

## Appendix B

### Local Laws and Programs Affecting Water Quality

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FINAL



October 2020

## Appendix B: Local Laws and Programs Affecting Water Quality

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Prepared for Franklin County Soil & Water Conservation District

Prepared by:



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# St. Lawrence River Watershed Revitalization Plan: Local Laws and Programs Affecting Water Quality

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## ABBREVIATIONS

ACEP	Agricultural Conservation Easement Program
AEM	Agricultural Environmental Management
ALA	Adirondack Lake Association
ANSCAP	Agricultural Nonpoint Source Abatement and Control Program
APA	Adirondack Park Agency
APIPP	Adirondack Park Invasive Plant Program
AWI	Adirondack Watershed Institute
CAFO	Concentrated Animal Feeding Operation
CCE	Cornell Cooperative Extension
CEA	Critical Environmental Area
CFA	Consolidated Funding Application
CNMP	Comprehensive Nutrient Management Plan
CRP	Conservation Reserve Program
CSC	Climate Smart Community
CTA	Conservation Technical Assistance
DANC	Development Authority of the North Country
EPA	Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
GIS	Geographic Information System
GLAM	Great Lakes-St. Lawrence River Adaptive Management
IJC	International Joint Commission
IRLC	Indian River Lakes Conservancy
LCLGRPBA	Lake Champlain-Lake George Regional Planning Board
LWRP	Local Waterfront Revitalization Plan
MS4	Municipal Separate Storm Sewer System
NCREDC	North Country Regional Economic Development Council
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resources Conservation Service
NYSEFC	New York State Environmental Facilities Corporation
NYSERDA	New York State Energy Research and Development Authority
NYS DAM	New York State Department of Agriculture and Markets
NYS DEC	New York State Department of Environmental Conservation
NYS DOH	New York State Department of Health
NYS DOS	New York State Department of State
NYS DOT	New York State Department of Transportation
OPD	Office of Planning and Development

PRISM	Partnership for Regional Invasive Species Management
SLELO	St. Lawrence-Eastern Lake Ontario
SLRWP	St. Lawrence River Watershed Partnership
SPDES	State Pollution Discharge Elimination System
SRMT	St. Regis Mohawk Tribe
SWCD	Soil and Water Conservation District
TILT	Thousand Island Land Trust
USACE	US Army Corps of Engineers
USDA	US Department of Agriculture
USFWS	US Fish and Wildlife Service
USGS	US Geological Survey



# 1 Introduction

New York State has adopted a wide variety of laws and programs designed to help protect and maintain water quality and aquatic habitat. The purpose of this component of the St. Lawrence River Watershed Revitalization Plan is to examine the regulatory environment affecting water resources and identify opportunities for improvement, with a focus on local municipal actions. To accomplish this, the project team collaborated with County representatives to inventory and assess each watershed municipality's regulatory programs (e.g., zoning ordinances, site plan review regulations, comprehensive plans) as they relate to nonpoint source pollution. The findings of the analysis support recommendations for specific measures to improve resilience, water quality, and aquatic habitat.

This report includes the following sections:

- Description and analysis of the broad institutional framework that guides decision making and activities in the watershed, including the roles and responsibilities of federal, state, and county governments, as well as initiatives and collaborations involving regional entities, nonprofit organizations, and academic institutions (Chapter 2);
- Overview and analysis of the roles and responsibilities of local governments in the watershed (Chapter 2);
- Inventory of specific local laws and programs, and a gap analysis regarding local laws for municipalities in the St. Lawrence River watershed (Chapter 3); and
- Preliminary recommendations for municipal governments focusing primarily on developing local laws and programs as well as opportunities for best management practices that positively affect the quality of water resources (Chapter 3).

The St. Lawrence watershed planning effort is led by the St. Lawrence River Watershed Project and the Franklin County Soil and Water Conservation District and is funded through a Title 11 Environmental Protection Fund grant from the New York State Department of State. This document was prepared following a modified approach described in the guidebook *Protecting Water Resources through Local Controls and Practices* (Genesee/Finger Lakes Regional Planning Council, 2006).

## 2 Institutional Framework

The St. Lawrence River watershed is affected by regulations, plans, and programs at the federal, state, regional, county, and local level, as well as by collaborations involving nonprofit organizations and academic institutions. This chapter presents an overview of the broad institutional framework guiding decisions and actions in the watershed.

### 2.1 Federal Agency and Watershed-Related Resources

The federal government maintains various programs associated with the conservation and protection of water and natural resources. These programs monitor and report on a vast array of issues related to hydrology, water quality, terrestrial and aquatic habitat, soil health, economic activities, transportation, energy generation and much more. Federal agencies can also provide technical and financial assistance to stakeholders within the watershed. In addition to these federal resources, the online Catalog of Federal Domestic Assistance ([www.cfda.gov](http://www.cfda.gov)) provides access to a comprehensive database of federal programs.

#### 2.1.1 International Joint Commission (IJC)

**Website:** [www.ijc.org/en](http://www.ijc.org/en)

**Description:** The United States and Canada created the International Joint Commission (IJC) in recognition of the many ways the two nations are affected by management decisions related to the Great Lakes system. The IJC is guided by the 1909 Boundary Waters Treaty; Canada and the United States agreed that neither country would pollute boundary waters, or waters that flow across the boundary, to an extent that could cause injury to public health or damage property in the other country.

The IJC has two main responsibilities: approving projects that affect water levels and flows across the boundary and investigating transboundary issues and recommending solutions. The IJC's recommendations and decisions consider the needs of a wide range of water uses, including drinking water, commercial shipping, hydroelectric power generation, agriculture, ecosystem health, industry, fishing, recreational boating and shoreline property.

In December 2016, the IJC approved 'Plan 2014' - a new plan for managing water levels and flows in Lake Ontario and the St. Lawrence River. Before the IJC took this action, the Governments of Canada and the United States concurred on amendments to the IJC's Order of Approval, which specifies conditions and criteria for setting the

flow through the Moses-Saunders Dam, located between Cornwall, Ontario and Massena, New York.

**Relevant programs and committees:**

The Great Lakes Science Advisory Board provides advice on research to the IJC and to the Great Lakes Water Quality Board. It also provides advice on scientific matters referred to it by the Commission, or by the Great Lakes Water Quality Board in consultation with the Commission.

The Great Lakes Water Quality Board is the principal advisor to the IJC under the Great Lakes Water Quality Agreement. The Board assists the Commission by reviewing and assessing the progress of the governments of Canada and the United States in implementing the Agreement, identifying emerging issues and recommending strategies and approaches for preventing and resolving complex challenges facing the Great Lakes, and providing advice on the role of relevant jurisdictions to implement these strategies and approaches.

The Great Lakes-St. Lawrence River Adaptive Management (GLAM) Committee will undertake the monitoring, modeling and assessment needed to support ongoing evaluation of the regulation of water levels and flows.

The International Lake Ontario - St. Lawrence River Board is responsible for ensuring that outflows from Lake Ontario meet the requirements of the IJC order. The Board also has responsibilities to communicate with the public about water levels and flow regulation, and work with the GLAM Committee to monitor and assess performance of the Plan 2014 water level regulations.

## 2.1.2 United States Environmental Protection Agency (USEPA)

**Website:** [www.epa.gov](http://www.epa.gov)

**Description:** The USEPA protects environmental quality through a variety of air, water, pollution, and toxics and chemicals management programs, primarily through its Office of Water. USEPA provides information on water quality programs and assistance with planning and managing watersheds ([www.epa.gov/hwp](http://www.epa.gov/hwp)), source water protection ([www.epa.gov/sourcewaterprotection](http://www.epa.gov/sourcewaterprotection)), water quality, wetlands ([water.epa.gov/](http://water.epa.gov/)), groundwater and surface water supplies ([www.epa.gov/ccr](http://www.epa.gov/ccr)), and septic systems ([www.epa.gov/septic](http://www.epa.gov/septic)) and wastewater treatment ([www.epa.gov/npdes/municipal-wastewater](http://www.epa.gov/npdes/municipal-wastewater)). The agency's watershed-related responsibilities include defining and ensuring compliance with basic water programs; developing national standards and tools; providing funds to support state and tribal programs; and assessing national

progress toward meeting goals and standards. The Great Lakes Restoration Initiative <https://www.epa.gov/great-lakes-funding/great-lakes-restoration-initiative-glri> ) is a major program of EPA that provides federal funds to strategically target the most significant threats to the Great Lakes ecosystem. The major focus areas include restoration of legacy contaminants in identified Areas of Concern, invasive species, nonpoint sources of pollution and impacts on nearshore health, and habitat protection and restoration.

**Relevant programs:**

Great Lakes Restoration Initiative (GLRI)  
 Environmental Monitoring and Assessment Program (EMAP)  
 Healthy Watersheds Program  
 National Aquatic Resource Surveys (NARS) Program  
 National Nonpoint Source Program  
 National Pollutant Discharge Elimination Systems (NPDES) Programs  
 Great Lakes National Program Office Lake Ontario Lakewide Management Plan Acid Rain Program  
 Office of Standards (supports Clean Water Act and Safe Drinking Water Act) Research and Development

### 2.1.3 U.S. Fish and Wildlife Service (USFWS)

**Website:** [www.fws.gov](http://www.fws.gov)

**Description:** The USFWS administers most of the nation's fish and wildlife management programs, including terrestrial and freshwater endangered species protection and migratory bird management. USFWS manages public lands and outdoor recreation ([www.recreation.gov](http://www.recreation.gov)) as part of the National Wildlife Refuge system. USFWS also offers several funding programs (see below). The field office in Cortland, New York can provide state and regional information ([www.fws.gov/northeast/nyfo](http://www.fws.gov/northeast/nyfo) ).

**Relevant programs:**

Partners for Fish and Wildlife  
 Wildlife and Sport Fish Restoration Programs  
 North American Wetlands Conservation Act (NAWCA) grants  
 Conservation Planning Assistance (through Habitat Resource and Conservation)  
 Great Lakes Restoration Initiative grants

### 2.1.4 U.S. Geological Survey (USGS)

**Website:** [www.usgs.gov](http://www.usgs.gov)

**Description:** The USGS is a primary source of information on stream flow, water quality, water quantity, maps, and application software. The agency has real time data, surface water

data, and groundwater information. USGS also provides historic topographic maps that can be helpful in delineating watersheds. The New York office of USGS (<https://www.usgs.gov/centers/ny-water>), in partnership with collaborating agencies, has conducted assessments of streams in several of New York's physiographic regions to develop regional stream rating curves, which illustrate the relationship between watershed size, stream form, and discharge. These relationships are useful in guiding stream restoration activities. USGS publications, including site specific investigations and circulars, provide information and training on watershed processes.

**Relevant programs:** Water Availability and

#### 2.1.5 U.S. Army Corps of Engineers (USACE)

**Website:** [www.usace.army.mil](http://www.usace.army.mil)

**Description:** The USACE's Civil Works programs focus on water resource development activities including flood risk management, navigation, recreation, and infrastructure and environmental stewardship. USACE provides technical guidance for managing water levels in the Great Lakes System, including the Lake Ontario- St. Lawrence River System through collaboration with the International Joint Commission.

**Relevant programs:** Section 10 of the Rivers & Harbors Act of 1899 (33 U.S.C. 403)  
Section 404 of the Clean Water Act (33 U.S.C. 1344)  
Flood Risk Management Program

#### 2.1.6 U.S. Department of Agriculture (USDA): Natural Resources Conservation Service (NRCS), Forest Service

**Website:** [www.usda.gov](http://www.usda.gov) ; [www.nrcs.usda.gov](http://www.nrcs.usda.gov) ; [www.fs.fed.us](http://www.fs.fed.us)

**Description:** The USDA supports rural development and helps communities with natural resource concerns, such as erosion control, watershed protection, and sustainable forestry practices. The USDA's Natural Resources Conservation Service (NRCS) is the major federal agency responsible for addressing nonpoint sources of pollution. Its county-based Soil and Water Conservation Districts provide conservation planning and technical assistance to landowners and managers to benefit the soil, water, and related natural resources for productive lands and healthy ecosystems.

**Relevant programs:** Agricultural Conservation Easement Program (ACEP)  
Agricultural Environmental Management (AEM) Plans  
Conservation Technical Assistance (CTA)  
Conservation Reserve Program (CRP)

Environmental Quality Incentives Program (EQIP)  
National Conservation Practice Standards (e.g., Nutrient Management Code 590)

### 2.1.7 Fort Drum

**Website:** [home.army.mil/drum/](http://home.army.mil/drum/)

**Description:** Fort Drum is the home of the 10th Mountain Division, located in northern New York. The installation is in the middle of one of the most historically unique and geographically beautiful areas of the United States. Fort Drum is approximately 30 miles south of Canada, with the Great Lakes to the west, the Adirondack Mountains to the east, and the St. Lawrence River and the Thousand Islands in between. The installation covers about 107,265 acres, or 168 square miles. Fort Drum provides full-spectrum training and base operations support to the United States Army service branches, 11 states, and parts of Canada.

**Relevant activities:** *Environmental Division:* The Environmental Division mission is to support Fort Drum and the 10th Mountain Division (LI) by protecting land, air and water; preserving history and cultural heritage; conserving natural resources; restoring land impacted by historical oil and chemical releases; and keeping the Fort Drum community informed about innovative environmental programs and accomplishments.

*Natural Resources Branch:* The Natural Resources Branch provide quality sustainable natural resources as a critical training asset upon which to accomplish the military mission of Fort Drum. Natural resource managers proactively manage natural resources on Fort Drum to ensure sound sustainable stewardship of public lands entrusted to the care of the Army. The Natural Resources Branch also delivers an extensive environmental outreach program that is critical to maintaining effective relationships with other professionals, neighbors, and the public for the benefit of both natural resources and military mission.

*Compliance Branch:* Although protecting the environment is the responsibility of everyone on post, the Environmental Compliance Branch has the unique role of coordinating the installation's overall pollution control programs. As one of the largest industrial facilities in the state, Fort Drum's operations have the potential to pollute soil, water, and air. To prevent this, the Compliance Branch oversees a comprehensive Environmental Management System (EMS) that provides specific procedures for minimizing or eliminating releases of contaminants into the natural environment. The Environmental Compliance Branch implements both legally mandated as well as best management practices related to hazardous waste, solid waste, recyclables, wastewater, stormwater, drinking water, toxic substances, spill

prevention, petroleum storage tanks, and air emissions. Pollution prevention efforts that reduce the toxicity or quantity of pollutants generated by industrial processes is an integral part of the branch's mission. Finally, the branch ensures conformance with pollution control standards by implementing a comprehensive training and inspection program.

*Restoration Section:* The Fort Drum Installation Restoration Program, more commonly called the Fort Drum Cleanup Program, addresses hazardous substances, pollutants, and contaminants released to the environment from historical activities that have occurred on the installation. The Cleanup Program mission, along with protecting human health and the environment, is to enable readiness by returning Army lands to usable condition. Fort Drum accomplishes the cleanup mission by performing appropriate, cost-effective remediation of contaminated sites. The Cleanup Program is executed in close coordination with New York State Department of Environmental Conservation in accordance with environmental regulations, consent orders, and decision documents that are applicable to hazardous waste sites across the installation.

## 2.2 State Agencies and Watershed-Related Resources

Many New York State agencies provide an array of technical and financial assistance that can support the watershed planning process.

