



December 2, 2022

VIA ELECTRONIC DELIVERY
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New York Great Lakes Program
NYS Department of Environmental Conservation
700 Delaware Avenue
Buffalo, NY 14209

RE: Comments on the New York's Great Lakes Action Agenda 2030

Dear Mrs. Dougherty,

On behalf of Buffalo Niagara Waterkeeper (BNW), we thank you for the opportunity to comment on the draft Great Lakes Action Agenda 2030 and your continued commitment to protecting our Great Lakes.

The Great Lakes Action Agenda provides an important roadmap for restoring and maintaining the health of our Great Lakes, and we offer the following comments on the strategies relating directly to our shared missions to protect New York State's environment.

General Comments:

- Across many goals, the list of implementors is too limited based on the breadth and depth of the work being proposed through the Action Agenda. Implementors should include Environmental Non-Governmental Organizations (ENGOS) and municipalities in many of the actions listed to ensure appropriate and locally focused implementation. BNW would be glad to specifically discuss areas where we implement active programs and projects that deliver to and are supportive of the Action Agenda. This is also important in seeking funding for this work, with the ability to demonstrate that ENGOS are identified as implementors for specific actions.

GOAL 1: Reduce or Eliminate Releases of Persistent Toxic Substances to Protect Ecological and Human Health

- The presence of Contaminants of Emerging Concern (CECs) is well documented in various Western New York locations though it is challenging to find and view the data. This data needs to be more transparent, accessible and shared publicly in a timely manner. As an example, NYS DEC conducted a fish study in Cayuga Creek in 2019 with the primary objective of analyzing PFAS contaminants, and as of May 2022 the samples had not yet been analyzed.

- Although the presence of CECs is well documented, a greater understanding of how they may adversely affect aquatic organisms, other wildlife, and humans is needed. A combination of research studies, risk assessments, source-tracking activities, and the promotion of public awareness is essential to better understand and ultimately address these complex water quality issues. The control of these substances is also needed to ensure that polluters are held accountable. We recommend that the GLAA prioritize and emphasize the need for funding to support more comprehensive monitoring and research (in surface, ground, and drinking water, as well as air and within leachate from brownfields and landfills) for CECs and to ensure that these programs are working in concert with the agencies regulating and managing them including the State and County Departments of Health, and drinking and wastewater operators.

Strategy 1.1: Increase understanding of the risks of CECs and other toxics on NY's Great Lakes people, fish and wildlife.

- The number of organizations distributing information is an insufficient metric given the public health and environmental justice concerns around known toxins in our environment and local fish and wildlife. In order to get a more complete picture of information being shared, consider capturing the following information from each organization distributing information: how many people received information; is it reaching those most impacted or most at risk, specifically environmental justice communities; is the information in multiple languages and accessible. Funds should be provided to ENGOs to provide meaningful and dedicated outreach and education to communities most at risk

Strategy 1.2: Control, reduce and eliminate sources of legacy and emerging toxic contaminants to waterways and aquatic ecosystems.

- DEC should develop a plan that specifically outlines the implementation of mitigation measures. The plan should address the following: what do the measures cost, who is paying for the mitigation measures, and identification of the polluter/industry and the taxpayers/community being impacted.
- Remediation, redevelopment, and restoration of contaminated sites should be executed in a more equitable manner involving the community in decision-making processes. Recently, the Brownfield/superfund cleanups for Tonawanda Coke and American Axle utilized a more direct and intentional community involvement. While BNW believes that there remains room for improvement in providing more transparent and proactive communications on these types of cleanup efforts, DEC should utilize a more robust version of this model going forward.
- In an effort to control CECs entering the waterways, include language in Strategy 1.2 to require upstream testing of contaminated leachate and appropriate treatment by

facilities. Facilities can also be incentivized to invest in high quality technology that can break down CECs, specifically PFAS, without creating another harmful waste stream.

- Data collected from contaminated areas needs to be publicly accessible in a timely manner. Neighboring locations must be notified of results at any level so those in close proximity to potentially harmful chemicals at any level can make informed decisions to protect themselves from exposure to these areas. The work to be completed under this Strategy should reflect the need for timely, transparent data sharing with the public.

