programs summarized below are uniform to all municipalities within the watershed and are not subject to local modification.

3.1 Environmental Conservation

The New York State Department of Environmental Conservation (NYS DEC) is charged with conserving, improving, and protecting natural resources and the environment, and controlling water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well being. The NYS DEC attempts to reduce non-point source pollution through a number of activities including technical assistance for prevention, education, and monitoring and financial assistance for demonstration programs, improvement of existing facilities, and the construction of new ones.

The NYS DEC provides technical assistance and funding for programs aimed at preventing non-point source pollution through watershed management, dissemination of resources on best

management practices, water quality monitoring, and assessing waterbodies throughout the state. The CNY RPDB received State and Federal funding in 2001 to initiate a three-year, six-county Watershed Management Plan for Oneida Lake. The funding includes \$325,000 from the NYS DEC via the Environmental Protection Fund, and \$300,000 from the U.S. Environmental Protection Agency via the FY 2001 VA-HUD Appropriations Bill secured by Congressmen Walsh and Boehlert.

The New York Environmental Conservation Law (NYECL) contains several provisions relating to the implementation, monitoring, and enforcement of measures aimed at eliminating or reducing non-point sources of pollution. The NYECL establishes enforcement of penalties pertaining to water quality and the endangerment of fisheries.

3.1.1 Priority Waterbodies List

Section 17-0301 of the New York Environmental Conservation Law (NYECL) establishes water quality standards and classifications of waterbodies in relation to these standards also known as the Priority Waterbodies List (PWL). Section 17-0101 requires “the use of all known available and reasonable methods to prevent and control the pollution of the waters of the state” to guarantee the quality of water in New York State waterbodies meets acceptable standards based on these classifications. For more information about Priority Waterbodies in the Oneida Lake watershed see Chapter II Section 4.4 and **Appendix I**.

3.1.2 State Environmental Quality Review Act

The State Environmental Quality Review Act (SEQR) (for more information see <http://www.dec.state.ny.us/website/dcs/seqr/index.html>), passed in 1975, is a process which allows for the consideration of environmental factors in the planning and policy-making stage of a proposed action. SEQR requires individuals or groups to determine whether the projects they directly undertake, fund, or approve may have a significant effect on the environment. Actions covered by SEQR specifications include areas such as SPDES discharge permits, dredging, construction activities, and well drilling. Applicants could be state agencies, local governments, public or private corporations, or individuals. The law helps to facilitate communication between government agencies, project sponsors, and the general public and ensures that decisions are made in the preliminary stages of project planning which will avoid or minimize adverse environmental effects.

SEQR is a preventive measure that requires the completion of an Environmental Impact Assessment (EIA) and Environmental Impact Statement (EIS) for proposed state and local development. SEQR requires investigation into alternative actions and the mitigation of harmful effects of the proposed development. Potential non-point source pollution can be remediated through revised design or other measures.

3.1.3 State Pollutant Discharge Elimination System

In New York State, National Pollutant Discharge Elimination System (NPDES) permitting is under the purview of the NYS DEC, which issues a State Pollutant Discharge Elimination

System (SPDES) permit. Article 17 of New York's Environmental Conservation Law authorized the creation of the SPDES program to maintain New York's waters with the highest quality possible. Additional SPDES Information is located in Chapter IV Section 7.1 *Discharge Permits (SPDES)*.

3.1.4 Freshwater Wetlands Act

In effort to secure the benefits of freshwater wetlands, New York State created the Freshwater Wetlands Act (Article 24 of the Environmental Conservation Law) in 1975. The Act declares to preserve, protect, conserve, prevent the destruction of, and regulate the use and development of freshwater wetlands in New York State. Freshwater wetlands are recognized for their invaluable benefits of flood control, fish and wildlife habitat, water pollution treatment, erosion control, and aesthetic resources. They can serve as sinks for nutrients in runoff from the surrounding watershed, and have been recognized as an important control of lake eutrophication. Wetlands stabilize lake levels by their high retention capacity and provide extensive recreational and educational opportunities to the public.