### 2.2.1 NYS Department of State (NYSDOS)

**Website:** [www.dos.ny.gov](http://www.dos.ny.gov)

**Description:** The NYSDOS Office of Planning and Development (OPD) ([www.dos.ny.gov/opd/](http://www.dos.ny.gov/opd/)) increases resilience and sustainable growth of communities by advancing progressive land use solutions, community-based development, and building standards and codes. OPD provides technical and financial assistance to help communities integrate watershed planning with efforts to expand public access, reinvigorate urban waterfronts, restore habitats, protect scenic resources, preserve historic resources, manage water uses, improve water quality, protect against flooding and erosion, plan for storm resiliency, and strengthen local economies. OPD provides financial assistance to eligible waterfront communities on a competitive basis, through Title 11 of the Environmental Protection Fund-Local Waterfront Revitalization Program, as well as guidance and training for the revitalization of communities, protecting and improving the environment, and strengthening local economies.

The NYSDOS Division of Local Government Services (LGS) ([www.dos.state.ny.us/lgss/](http://www.dos.state.ny.us/lgss/)) provides training and technical assistance to local governments and community organizations throughout the state, helping local officials solve problems involving basic powers and duties, public works, municipal organization, planning, land use and regulatory controls, and community development. It also provides training assistance to municipalities related to zoning procedures, identifying opportunities for cost savings and other practical legal and technical advice.

**Relevant programs:**

Local Waterfront Revitalization Program (through Title 11 of Environmental Protection Fund)  
 Local Government Efficient (LGe) Program  
 Local Government Training (LGt) Programs  
 Local Planning Clean Vessel Act  
 Coastal erosion, flooding, dredging, nonpoint sources  
 Coastal resources information  
 Remote sensing, GIS Watershed Planning

## 2.2.2 NYS Department of Environmental Conservation (NYSDEC)

**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)

**Description:** The NYSDEC's Division of Water uses a watershed management approach to guide many of its programs. Water quality protection is central to the mission of NYSDEC, which regulates wastewater and thermal discharges and has responsibilities for monitoring waterbodies, controlling surface runoff, managing water availability, preventing flood damage and beach erosion, and promoting stewardship and education. A variety of funds are available for municipal wastewater treatment improvement, pollution prevention, and agricultural and nonagricultural nonpoint source abatement and control. Significant support is available to acquire open space that protects water resources, and to acquire public parklands and protect farmland.

**Relevant programs:**

Priority Waterbodies List (PWL), NYS Section 303(d)  
 Rotating Intensive Basin Surveys (RIBS)  
 Citizens' Statewide Lake Assessment Program  
 Water Quality Improvement Program  
 Nonpoint Source Management Program, NYS Section 319  
 Natural Heritage Program  
 Protection of Waters Program (implements Article 15 of Environmental Conservation Law)  
 Stormwater Phase II Program



*Environmental Conservation Laws:*

- State Environmental Quality Review Act (SEQR) (Article 8): SEQR requires investigation into alternative actions and the mitigation of harmful effects of proposed development. Potential nonpoint source pollution can be remediated through revised design or other measures.
- Water Resources Law: Water withdrawals; permit (§ 15-0501)
- State Pollution Discharge Elimination System (SPDES) (Article 17). This water pollution control law is modeled after the National Pollution Discharge Elimination System approved by the Environmental Protection Agency for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Through SPDES, NYSDEC reviews permit applications to develop the limits for types and quantities of pollutants in the effluent. The permit also includes the schedules and conditions under which discharges are allowed. Owners or operators of facilities must treat wastewater in order to meet the limits listed in their SPDES permit. □ Prohibition against pollution (§ 17-0501)
- Concentrated Animal Feeding Operations (CAFOs) Permitting (§ 17-0105) 6: The NYSDEC created and enforces regulations regarding CAFOs, which apply to dairy farms and other farms where animals are stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. CAFOs are categorized as either “large” or “medium” based on the numbers of animals confined. The federal Clean Water Act (33 USC 1251) is the overarching authority governing discharges to waterways, and each state adopts its own related laws regarding permits required for operations that might discharge to waterways within that state.
- Stormwater permitting (§ 17-0808)
- Discharge of sewage into waters (§§ 17-1701, 1704, 1710,)
- Nutrient runoff, phosphorus fertilizer (§§ 17-2101-2105)
- Freshwater Wetlands Act (Article 24): Preserves, protects and conserves freshwater wetlands and their benefits, consistent with the general welfare and beneficial economic, social and agricultural development of the state. Protected under the Freshwater Wetlands Act are wetlands 12.4 acres or larger, and wetlands smaller than 12.4 acres if they are considered of unusual

local importance. Around every wetland is an “adjacent area” of 100 feet that is also regulated to provide protection for the wetland. A permit is required to conduct any regulated activity in a protected wetland or its adjacent area; however, certain activities are exempt from regulation. The permit standards in the regulations require that impacts to wetlands be avoided and minimized. Compensatory mitigation often is required for significant impacts to wetlands. This may include creating or restoring wetlands to replace the benefits lost by the proposed project.

- Septic System Replacement Program: Established as part of the Clean Water Infrastructure Act of 2017 (L. 2017, c. 57, Part T), the Septic System Replacement Fund provides a source of funding for the replacement of cesspools and septic systems in New York State and seeks to reduce the environmental and public-health impacts associated with the discharge of effluent cesspools and septic systems on groundwater used as drinking water, as well as threatened or impaired water bodies.

### 2.2.3 NYS Department of Health (NYSDOH)

**Website:** [www.health.state.ny.us](http://www.health.state.ny.us)

**Description:** The NYSDOH provides information and technical assistance related to financing mechanisms, preventing drinking water contamination, and additional public health related water protection programs including publications outlining the regulatory framework. NYSDOH’s Bureau of Public Water Supply Protection is responsible for ensuring that source water assessments are completed for all of New York’s public water systems and made available to the public. New York’s Final Source Water Assessment Program Plan and a list of contacts by county can be viewed at [www.health.state.ny.us/nysdoh/water/swap.htm](http://www.health.state.ny.us/nysdoh/water/swap.htm).

**Relevant programs:** Contaminant monitoring and fish advisories  
Source Water Assessment Program (SWAP)  
Drinking Water Protection Program  
Septic System Standards  
Bathing Beach rules and regulations (10 NYCRR 6-2)

#### 2.2.4 NYS Department of Agriculture and Markets (NYSDAM)

**Website:** [www.agmkt.state.ny.us](http://www.agmkt.state.ny.us)

**Description:** NYSDAM administers funding programs including the Agricultural and Farmland Protection Implementation Grant, the Farmland Protection Planning Grant, and Land Trust Grant programs. The Soil and Water Conservation Committee of New York's Department of Agriculture and Markets develops and oversees implementation of Soil and Water Conservation District programs and AEM programs, which provide technical assistance, including comprehensive nutrient management planning, streamside conservation, and community conservation. Financial assistance is also provided through the New York State Agricultural Nonpoint Source Abatement and Control Program (ANSCAP). The NYS Conservation Reserve Enhancement Program (NYS CREP) also aims to reduce pollution in streams by helping agricultural landowners to voluntarily plant trees, shrubs, and grasses on streambanks to trap sediment, pesticides, and fertilizers in runoff. In addition, New York's Agricultural Districts law states that the Agriculture and Markets commissioner can intervene when local governments enact laws that unreasonably restrict farm operations in agricultural districts; this power places limits on the municipalities to regulate land uses in agricultural areas.

**Relevant programs:** NYS Agricultural Nonpoint Source Abatement and Control Program (SWCD law §11-B); Competitive grant fund for County Soil and Water Conservation Districts (source is Environmental Protection Fund and Clean Air/Clean Water Bond Fund).

Specialty Crop Block Grant Program: Funding to enhance the competitiveness of specialty crops, defined as "fruits, vegetables, tree nuts, dried fruits, horticulture, and nursery crops (including floriculture)."

Organic Farming Development/Assistance: Guidance in locating resources on organic agriculture and organically produced foods.

NYS Agriculture and Markets law:

- Agricultural Environmental Management (AEM) (Article 11-A).
- Agricultural Districts Law (Article 25-AA, §305-a). This law authorizes the creation of local agricultural districts in order to encourage the continued use of farmland for agricultural production. Agricultural districting provides a combination of landowner incentives and protections that are designed to

forestall the conversion of farmland to nonagricultural uses. Included in these benefits are preferential real property tax treatments, tools such as the purchase of development rights, and grant programs aimed at assisting local governments and land trusts with farmland protection efforts. State agricultural laws also offer protections against overly restrictive local laws.

#### 2.2.5 NYS Environmental Facilities Corporation (NYSEFC)

**Website:** [www.nysefc.org](http://www.nysefc.org)

**Description:** The NYSEFC's mission is to promote environmental quality by providing low-cost capital and expert technical assistance to municipalities, businesses, and State agencies for environmental projects in New York State. Its purpose is to help public and private entities comply with federal and State environmental requirements. NYSEFC's primary activities are the State Revolving Funds (SRF), the Industrial Finance Program (IFP), and Technical Advisory Services (TAS). The EFC is among the partner agencies on the Lake Ontario Resiliency and Economic Development Initiative (REDI) and is responsible for administering funds to communities and homeowners affected by flooding in 2017 and 2019 in affected areas, including shoreline areas of Jefferson and St. Lawrence counties.

**Relevant programs:** NYSEFC Green Innovation Grant Program  
REDI

#### 2.2.6 NYS Soil and Water Conservation

**Website:** [www.nys-soilandwater.gov](http://www.nys-soilandwater.gov)

**Description:** Soil and Water Conservation Districts (SWCDs) were established throughout the United States in response to the Dust Bowl of the 1930s. In 1940, the New York State Soil Conservation District Law was passed, which created the State Soil and Water Conservation Committee (State Committee). The mission of State Committee is to advance comprehensive natural resource management through the support of local Soil and Water Conservation Districts (see section 2.7.1). The Conservation District Law also gave counties authority to create local Soil and Water Conservation Districts; whereby, District successes soon led counties to fully recognize their value and designate them as the lead local water quality agency. The State Committee and the Department of Agriculture and Markets, support Conservation Districts by establishing policies to guide local programs, providing technical and administrative support, and administering State grant programs.

**Relevant programs:** Agricultural Environmental Management (AEM)  
 Agricultural Non-point Source Abatement and Control (AgNPS)  
 Climate Resilient Farming (CRF)  
 Ecosystem Based Management (EBM)

### 2.2.7 NYS Department of Transportation

**Website:** [www.nysdot.gov](http://www.nysdot.gov)

**Description:** The NYSDOT provides design and guidance documents, standard specifications, and procedural manuals (Highway Design Manual, Environmental Procedures Manual, Maintenance Guidelines, etc.) that can be incorporated into local laws and highway department operating procedures. The NYSDOT also funds and implements environmental benefit projects that improve water quality, manage salt storage and application, restore wetlands, promote eco-tourism, protect fish and wildlife habitat, and enhance transportation corridors through its Environmental Initiative.

**Relevant programs:**

GreenLITES  
 Stormwater Management  
 Roadside Vegetation Management  
 Culvert Sizing and Connectivity  
 Coastal Management

### 2.2.8 NYS Energy Research and Development Authority

**Website:** [www.nyserda.ny.gov](http://www.nyserda.ny.gov)

**Description:** The NYS Energy Research and Development Authority (NYSERDA) promotes energy efficiency and the use of renewable energy sources. Collectively, NYSERDA's efforts aim to reduce greenhouse gas emissions, accelerate economic growth, and reduce customer energy bills. These efforts are key to developing a less polluting and more reliable and affordable energy system for all New Yorkers.

NYSERDA works with stakeholders throughout New York including residents, business owners, developers, community leaders, local government officials, university

researchers, utility representatives, investors, and entrepreneurs. NYSERDA partners develop, invest, and foster the conditions that:

- Attract private sector capital investment needed expand New York's clean energy economy
- Overcome barriers to large-scale adoption of renewable energy
- Enable the state's communities and residents to benefit from energy efficiency and renewable energy

**Relevant programs:** The Climate Smart Communities Program  
Agriculture Energy Audit Program

## 2.3 Tribal Community

### 2.3.1 Saint Regis Mohawk Tribe

**Website:** [www.srmt-nsn.gov/](http://www.srmt-nsn.gov/)

**Description:** The Saint Regis Mohawk Tribe (SRMT) resides on the St. Regis Reservation in Franklin County, New York. It is also known by its Mohawk name, Akwesasne. As a sovereign nation, the tribal nation shares jurisdiction with the state of New York and the United States. The elected tribal governments on the New York and Canadian sides and the traditional chiefs of Akwesasne work together as a "Tri-Council" concerning areas of shared interest. The SRMT has one of the most advanced environment divisions of any Tribe in the country. The efforts of the Environment Division are directed toward preventing disease and injury, while at the same time, promoting lifestyles that respect, protect and enhance the environment for the next seven generations at Akwesasne.

**Relevant programs:** Ecological Restoration: The SRMT has performed a variety of ecological restoration projects, including restoration and/or enhancement of wetlands, streambanks, native grasslands, bird nesting and roosting habitat, fisheries and fish habitat and acquisition of unique habitat under threat of development.

Fisheries: The SRMT works to preserve existing fish species and re-establish their presence in the St. Lawrence River basin and Akwesasne territory by locating populations of rare, threatened and endangered species; estimating their abundances and assessing habitat conditions; identifying threats and prioritizing areas for protection; and restoring species populations. Example projects include the reintroduction of Atlantic salmon (extirpated from the St. Lawrence River), lake sturgeon habitat rehabilitation in the St. Regis River, and the assessment of threatened and endangered species in the St Lawrence River.

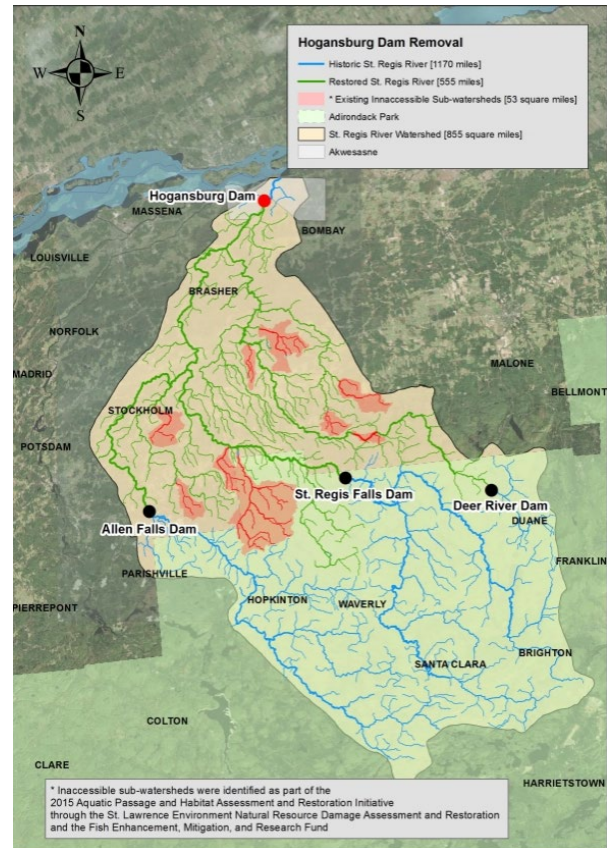
**Habitat Improvement:** The SRMT, in collaboration with USFWS, demolished a hydroelectric dam in Hogansburg, NY. Removal of the dam has restored up to 275 river and stream miles of habitat for migratory fish.