Strategy 1.3: Reduce toxic chemical use and discharge by industry and consumers through education and outreach, technical assistance and funding support.

- Stronger regulations on classes of contaminants in order to prompt industry change are needed. Providing technical assistance, outreach and funding support does not stop the creation of these products and their subsequent harmful lifecycle. “Pollution prevention programs” as mentioned in Strategy 1.3 are not sufficient to address the situation, especially if those programs are voluntary. BNW recommends developing a comprehensive “pollution prevention program” that utilizes the regulatory authority of NYS DEC statewide to explore opportunities to limit production of known toxic chemicals.
- There is a reference to increasing participation in household hazardous waste and other waste disposal programs. These opportunities are often on very limited days and require pre-registration which limits their accessibility. Consider adding additional locations and increasing the frequency of events to increase participation.
- NYS DEC should invest more resources in product stewardship, specifically in environmental justice communities. Funding can also be provided to local ENGOs who may be better positioned to connect with and further distribute resources towards communities in a meaningful manner.

GOAL 2: Control Sediment, Nutrient and Pathogen Loadings so that Drinking Water Quality, Aquatic Life, Recreational Uses and People are Protected.

“Lake Erie’s deeper eastern basin (New York portion) only experiences occurrences of nuisance algae, or *Cladophora*, and generally maintains phosphorus at targeted levels.”

- A cyanobacteria bloom was observed at the mouth of Eighteenmile Creek in Erie County where it intersects with the Eastern Basin of Lake Erie on August 28, 2021. Also, the GLWQA Nutrient Annex states: “For the Eastern Basin, the work group has not recommended a target to address nuisance algae (*Cladophora*) at this time.” The Lake Erie Binational Reduction Strategy (LEBRS) also does not set a target for the Eastern Basin. The 2018 US Action Plan for Lake Erie (USAPLE) has an interim target only. BNW recommends advocating for the GLAA, LERBS, and USAPE to set a target that the Eastern Basin maintain oligotrophic water quality standards. Lastly, if there is insufficient data to

set a target, funding for additional research is needed. If the Eastern Basin is treated in isolation and left unaddressed, the entire system will continue to be impaired. Over time, the buildup of nutrients in the sediments of the Eastern Basin will have long-term impacts that will not disappear after the Western Basin is “fixed”.

Strategy 2.1: Identify sources of impairments and implement plans and projects to improve tributary and nearshore water quality.

Action 2.1.2: Conduct source track-down studies to identify major sources of bacteria that have resulted in closures of public beaches. Develop mitigation strategies.

- Beaches are not the only places where recreational contact with water occurs as our swimming beaches are often not accessible to underserved communities. Urban residents without personal pools or beach access are swimming in some of the region’s most polluted waterways because of lack of access to other safe swimming locations. Consider bacteria track down beyond beaches, including popular fishing and kayaking locations, to improve equity. BNW has been conducting E. coli research for two years and is finding alarmingly high levels at popular fishing and paddling locations. <https://bnwaterkeeper.org/our-impact/water-quality/>.
- BNW recommends that publicly available bacteria testing results be evaluated for ease of use. For example, in Western New York, Erie County, NYS Office of Parks, Recreation and Historic Preservation, USGS, municipalities, the Western New York Stormwater Coalition and BNW are all testing for fecal bacteria levels in local waters, but the data is not being shared in an effective, comprehensive and uniform manner.
- BNW suggests Action 2.1.2 be edited to “conduct source track-down studies to identify major sources of bacteria that have resulted in increased likelihood of human exposure to sewage through recreational contact with water. Develop and implement a data sharing portal that is open access and used to report data within a 24-hour time period. Support existing monitoring programs and develop mitigation strategies.”

Action 2.1.3: Expand research on harmful and nuisance algal blooms and related climate change impacts to better understand, forecast, and prevent blooms of toxin-producing algae and nuisance conditions, in support of New York’s HABs Research Guide.