Parts 663 and 664 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) establish regulations of the act. Activities that occur on freshwater wetlands that are at least 12.4 acres in size are regulated by the state via a permit system. NYS DEC is the permitting authority. The Act also provides for the regulation of smaller wetland areas if they have been determined by the DEC to be of unusual ecological importance, and regulates activities in adjacent areas within 100 feet of the vegetative boundary of the wetland. Additional information about state regulated wetlands is presented in Chapter II Section 3.10.3 *NYS DEC Regulated Wetlands*.

3.1.5 Stream Protection Act

Article 15, Title 5 of the Environmental Conservation Law, also known as the Stream Protection Act, provides protection for the health and propagation of fish, wildlife, or waterfowl inhabiting streams by prohibiting the introduction of deleterious or poisonous substances into public or private waters. A NYS DEC permit is required for altering the course, channel, or bed of a stream, erecting a dam or a dock on state-owned or regulated waters, and for dredging or filling in state waters or adjacent marshes or wetlands. This Act also regulates the placement of dams and docks and provides for the investigation of existing dams, piers, and docks.

3.2 Agriculture

The **NYS Department of Agriculture and Markets** provides administrative support to the State Soil and Water Conservation Committee (SWCC), which in turn provides guidance to the County Soil & Water Conservation Districts (SWCD). SWCDs receive guidance from the SWCC in administering the NYS Agricultural Non-Point Source Abatement and Control Program and planning and implementing **Agricultural Environmental Management (AEM)** programs (see Chapter IV Section 2.6 for information about the AEM program).

3.2.1 Agricultural Non-Point Source Abatement and Control Program

The New York State Agricultural Non-Point Source Abatement and Control Program (ANPSACP) seeks to prevent pollution of New York's waters from agricultural non-point sources. It is intended to support plans, activities, and projects that will reduce and/or prevent the non-point source contribution from agricultural activities, through watershed based and individual farm level agricultural assessments and plans to identify agricultural non-point sources of pollution, and through the implementation of Best Management Practices. The program, funded through the New York State Environmental Protection Fund and the Clean Water/Clean Air Bond Act, provides cost-share funding to correct and prevent water pollution from farms and farming activities.

Thousands of dollars have been spent on the planning and installation of conservation Best Management Practices on Oneida Lake watershed farms. In 2001, the Soil and Water Conservation Districts of Madison, Oneida, Onondaga, and Oswego Counties received approval to begin a \$244,000 ANPSACP project to complete the Oneida Lake Watershed Comprehensive Planning Grant on Oneida Lake watershed farms. The project was the first major step in coordinating farm-planning projects within the Oneida Lake watershed. Several planning components for this project are already underway including the completion of 70 Agricultural Environmental Management Tier II inventories and 28 Comprehensive Nutrient Management Plans. Many of the Comprehensive Nutrient Management Plans will be for Concentrated Animal Feeding Operation (CAFO) farms in the watershed that require plans to be in compliance with New York State's general permit for CAFOs (see Chapter IV Section 2.6.1). This project is expected to be completed by April 2003.

3.2.2 NYS Agricultural Districts Law

In order to conserve, protect, and encourage the development and improvement of agricultural land for the production of food and other agricultural products, New York's Agricultural Districts Law was enacted in 1971. Through this law, the State Legislature has authorized counties to form agricultural districts in response to farmers' requests. Participation in an agricultural district is a commitment by landowner to keep their land in farming for eight years, with additional eight-year renewals possible. Therefore, the presence of an agricultural district in the watershed is a strong indicator that agricultural uses are more likely to occur in those areas for the life of the district. This can be a valuable planning tool in attempting to anticipate possible future uses and land use concerns within the watershed.

The presence of agricultural districts is often viewed favorably in relation to preservation of open space and limitation of urban/sub-urban sprawl. However, while agricultural districts may discourage non-agricultural land use development, they may present other concerns for a community to consider in protecting the watershed. Such activities as: the storage or use of pesticides, herbicides or fertilizers; and the presence of feed lots, livestock holding areas or pastures may impact the watershed. The local government's ability to regulate specific activities permitted under the New York State Agricultural Districts Law may be limited.

Additional information about agricultural districts is presented in Chapter IV Section 2.6.5 of this report.