Source is <https://www.srmt-nsn.gov/environment>

**Wetlands Protection:** The SRMT has developed a Wetlands Protection Plan which committed the Tribe to implementation of a "no net loss - future net gain" policy. This program identifies an area that would support the establishment of a Mohawk Wetlands Sanctuary.

**River Health:** The SRMT has implemented EPA approved water quality standards under the Clean Water Act. The tribe is enabled to administer the various sections of the act to manage ambient water quality, non-point source pollutants, construction activities, and direct discharges to waters of the reservation.

**Environmental Remediation:** The SRMT ensures protective and sustainable cleanup of polluted lands and waters under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); including, involvement with remedial actions at Areas of Concern associated with the Grass River and St. Lawrence River.



Habitat connectivity efforts and progress in the St. Regis watershed area.

## 2.4 Regional Agencies and Initiatives

### 2.4.1 St. Lawrence River Watershed Partnership (SLRWP)

**Website:** [www.fcsxcd.org/partnerships.orgst-lawrence-river-water-partnership-slrwp](http://www.fcsxcd.org/partnerships.orgst-lawrence-river-water-partnership-slrwp)



**Description:** The SLRWP is a coalition formed to encourage watershed partnerships and the implementation of conservation projects that promote, enhance and protect natural resources and water quality. Partners include Soil & Water Conservation Districts, Black River St. Lawrence RC&D, New York State Department of Environmental Conservation, St. Regis Mohawk Tribe, United States Department of Agriculture-NRCS, Paul Smiths College, Adirondack Watershed Institute, New York State Department of Ag and Markets, North Country Community College, Mountain View Association, and Malone Revitalization Foundation. The organizational purpose is to promote the sharing of information, data, ideas and resources to foster a dynamic and collaborative watershed management program with an ecosystem-based approach to support water quality improvement and protection.

**Relevant programs:** The SLRWP led preparation of the St. Lawrence River Watershed Revitalization Plan, to which this Local Laws and Programs is appended.

#### 2.4.2 Adirondack Park Agency (APA)

**Website:** [www.apa.ny.gov](http://www.apa.ny.gov)

**Description:** The APA is a governmental agency created in 1971 by the New York State Legislature to develop long-range land use plans for both public and private lands within the boundary of the Park. The APA is responsible for maintaining protection of the forest preserve and overseeing development proposals of the privately-owned lands. The Agency prepared the State Land Master Plan, which was signed into law in 1972, followed by the Adirondack Park Land Use and Development Plan in 1973. Both plans are periodically revised to reflect the changes and current trends and conditions of the Park. The mission of the APA is to protect the public and private resources of the Park through the exercise of the powers and duties provided by law.

**Relevant acts:** APA's mission is rooted in three statutes administered by the Agency, they are:

- The Adirondack Park Agency Act
- The New York State Freshwater Wetlands Act and
- The New York State Wild, Scenic, and Recreational Rivers System Act.

#### 2.4.3 Great Lakes Commission

**Website:** [www.glc.org](http://www.glc.org)

**Description:** The Great Lakes Commission is a binational leader and a trusted voice ensuring the Great Lakes and St. Lawrence River support a healthy environment, vibrant economy and high quality of life for current and future generations. The



Commission represents, advises and assists its member states and provinces by fostering dialogue, developing consensus, facilitating collaboration and speaking with a unified voice to advance collective interests and responsibilities to promote economic prosperity and environmental protection and to achieve the balanced and sustainable use of Great Lakes – St. Lawrence River basin water resources.

#### 2.4.4 Lake Champlain – Lake George Regional Planning Board (LCLGRPB)

**Website:** [www.lclgrpb.org](http://www.lclgrpb.org)

**Description:** The LCLGRPB is one of nine regional planning and development organizations operating in New York State. The LCLGRPB's service area contains portions of the watersheds of Lake Champlain, the Upper Hudson River, the Mohawk River, the Black River and the St. Lawrence River. The LCLGRPB service area in the St. Lawrence River watershed lies in northern Hamilton County, and small parts of western Essex and Clinton Counties. The LCLGRPB works with communities and organizations to develop plans and programs to ensure the long-term health of the region's waterbodies. Because actions upland from a waterbody have a direct impact on the waterbody itself, many water quality plans take a broader approach and are based around the entire watershed.

#### 2.4.5 North Country Regional Economic Development Council (NCREDC)

**Website:** [www.regionalcouncils.ny.gov/north-country](http://www.regionalcouncils.ny.gov/north-country)

**Description:** The NCREDC is dedicated to economic development in Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, and St. Lawrence counties. The NCREDC is comprised of public-private partnerships made up of local experts and stakeholders from business, academia, local government, and non-governmental organizations. The NCREDC has embraced the power of regional partnership and welcomed historic new levels of support from NYS. Just as it represents historic advancements in areas such as destination tourism and value-added agriculture, the NCREDC is focused on technology related investments such as broadband access, a growing Transportation Equipment and Aerospace Cluster, emerging biotech opportunities, and the Innovation Hot Spot at Clarkson.

**Relevant programs:** Consolidated Funding Application (CFA): The CFA has been designed to give economic development project applicants expedited and streamlined access to a combined pool of grant funds and tax credits from dozens of existing programs. The CFA is a modern and easy-to-use online application that allows businesses and other entities to apply for multiple agency funding sources through a single, web-based

application. It is the primary portal for businesses to access state agency resources, including resources for community development, direct assistance to business, waterfront revitalization, energy and environmental improvements, government efficiency, sustainability, workforce development, and low-cost financing.

#### 2.4.6 Development Authority of the North Country (DANC)

**Website:** [www.danc.org](http://www.danc.org)

**Description:** The Development Authority was created in 1985 by the New York State Legislature to develop and manage infrastructure to support the reactivation of the 10<sup>th</sup> Mountain Division at Fort Drum, and to serve the common interests of Jefferson, Lewis and St. Lawrence counties. The Authority operates as a revenue-based public benefit corporation, independent of state operational funding.

Since the Authority was created, the coinciding needs of Fort Drum and the region have resulted in benefits for both. The Development Authority of the North Country is unique among public authorities in New York State in its scope of activities. Unlike other single-purpose state authorities, the Development Authority owns and operates numerous revenue-based infrastructure facilities including water and wastewater facilities, an extensive fiber optic network, and a regional landfill.

Due to its geographic scope, the Authority has evolved into a problem-solving partner in regional development and is the region's largest provider of shared services. Staff manages a wide range of business and housing loan programs that encourage growth and contribute to the prosperity of communities. Authority staff with a wide range of expertise provide fee-based technical services to municipalities including consolidation studies, Geographic Information System (GIS) hosting, and the management of water and wastewater facilities.

**Relevant programs:** Water Quality: Water and sewer infrastructure were the foundation of the Development Authority, with initial projects built to serve the wastewater and drinking water needs of a growing Fort Drum. The Water Quality Division emerged as the Authority evolved to assist an ever-growing number of communities struggling to meet their water and wastewater needs. The Authority's technical expertise and ability to implement solutions that cross municipal boundaries has made it a valuable partner in helping communities across the region develop cost-effective methods of meeting their water and wastewater needs as well as providing the capacity for growth.

## 2.4.7 Partnership for Regional Invasive Species Management

**Website:** [www.dec.ny.gov/animals/47433.html](http://www.dec.ny.gov/animals/47433.html); [www.sleloinvasives.org](http://www.sleloinvasives.org); [www.adkinvasives.com](http://www.adkinvasives.com)

**Description:** Partnerships for Regional Invasive Species Management (PRISMs), comprising diverse stakeholder groups, were created to address threats posed by invasive species across New York State. PRISMs are key to New York's integrated approach to invasive species management. Partners include federal and state agencies, resource managers, non-governmental organizations, industry, recreationists, and interested citizens. The NYS DEC provides financial support, via the Environmental Protection Fund, to the host organizations that coordinate each of the eight PRISMs, resulting in statewide coverage. Two PRISMs exist within the St. Lawrence River watershed: St. Lawrence-Eastern Lake Ontario (SLELO) and Adirondack Park Invasive Program (APIPP).

**Relevant programs:**

- Boat inspections, decontamination stations, and education and outreach to prevent aquatic invasive species
- iMapInvasives, GIS-based data management system
- Rapid Response Program
- Regional Invasive Species Management Strategic Plan
- Vulnerability Assessments Utilizing C-Map BioBase
- NYS Invasive Species Awareness Week

## 2.5 Initiatives associated with Academic Institutions

### 2.5.1 Paul Smith's College, Adirondack Watershed Institute (AWI)

**Website:** [www.ecommunitypaulsmiths.edu/awi](http://www.ecommunitypaulsmiths.edu/awi)

**Description:** The AWI is a component of Paul Smith's College that conducts work broadly focused on conserving and protecting natural resources in the Adirondack region. They offer a range of services to the public, including invasive species management, water quality monitoring, recreational use studies, ecological studies, educational programs and publications. AWI also provides jobs and research experiences to undergraduate students.

**Relevant programs:**

Adirondack Lake Assessment Program  
 Lake & Stream Monitoring  
 Aquatic Invasive Management  
 Stewardship Program (Boat Wash Stations, Public Education, Field Monitoring)

### 2.5.2 Clarkson University, Center of Excellence in Healthy Water Solutions

**Website:** <https://www.clarkson.edu/news/clarkson-university-esf-partner-new-center-excellence-healthy-water-solutions>

**Description:** Clarkson was recently designated along with SUNY College of Environmental Science and Forestry (ESF) to launch the state's new Center of Excellence in Healthy Water Solutions. There are now 13 Centers of Excellence managed by NYSTAR, a program of Empire State Development. These partnerships between the academic research community and the business sector are created to develop and commercialize new products and technologies, promote critical private sector investment in emerging high-technology fields, and create and expand technology-related businesses and employment. Clarkson and ESF will deploy experts and students to deliver technology innovations and research-based solutions on watershed and water quality challenges. The Center of Excellence plans to work with industry, government, and regional academic collaborators to develop early-warning systems to monitor, model, predict and avoid threats before they become issues. The Center will also work on management practices and ecosystem design to improve the resilience of the state's aquatic resources.

### 2.5.3 Cornell University Cooperative Extension

**Website:** [www.cce.cornell.edu](http://www.cce.cornell.edu)

**Description:** Cornell Cooperative Extension (CCE) extends Cornell's land-grant programs to every county in the state. CCE staff serve on committees and working groups related to agriculture and water quality and are involved in the development of recent agricultural plans. While each county CCE office has a unique focus depending on the specific needs, CCE offers access to a range of important services related to food systems. Some examples include: support to beginning farmers and those expanding into new crops or animal products; food safety issues; connecting to agricultural developments and innovative technologies from faculty and staff from Cornell University and other research institutions; and youth development programs to connect generations of producers.

**Relevant programs**

- Local Roads Program
- Agricultural Experiment Station
- Cornell AgriTech
- Pesticide Management Education Program
- Recycling Agricultural Plastics Program
- PRO-Dairy

Cornell University Nutrient Management Spear Program  
NYS Integrated Pest Management Program

## 2.6 Nonprofit Organizations

### 2.6.1 Indian River Lakes Conservancy (IRLC)

**Website:** [www.indianriverlakes.org](http://www.indianriverlakes.org)

**Description:** The IRLC is a 501 (c)(3) not-for-profit and an accredited New York State Land Trust through The Land Trust Alliance. IRLC was created to preserve the unique natural resources of the Indian River Lakes Region in Northern New York State. The Indian River Lakes system, located on the St. Lawrence River plain in Jefferson and St. Lawrence Counties, consists of the Indian River and 18 natural lakes. The watershed occupies an extraordinary landscape of rocky, wooded uplands and teeming wetlands, lakes, and streams. Sitting astride the rugged, geologic backbone of the Frontenac Arch connecting the Adirondacks to Algonquin Park in Canada, the Indian River Lakes and neighboring Thousand Islands share a vital confluence of pathways for migratory birds and one of the most diverse habitats for wildlife in the northeast. The IRLC is committed to preserving, protecting, and encouraging the sustainable management of this uniquely valuable watershed for the benefit and the enrichment of the future generations.

**Relevant programs:** Water Quality: IRLC, in partnership with Research, Applied Technology, Education and Services (RATES) has implemented a water quality monitoring program in the Indian River Lakes and Indian River watershed. Water quality sensors, known as Real Time Hydrologic Stations (RTHS), have been installed to monitor water temperature, meteorological data, turbidity, salinity, and other water quality parameters. The data are used to assess climate and water quality conditions that precede and contribute to impairments, such as harmful algal blooms.

Septic Program: IRLC's Water Project involved contacting residents, lake associations and other stakeholders to share information about water quality issues in the lakes and river and to find ways to improve septic systems so as to preserve water quality, protect property values and the local tax base, and benefit the quality of life on the lakes for future generations. This initiative has been supported by a New York State Conservation Partnership Program Grant to provide cottage owners with a professional assessment of their wastewater systems and options for improvement.

Education & Outreach: IRLC hosts a 1,000-square foot Trailside Learning Center at their Redwood Hill Preserve. IRLC hosts a Kids' Camp Summer STEAM Extravaganza

that focuses getting children connected with nature by teaching them the basic tenants of protecting water quality and preventing spread of invasive species. In addition, IRLC launched a new education program titled Protectors of Water and Habitat on the Indian River Lakes (Project WHIRL), which environmental professionals and college level mentors lead high school students in action oriented programs that connect the students with the environment and local community in the tracks of invasive species, aquatic resources, and watershed management.

**Lake Management:** IRLC has provided financial assistance to lake associations that have committed to the engagement of SUNY Oneonta's Biological Field Station Graduate Student Program to support development of specific lake management plans.

**Habitat Restoration:** IRLC partnered with Audubon New York, Cornell Lab of Ornithology, Clarkson University, the Thousand Islands Land Trust, and NYS Department of Environmental Conservation to restore endangered bird (i.e., Golden-winged Warbler) habitat at the Grand Lake Reserve.

**Public Access:** The organization conserves nearly 2,500 acres and land within the Indian River Lakes subwatershed, including Redwood Hill Preserve, Baker Woods Preserve, Grand Lake Reserve, Indian River Preserve, and Oxbow Tract. In 2019, IRLC constructed a wheelchair accessible trail on its Redwood Hill Preserve in the hamlet of Redwood, NY. The trail provides a unique woodland experience for people of all ages and abilities, including veterans and active duty soldiers suffering from the effects of post-traumatic stress disorder. Trail construction represented a coalition of community support, including the Town of Alexandria, the NNY Association of the US Army, the River Hospital Community Wellness Program, the Jefferson County Office of the Aging, the Northern Regional Center for Independent Living, and the Thousand Islands Regional Tourism Development Corporation.

## 2.6.2 Thousand Island Land Trust (TILT)

**Website:** [www.tilandtrust.org](http://www.tilandtrust.org)

**Description:** The TILT has been working to conserve the natural beauty, diverse wildlife habitats, water quality and outdoor recreation opportunities of the Thousand Islands region since 1985. TILT has been Land Trust Alliance Accredited since 2009. The organization now conserves over 10,000 acres within the Thousand Islands region through preserve lands that are owned by TILT, and through conservation easements that TILT holds on private land. TILT actively stewards these lands, conducting habitat

restoration projects and invasive species control in an effort to strengthen the resiliency of the natural resources in the coastal environment.