- BNW supports expanding research but notes that current NYS DEC HABs monitoring system also requires improvement to be more effective. BNW has been monitoring HABs in WNY since 2017. We report all potential blooms to NYS DEC, but response times are not quick enough to assess the threat from a bloom and furthermore are limited to working hours on weekdays. Blooms are dynamic and need emergency response by NYS DEC staff to properly monitor them and keep the public safe. BNW responds to reported blooms when NYS DEC is unable. BNW does not receive state funding to support our role of addressing this necessary public safety gap. Exploring a partnership to increase

capacity and provide timely responses is an option to consider if increasing NYS DEC capacity is not a short-term option. BNW or other ENGOs may be better suited at the local level to provide rapid response and timely public notifications that are important for HABs.

- BNW notes that the current HABs priority waterbodies are on lakes with residential waterfront property such as in the Finger Lakes but do not focus on waterways within public lands, such as Hyde Park Lake in Niagara Falls, where prioritization would most directly benefit low-income NY residents.
- BNW recommends editing Action 2.1.3 to “Update the New York’s HABs Research Guide to prioritize rapid response, data sharing, and research that will most directly benefit NY’s underserved communities. Expand research on harmful and nuisance algal blooms and related climate change impacts to better understand, forecast, and prevent blooms of toxin-producing algae and nuisance conditions, in support of New York’s HABs Research Guide.”

Strategy 2.2: Support municipal efforts to protect water quality through land use protection and policy, and water infrastructure improvements.

Action 2.2.2: Assist local governments in adopting local laws that promote on-site stormwater management and green infrastructure standards, limit unwise development adjacent to streams, and restore riparian buffers.

- Based on our work in rural communities, BNW emphasizes that it is important to clearly identify how the new laws will be implemented. BNW suggests a threefold approach that encourages adopting the laws in an effective manner, outreach to make sure residents and municipal officials understand the new laws and providing monetary support for enforcement. Funding for ENGOs to serve as technical advisors and increase capacity for municipalities through a circuit rider program is an additional mechanism that would help in the effective implementation of this action. Traditionally a circuit rider program provides technical assistance to local municipalities to establish community infrastructure and secure resources needed to meet specific goals, in this case to implement environmental protection and restoration goals.
- BNW recommends removing the term, “unwise” in the Action for 2.2.2. This is a subjective term, and the Action is stronger without this term.

Action 2.2.4: Implement water infrastructure improvements and stormwater management strategies, including green infrastructure to the extent feasible, to abate combined sewer overflows (CSOs), in support of approved long-term control plans and municipal separate stormwater sewer system permits.

- BNW recommends including a focus on abating SSOs and not just CSOs. As outlined in the Healthy Niagara Watershed Plan: “Recommendations: a. Collaborate with the

sanitary sewer operators to effectively characterize the full extent of Sanitary Sewer Overflow issues within the watershed, including: i. volumes discharged during each event; ii. all discharge locations; iii. current and most recent conditions leading to the discharge event; and, iv. suspected causes for each discharge event. b. Identify SSO event hot spot areas in the watershed to prioritize for engineering investigations and design system improvements. c. Encourage sanitary sewer operators to conduct regular inspections on infrastructure and perform corrective actions on cracked, broken or undersized pipes. d. Host a round-table discussion on SSO events and their impact on water quality and what some of the watershed’s sanitary sewer operators are doing to address. e. Establish funding mechanisms to address SSO issues at the local and regional level. f. Develop programs that assist private property owners in repairing broken sanitary sewer connections in low-income communities. g. Encourage municipalities to enforce violations and establish fines for illicit discharge and connections to sanitary sewers.”

Strategy 2.3: Reduce sediment and nutrient runoff from agricultural sources through best management practices, comprehensive farm planning and soil health programs.

- It is important to consider that agricultural runoff is not the only source of sediment and nutrient disbursement. Suburban and urban sources of sediment and nutrients can be very high and should also be considered especially amid a climate crisis. Strategies 2.2 and 2.4 may abate some of the developed land sources by reducing CSOs and increasing buffers, however it is critical to address the multiple sources of sediment and nutrient runoff. One of Western New York’s most impaired waterways that has consistent and extensive algal blooms each year is Ellicott Creek where the watershed is primarily urban and suburban development with only 25% agricultural land. BNW has identified sanitary sewer discharges as one of the top sources of contamination to this waterway.