3.3 Health

The New York State Department of Health (NYS DOH) enforces the New York State Sanitary Code, Title 10 of New York's Official Compilation of Codes, Rules and Regulations (10 NYCRR). Additional information about New York State Health Rules and Regulations is available on the Internet (<http://www.health.state.ny.us/nysdoh/phforum/nycrr10.htm>).

The NYS DOH also monitors the impacts of non-point source pollution as it relates to the health of the citizens of New York through water quality monitoring and reporting programs. The New York State Public Health Law (Section 1100) allows local government to initiate a process leading to enactment of watershed rules and regulations by the Commissioner of the State Health Department. These rules were first developed in the late 19th century to protect tributary streams and reservoirs used to supply drinking water. They were later applied to public wellfields and adjacent aquifer areas. Most of the nearly 200 public supply systems that have adopted watershed rules did so prior to 1940.

Watershed rules specify minimum linear setbacks for different uses. For example, many regulations prohibit the location of salt storage sites within 500 feet of public supply wells, reservoirs or tributary streams to reservoirs. Since 1972, setback standards have been promoted for activities involving synthetic organic chemicals; however, for this class of contaminants, a minimum distance may not be effective because of their persistence and ability to effect large areas over extended periods of time.

The limitations of existing watershed rules were documented in the 1981 NYS DOH sponsored study "Water Supply Source Protection Rules and Regulations Project." The report concludes that water supply protection regulations should be customized to the particular hydrogeologic conditions existing at the public supply wellfield or reservoir; and that the concept of minimum acceptable distance does not address the differences between types of potential contaminants such as pathogens and synthetic organic chemicals, nor the inherent characteristics of groundwater transport found in different geologic and hydrologic situations.

Watershed rules and regulations are unique in being the only controls specifically designed to protect public water supplies. These regulations are prepared jointly by the water purveyor and the NYS DOH local public health engineer. Enforcement responsibility, such as with the use of a Watershed Inspector, rests with the water purveyor, the district NYS DOH health officer, and in some cases, the city or county health department. This joint administration and enforcement is an advantage for small communities that may lack necessary resources and expertise. Local wellhead and water supply protection is further discussed in Chapter V Section 4.5.

Another responsibility of the DOH stems from the 1996 amendments to the Safe Drinking Water Act that require states to evaluate the quality of sources of public drinking water. Beginning in 1998 and continuing through 2003, the NYS DOH will administer the Source Water Assessment Program (SWAP) (see <http://www.health.state.ny.us/nysdoh/water/swap.htm> and Chapter IV

Section 3.2.1 of this report for additional information) to aid local and state efforts to develop and implement strategies to protect drinking water supplies from both point and non-point source pollutants. Under the enabling legislation and the Source Water Assessment Program, the NYS DOH is responsible for overseeing public water supply supervision and wellhead protection among other programs.

3.4 Other

3.4.1 Finger Lakes-Lake Ontario Watershed Protection Alliance

The Finger Lakes – Lake Ontario Watershed Protection Alliance (FL-LOWPA) is a coalition of all 25 counties in New York State’s Lake Ontario drainage basin, which includes all counties within the Oneida Lake watershed. FL-LOWPA fosters coordinated watershed management programs across the Lake Ontario Basin based on local needs. Local needs and protection initiatives are identified and implemented at the local level. The purpose of FL-LOWPA is to protect and enhance water resources by 1) promoting the sharing of information, data, ideas, and resources pertaining to the management of watersheds in New York’s Lake Ontario Basin; 2) fostering dynamic and collaborative watershed management programs and partnerships; and 3) emphasizing a holistic, ecosystem-based approach to water quality improvement and protection. Funding for FL-LOWPA is provided through an annual appropriation by the New York State Legislature through the Environmental Protection Fund. Cost sharing at 50 to 75 percent is typically required to obtain funding from this source.

Funding from the FL-LOWPA program has been used to undertake a variety of projects in the Oneida Lake watershed. In Oneida County, for example, a streambank stabilization project, roof water management system, and barnyard were completed on one farm in the Oneida Lake watershed. Another farm in the Oneida County portion of the watershed received FL-LOWPA funding to complete a pasture management project. FL-LOWPA funds have also been used for streambank stabilization projects in Onondaga County and aquatic weed harvesting and tributary monitoring in Oswego County (see Chapter II Section 4.3 for additional information about Oswego County’s tributary monitoring program).