**Relevant programs:** Education and Outreach: TILTreks and Talks, TeenTreks, KidsTreks and TILTKids Camp programs promote living, learning and conserving in the 1000 Islands.

### 2.6.3 Save The River

**Website:** [www.savetheriver.org](http://www.savetheriver.org)

**Description:** Save The River has been the leading grassroots advocacy organization working to protect and preserve the ecological integrity of the Upper St. Lawrence River through advocacy, education, and research. Save The River is a member-based organization representing more than 4,500 individuals, followers and families who live, work and play along the St. Lawrence River. Save The River is designated as the Upper St. Lawrence Riverkeeper and is a member of the international Waterkeeper Alliance. Over the years, Save The River has fought to stop winter navigation, expansion of the St. Lawrence Seaway infrastructure, pressed for better spill response planning and sought public accounting of shipping accidents, and campaigned for better water level management.

### 2.6.4 Mountain View Association

**Website:** [www.mountainviewassn.com](http://www.mountainviewassn.com)

**Description:** The Mountain View Association was founded in 1907 as a nonprofit organization. It's one of the oldest lake associations in the Adirondack Park. The Association is dedicated to preserving and protecting Mountain View Lake, Indian Lake and the Channel. Their mission is to promote and improve the beauty, navigation, purity and safety; promote, preserve and improve the environmental quality; and conserve and promote the common good and general welfare of persons owning or occupying camps and other properties on the shores.

### 2.6.5 Adirondack Lake Association

**Website:** [www.adirondacklakesalliance.org](http://www.adirondacklakesalliance.org) /

**Description:** The Adirondack Lakes Alliance (ALA) representing lake and river associations within the Adirondacks, has as its primary mission the protection and preservation of our Adirondack waters. The ALA provides a forum for lake and river associations to share information and resources and to make recommendations to appropriate state, county and local agencies, and educational and other relevant non-profit

organizations, regarding environmental and ecological issues threatening Adirondack lakes and rivers.

### 2.6.6 Other Nonprofit Organizations

There are many other nonprofit organizations within the St. Lawrence River watershed, including but not limited to, the following:

- Black Lake Association
- Butterfield Lake Association
- Chateaugay Lake Foundation
- Historical Society of Lake Pleasant
- Indian Lake Community Development Corporation
- Indian Lake Garden Club
- Lake Abanakee Civic Association
- Lake Pleasant Sacandaga Association
- Long Lake Association
- Nature up North
- New York Federation of Lake Associations (NYSFOLA)
- Nicandri Nature Center
- Piseco Lake Association
- Research, Applied Technology, Education and Services (RATES)
- Raquette R. Advisory Council & West Branch St. Regis R. Advisory Council
- Sixth and Seventh Lake Improvement Association
- St. Lawrence Land Trust
- The Nature Conservancy
- Tug Hill Tomorrow

## 2.7 County-Level Agencies and Initiatives

### 2.7.1 Soil and Water Conservation Districts (SWCD)

**Website:** <https://www.nys-soilandwater.org/>

**Description:** Each County government maintains a SWCD, which provide technical assistance and education to their residents to ensure the wise use of soil, water, and other natural resources. SWCD activities are guided by the state's Soil and Water Conservation Committee, which works closely with the NYS Department of Agriculture and Markets. SWCD have authority to work with private landowners on



non-agricultural projects. As urban centers and suburban development have grown, Conservation Districts have broadened to have expertise in stormwater management, stream degradation and repair, invasive species management, green infrastructure, outreach and education, and other fields to meet local needs. Typical programs conducted by SWCDs are listed below.

**Agricultural Programs:**

*Agricultural Environmental Management (AEM):* AEM is a voluntary, incentive-based program that supports agriculture of all types and sizes, i.e. dairy, beef, sheep, etc., in their efforts to be environmentally sound and economically viable. AEM planning commonly addresses barnyard runoff and management, manure and nutrient management, grazing systems, milk-house wastewater, stream crossings, and waste storage facilities. AEM participation allows farms to be considered for State and Federal Cost Sharing programs (NYS Agricultural Non-point Source Grant, Environmental Quality Incentives Program) that support environmental management projects on local agricultural related operations. The AEM planning approach utilizes a tiered process, as described below:

- Tier 1 - Inventory current activities, future plans and potential environmental concerns
- Tier 2 - Document current land stewardship; assess and prioritize areas of concern
- Tier 3 - Develop conservation plans addressing concerns and opportunities tailored to farm goals
- Tier 4 - Implement plans utilizing available financial, educational and technical assistance
- Tier 5 - Evaluate to ensure the protection of the environment and farm viability

By using this approach, farmers can document their environmental stewardship and further advance their positive contributions to their communities, our food systems, the economy, and the environment.

*Comprehensive Nutrient Management Planning (CNMP):* Unique to animal feeding operations, CNMPs evaluate aspects of farm production and offer conservation practices that help achieve production and natural resource conservation goals. CNMPs are the foundation for the NYSDEC's regulatory program to control potential water pollution from concentrated animal feeding operations (CAFOs) under State General Permit GP-04-04, and are also a

requirement for farms seeking federal or state cost-sharing to construct manure storage facilities.

*Ag Value Assessment:* The SWCD assists landowners filing for an Agricultural Assessment for their taxes by creating “soil group worksheets” that are required for the program.

*Soil Testing:* tests agricultural soils to define optimal fertilization rates and amendments

*Agricultural Non-point Source Abatement and Control Program:* provides cost-share funding to correct and prevent water pollution from farms and farming activities. The program is a competitive grant program, with funds applied for and awarded through county Soil and Water Conservation Districts.

*GRAZE NY:* assists farmers with prescribed grazing efforts by providing pasture quality assessments, stocking rate recommendations, infrastructure improvements, and planning guidance. Among the potential benefits of these practices is a reduction of soil erosion, increase in plant diversity, and water quality improvements.

*Tile Drain Layout:* Subsurface tile or artificial drainage is the practice of placing slotted drain tubes beneath the soil surface well below tillage depth to help lower the water table of poorly drained fields and/or wet areas within fields. Though the concepts and benefits of artificial drainage are ancient, it continues to be an important crop production practice for modern agriculture and changes in input prices and crop values has made subsurface drainage an even more valuable investment.

*Rental Equipment:* offers specialty equipment. Examples include: hydroseeding equipment to municipalities (to help stabilize soil and reduce sediment loss); no-till grain drills for farmers to use seeding or pasture renovations (to reduce compaction, improve soil health, and conserve water for plant growth).

### **Forest Management Programs**

*Forest Management Plans:* SWCD staff assist landowners with developing a forest management plan. A forest management plan is written based the goals and desires of the landowner and includes actions to be taken to achieve these. The plan itself is a document that landowners and foresters can refer to for guidance while a property is being managed. Forest management includes following short-term and long-term plans for: site preparation, weeding and/or timber stand improvement practices, harvesting timber, maintaining wildlife management, tree planting, natural regeneration, enhancing aesthetics, recreational use, etc. All

efforts are made with conservation in mind and maintaining water quality protection.

*Invasive Species:* SWCD are involved in many regional and local efforts related to early detection and rapid response to invasive species (including terrestrial and aquatic organisms that affect agriculture, forests, wetlands, and aquatic ecosystems). For example, Clinton County is involved in a multiyear project to inventory and eradicate high priority areas of Japanese Knotweed.

### **Water Resource Management Programs**

*Stormwater* is water from rain or melting snow that doesn't soak into the ground but runs off into waterways. As stormwater flows, it picks up a variety of materials on its way including soil, animal waste, salt, pesticides, fertilizers, oil and grease, debris and other potential pollutants. SWCDs provide services to municipalities and landowners to protect our natural resources by implementing stormwater management practices.

*Lake and Stream Monitoring:* SWCD technicians monitor lake and stream health using a variety of water quality parameters including water levels.

*Erosion and Sediment Control:* This program offers training on erosion control practices and stormwater pollution prevention to contractors, developers, engineers, highway departments, municipal boards, and code enforcement officers. Site visits are conducted to determine slope, water courses, drainage patterns, and soil types. Streambank and shoreline stabilization assistance is offered to prevent sedimentation and erosion, including bioengineering with live willow stakes and natural channel design. Critical area seeding assistance is offered to landowners and municipalities dealing with disturbed areas in need of seeding.

*Aquatic Vegetation Control:* This program aims to increase the accessibility and usability of the county's water bodies, while seeking to leave the lakes in the most ecologically intact manner possible.

*Invasive Species:* The SWCD partners with PRISMs and the federal Animal and Plant Health Inspection Service on invasive species initiatives.

### **Urban- Development Programs**

*Drinking water testing:* SWCDs provide cost-share for water quality testing to assist landowners with concerns about the quality of their private well water.

*Green Infrastructure Demonstration Projects:* The Hamilton County SWCD implemented several Green Infrastructure Demonstration Projects at their office building to offer the public and municipalities the chance to see the installation and use of green infrastructure stormwater practices, while capturing and reusing

the stormwater runoff from their facilities. These demonstration projects provide an excellent educational tool to illustrate and promote the numerous benefits of rain gardens, bioswales, and rain barrel systems.

*On-site Septic:* The SWCD offers site assessments and septic system dye kits. **St. Lawrence and Jefferson Counties** have been designated as a priority geographic area eligible to assist septic system projects by the DEC and DOH. This program provides property owners with funding to replace cesspools and septic systems and reduce the environmental and public-health impacts associated with the discharge of effluent to groundwater used as drinking water, as well as threatened or impaired water bodies.

*Culvert Enhancements:* The SWCD provides technical assistance to municipalities and landowners to enhance and repair culverts. Adequately sized and properly installed culverts are important to flood prevention and fish passage.

### **Community Engagement Programs**

*Recreational Trails:* SWCDs maintain multi-use recreational trails throughout County's lands. Proper construction of trails is crucial for forest management and protecting our natural resources.

*Arbor Day:* SWCDs work with towns, schools, and public groups to promote Arbor Day.

*Tree and Shrub Sale:* The SWCD offers a wide variety of bare root seedlings and ground covers to be used for erosion control, wildlife habitat improvement, beautification, windbreaks, and wood product production.

*Conservation Field Days:* This program is to assist and educate the communities about conservation practices.

*Envirothon:* The Northern Adirondack Regional Envirothon is a hands-on environmental education competition where teams of five high school students work together in hopes of winning scholarships and awards. The teams compete in five different environmental categories (i.e., soils/land use, aquatic ecology, forestry, wildlife and current environmental issues)

*Fish Sale:* a fish stocking program, including trout, bass, catfish, and minnows, is offered to the residents

### **Technical Assistance**

*Information:* SWCD offers Technical Assistance to the public as well as private contractors. Topics most often requested for assistance include soils maps and information, USGS Topographic maps, National Wetlands Inventory maps, NYS Freshwater Wetlands maps, and information on pond construction.

*Permit Assistance:* Technical assistance is provided to landowners, municipalities and farms with many types of permits including stream, wetland, mined land, storm water and bulk petroleum storage permits.

### 2.7.2 St. Lawrence County

**Website:** [www.stlawco.org](http://www.stlawco.org); <https://www.stlawco.org/Departments/Planning/>;  
<https://www.stlawco.org/Departments/SoilWater/>;  
<https://www.stlawco.org/Departments/HighwayDepartment/>;  
<https://www.stlawco.org/Departments/PublicHealth/>

**Description:** All of St. Lawrence County is within the St. Lawrence River watershed; this county also encompasses the majority of the river's shoreline. The County's **Planning Department** is involved in water resource protection activities by providing land use regulations, community zoning maps, and model ordinances. The Planning Department led preparation of the St. Lawrence River Shoreline Resiliency Plan (2019) and participates in many of the related water resource protection activities (e.g., public drinking water supplies, public bathing beaches, septic system installation). The County's Planning Department (2016) prepared an Agricultural Development Plan (2016) to strengthen and diversify its agricultural economy, and to protect and improve farmland. The Department also hosts advisory boards such as the Environmental Management Council and Agriculture and Farmland Protection Board. The **Highway Department** is responsible for road and bridge maintenance, traffic safety, and tree trimming. They are also responsible for winter maintenance of 118 miles of State roads and 144 miles of County roads plus 555 miles of roadside mowing during the summer months. The Public Health Department leads a Public Health Sanitarian Program that conducts investigations of nuisance complaints, collects water samples from private water supplies, and provides technical assistance and evaluations of private sewage disposal systems.

**Relevant plans, programs, and laws**

- Agricultural Districts Law
- AEM Program (in cooperation with the SWCD)
- Right to Farm Law
- Agricultural Development Plan (December 2016)
- Hammond Joint Comprehensive Plan
- Hermon Comprehensive Plan
- Raquette River Blueway Corridor
- Massena Brownfield Opportunity Area
- Community Development Block Grants
- St. Lawrence River Shoreline Resiliency Plan

Public Health Sanitarian Program  
 Agricultural Assessments  
 Ag Equipment Rentals  
 Grasse River Blueway Trail Plan  
 Canton Grasse River Waterfront Revitalization Plan  
 Septic System Replacement Program

### 2.7.3 Franklin County

**Website:** [www.countyfranklin.digitaltowpath.org](http://www.countyfranklin.digitaltowpath.org)

**Description:** Nearly 1,400 square miles of Franklin County are within the St. Lawrence River watershed, with much of that area (60%) lying within the Adirondack Park. Franklin County is home to more than 670 bodies of water. A Water Quality Coordinating Committee convenes regularly to discuss emerging issues and actions affecting the county's waterbodies. Franklin County **Highway Department** maintains 266.28 miles of roads, 188 county owned bridges and is responsible for winter snow and ice removal.

**Relevant plans, programs, and laws**

- St. Lawrence River Watershed Project (SLRWP)
- AEM
- Agricultural Districts Law
- Drinking Water Program (through SWCD)
- Franklin County Water Quality Coordinating Committee
- Emergency Preparedness Program (Public Health Department)

### 2.7.4 Jefferson County

**Website:** [www.co.jefferson.ny.us](http://www.co.jefferson.ny.us)

**Description:** Jefferson County has 256 miles of shoreline on Lake Ontario and the St. Lawrence River; 1800 miles of rivers and streams; over 150 inland ponds, lakes, reservoirs, and rivers; high quality groundwater supplies in the eastern and southern portions of the County; and over 40,000 acres of wetlands, swamps, and marshes. The County **Planning Department** updated their Agricultural and Farmland Protection Plan in 2016. The plan created an Agricultural and Farmland Protection Board and hosts focus group meetings to learn about CAFO farms, agri-business, and farmland protection. A Water Quality Coordinating Committee meets monthly to coordinate efforts to protect and improve the quality of surface and groundwater for their intended uses. The **Highway Department** maintains 555 miles of roads and 450 drainage structures throughout the County.