Strategy 2.4: Expand the protection and restoration of riparian buffers to benefit water quality, climate resiliency and habitat.

- NYS DEC should establish a state-level standard for riparian buffers to guide municipalities and practitioners in implementing buffers for specific water quality benefits. The standard can include guidance on beneficial width, grade, or other parameters that consider land use, contaminant load, climate change, and invasive species pressure.

Action 2.4.5: Expand participation of riparian landowners and K-12 students in citizen science water quality monitoring through programs such as Water Assessment by Volunteer Evaluators (WAVE), Citizens Statewide Lake Assessment Program and the Great Lakes Ecosystem Education Exchange.

- Many ENGOs in NY have existing community science programs addressing the stated action. BNW has over a decade of data collected in the Niagara River Watershed using citizen science- www.bnwaterkeeper.org/riverwatch. BNW recommends expanding the list of mentioned citizen science programs to be more inclusive and providing funding support for existing programs like Riverwatch to maximize community-level benefits.
- NYS DEC's current data quality guidelines for citizen water quality monitoring are a challenge to adhere to for non-profit based community science programs due to the complex and extensive requirements of Quality Assurance Project Plans (QAPPs) needed for this work. Additionally, the HABs reporting program led by DEC requires samples to be processed by a certified lab. BNW completes algae identification through the same methods of a certified lab, however non-profits are unable to become certified. The lack of certified labs in our region, costs to ship and process samples, and back log of sample processing by the labs leads to a bottleneck in reporting blooms. Since harmful algae blooms pose a health risk to the public, collecting and processing samples needs to be expedited. BNW recommends creating an accessible data quality standards program, including simpler QAPP requirements, that allows entities to more easily contribute to data collection efforts that are recognized by the state.
- While BNW recognizes the potential benefits of the WAVE program, expanded participation will require additional NYS DEC resources. BNW has experienced a repeated lack of response from NYS DEC regarding this program. The State should ensure that the program is adequately staffed and able to effectively implement expansion of this program.

Action 2.4.6: Engage K-12 students in tree planting, stewardship activities, and classroom learning that help them develop an understanding of water quality and watershed stewardship in New York's Great Lakes. Promote use of GLEE curriculum in student engagement.

- Based on BNW's experience through our RestoreCorps efforts, all planting activities need to be accompanied by a funded, ongoing maintenance and protection plan in order to have long-term success. BNW has worked with many municipalities and schools to implement planting efforts. At locations where BNW did not maintain the landowner relationship and continue to support maintenance, many of the trees and shrubs either died or were mowed over. BNW developed the RestoreCorps program to help with long term adaptive management of sites and provide community education- www.bnwaterkeeper.org/restorecorps. BNW recommends dedicated support for tree plantings for at least five years post-planting to ensure the success of this work.

GOAL 3: Prevent and Control the spread of Invasive Species Impacting Waterways and Riparian Areas to sustain a healthy Great Lakes ecosystem and economic Recreational Opportunities.

- BNW recommends differentiating the action items between the different types of invasives since the strategies are very different. Floral, faunal, and aquatic control will each have their own challenges.

Strategy 3.1: Promote ecosystem-based, science-informed approaches to improve our understanding and management of invasive species.

- BNW recommends the inclusion of the following specific data in the eco-system, science-informed approaches: what density should treatment begin; should all invasives be treated at each site; and is there a point where a particular invasive species is no longer competitive in a healthy ecological environment. It has been BNW's experience that in certain circumstances treatment can cause more disturbance than allowing the invasives to exist at low densities.
- Considering the Glyphosate ban, more research and guidance on alternative management methods needs to be performed and addressed in the implementation of the Action Agenda in order to provide applicators with timely and useful information. We recommend adding this into an action under this strategy.
- BNW recommends identifying an action that calls out the need to develop holistic watershed-scale processes for invasive species management to understand how invasive species are spreading throughout a watershed (by wind, water, etc.) and exploring different approaches to management. Action 3.1.1 identifies examples at the Great Lakes or Northeast Region scale. Such large geographies can result in information that is too broad to be applied effectively at a local scale.