Section 4. Local Regulations

The use of land within a watershed is influenced to a large degree by the physical characteristics of the land itself. Typically, physical characteristics such as wetness, steep slopes, and floodplains limit or restrict the use of land. However, in many instances, legislation has been enacted that places additional limitations on where and under what conditions certain activities can occur. In New York State and the Oneida Lake watershed, the majority of land use control is accomplished at the local level of government. In most instances, the broad authority to adopt regulations to control the use of land is given by the State Legislature to the individual local units of government – the towns, villages and cities.

Through laws established by New York State, local governments have been authorized to establish planning boards and zoning boards of appeal. These municipalities also have the authority to prepare and adopt comprehensive plans, zoning, subdivision, and other regulations.

In the process of passing and enforcing these laws, it is necessary for local governments to work cooperatively with both the federal and state levels of government, which share in the responsibility for the planning and management of land and water resources.

Since specific land use controls are developed, adopted, and implemented at the local government level they can vary dramatically from one municipality to the next. Enforcement of these existing local regulations may also be inconsistent from one municipality to the next. Municipalities within the watershed have differing expertise, personnel, and financial resources. It may not be possible for municipalities to adequately review plans or enforce standards within existing manpower and budgetary constraints. It is important to note that possessing a solid regulation is no guarantee that the regulation will be applied. Therefore, it is necessary that all watershed communities have a commitment to applying these regulations in order for the standards to achieve the desired, uniform effect. The regulations must include methods to ensure that adequate review of development occurs and that development plans are implemented as proposed.

All of the municipalities within the Oneida Lake watershed have enacted varying levels of land use controls. A description of comprehensive plans, zoning regulation, subdivision regulation, site plan review, and other land use controls follows. A summary of local land use regulations in the Oneida Lake watershed is located in **Table 5.4.1**.

4.1 Comprehensive Plans

Land use planning is a voluntary approach and local government is frequently in a position to decide what land use issues will be addressed and what standards will be used. Ideally, each local government should have an up-to-date comprehensive plan (“master plan”) outlining the use of land resources within the area of its jurisdiction.

A comprehensive or master plan summarizes a municipality’s resources, community goals, developmental policies, and land use plan in effort to guide the physical development of the community. The plan provides a framework for growth by providing a mechanism for updating existing controls within the municipality. It will also help assure that the growth of the municipality will be in concert with existing plans for future water, sewer and road development. The plan may also help other levels of government (state, county, and other local governments) shape their future development activities. This plan should be somewhat flexible since goals and objectives will change as the community grows and develops.

Typical elements of comprehensive plans are:

- general statements of goals, objectives, and principles
- consideration of local and regional needs
- existing and proposed land-uses
- existing and proposed educational, historical, cultural resources, etc.
- demographic and socio-economic trends and projections
- existing and proposed transportation facilities, utilities, and infrastructure
- housing resources and future needs, including affordable housing
- instruments and programs to implement the goals, objectives, and principles

In addition to ensuring the orderly and sound development of municipalities, comprehensive plans give communities the tools to effectively manage local water resources and to preserve and improve water quality. Most comprehensive plans throughout the Oneida Lake watershed recommend consideration of development impact on erosion, sedimentation, drainage, flooding, water and sewer systems. To implement these general goals and objectives, however, municipalities must adopt such land-use controls as a zoning ordinance, subdivision regulation, and site plan review that define adequate designs and measures.

Table 5.4.1 summarizes municipalities within the Oneida Lake watershed that have comprehensive or master plans.

4.2 Zoning Regulation

A common land use control that is often adopted by municipalities is zoning law. Zoning is a vehicle by which a community may impose certain restrictions on the use of private property. A zoning law typically regulates the height and size of structures, the percentage of the lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures and land for business, industry, residence or other purposes. To accomplish this purpose, a municipality may divide land within its bounds into various districts, or zones. Within those districts, the municipality may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures, or land. While the regulations addressing each kind of building and use must be uniform within each district, they may vary from district to district. The regulations are designed to secure safety from fire, flood and other dangers, promote public health and welfare, and protect and improve property values.