<b>Relevant plans, programs, and laws</b>	Septic System Replacement Program Agricultural and Farmland Protection Plan Agricultural Nonpoint Source Grant Program Comprehensive Nutrient Management Planning Agricultural Assessments Ag Equipment Rentals Jefferson County Agricultural Development Corporation Agricultural Districts Law Comprehensive Economic Development Strategy
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### 2.7.5 Hamilton County

**Website:** [www.hamiltoncounty.com](http://www.hamiltoncounty.com)

**Description:** Approximately 420 square miles of Hamilton County is located within the St. Lawrence River watershed. Tourism is the most important industry and the whole area is a favorite spot for vacationers and sportsmen. The County **Public Health Department** maintains a septic treatment/septic system inspection program, where staff inspect mechanical household sewage treatment every five years. A Water Quality Coordinating Committee meets regularly to discuss water resources issues; committee members also conduct stream and lake assessments and survey benthic macroinvertebrates.

<b>Relevant plans, programs, and laws</b>	Right to Farm Law Safeguard Waters Law Solid Waste and Recycling Law
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### 2.7.6 Lewis County

**Website:** [www.co.lewiscounty.org](http://www.co.lewiscounty.org)

**Description:** Most of Lewis County drains into the Black River watershed; the northernmost section is part of the St. Lawrence River watershed. The **Highway Department** maintains the roads, drainage ditches, tree removal within the right of way. The **Planning Department** updated the Agricultural and Farmland Protection Plan in 2019; the Plan identifies areas and strategies for promoting continued agricultural use.

<b>Relevant plans,</b>	AEM Agricultural Nonpoint Source Abatement and Control Program
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<b>programs, and laws</b>	Agricultural Value Assessments
	Black River Watershed Planning Initiative
	Lewis County Highway Tree Policy
	Agricultural and Farmland Protection Plan
	Central Lewis County Water Study
	Lewis County Comprehensive Plan
	Agricultural Districts Law

### 2.7.7 Clinton County

**Website:** [www.clintoncountygov.com](http://www.clintoncountygov.com)

**Description:** Clinton County is in the northeast corner of New York State. Clinton County **Planning Department** serves a source for land development information, including wetlands, floodplains, and aerial photos. The **Highway Department** maintains 351 miles of County highways and 109 County-owned bridges in addition to open and closed drainage systems. The **Health Department** supports a private well testing program.

<b>Relevant plans, programs, and laws</b>	Agricultural Districts Law
	Adopt-A-Highway Program
	Soil Testing Cost Share Program
	Tile Drainage Assistance
	Environmental Quality Review Act

### 2.7.8 Herkimer County

**Website:** [www.herkimercounty.org](http://www.herkimercounty.org)

**Description:** The northern part of Herkimer County is in the Adirondack Park, of which, nearly 100 square miles of the county are located in the St. Lawrence River watershed area. Herkimer County has elected not to participate as part of this Watershed Revitalization Plan because of its relatively minute drainage area within the St. Lawrence River watershed.

<b>Relevant plans, programs, and laws</b>	Agricultural Districts Law
	Agricultural and Farmland Protection Plan (2007)
	Herkimer County Sewer District Sewer Use Law
	Herkimer County NY Rising Countywide Resiliency Plan (2014)
	Herkimer-Oneida Groundwater Monitoring Program (through NYSARC)
	Herkimer-Oneida Local Groundwater and Wellhead Protection Implementation Program (through NYSARC)



### 2.7.9 Essex County

**Website:** [www.co.essex.ny.us](http://www.co.essex.ny.us)

**Description:** The county encompasses an area of 1,916 square miles; only a tiny portion (56 square miles) falls within the St. Lawrence River watershed. The **SWCD** has a strong emphasis on forest management and habitat restoration. It has created a culvert inventory which inspects culvert condition, height, width, dry passage, barriers, and more, with the hope to improve wildlife connectivity issues. The **Department of Public Works** maintains 356 miles of roads and 134 bridges throughout the county.

**Relevant plans, programs, and laws**      Agricultural Districts Law  
    AEM  
    Essex County Destination Master Plan (2009)

## 2.8 Local Government

The St. Lawrence River watershed includes 103 municipalities in eight counties (see Section 3.0). While laws and policies at the federal, state, regional, and county levels can influence watershed health, municipal governments play an especially important role in watershed planning in New York State. New York is a “home rule” state, meaning that primary authority for guiding community planning and land development is vested in cities, towns and villages. While this provides local municipalities with the power to define how their community grows, it can also complicate watershed management efforts, particularly related to nonpoint sources of pollution. Differences among local laws can result in inconsistent water resources-related protections within a watershed. Some relevant local planning and zoning tools with significant potential to affect lands and waters include delineation of and protections for areas of local importance, such as:

- Open space
- Scenic resources (natural and built environment)
- Aquifer recharge zones
- Critical environmental areas
- Water resources (shorelines, wetlands)
- Agricultural lands
- Floodplains and flood hazard areas

In addition, local codes can specify required actions and practices related to sources of pollutants:

- Wastewater management, including on-site septic disposal systems
- Erosion and sediment loss from forestry, construction, and other land uses

- Solid wastes and junk yards
- Mining practices
- Stormwater runoff
- Land development (tools include requirements for lot size, setbacks, limits on impervious surfaces, stormwater management, site plan review, etc.)

### **2.8.1 Comprehensive Planning**

Comprehensive plans are strategic documents that define a community's goals and vision for the future. Developed with citizen input and formally adopted by a legislative body, comprehensive plans (or an equivalent set of adopted reports and maps) provide the legal foundation for a community to enact laws such as zoning and subdivision regulation. Comprehensive plans create an opportunity to prioritize watershed-related topics such as stormwater management and erosion and sediment controls; these documents are most useful when they reflect current conditions (i.e., have been updated within the past five to ten years). Comprehensive plans are not legally binding documents; municipalities must adopt local laws consistent with their comprehensive plans in order to ensure that the community's vision and goals are achieved. Once adopted, the local laws must be filed with New York State.

### **2.8.2 Zoning**

Zoning is a regulatory tool that enables communities to make the leap from planning to implementation and enforcement of land-use controls to support their vision and goals. Zoning controls the use, density, siting, and form of development on individual land parcels, and is especially effective in preventing future adverse impacts related to development patterns or uses that can threaten public health and safety, environmental quality, or community character.

To provide additional protections, municipalities can create an overlay zoning district with more stringent regulations for an area that is environmentally sensitive such as an aquifer recharge zone or floodplain.

### **2.8.3 Site Plan Review**

Site Plan Review is a powerful tool when development is planned on a single parcel of land and does not fall within the scope of subdivision regulations. The site plan review process creates an opportunity for municipal decision makers to examine a plan's potential impacts related to erosion, impervious surfaces, vegetation, and stormwater, and to require changes that will protect water quality and promote environmental sustainability. Since site plan review often relies on the expertise and knowledge of the reviewing board, training of decision makers is important to ensuring that this tool is effective. Professional staff can assist the appointed boards. In some rural areas, a professional planner serves multiple communities through shared service arrangements with county or regional planning departments.

#### 2.8.4 Subdivision Regulations

Subdivision regulations come into play when land is divided into smaller parcels. These regulations are intended to ensure that the design of developments supports the municipality's land use objectives. Subdivision ordinances can help mitigate the potential for adverse impacts on waterbodies during and after construction. Some communities include specific provisions to preserve open space and vegetation, protect unique natural areas, minimize impervious surfaces, limit erosion and runoff, cluster buildings, improve resilience to floods and related impacts of climate change, and promote green infrastructure.

#### 2.8.5 Stormwater and Erosion Control Regulations (MS4)

Federal stormwater regulations known as "Stormwater Phase II" require urbanized municipalities and those additionally designated by the NYSDEC to develop a Municipal Separate Storm Sewer System (MS4) management program and obtain a NPDES (National Pollutant Discharge Elimination System) permit. These designated MS4 municipalities are required to enact six minimum control measures as part of an approved stormwater management program. Even communities that are not designated as MS4 can work toward voluntary compliance with MS4 guidelines and adoption of some control measures. The six minimum control measures (MCMs) required of operators of regulated MS4s include:

- MCM 1: Public Education and Outreach
- MCM 2: Public Involvement and Participation
- MCM 3: Illicit Discharge Detection and Elimination
- MCM 4: Construction Site Runoff Control
- MCM 5: Post-Construction Runoff Control
- MCM 6: Pollution Prevention and Good Housekeeping

#### 2.8.6 Local Waterfront Revitalization Program

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act offers local governments the opportunity to participate in the State's Coastal Management Program (CMP) on a voluntary basis by preparing and adopting a Local Waterfront Revitalization Program (LWRP). This St. Lawrence River Watershed Revitalization Plan was prepared under this program. Revitalization Plans may be comprehensive and address all issues that affect a community's entire waterfront, or they may address the most critical issues facing a significant portion of its waterfront. Any village, town, or city located along the State's coast or designated inland waterways can prepare or amend an existing Revitalization Plan. Municipalities are encouraged to address local revitalization issues in alignment with regional economic development strategies and regional resource protection and management programs. However, like comprehensive plans, community plans developed under the LWRP are not laws. Recommendations developed under an LWRP that is formally adopted and accepted by New

York State can provide the legal foundation for municipalities to enact local laws or modify their codes to be consistent with the Plan's recommendations.

### **2.8.7 Model Local Laws**

Model local laws are commonly developed by state governments and regional entities to help guide communities in their local laws and programs. Two guidance documents focused on local laws to enhance floodplain management resiliency were recently developed. In 2018, Genesee/Finger Lakes Regional Planning Council had prepared *Model Intermunicipal Floodplain Overlay District Local Law*. This model local law incorporates intermunicipal project review, such as those commonly found useful in the General Municipal Law §239 Referral Process that promotes the coordination of land use decision-making and enhances consideration of potential intermunicipal and county-wide impacts, to foster a program that is effective in reducing and preventing flood problems. The overlay district aims to create more socially and environmentally responsible development beyond the floodplain; managing development in the watershed where floodwaters originate while still allowing the local government to have significant control over the approval process.

in 2019, NYS DOS's had prepared *Model Local Laws to Increase Resiliency*- a guidance document available to local governments. The model local laws were developed from a variety of sources, including existing models, existing local laws, and a combination of sections from various laws assembled with professional expertise. A range of regulatory choices are provided, with some models consisting of simple changes to enhance resiliency aspects of typical local laws, and others that would constitute a comprehensive approach to a topic that may require more advanced administrative skills to be effective.

### **2.8.8 Municipal Maintenance Programs and Practices**

Both formal and informal programs and practices can have a positive impact on water quality. Municipalities can incorporate NYSDOT design and guidance documents, standard specifications, and procedural manuals into local laws and highway department operating procedures. Towns and villages can also adopt procedures to ensure proper operation and maintenance of runoff management facilities and to ensure application of appropriate solid and hazardous waste generation and disposal practices, including source controls and recycling. In addition, municipalities can take advantage of training programs, such as the Cornell Local Roads Program, or can develop their own training programs targeted at highway officials, contractors, construction workers, inspectors, and zoning and planning officials.

### **2.8.9 Training Opportunities**

In addition to the laws and tools discussed above, towns and villages can take advantage of training opportunities through federal, state, regional and county-level programs. For example, local county and municipal officials around the North Country attend Local Government Conferences, which cover

a variety of topics such as stormwater regulation and protecting sensitive natural features. Also, high school students from Clinton, Essex, Franklin, and St. Lawrence Counties convene at Paul Smith's College each spring to compete in the Annual North Adirondack Regional Envirothon. The Envirothon tests the student's knowledge on topics such as soils, water resources, forestry, wildlife and current environmental issues. Teams compete in an outdoor setting where they learn that cooperation is needed to achieve success. The activities are designed to help students become environmentally aware, action-oriented adults.

Under the NYSDEC's Stormwater Permit (i.e., GP-0-10-001), all developers, contractors, and subcontractors must designate at least one individual from their organization responsible for implementing the required Storm Water Pollution Prevention Plan (SWPPP). The designated individual must be trained and certified; NYSDEC certification extends for a three-year period. A certified professional must be on-site each day when soil is being disturbed as well as conduct regular site inspections in accordance with permit conditions.

#### **2.8.10 Local Government and Agriculture**

Although municipalities in New York State have broad powers to enact laws governing land use, there are certain restrictions on government authority related to agriculture. The federal Clean Water Act specifically exempts agricultural runoff from its requirement that discharges of pollutants to surface waters be regulated by permit. In NY, the Agriculture and Markets Law (Article 25-AA, Section 305-a) states that: "Local governments...shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened"(Coon 2013). Consequently, most efforts to reduce agricultural pollution are voluntary and incentive-based (e.g., cost sharing and technical support).

One way that municipalities can address watershed-related agricultural issues is through participation in AEM programs, which are overseen by the NYS Department of Agriculture and Markets and implemented through county Soil and Water Conservation Districts (see sections 2.2.6 and 2.5.9). Agriculture is a significant land use and economic activity in the St. Lawrence River watershed, particularly in the eastern lowlands between the River and the Adirondack Park boundary. Consequently numerous governmental and nongovernmental organizations are collaborating on identifying and strengthening the connections between agricultural practices and water quality protection.

Recent agricultural plans and reports include:

- St. Lawrence County Agricultural Development Plan (2016)
- Jefferson County Agricultural and Farmland Protection Plan (2016)
- Herkimer County Agriculture and Farmland Protection Plan (2007)

- Lewis County Agricultural and Farmland Protection Plan (In progress)
- Lewis County Agricultural Enhancement Plan (2004)

Active agencies and groups focused on agriculture in the St. Lawrence River watershed include:

- Harvest NY, Cooperative Extension of Franklin County
- USDA Farm Service Agency
- USDA Natural Resources Conservation Services
- USDA Rural Development
- New York State CAFO Working Group (convenes when reviewing NRCS standards)
- Northern NY Agricultural Development Program
- New York Animal Agriculture Coalition (NYAAC)
- New York Farm Bureau and County chapters
- NY Farm Net
- Cornell Cooperative Extension programs in each county

Municipalities in the St. Lawrence River watershed can review existing plans and identify locally acceptable measures to enhance water quality protections while maintaining agricultural sustainability.

## 3 Evaluation of Local Laws and Programs

### 3.1 Introduction

This chapter presents an overview of local municipal laws, programs and practices currently in place for managing water resources across the St. Lawrence River watershed. Opportunities for improving the local laws and programs are identified; this analysis will inform recommendations of the St. Lawrence River Watershed Revitalization Plan, to which this document is appended. Because of the size of the watershed, much of the reported information was gathered from respondents at the county level (planning departments, SWCD).

### 3.2 Methodology

The inventory and assessment of municipal measures to protect water resources in the SLR watershed was based on a modified version of the process outlined by the Genesee/Finger Lakes Regional Planning Council (2006).

1. Identification of existing local laws and tools that guide land use, with a focus on:
  - » Comprehensive/Land Use Plans
  - » Local Waterfront Revitalization Plan (where appropriate)
  - » Site Plan Review
  - » Zoning Law
  - » Subdivision Regulations
2. Review of existing measures to assess their strength in addressing issues that influence water quality. This review was led by professional staff of County Departments of Planning and/or Soil and Water Conservation Districts. The County staff worked with their individual municipalities to complete a modified Municipal Nonpoint Assessment Form; the form evaluated local laws and practices related to:
  - » Waterbody/Shore Protection
  - » Floodplain/Flood Protection
  - » Waste Management/Junk Yard Regulation
  - » Wastewater/On-site Septic Systems
  - » Stormwater Management
  - » Road and ditch maintenance practices
  - » Agricultural Environmental Management
  - » Other emerging issues (Invasive Species, etc.)