Strategy 3.2: Implement early detection/rapid response, spread prevention, and control projects in high priority aquatic and riparian areas.

- BNW recommends providing a more detailed definition of "High Priority" when identifying areas for early detection/rapid response.

GOAL 4: Conserve and Restore Native Fish and Wildlife and Their Habitats to Sustain Diverse, Resilient Ecosystems and Wildlife-related Recreation.

Strategy 4.1: Protect and restore communities of native aquatic and terrestrial Great Lakes species through science-informed management.

- The benefits & metrics statement and sub-tasks for Strategy 4.1 are primarily focused on research and assessment. The overarching goal should be updated to say, "Conduct research and assessments to inform science-based management of native aquatic and terrestrial Great Lakes species." BNW also suggests specifying 'fish & wildlife species' to further clarify the focus of this action.

Action 4.1.6: Conduct targeted movement studies of migrating birds and bats over Lake Erie and Lake Ontario to identify high usage areas and corridors.

- BNW recommends adding a statement of purpose to this action to further clarify the intent of these studies such as utilizing research to inform areas to focus habitat improvements.

Strategy 4.2: Conserve, protect and restore coastal, stream and other priority habitats to support key Great Lakes species and healthy ecosystems.

- BNW recommends that an additional action be added under this Strategy, or wherever is best appropriate within the GLAA. Dedicated long-term stewardship of restored areas is something BNW and other partners in our region have been discussing for many years. This stewardship is critical to the long-term success of investments made in restoration as well as the longevity of the ecosystem services they provide, and the funding support for this type of work is limited. Developing a centralized program to lead the coordination and support for ongoing stewardship of restored and conserved areas is the most effective way that it can be achieved. Adding an action along the lines of, “Establish regional stewardship programs to ensure the long-term care of habitat restoration projects” would help support this mechanism to sustain resilient restored ecosystems throughout the Great Lakes.

Action 4.2.1: Develop a nearshore and coastal habitat plan to identify projects and data needs essential for supporting key resident and migratory coastal species and habitats, climate resilience, and sustainable recreation.

- ENGOs should be added to the partner list for this action. BNW is currently leading a coastal resiliency study for the City of Buffalo and the opportunity to conduct similar studies in other geographies is of interest. Having this specified in the ‘Partners’ section is important if BNW or other non-profits seek funding for this work.

Action 4.2.3: Restore degraded riparian habitat and natural stream hydrology, install fish habitat improvement structures, and enhance spawning substrate in streams that are managed for wild fish production. Target species include native strains of brook trout and Atlantic salmon.

- BNW recommends that this action not be limited to streams that are managed for wild fish production. The work included in this action would also be beneficial for streams that aren’t managed or are stocked to benefit numerous native and naturalized fish species.
- The last sentence should be amended to read, “Target species include native or *naturalized* strains of...” The need to include the word “naturalized” has been consistently emphasized by the NYS DEC and U.S. Fish and Wildlife Services (USFWS)

when implementing fish passage projects locally, so should be used consistently in the Action Agenda.

Action 4.2.4: Restore the ecological function of coastal wetlands and nearshore spawning and nursery habitats to support native and sport fish production. Target species include northern pike, muskellunge, lake trout, lake whitefish, smallmouth bass, walleye, yellow perch and cisco.

- We recommend the inclusion of other key species beyond fish that rely on coastal wetlands and nearshore habitats. Some examples include native freshwater mussels (unionids), Softshell turtles (*Apalone spinifera*), Burrowing Mayfly (*Hexagenia limbata*), waterfowl, crayfish, and mink.

Strategy 4.3: Improve aquatic connectivity of streams to support fish passage and natural stream flows.

Action 4.3.1: Assess and prioritize road-stream crossings for right-sizing using the North Atlantic Aquatic Connectivity Collaborative (NAACC) protocols.

- BNW requests that ENGOs be added to the partner list for this action. BNW completed a road-stream crossing and fish barrier assessment in partnership with USFWS and NYS DEC and maintains a prioritized list of local barriers to native/naturalized trout that can be used to inform future fish passage projects. Having this specified in the 'Partners' section is important if BNW or other non-profits seek funding for this work. Also, many of the Federal funding programs for aquatic restoration and fish passage are set-up to pair the USFWS and their technical experts with partner organizations that may have greater capacity to implement projects; including ENGOs as a partner in this action is consistent with those programs.