Most municipalities establish the following or variations of the following zoning districts:

- Agricultural (municipalities may designate districts for exclusively agricultural activities under the Agriculture and Markets Law. See Chapter IV Section 2.6.5 and Chapter V Section 3.2.4 for additional information)
- Residential
- Commercial
- Industrial
- Planned Unit (District) Development (municipalities may designate development districts that allow a planned mix of uses, building types, and densities)

From this discussion, it is clear that a municipality's zoning law can play a significant role in determining what land uses, and therefore what potential impacts may be present in a watershed. Municipalities in the Oneida Lake watershed that have a zoning ordinance are summarized in **Table 5.4.1**.

4.3 Subdivision Regulation

Subdivision regulations are another common land use control adopted by many local governments. However, they are more limited in scope and purpose than zoning. They empower the municipal planning board to review and approve the plans for all subdivision of

land within the community. The subdivision regulations deal with the actual physical development of the site under review. Subdivision regulations generally include construction standards, specifications, and procedures for proposed streets, drinking water supply, sewage treatment and disposal, storm water management systems, and other appropriate infrastructure improvements. The proposed subdivision also has to comply with the local zoning ordinance, the comprehensive plan, and the State Environmental Quality Review Act (see Chapter V Section 3.1.3).

A municipality may define a “subdivision” however it wishes. It may be the division of land into two, three, or any number of lots the municipality chooses as the threshold. The proposed lots may be for residential, commercial, or any combination of uses, as determined by the municipality. Subdivision regulations apply uniformly to all lands within the municipality. It should be noted that the specific type and maximum density of uses that are allowed on the land to be subdivided are established by the zoning law, not the subdivision regulations. Subdivision regulations can insure that the infrastructure necessary for a development is designed and constructed in such a manner as to help protect the watershed. For example, by requiring the incorporation of sediment control measures as part of a stormwater management system, subdivision regulations can help prevent potential contaminants (road salt, gasoline and oil from roads and driveways, etc.) from entering the water resources.

As a cautionary note, locally adopted subdivision regulations, as discussed above, should not be confused with the review and approval of certain subdivisions pursuant to New York State Environmental Conservation Law (Article 17, Title 15) and Public Health Law (Article 11, Title II). Pursuant to these statutes, the division of land anywhere in the state, for the purpose of residential development, into five or more lots, each lot being five acres or less in area, within a consecutive three year period, is subject to review and approval by the New York State Department of Health. In the case of Oneida, Oswego, Onondaga and Madison Counties, the State has designated the County Department of Health to administer this program.

The State Realty Subdivision Laws have no direct relationship to locally adopted subdivision regulations. Not only may the definition of what is a “subdivision” be different, but the State regulations are much more limited in scope, primarily addressing the adequacy of drinking water supplies and sanitary sewage disposal facilities. As noted above, locally adopted subdivision regulations are far more comprehensive, looking at many design factors well beyond water supply and sewage disposal.

Most subdivision regulations throughout the Oneida Lake watershed require planning boards to consider development impact on erosion, sedimentation, drainage, flooding, water and sewer systems. **Table 5.4.1** summarizes municipalities within the Oneida Lake watershed that have subdivision regulations.

4.4 Site Plan Review

The site plan review process is an effective tool in local land-use management for ensuring that the development of a particular parcel follows the municipality’s land-use objectives. Site plan review is a flexible regulatory technique in which local municipalities review the layout and

design of a development site when it occurs on a single parcel of land. Site plan review is used by the municipal planning board or legislative board to insure that new development will be in harmony with the character of the area in which it is located and that important resources will be protected. Site plan review commonly addresses how and where buildings, structures, parking, landscaping, and access should be located to improve the design and safety of a development and assist in protecting the interests of adjacent property owners and the public.

Most site plan review ordinances throughout the Oneida Lake watershed require planning boards to consider development impact on erosion, sedimentation, drainage, flooding, water and sewer systems. Within the Oneida Lake watershed, several municipalities have site plan review (**Table 5.4.1**).