The municipal evaluations, and the primary informants and reviewers, are included in **Appendix C: Local Laws and Programs Assessment Form.**

3. Identification of gaps, or opportunities for improvement, that can form the basis for recommendations in the St. Lawrence River Watershed Revitalization Plan. Staff from the County Planning Departments in collaboration with Project Team members reviewed existing municipal laws to assess their effectiveness in preserving and improving water quality and habitat conditions. The evaluation focused on the ability of the regulatory environment to address these priority issues:

- » Stormwater management and drainage
- » Erosion and sediment control
- » Riparian, wetland, and shoreline protection
- » Forest management
- » Steep slopes
- » Flood prevention/management
- » Invasive species

### 3.3 Results: Local Laws Inventory and Nonpoint Assessment

#### 3.3.1 Adirondack Park Agency

About 44% of the lands within the NYS portion of the St. Lawrence River Watershed lie within the “blue line”, the boundary of the Adirondack Park (**Map 24**). Given the mission and authority vested within the Adirondack Park Agency (APA) described in this section, it is inevitable that much of the variability in local laws and programs is associated with whether or not a municipality is located within the park boundaries.

The mission of the APA is to protect the public and private resources of the Adirondack Park through the exercise of the powers and duties provided by law. APA’s mission is rooted in three acts:

- The Adirondack Park Agency Act  
[https://www.apa.ny.gov/Documents/Laws\\_Regs/APAACT.PDF](https://www.apa.ny.gov/Documents/Laws_Regs/APAACT.PDF)
- The New York State Freshwater Wetlands Act  
[http://www.dec.ny.gov/docs/wildlife\\_pdf/wetart24a.pdf](http://www.dec.ny.gov/docs/wildlife_pdf/wetart24a.pdf)
- The New York State Wild, Scenic, and Recreational Rivers System Act  
<http://www.dec.ny.gov/permits/6033.html>

The APA prepared the State Land Master Plan, which was signed into law in 1972, followed by the Adirondack Park Land Use and Development Plan in 1973. Both plans are periodically revised to reflect the changes and current trends and conditions of the Park. The APA developed a Citizen’s Guide to Adirondack Park Agency Land Use Regulations ([https://www.apa.ny.gov/Documents/Laws\\_Regs\\_Standrds.html](https://www.apa.ny.gov/Documents/Laws_Regs_Standrds.html)) to help familiarize landowners with



the APA's regulations pertaining to private land within the Adirondack Park. The APA uses the collective statutes, planning documents, and a permitting process to regulate land use and development in the Adirondack Park.

The APA Act allows any local government within the Park to develop its own local land use programs which, if approved by the APA, may transfer some permitting authority from the APA to the local government's jurisdiction. The remainder of this chapter provides a summary of key land use regulations and practices within the Adirondack Park that offer protection to watershed resources.

### 3.3.1.1 *Land Use and Development*

In the Adirondack Park Land Use and Development Plan ("APLUDP"), all private lands in the Park are classified into six categories: hamlet, moderate intensity use, low intensity use, rural use, resource management, and industrial use. The classification of a particular area depends on such factors as:

- existing land use and population growth patterns;
- physical limitations related to soils, slopes and elevations;
- unique features such as gorges and waterfalls;
- biological considerations such as wildlife habitat, rare or endangered plants or animals, wetlands and fragile ecosystems; and
- public considerations such as historic sites, proximity to critical state lands, and the need to preserve the Park's open space character.

The purpose of the land classifications in the APA Act is to channel growth into the areas where it can best be supported and to minimize the spread of development in areas less suited to sustain growth. By setting limits on the amount of building—and accompanying roads, clearing, support services, etc.—the Act contemplates that the Park will retain its natural, open space character while communities in the Park continue to grow in an environmentally sensitive manner. While very few activities are prohibited outright by the Act, some activities are restricted from certain defined areas.

### 3.3.1.2 *Critical Environmental Areas*

Critical Environmental Areas ("CEAs") are the more sensitive features of the Park's natural environment. They are subcategories of the general land use area classifications and are provided extra protection by the law. Generally, CEAs include wetlands, high elevations, areas around designated wild or scenic rivers, state or federal highways, and lands in proximity to certain classifications of state-owned lands. Under the APA Act and the NYS Freshwater Wetlands Act, almost all land uses, such as draining, dredging, placing fill, structures, and subdivisions in or involving wetlands require an Agency permit.

### 3.3.1.3 Shoreline Restrictions

Among the most valuable resources in the Park is the land along its thousands of streams, rivers, ponds and lakes. The laws the Agency administers provide protection to water quality and aesthetics of Adirondack shorelines by establishing setbacks, lot widths and restrictions on vegetation removal. Shoreline restrictions apply to all lakes and ponds, rivers considered for inclusion in the Wild, Scenic and Recreational Rivers System, and all navigable waterways.

Shoreline setback restrictions apply to all structures greater than 100 square feet in size except docks and boathouses. However, docks and boathouses must comply with specific requirements to be exempt from shoreline setback restrictions. Shoreline restrictions by land use type can be found in **Table 1**.

**Table 1**  
**Shoreline Restrictions: Minimum Lot Widths and Setbacks**

Land Use Type	Min. Lot Width (ft)	Min. Structure Setback (ft)
Hamlet	50	50
Moderate Intensity Use	100	50
Low Intensity Use	125	75
Rural Use	150	75
Resource Management	200	100
Industrial	NA	NA

Source: Citizen's Guide to Adirondack Park Agency Land Use Regulations.

Note: For sewage disposal systems, the minimum setback for any water body or wetland is 100 ft, measured from the leach field or other absorption components to the closest point on the shoreline or wetland.

### 3.3.1.4 Designated Rivers and Adjoining Land

Many rivers in the Park are subject to special regulations and permit requirements adopted under the New York State Wild, Scenic and Recreational Rivers System Act. APA regulations apply to the designated rivers and lands adjoining them, generally up to 1/4 mile from the edge of the river. The river regulations seek to protect water quality and aesthetics by:

- establishing a 100-foot buffer strip along rivers in which vegetative cutting is highly restricted;
- establishing minimum lot widths and building setbacks (larger than those in the APA Act);
- requiring an Agency rivers project permit for nearly all subdivisions, single family dwellings and mobile homes in river areas;
- restricting motor boating and motorized activities on and adjacent to wild and scenic rivers;

- regulating bridge and road building;
- prohibiting structures (such as dams) and activities (such as dredging) which would alter the river's natural flow;
- allowing continuation of lawfully existing nonconforming uses, but requiring permits or variances for expansion or change in use;
- prohibiting certain "noncompatible" uses; and
- prohibiting new structures in Wild River areas.

Designated rivers within the St. Lawrence River watershed include the Grasse, Indian, Oswegatchie, Raquette, St. Regis, Salmon, and the Chateaugay-English.

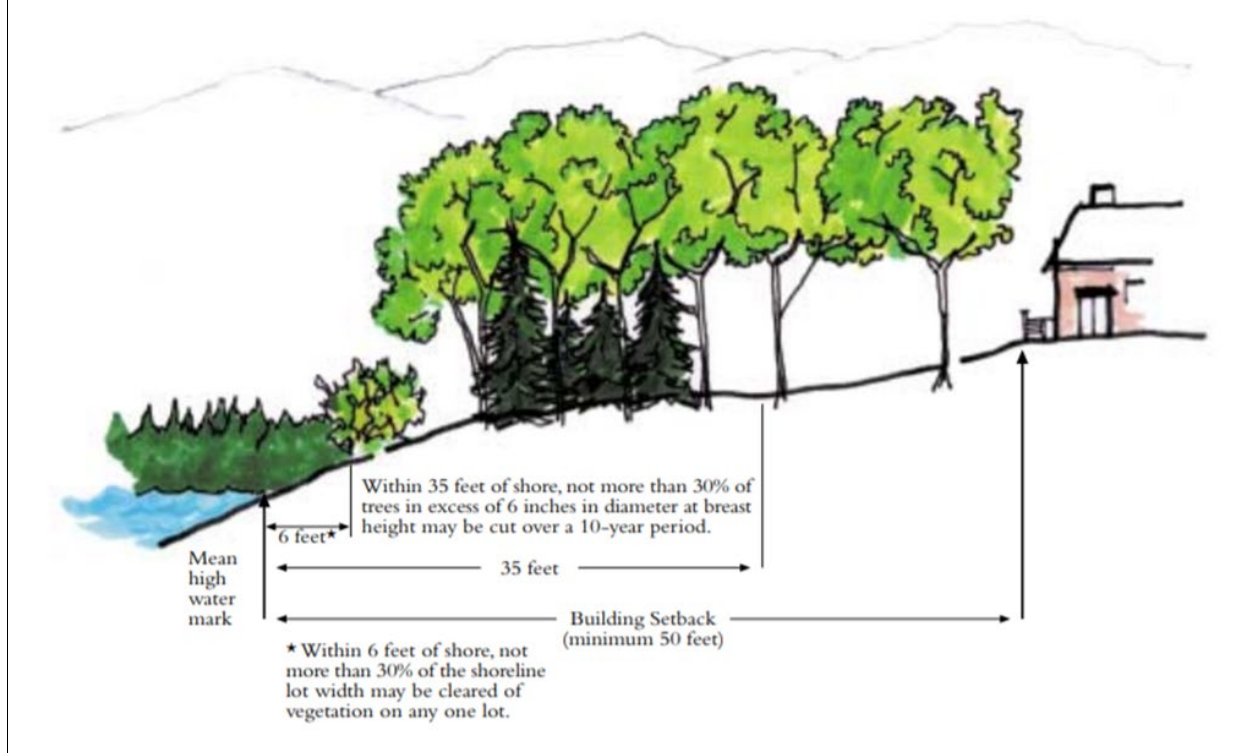
#### 3.3.1.5 *Tree Removal*

Generally, there are no requirements for harvesting trees on non-shoreline parcels unless property owners plan to clear-cut more than 25 upland acres or 3 wetland acres, or if the property is within a Designated River Area. However, tree removal may not begin until all required permits are obtained. Tree removal may also have seasonal restrictions because of the potential presence of the northern long-ear bat. Along shorelines, cutting is limited to the following:

- Within 6 feet of shore, no more than 30 percent of the shoreline may be cleared of vegetation (bushes and trees) on any one lot; and
- within 35 feet of shore, no more than 30 percent of trees in excess of 6 inches in diameter at breast height (i.e., 4.5 feet above the ground) may be cut over a 10-year period.

**Figure 1** illustrates these restrictions.

**Figure 1**  
**Restrictions That Apply to Cutting Trees and Vegetation along Shorelines**



Source: Citizen's Guide to Adirondack Park Agency Land Use Regulations

### 3.3.2 County Level Assessment

The St. Lawrence River watershed includes 100 municipalities in eight counties, including 74 towns, 24 villages, 1 city and 1 tribal community (see **Table 2** and **Map 24**).

- St. Lawrence County: 32 towns, 11 villages, 1 city, total 2,819 mi<sup>2</sup>; 49% of watershed.
- Franklin County: 18 towns, 4 villages, 1 tribal area, total 1,368 mi<sup>2</sup>; 24% of watershed.
- Jefferson County: 9 towns, 7 villages, total 538 mi<sup>2</sup>; 9% of watershed.
- Hamilton County: 5 towns, 1 village, total 421 mi<sup>2</sup>; 7% of watershed.
- Lewis County: 3 towns, 1 village, total 226 mi<sup>2</sup>; 4% of watershed.
- Clinton County: 4 towns, total 168 mi<sup>2</sup>; 3% of watershed.
- Herkimer County: 1 town, total 100 mi<sup>2</sup>; 2% of watershed.
- Essex County: 2 towns, total 56 mi<sup>2</sup>; 1% of watershed.

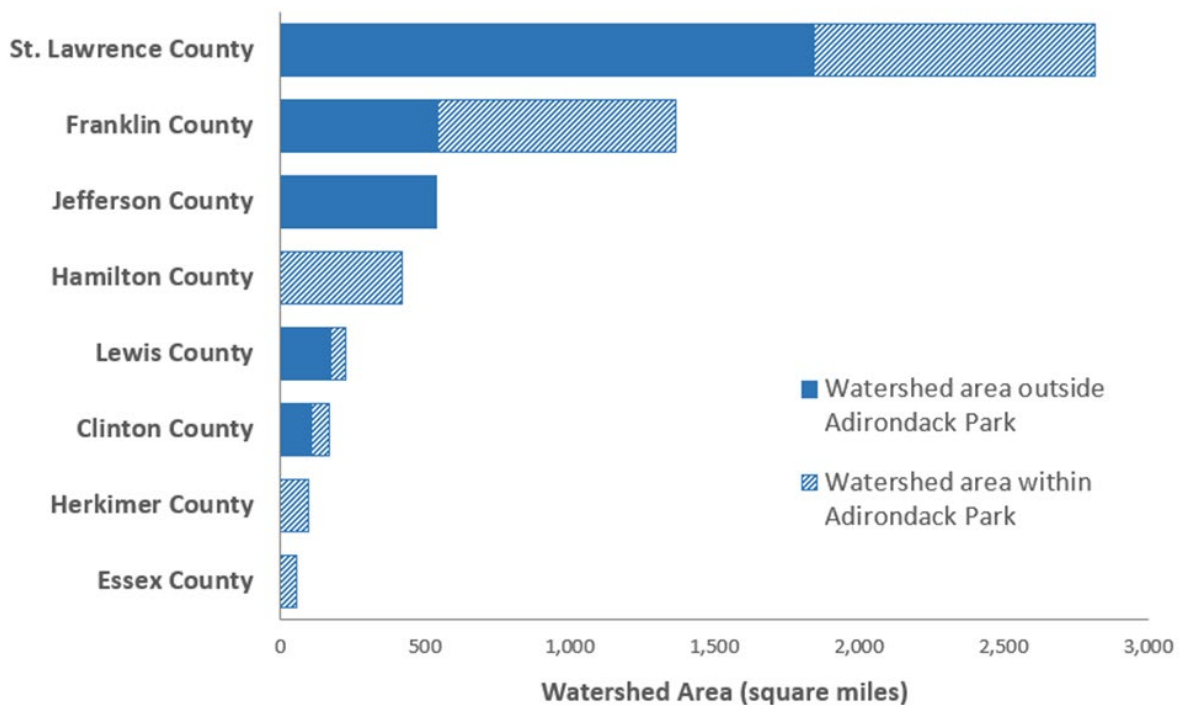
**Table 2**  
**Municipalities of the St. Lawrence River Watershed**

Clinton	Essex	Franklin	Hamilton	Jefferson	Lewis	St. Lawrence	Herkimer
<b>Towns</b> Clinton <b>*Dannemora</b> <b>Ellenburg</b> Mooers	<b>Towns</b> <b>N. Elba</b> <b>Newcomb</b>	<b>Towns</b> Bangor *Bellmont Bombay Brandon Center <b>Brighton</b> Burke Chateaugay Constable Dickinson <b>Duane</b> Fort Covington <b>Franklin</b> Malone Moir <b>Santa Clara</b> <b>*Tupper Lake</b> <b>Waverly</b> Westville  <b>Villages</b> Brushton Chateaugay Malone <b>*Tupper Lake</b>  <b>Tribal</b> St. Regis Mohawk Tribe	<b>Towns</b> <b>*Arietta</b> <b>*Indian Lake</b> <b>*Inlet</b> <b>*Lake Pleasant</b> <b>*Long Lake</b>  <b>Villages</b> <b>Speculator</b>	<b>Towns</b> Alexandria Antwerp Cape Vincent Clayton Leray Orleans Philadelphia Theresa Wilna  <b>Villages</b> Alexandria Bay Antwerp Cape Vincent Clayton Evans Mills Philadelphia Theresa	<b>Towns</b> *Diana Croghan <b>Watson</b>  <b>Villages</b> Harrisville	<b>Towns</b> Brasher Canton <b>Clare</b> <b>Clifton</b> <b>Colton</b> Dekalb Depeyster Edwards <b>Fine</b> Fowler Gouverneur Hammond Herman <b>Hopkinton</b> Lawrence Lisbon <b>Louisville</b> Macomb Madrid Massena Morristown Norfolk Oswegatchie <b>Parishville</b> <b>Piercefield</b> Pierrepont Pitcairn *Potsdam Rossie Russell Stockholm Waddington  <b>Villages</b> *Canton Gouverneur Hammond Heuvelton Massena Morristown *Norwood *Potsdam Rensselaer Falls Richville Waddington  <b>City</b> *Ogdensburg	<b>Towns</b> <b>Webb</b>

Notes: **1. Bold blue=ADK**; Asterisk (\*) = registered Climate Smart Community. **2.** Herkimer County elected not to participate as part of the Local Laws and Programs Assessment.