Action 4.3.3: Remove and/or modify fish passage barriers such as road-stream crossings, culverts, and where appropriate, dams.

- BNW respectfully requests that ENGOs be added to the partner list for this action. BNW recently led a fish barrier removal project in the upper Tonawanda Creek sub-watershed in partnership with the NYS DEC and USFWS and is planning to advance similar projects in the future. Having this specified in the 'Partners' section is important if BNW or other non-profits seek funding for this work. See the comment above for additional justification for this request.

Strategy 4.4: Engage communities, students and the public in habitat conservation through citizen/community science, education programs, and land stewardship trainings.

- Updating the benefits & metrics listed for Strategy 4.4 to include the number of acres or projects communities, students, and the public are engaged in stewarding would encourage tangible progress through this work.

Action 4.4.1: Provide training and tools to municipalities to promote land use planning for conservation to conserve important habitat and water resources.

- Action 4.4.1 doesn't currently address adding capacity for municipalities to participate in integrating habitat conservation into land use planning, which, BNW has found, is a major factor limiting municipal participation. BNW recommends adding a research/data gathering task to survey and assess what would be most beneficial to assist municipalities in successfully improving habitat conservation actions.
- BNW respectfully requests that ENGOs be added to the partner list for this action. BNW has been working to build relationships with municipalities and help them access training and tools for conservation and restoration. Having this specified in the 'Partners' section is important if BNW or other non-profits seek funding for this work and to provide support for partnerships outside of the government sector.
- Consider creating and funding a Statewide or regional circuit rider program to better assist municipalities in developing land use planning tools and the implementation of programs to support increased conservation of habitat and water resources.

Action 4.4.3: Promote participation in citizen science monitoring programs such as iBird, iNaturalist, and NYSDEC's angler diary program to address monitoring gaps and inform management.

- BNW respectfully requests that ENGOs be added to the partner list for this action. BNW has been leading a volunteer-led water quality monitoring program for over a decade (with data available on our website), and our volunteers upload additional information and observations from clean-ups and water quality sampling activities to Water Reporter and Clean Swell. Having this specified in the 'Partners' section is important for BNW or other non-profits to seek funding for this work and is supportive of the value and role that citizen science plays in addressing information and communication gaps.
- We respectfully request the development of NYS DEC-approved protocols for citizen science water quality monitoring programs. This will ensure cross collaboration and data sharing among ENGOs and NYS DEC, as well as allow for more robust data to be collected that meets state standards and can help inform the actions under the GLAA and other state-led efforts. BNW also would welcome the involvement of NYS DEC in the implementation and management of our Riverwatch program which engages hundreds of volunteers in collecting water quality data throughout the Niagara River watershed.

GOAL 5: Enhance Community Resiliency and Ecosystem Integrity through Protection, Restoration and Improved, Science-informed Resource Management.

Strategy 5.1: Prepare communities to adapt to the impacts of climate change through implementation of climate-smart projects, land use policies and adaptation planning.

- Overall, the actions related to implementation under this strategy rely on communities to make progress towards on-the-ground changes through participation in state and federal funding programs. As mentioned previously, there are numerous barriers that make it difficult for municipalities to consistently have the capacity, resources, and expertise to participate in these programs, especially in ways that will create tangible progress. We recommend including an action that allows partners to work with municipalities to identify priority actions and planning needs and to assist municipalities in implementing the plans. (See comment above about a circuit rider program.) For instance, BNW worked with the Town of Niagara over the past decade to implement a large-scale stream and floodplain restoration project along Cayuga Creek with the primary goal of mitigating flooding impacting the community. Because of the on-going partnership, the Town was supported through the planning and implementation process and successfully achieved its resiliency goal. Additionally, BNW recommends including metrics under this goal that relate to measuring project implementation progress, i.e., number of resiliency projects implemented, acres of floodplain reconnected and restored.