4.5 Other Specific Local Regulations

4.5.1 Erosion and Sediment Control

Sediment is a major pollutant of surface waters and is recognized as one main reason why water bodies may not meet their intended uses. Accelerated soil erosion and sedimentation can result from agricultural and non-agricultural land-disturbing activities. Not only do activities that occur on an individual site need to be considered, but also upstream and downstream impacts within the watershed. In effort to conserve and protect land, water, and other natural resources from the detrimental effects of soil erosion and sedimentation, local erosion and sedimentation control laws are often enacted to govern land disturbing activities.

Many sediment and erosion control regulations emphasize prevention rather than end-of-site control. Local erosion and sediment control laws may require municipal approval for subdivision, development and other land disturbing activities (permits), require the creation of an erosion and sediment control plan to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment laden runoff through a structural or vegetative sediment control measure, establish soil loss limits, and define penalties for noncompliance.

Only a few municipalities within the Oneida Lake watershed have local erosion and sediment control ordinances (**Table 5.4.1**).

4.5.2 Flood Prevention

The National Flood Insurance Program (NFIP) (see Chapter V Section 2.2) is based on a partnership between communities and the federal government in which the community adopts floodplain management regulations to reduce flood risks and the federal government makes flood insurance available within the community.

The basis of NFIP operation is an agreement between a local unit of government with powers of land use regulation (i.e. city, town or village) and FEMA. If FEMA identifies a community as “flood prone,” the community must then decide whether to participate in the program. Should the community choose not to participate or is suspended from the program for not enforcing floodplain

management regulations the community is then sanctioned. If a flood disaster situation occurs in a sanctioned community, then no federal disaster assistance for acquisition, construction, repair or replacement of structures or their contents will be provided in flood hazard areas.

When the community elects to participate in the program, it agrees to adopt and enforce floodplain management regulations that reduce future flood risks in exchange for having flood insurance coverage available for sale within the community. The NYS Department of Environmental Conservation has a Model Local Law that communities may adopt as floodplain management regulations. The availability of flood insurance at affordable rates to all citizens of the community is a substantial benefit of program participation. There are additional benefits to be considered. Many communities are furnished a comprehensive and detailed study of the hydrologic and hydraulic aspects of the flooding problems by FEMA, at no expense to the community. These studies provide data that is useful in floodplain and water resources management and other aspects of community planning.

The community's building inspector or code enforcement officer is typically the local administrator of the community's flood damage prevention law. A development permit is required before the start of construction and takes into consideration the nature, location, dimensions, and elevations of the area in question, as well as existing or proposed structure, fill, storage of materials, and drainage facilities.

Municipalities within the Oneida Lake watershed that have a local flood prevention law are summarized in **Table 5.4.1**.

4.5.3 Wellhead or Water Supply Protection

Either as part of their zoning regulations or as a separate local law or ordinance (enabled through General Town, Village or City Law), municipalities within the Oneida Lake watershed may have enacted wellhead protection or water supply protection regulations. Such regulations may apply to a sub-watershed that is supplying water to a surface water supply or to a wellhead protection area that is contributing to a municipal well(s).

The basis of a local wellhead or water supply protection regulation is often the delineation of the surface or subsurface area that is considered to be contributing recharge to that supply. Once that area is defined, local governments may choose to establish various districts or zones that restrict certain land uses within these areas. These zones or districts may be based on anticipated "time of travel" for certain contaminants, the hydrologic conditions of surface or subsurface materials, etc.

Types of land uses that are considered "threats" to these water supplies vary from one municipality to another. However, examples of land uses that are often flagged as potential threats or restricted in these areas include: commercial and/or industrial uses; underground petroleum storage; individual septic systems; chemical or pesticide processing, use or storage; certain agricultural uses; mining; etc.

Local wellhead or water supply protection regulations may either prohibit the threatening use outright or place additional requirements and design standards on those uses. Such additional requirements may include standards for lot coverage, runoff and drainage, monitoring, chemical application standards, and others.

Table 5.4.1 summarizes municipalities within the Oneida Lake watershed that have local wellhead or water supply protection laws.