The proportions of the total watershed area covered by each county, including areas within and outside of the Adirondack Park, are shown in Figure 3-1.

**Figure 2**  
**Areal Watershed Coverage by County**



The Municipal Nonpoint Assessment results for each County government and each local municipal or tribal government appear in **Table 3** and are summarized in this chapter. The gap analysis derived from this inventory and assessment from responses to the Local Laws and Programs Assessment Forms provide the basis of preliminary recommendations made in this chapter (focused on local laws). Preliminary recommendations in this document focus primarily on laws and programs; these will form the basis of broader recommendations (including best management practices) in the St. Lawrence River Watershed Revitalization Plan.

**Table 3**  
**Local Laws Assessment Summary Chart**

Municipality	Comprehensive Plan	Local Waterfront Revitalization Plan	Site Plan Review	Zoning Law	Subdivision	Waterbody/Shore Protection	Floodplain/Flood Protection	Waste Management/Junk Yard	Wastewater/On-site Septic	Stormwater	Agriculture	Special Permit	Others/Comments
Tribal													
St. Regis Mohawk Tribe (SRMT)		P	●			●	P	●	●	●	●		Solid Waste Management Code in place and Brownfields program deal with abandoned waste sites. SRMT has WQS authority under Clean Water Act. Wetlands Protection Act is Tribal Law and protects wetland resources. Majority of residents have onsite wastewater treatment--limited geographic extent for wastewater collection. Limited stormwater infrastructure is in place on the Territory. Limited agriculture on the Territory.
St. Lawrence													
Towns													
Brasher			●	●			●	●					Planning Board; solar regs; mobile home regs; sign law; junk law
Canton	●	●	●	●	●		●	●					Planning Board; Telecommunication tower regs
Clare				●	●	●	●	●	●	●	●		
Clifton		●		●	●	●	●	●	●	●	●		Planning Board; Adirondack Park Agency has land use regs that govern a portion of the Town
Colton	●		●	●	●	●	●	●	●	●	●		Planning Board; APA regs; solar regs; mobile home regs; sign regs; junk laws; Telecom regs; wind tower regs
Dekalb			●										Planning Board
Depeyster							●						

FINAL													
Municipality	Comprehensive Plan	Local Waterfront Revitalization Plan	Site Plan Review	Zoning Law	Subdivision	Waterbody/Shore Protection	Floodplain/Flood Protection	Waste Management/Junk Yard	Wastewater/On-site Septic	Stormwater	Agriculture	Special Permit	Others/Comments
Edwards	●		●	●	●		●	●					Planning Board; solar regs; mobile home regs; sign law; junk law; telecom regs
Fine	●	●	●			●	●	●					Planning Board
Fowler			●		●		●	●					Planning Board; Freshwater Wetland regs; telecom regs
Gouverneur			●	●	●			●					Planning Board; Freshwater wetland regs; mobile home regs;
Hammond (Joint w Vil.)	●		●		●		●	●					
Hermon	●						R	●					
Hopkinton				●	●	●	●	●	●	●	●		Planning Board; APA regs
Lawrence			●		●	●	R	R					APA regs; telecom regs
Lisbon	●		●				R	●					Planning Board; telecom regs
Louisville	●		●	●	●	●	●	●	●	●	●		Planning Board; mobile home regs; sign law; telecom regs
Macomb	●		●		●		R	●					Planning Board; mobile home regs; sign law; telecom regs
Madrid	●		●	●	●	●	R	●					Planning Board; mobile home regs; sign law; telecom regs
Massena	●	●	●	●	●		●	●					Planning Board; mobile home regs; sign law; telecom regs
Morristown	●	●	●	●	●		●	●					Planning Board; mobile home regs; sign law; telecom regs
Norfolk	●		●	●	●		●	●					Planning Board; mobile home regs; sign law; telecom regs
Oswegatchie			●		●		●	●					Planning Board; mobile home regs; sign law
Parishville	●		●	●	●	●	●	●	●	●	●		Planning Board; APA regs; mobile home regs; sign regs;
Piercefield	●		●	●	●	●	●	●	●	●	●		Planning Board; APA regs; mobile home regs; telecom regs



FINAL													
Municipality	Comprehensive Plan	Local Waterfront Revitalization Plan	Site Plan Review	Zoning Law	Subdivision	Waterbody/Shore Protection	Floodplain/Flood Protection	Waste Management/Junk Yard	Wastewater/On-site Septic	Stormwater	Agriculture	Special Permit	Others/Comments
Pierrepoint	●		●	●	●		R	●					Planning Board; mobile home regs; sign regs
Pitcairn	●				●	●	●						Planning Board; APA regs
Potsdam	●		●	●	●		●	●					Planning Board; mobile home regs; sign regs; telecom regs
Rossie			●		●		●						Planning Board; telecom regs
Russell							R						Mobile home regs
Stockholm			●	●	●		●						Planning Board; mobile home regs; sign regs; Freshwater wetland regs; telecom regs
Waddington	●	●	●	●	●		●	●					Planning Board; sign regs; telecom regs
Villages													
Canton	●	P	●	●	●		●	●					Planning Board; mobile home regs; sign regs; telecom regs
Gouverneur			●	●	●		●	●					Planning Board; mobile home regs; sign regs; Freshwater wetland regs
Hammond (Joint with Town)	●		●		●		R	●					Planning Board
Huevelton	●		●	●	●		●	●					Planning Board; mobile home regs; sign regs
Massena	●		●	●	●		●	●					Planning Board; solar regs; mobile home regs; sign regs; telecom regs
Morristown	●	●	●	●	●		●	●					Planning Board; solar regs; mobile home regs; sign regs; Freshwater wetland regs
Norwood	●			●	●		●	●					Planning Board; mobile home regs;
Potsdam	●		●	●	●		●	●					Planning board; solar regs; mobile home regs; telecom regs
Resselaer Falls			●	●	●		●	●					Planning Board; mobile home regs;
Richville (Joint with Town)			●					●					Planning Board; mobile home regs;
Waddington	●	●	●	●	●		●	●					Planning Board; mobile home regs;

FINAL													
Municipality	Comprehensive Plan	Local Waterfront Revitalization Plan	Site Plan Review	Zoning Law	Subdivision	Waterbody/Shore Protection	Floodplain/Flood Protection	Waste Management/Junk Yard	Wastewater/On-site Septic	Stormwater	Agriculture	Special Permit	Others/Comments
City													
Ogdensburg	•	•	•	•	•		•	•					Planning Board; solar regs; mobile home regs;
Jefferson													
Towns													
Alexandria	•	•	•	•	•		•	•	•	•	•	•	
Antwerp	•						•	•	•	•	•	•	
Cape Vincent	•		•	•	•		•	•		•	•	•	
Clayton	•	•	•	•	•		•	•	•	•	•	•	
Leray	•		•	•	•		•	•		•	•	•	
Orleans	•		•	•	•		•	•		•	•	•	
Philadelphia	•		•	•	•		•	•		•	•	•	
Theresa			•	•	•		•	•		•	•	•	
Wilna	•		•	•	•		•	•		•	•	•	
Villages													
Alexandria Bay	•		•	•	•	•	•	•		•		•	
Antwerp	•									•		•	
Cape Vincent	•	P	•	•	•	•	•	•		•		•	
Clayton	•		•	•	•		•	•		•		•	
Evans Mills	•			•	•		•	•		•	•	•	
Philadelphia	•			•	•		•	•		•		•	
Theresa				•	•		•	•		•	•		
Franklin													
Towns													

FINAL													
Municipality	Comprehensive Plan	Local Waterfront Revitalization Plan	Site Plan Review	Zoning Law	Subdivision	Waterbody/Shore Protection	Floodplain/Flood Protection	Waste Management/Junk Yard	Wastewater/On-site Septic	Stormwater	Agriculture	Special Permit	Others/Comments
Bangor								•					
Bellmont				•	•	•	•	•	•	•	•		
Bombay								•					
Brandon								•					
Brighton				•	•	•	•	•	•	•	•		
Burke								•					
Chateaugay								•					
Constable								•					
Dickinson				•	•	•	•	•	•	•	•		
Duane				•	•	•	•	•	•	•	•		
Fort Covington								•					
Franklin				•	•	•	•	•	•	•	•		
Harrietstown				•	•	•	•	•	•	•	•		
Malone	P	•	•	•				•					
Moir								•					
Santa Clara				•	•	•	•	•	•	•	•		
Tupper Lake			•	•	•	•	•	•	•	•	•		
Waverly				•	•	•	•	•	•	•	•		
Westville								•					
Villages													
Brushton		•						•					
Malone	•	•	•	•		•	•	•	•	•			

FINAL													
Municipality	Comprehensive Plan	Local Waterfront Revitalization Plan	Site Plan Review	Zoning Law	Subdivision	Waterbody/Shore Protection	Floodplain/Flood Protection	Waste Management/Junk Yard	Wastewater/On-site Septic	Stormwater	Agriculture	Special Permit	Others/Comments
<b>Tupper Lake</b>				•	•	•	•	•	•	•	•		
Lewis													
Towns													
Croghan			•	•				•	•	•	•		Zoning is limited in this area.
Diana			•	•				•	•	•	•		Zoning is limited in this area.
<b>Watson</b>				•	•	•	•	•	•	•	•		
Villages													
<b>Harrisville</b>				•	•	•	•	•	•	•	•		
Essex													
Towns													
<b>North Elba</b>	•		•	•	•	•	•	•	•	•	•		
<b>Newcomb</b>	•		•	•	•	•	•	•	•	•	•		
Clinton													
Towns													
Clinton							•						
<b>Dannemora</b>				•	•	•	•	•	•	•	•		
<b>Ellenbrug</b>	•			•	•	•	•	•	•	•	•	•	
Moors	•			•			•	•				•	
Hamilton													
Towns													
<b>Arietta</b>	•		•	•	•	•	• P	•	•	•	•		Piseco Lake Association (PLA) efforts include dam improvements, invasive species, and water quality. PLA is working with SUNY Oneonta to develop a Lake Management Plan. Green Waste Management Program. Local transport law for invasive species.
<b>Indian Lake</b>	•		•	•	•	•	•	•	•				

FINAL													
Municipality	Comprehensive Plan	Local Waterfront Revitalization Plan	Site Plan Review	Zoning Law	Subdivision	Waterbody/Shore Protection	Floodplain/Flood Protection	Waste Management/Junk Yard	Wastewater/On-site Septic	Stormwater	Agriculture	Special Permit	Others/Comments
Inlet	●	●	●	●	●	●	●	●	●	●	●		Local Lake Associations - also have on shore wastewater inspection local law
Lake Pleasant	●		●	●	●	●	●	●	●	●	●		Town is partner with our local Lake Association (LPSA). Town does not have an A.P.A. approved land use plan but works with A.P.A. on regulations. Floodplain protection under DEC emergency action plan / Wakely Dam.
Long Lake	P			●	●	●	●	●	●	●	●		Active invasive species program that is funded by town and grants from the Adirondack Watershed Institute, two active lake associations.
Villages													
Speculator				●	●	●	●	●	●	●	●		
Herkimer													
Towns													
Webb				●	●	●	●	●	●	●	●		

Legend:

1. I Local regulation in effect
2. P = In progress of being developed
3. R = Rescinded

Note: **Green** municipalities indicate those primarily within the Adirondack Park.

Within the St. Lawrence River watershed, there is significant variation in the degree to which municipal laws address protection of watershed resources, ranging from municipalities with overlay zoning to safeguard vulnerable areas (e.g., lakes, rivers, streams, wetlands) to municipalities that have few local laws to manage water quality matters, such as aquatic buffers, floodplain management, or stormwater and erosion controls. The following subsections present strengths and gaps, or opportunities for improvement, and preliminary recommendations for each County in the St. Lawrence River watershed.

### 3.3.2.1 *St. Lawrence County*

St. Lawrence County includes 32 towns, 11 villages and 1 city and covers 2,819 square miles (49%) of the St. Lawrence River watershed area. St. Lawrence County has a Planning Department and SWCD as part of its organizational structure. These departments work with local municipalities to provide technical assistance on issues related to land use development and water quality protection. Approximately 35% of St. Lawrence County's watershed area is located within the Adirondack Park. Municipalities located within the Park are governed by APA's laws, regulations and programs. This governance structure influences land use development and water quality protection within St. Lawrence County.

Most municipalities (29/44) within St. Lawrence County have a Comprehensive Plan. In addition, most of the municipalities located along the St. Lawrence River have completed or are in the process of developing a Local Waterfront Revitalization Plan. These strategic land use plans define the community's goals and vision for the future. In addition, most of the municipalities administer general land use controls; including zoning laws, site plan reviews, subdivision regulations, stormwater management, agriculture management and floodplain protections. In addition, municipalities located within the Adirondack Park administer waterbody/shore protection. These land use laws and regulations help guide development practices and improve water quality.

Most municipalities lack local laws related to wastewater/on-site septic systems, stormwater management and agriculture. In addition, municipalities located outside the Adirondack Park lack laws and programs related to waterbody/shore protection. It was also noted that St. Lawrence County has only limited staffing capacity to provide technical support for the vast number of agricultural producers and extent of agricultural lands. These issues are identified as gaps.

St. Lawrence County's municipalities would benefit from adopting applicable model local laws and building on established programs for best management practices (BMPs) related to waterbody/shore protection, wastewater/on-site septic systems, stormwater management and agriculture. APA's laws and programs and NYSDOS model local laws

([https://www.dos.ny.gov/opd/programs/resilience/Model\\_Local\\_Laws\\_to\\_Increase\\_Resilience.pdf](https://www.dos.ny.gov/opd/programs/resilience/Model_Local_Laws_to_Increase_Resilience.pdf))

could serve as a basis for evaluation and adoption. In addition, due to the extent and significance of agriculture, St. Lawrence County municipalities would benefit from enhancing the use of agricultural BMPs, including vegetated buffers and other sustainable agricultural practices that reduce nonpoint source pollution (e.g., stormwater runoff, soil erosion, nutrient and other chemical loading) to watercourses. Focused efforts to expand the use of BMPs would enhance land use development practices and water quality protection measures within the St. Lawrence County portion of the watershed.