4.5.4 Open Space or Conservation Overlay

Open Space includes forests, meadows, fields, wetlands, historic landscapes, farmland, floodplains, stream corridors, and other areas that remain relatively undisturbed. Open space can also include the undeveloped sections of parks and greenways. A conservation overlay zone establishes additional or stricter development standards to protect particular features of an existing zone, such as landscape features, scenic views, agricultural areas, or watersheds. Conservation overlay zoning can be applied to specific resource areas, for example wildlife habitat, prime farmland areas, or along scenic roads. Overlay means that existing zoning is still in place, but additional requirements will be applied for resource protection. New development within these zones has to meet additional standards to ensure that the resource characteristics are not impaired. Resources such as scenic roads, scenic views, trail systems, stream corridors, and wetland systems are all examples of natural resources that are sometimes protected by overlay zoning.

Within the Oneida Lake watershed, no municipalities are known to have open space or conservation overlay zoning (**Table 5.4.1**).

Table 5.4.1 Summary of Local Land Use Regulations in the Oneida Lake Watershed

MUNICIPALITY	COMPREHENSIVE OR MASTER PLAN	PLANNING BOARD	ZONING ORDINANCE	SUBDIVISION REGULATIONS	SITE PLAN REVIEW LAW	EROSION AND SEDIMENT CONTROL LAW	FLOOD PREVENTION LAW	WELLHEAD OR WATER SUPPLY PROTECTION LAW	OPEN SPACE OR CONSERVATION OVERLAY
CORTLAND COUNTY									
1. Town of Cuyler	N	?	N	Y	Y	?	?	?	?
2. Town of Preble	Y	?	Y	Y	Y	?	?	?	?
3. Town of Truxton	Y	?	N	Y	N	?	?	?	?
LEWIS COUNTY									
1. Town of Lewis	Y	Y	Y	Y	Z	N	Y	N	N
2. Town of Montague	Y	N	Y	Y	Z	N	N	N	N
3. Town of Martinsburg	Y	Y	Y	Y	Z	N	Y	N	N
4. Town of Osceola	Y	Y	Y	Y	Z	N	Y	N	N
5. Town of Turin	Y	Y	Y	Y	Z	N	Y	Z	N
6. Town of West Turin	Y	Y	Y	Y	Z	N	Y	N	N
MADISON COUNTY									
1. City of Oneida	Y	Y	Y	Y	Y	Y	Y	N	?
2. Town of Cazenovia	Y	Y	Y	Y	Y	Y	Y	N	?
3. Town of DeRuyter	Y	Y	Y	Y	Y	N	Y	N	?
4. Town of Eaton	N	Y	Y	Y	Y	N	Y	N	?
5. Town of Fenner	N	Y	Y	Y	Y	N	Y	N	?
6. Town of Lenox	Y	Y	Y	Y	Y	Y	Y	N	?
7. Town of Lincoln	Y	Y	Y	Y	Y	N	Y	N	?
8. Town of Madison	Y	Y	N	Y	N	N	Y	N	?
9. Town of Nelson	Y	Y	Y	Y	Y	Y	Y	N	?
10. Town of Smithfield	Y	Y	Y	Y	Y	N	Y	N	?
11. Town of Stockbridge	N	Y	Y	Y	Y	N	Y	Y	?
12. Town of Sullivan	Y	Y	Y	Y	Y	N	Y	N	?
13. Village of Canastota	N	Y	Y	Y	Y	N	Y	N	?
14. Village of Cazenovia	Y	Y	Y	Y	Y	N	Y	N	?

Table 5.4.1 Summary of Local Land Use Regulations in the Oneida Lake Watershed

MUNICIPALITY	COMPREHENSIVE OR MASTER PLAN	PLANNING BOARD	ZONING ORDINANCE	SUBDIVISION REGULATIONS	SITE PLAN REVIEW LAW	EROSION AND SEDIMENT CONTROL LAW	FLOOD PREVENTION LAW	WELLHEAD OR WATER SUPPLY PROTECTION LAW	OPEN SPACE OR CONSERVATION OVERLAY
15. Village of Chittenango	Y	Y	Y	Y	Y	N	Y	Y	?
16. Village of Munnsville	N	N	N	N	N	N	Y	N	?
17. Village of Wampsville	N	Y	Y	Y	Y	N	N	N	?
ONEIDA COUNTY									
1. City of Rome	Y	Y	Y	Y	Y	N	Y	Y	?
2. City of Sherrill	N	Y	Y	Y	Y	N	Y	N	?
3. Town of Annsville	N	N	N	N	N	N	Y	N	?
4. Town of Augusta	Y	Y	Y	N	Y	N	Y	N	?
5. Town of Ava	Y	Y	Y	Y	Y	N	Y	N	?
6. Town of Camden	Y	Y	Y	Y	Y	N	Y	N	?
7. Town of Florence	N	Y	Y	Y	Y	N	Y	N	?
8. Town of Kirkland	Y	Y	Y	Y	Y	N	Y	N	?
9. Town of Lee	Y	Y	Y	Y	Y	N	Y	N	?
10. Town of Marshall	Y	Y	Y	Y	Y	N	Y	N	?
11. Town of Verona	Y	Y	Y	Y	Y	N	Y	Y	?
12. Town of Veron	Y	Y	Y	Y	Y	N	Y	N	?
13. Town of Vienna	Y	Y	Y	Y	Y	Y	Y	Y	?
14. Town of Western	N	Y	Y	Y	Y	Y	Y	N	?
15. Town of Westmoreland	Y	Y	Y	N	Y	N	Y	N	?
16. Village of Camden	Y	Y	Y	Y	Y	Y	Y	N	?
17. Village of Oneida Castle	N	N	Y	N	Y	N	Y	N	?
18. Village of Sylvan Beach	Y	Y	Y	N	N	N	Y	N	?
19. Village of Vernon	Y	Y	Y	Y	Y	N	Y	N	?
ONONDAGA COUNTY									
1. City of Syracuse	In Progress	Y	Y	Y	N	Y	Y	Y	N
2. Town of Cicero	Y	Y	Y	Y	Y	?	?	N	?

Table 5.4.1 Summary of Local Land Use Regulations in the Oneida Lake Watershed

MUNICIPALITY	COMPREHENSIVE OR MASTER PLAN	PLANNING BOARD	ZONING ORDINANCE	SUBDIVISION REGULATIONS	SITE PLAN REVIEW LAW	EROSION AND SEDIMENT CONTROL LAW	FLOOD PREVENTION LAW	WELLHEAD OR WATER SUPPLY PROTECTION LAW	OPEN SPACE OR CONSERVATION OVERLAY
3. Town of Dewitt	Y	Y	Y	Y	Y	?	?	N	?
4. Town of Fabius	In Progress	Y	Y	Y	Y	?	?	N	?
5. Town of Lafayette	Y	Y	Y	Y	Y	?	?	N	?
6. Town of Manlius	Y	Y	Y	Y	Y	?	?	N	?
7. Town of Onondaga	Y	Y	Y	Y	Y	?	?	N	?
8. Town of Pompey	Y	Y	Y	Y	Y	?	?	N	?
9. Town of Tully	In Progress	Y	Y	Y	Y	?	?	N	?
10. Village of East Syracuse	Y	Y	Y	Y	Y	?	?	N	?
11. Village of Fayetteville	Y	Y	Y	Y	Y	?	?	N	?
12. Village of Manlius	Y	Y	Y	Y	Y	?	?	N	?
13. Village of Minoa	Y	Y	Y	Y	Y	?	?	N	?
OSWEGO COUNTY									
1. Town of Amboy	N	Y	N	N	N	N	N	N	N
2. Town of Albion	Y	Y	N	Y	N	N	Y	N	N
3. Town of Constantia	In progress	Y	Y	Y	Y	N	Y	N	N
4. Town of Hastings	Y	Y	Y	Y	Y	N	Y	N	N
5. Town of Orwell	N	Y	N	N	N	N	N	N	N
6. Town of Parish	Y	Y	Y	Y	Y	N	Y	N	N
7. Town of Redfield	Y	N	N	N	N	N	N	N	N
8. Town of West Monroe	Y	Y	N	Y	N	N	Y	N	N
9. Town of Williamstown	N	N	N	N	N	N	Y	N	N
10. Village of Central Square	Y	Y	Y	Y	Y	N	Y	N	N
11. Village of Cleveland	N	N	Y	Y	Y	N	Y	N	N
Note: "z" means that the measure is incorporated into the zoning law and "?" means unknown									