### 3.3.2.2 *Franklin County*

Franklin County includes 18 towns, 4 villages and 1 tribal community, and covers 1,368 square miles (24%) of the St. Lawrence River watershed area. The Adirondack Park encompasses 60% (822 square miles) of the county. Those municipalities within the Park are governed by APA's laws, regulations and programs. This governance structure influences land use development and watershed protection within Franklin County.

The SWCD of Franklin County is a valuable asset to the county's municipalities. The SWCD works closely with local municipalities to develop local laws, programs and practices to protect water quality. Many of the municipalities administer general land use controls, particularly zoning laws, subdivision regulations, waterbody/shore protection, floodplain management/protection, waste management/ junk regulations, wastewater/on-site septic systems, stormwater management, and agriculture environmental management. These land use laws and regulations help protect and improve water quality.

Few municipalities (2-3/21) have developed or are developing a Comprehensive Plan and/or Local Waterfront Revitalization Plan, where applicable. In addition, most of the County's municipalities (17/21) have no site plan review laws. Franklin County does not have a Planning Department, which limits its capacity to assist communities with their planning efforts. These issues are identified as impediments to effective water resources management, especially for areas outside of the Adirondack Park.

Franklin County's municipalities would benefit from adopting Comprehensive Plans and/or Local Waterfront Revitalization Plans as well as local laws for site plan review. These strategic land use plans define the community's goals and vision for the future, including necessary land use practices and water resource protections. In addition, due to the significance and importance of agriculture within the watershed, Franklin County municipalities would benefit from promoting sustainable and resilient agricultural BMPs to reduce nonpoint source pollution (e.g., stormwater runoff, soil erosion, and nutrient and other chemical loading) to watercourses. With more regulatory tools and professional support capacity, Franklin County municipalities could strengthen water quality protection within the St. Lawrence River watershed.

### 3.3.2.3 *Jefferson County*

Jefferson County includes nine towns and seven villages, covering 538 square miles (9%) of the St. Lawrence River watershed. The entire watershed area is outside of the Adirondack Park boundary. Jefferson County's Planning Department and SWCD work closely with local municipalities in development of local laws, programs, and practices that affect water resources.

Of the 16 towns and villages located within the St. Lawrence River watershed, most (14/16) have adopted Comprehensive Plans. In addition, three of four municipalities along the St. Lawrence River have adopted (or are completing) a Local Waterfront Revitalization Plan. Many Jefferson County municipalities administer general land use controls, including zoning laws, site plan reviews, subdivision regulations, stormwater management, agriculture management, and floodplain protections.

Jefferson County's municipalities have several strengths identified as part of this assessment. The County benefits from established programs involving stormwater management and land conservation. The County has organized a Stormwater Coalition, which includes the City of Watertown, seven surrounding communities, and Jefferson County. The Coalition works collaboratively to meet stormwater management regulations; achieve water quality goals; and promote awareness and stewardship of water resources in the urbanized areas. Additionally, Jefferson County is participating in the NYS Septic System Replacement Program. The purpose of this fund is to replace existing cesspools and septic systems that are having significant and quantifiable environmental and/or public health impacts to groundwater used for drinking water, or a threatened or impaired waterbody. In Jefferson County, the Priority Areas are Moon Lake, Red Lake, and the Indian River near these lakes. In addition, several NYS Land Trust Alliance members, including Tug Hill Tomorrow, Thousand Island Land Trust, and the Indian River Lakes Conservancy, have established land conservation programs or efforts to inventory and conserve undeveloped sensitive areas, open space, or areas of historical or cultural value.

There are weaknesses as well; most of the County's municipalities lack local laws related to waterbody/shore protection and wastewater/on-site septic systems. These deficiencies are identified for gap analysis and recommendations.

In 2016, Jefferson County promulgated a 'Right to Farm' law. The local law includes a legislative finding and intent recognizing agriculture as an important industry in the County that contributes to the economy, maintains open space, enhances the quality of life, promotes environmental quality, and places minimal demands on services provided by local governments. Passage of the Right to Farm law was intended to help maintain and enhance the agricultural industry of the County in several ways: permitting acceptable agricultural practices to continue; protecting the existence and continued operation of farms; encouraging initiation and expansion of agricultural businesses; and promoting new ways to resolve disputes concerning agricultural practices and farm operations. It



accomplishes this by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

Jefferson County's Agricultural and Farmland Protection Plan (2016) noted a disconnect between language in adopted plans and the actual laws. The towns with comprehensive plans that include the most expressed support for agriculture may not exhibit the same level of support in their zoning laws. Farm-friendly practices that are most often incorporated into local zoning laws include:

- Many agricultural operations are allowed in most places as a use permitted by right (no planning board review needed).
- Towns do not direct more growth or higher density in core agricultural areas.
- Local agricultural districts or special ag-related districts are established.
- Off-site signs allowed in many places to advertise farm uses.
- Farm stands and farm retail uses are allowed, often without requiring site plan or special use permits.
- Zoning allows for agricultural-related accessory uses.
- Definitions of agriculture are broad and flexible so many different types of agriculture can be included.
- Towns do not usually regulate farms by acreage or number of animals.

Farming-related practices that are not typically addressed in local laws include:

- Use of buffer areas between non-agricultural uses and farms.
- Use of techniques such as conservation subdivisions, transfer of development rights, or other innovative land use practices that allow development as well as preservation of open space.
- Requiring development applications to include information about on-site and adjacent agricultural activities.
- Specific requirement that the reviewing board evaluate impacts of a development proposal on agriculture. This is especially important for both SEQR and when a proposal is within a NYS Agricultural District.
- Lack of design standards directing buildings to be placed in a manner that protects or allows farming to take place.
- Requiring the NYS Agricultural Data Statement.
- Requiring an agricultural disclosure notice when a project is in a NYS Agricultural District to inform future landowners that agricultural activities are taking place nearby.

- Addressing farm worker housing and allowing a variety of housing options for farm workers such as mobile homes.
- Waivers of municipal approvals for on-farm windmills and solar panels.

Jefferson County's municipalities would benefit from adopting applicable model local law and established programs using BMPs related to waterbody/shore protection and wastewater/on-site septic systems. APA's laws and programs and NYSDOS model local laws could serve as a basis for evaluation and adoption. In addition, due to the significance and importance of agriculture within the watershed, Jefferson County municipalities would benefit from supporting adoption of agricultural BMPs to reduce nonpoint source pollution (e.g., soil erosion, nutrients, and chemicals). Additional regulatory tools coupled with technical support and meaningful cost-sharing measures could help mitigate the adverse impacts of land development and land use practices on water resources and ultimately benefit the St. Lawrence River watershed.

#### 3.3.2.4 *Lewis County*

Lewis County includes four municipalities that cover 226 square miles (4%) of the St. Lawrence River watershed area. Of the 226 square miles, a majority of the land area (78%) is located outside the Adirondack Park. Town governments administer general land use laws and programs, including site plan review, waste management/junk yard regulations, wastewater/on-site septic systems, stormwater management, and agriculture environmental management. These land use laws and programs help protect and improve water quality. In addition, the SWCD makes their no-till drill 'interseeder' equipment available to local farms. This program has been successful; in 2019, the SWCD equipment covered over 1,000 acres, planting many varieties of seed.

Neither of the Lewis County towns within the St. Lawrence River watershed has a Comprehensive Plan, subdivision law, waterbody/shore protection, floodplain management/flood protection. In addition, laws and programs were either absent or overlooked for smaller agricultural parcels. These deficiencies are identified as gaps, or opportunities for improvement.

Lewis County's municipalities would benefit from developing Comprehensive Plans to provide a regulatory framework for adopting local laws designed to protect water resources. Because of the importance of agricultural land uses, continued efforts to expand the use of BMPs that reduce nonpoint source pollution (e.g., soil erosion, nutrients, and chemicals) to watercourses is important. Enhancing these watershed and water resource efforts would ultimately benefit the quality of the St. Lawrence River watershed.

#### 3.3.2.5 *Essex County*

Essex County's portion of the St. Lawrence River watershed is limited to two towns within the Adirondack Park totaling 56 square miles (1% of the total watershed). Consequently, all four

municipalities are governed by APA's laws, regulations and programs; this affects land use development and watershed protection.

Essex County's Community Resources (formerly termed the Planning Department) and SWCD work closely with local municipalities, as well as state and federal funding and regulatory agencies, to develop feasible solutions for local land use and development projects. The concept of feasibility encompasses fiscal and operational criteria, plus environmental sustainability and compliance at the regional and state levels. Essex County's Community Resources has a strong organizational structure and specialized staff resources (i.e., grant writer and environmental engineer) that enable them to successfully apply for and manage federal and state grant funding. Currently, their main focus areas involve assisting municipalities with planning, funding and implementing improvements to water supply and wastewater infrastructure.

Both municipalities within Essex County have a Comprehensive Land Use Plan and administer general land use controls, particularly site plan review, zoning laws, subdivision regulations, waterbody/shore protection, floodplain management/flood protection, waste management/ junk yard regulations, wastewater/on-site septic system regulations, stormwater and erosion control regulations, agriculture environmental management and special permit. These land use laws, regulations and programs help protect and improve water quality.

Overall, very few gaps are identified in the Local Laws and Programs Assessment form. Essex County can provide effective templates for other municipalities within the St. Lawrence River watershed.

### 3.3.2.6 *Clinton County*

Clinton County includes four municipalities (all towns) that encompass 168 square miles (3%) of the St. Lawrence River watershed area. Of the 168 square miles, 37% of the watershed area (62 square miles) is located within the Adirondack Park and 63% (106 square miles) is located outside the Adirondack Park. Therefore, the towns within the Park are governed by APA's laws, regulations and programs. This governance structure influences land use development and watershed protection within Clinton County.

Most of the municipalities have a Comprehensive Land Use Plan and administer general land use controls; including zoning law, floodplain management/ flood protection, waste management/junk yard regulations and conditional use permit. These land use laws and programs positively influence land use practices and watershed protection. However, gaps remain. The majority of Clinton County towns have not promulgated local laws governing site plan review, subdivisions, waterbody/shore protection, wastewater/on-site septic systems, stormwater management, or agricultural practices.

Clinton County's municipalities would benefit from adopting model local law related to site plan review and subdivision regulations. These planning tools guide development and land use practices

and protections, including water resource protections. In addition, municipalities would benefit from adapting general land use laws and programs to address the gaps cited above. These specific tools and regulations promote sustainable land use practices and watershed protection.

#### 3.3.2.7 *Hamilton County*

Hamilton County includes five towns and one village that cover 421 square miles (or 7%) of the St. Lawrence River watershed area. All (100%) of the watershed area is located within the Adirondack Park. Therefore, these municipalities are governed by APA's laws, regulations and programs. This governance structure influences land use development and watershed protection.

In addition to the APA regulations, Hamilton County has many local laws and programs influencing land use development and watershed protection. This programmatic assessment identified several strengths; all five towns have adopted (or are in the process of adopting) a Comprehensive Land Use Plan and administer general land use controls. Controls include site plan review, zoning, subdivision regulations, waterbody/shore protection, floodplain management/ flood protection, waste management/junk yard regulations, wastewater/on-site septic system, stormwater and erosion control, agriculture practices, and invasive species control. These land use laws and programs positively influence watershed protection.

### 3.3.3 **Climate Smart Communities (CSC)**

Counties, cities, towns, and villages are best able to assess their own vulnerability to a changing climate, and to initiate adaptive measures. Many adaptive land use measures, such as water quality protection and flood resiliency, are best managed within a watershed context. Any city, town, village, or county in New York State can take the Climate Smart Communities (CSC) pledge. To become a registered CSC, the municipality's governing body must adopt a resolution that includes commitment to the following ten actions:

- Build a climate-smart community
- Inventory emissions, set goals, and plan for climate action
- Decrease energy use
- Transition to clean, renewable sources of energy
- Use climate-smart materials management
- Implement climate-smart land use
- Enhance community resilience to climate change
- Support a green innovation economy
- Inform and inspire the public
- Engage in an evolving process of climate action

Several communities within the St. Lawrence River watershed have adopted the Climate Smart Community pledge, see **Table 2**.

## 4 Conclusions

The St. Lawrence River watershed includes 100 municipalities in eight counties, covering nearly 5,700 square miles in New York State. Home rule vests the primary authority for community planning and land use regulations with local municipalities. Hence, municipal governments play a significant role in watershed planning in New York State. While this provides municipalities with the power to define how their community grows, it can also complicate water resources management since watershed boundaries rarely conform to municipal boundaries. This governance structure often results in inconsistent regulations within a watershed. Meanwhile, each county-level SWCD plays a significant role with providing guidance and technical assistance in land use and development practices.

Within the St. Lawrence River watershed, there is significant variation in the degree to which municipal laws address protection of watershed resources. Some municipalities have extensive planning and regulatory tools such as overlay zoning to provide additional safeguards to vulnerable areas (e.g., lakes, rivers, streams, wetlands, or aquifer recharge areas). In contrast, other municipalities could benefit from adopting additional laws to manage water quality challenges, such as buffers to reduce the risk of pollutant transport to surface waters, guidelines for construction in sensitive areas such as floodplains or steep slopes, or measures to manage stormwater runoff. In many cases, staff resources and technical ability were identified as limiting factors, particularly within the local municipal and county-level governments.

This variation, in part, was also influenced by the locality inside or outside the Adirondack Park boundary. The APA maintains protection of the forest preserve, which includes 44% of the St. Lawrence watershed area, and oversees development proposals on the privately-owned lands. APA's governance is rooted in three acts which influence land use and development practices in a manner that promotes water quality and resource protection. For example, the APA regulates critical environmental areas, restricts impervious surfaces along shorelines, protects designated Wild, Scenic and Recreational Rivers and adjoining lands, and strictly manages removal of vegetation. Generally, municipalities outside of the Adirondack Park would benefit from adopting land use and development laws and programs that ensure a comparable level of protection of natural resources.

Inventory and assessment have identified specific gaps in local laws; these gaps provide a basis for identifying recommended actions that could strengthen the institutional framework for protecting the St. Lawrence River Watershed. In general, most municipalities would benefit from updating existing and/or adopting model local laws, such as those identified in Model Local Laws to Increase Resiliency (NYS DOS, June 2019). Two additional recommendations noted during the first public meeting on December 3, 2019 are as follows: i) support capacity building for municipalities to review and modify their local laws and programs, similar to a 'circuit rider' at the Tug Hill Commission; and ii) assess Provincial policy statement – Ontario, Canada, whereby provinces adopt policy statements that represent a baseline for local land use laws (can be more protective, cannot be less protective).

This assessment provides the foundation for identifying a suite of 'best practices' for local municipalities as they chart the future of the watershed. The St. Lawrence River Watershed Revitalization Plan will build on these findings to recommend local laws and programs that, with public support, could enhance sustainable land use development and water resource protection.

## 5 References

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