Action 5.1.3: Develop a fine-scale coastal assessment to identify projects and data needs essential for supporting dynamic sediment processes, resilient natural features and habitats, and sustainable coastal management.

- BNW respectfully requests that ENGOs be added to the partner list for this action. BNW is currently leading a coastal resiliency study for the City of Buffalo and the opportunity to conduct similar studies in other geographies is of interest. Having this specified in the 'Partners' section is important if BNW or other non-profits seek funding to support municipalities in this work.

Action 5.1.4: Promote adoption of land use zoning, comprehensive plans, and laws to increase community resiliency to flooding, erosion and other climate stressors, utilizing New York's Model Local Laws to Increase Resilience. Develop or update policies to prevent and potentially relocate development in the 100-year and 500-year floodplain.

- BNW respectfully requests that ENGOs be added to the partner list for this action. BNW has worked with several communities to identify improvements to their regulations in relation to community resiliency, and we are poised to continue this work. Having this specified in the 'Partners' section is important if BNW or other non-profits seek funding

for this work and it helps to value the work and expertise that ENGO partners bring to the table.

Strategy 5.2: Advance the practice of nature-based shorelines and integrated coastal management along Great Lakes shorelines.

- The benefits & metrics for this Strategy don't currently reference tangible outcomes. We suggest adding metrics that will encourage improvements on the ground to help enact concrete results. This would also improve the ability to secure funding for implementation projects if they can be connected to the metrics outlined in this document.

Action 5.2.1: Collect data and develop decision-support tools to inform resilient coastal and tributary management, such as high-resolution sediment budgets, aerial imagery to evaluate shoreline change, seamless topo-bathymetry of entire New York's Great Lakes shorelines, and hydraulic and reach-scale flood studies.

- BNW respectfully requests that ENGOs be added to the partner list for this action. BNW has collected this type of data for our work along Cayuga Creek, is currently collecting this type of data for the City of Buffalo Coastal Resiliency study and is interested in continuing to execute similar studies in other geographies to inform future work. Having this specified in the 'Partners' section is important if BNW or other non-profits seek funding for this work and helps to value the work and expertise that ENGO partners bring to the table.

Action 5.2.4: Identify and pilot innovative and effective nature-based shoreline and offshore solutions to reduce wave forces, sustain aquatic habitat, and restore littoral processes along Great Lakes shorelines. Develop, implement, and evaluate pilot projects. Under this goal, partners are listed as agencies, and 'others.'

- Having ENGOs specifically stated would be beneficial for BNW and other non-profits to advance this work. BNW has led many efforts related to this type of work including our Living Shoreline Program which began in 2012 and will continue to advance similar projects. Additionally, this goal references littoral processes. The definition of littoral refers to portions of a sea, lake or river that are adjacent to the shore. We ask that this be further clarified, and request that this action be expanded to include prioritized efforts along tributary habitats in addition to coastal areas.

Action 5.2.6: Form a NY Great Lakes coastal resiliency network that brings local officials, scientists, and outreach specialists together to learn about, share experiences with, and develop approaches to address coastal hazards and management issues.

- BNW agrees that this would be a valuable action. We feel it's important to expand this to not be limited to a focus on coastal environments. While this is an important focus,

information sharing and development of strategic approaches for tributary ecosystems are also important to the health of the greater Great Lakes system.

- We recommend adding “restoration practitioners” to the list of network participants included in Action 5.2.6.

Strategy 5.3: Expand local implementation of natural resilience measures at the watershed scale to achieve sustainable solutions to localized flooding and erosion issues.

- This strategy refers to implementation of resilience measures at a watershed scale. While improvements at a watershed scale is a good goal, implementation measures are more likely to be feasible at a smaller scale. We recommend updating the language to, “Expand local implementation of natural resilience measures to achieve sustainable solutions to localized flooding and erosion issues and contribute towards improved resiliency at the watershed scale.”
- The benefits & metrics for this Strategy don’t currently reference tangible outcomes. We suggest adding metrics that will encourage improvements on the ground to help enact concrete results. This would also improve the ability to secure funding for implementation projects if they can be connected to the metrics outlined in this document.
- Similarly, to the feedback for Strategy 5.1, in general, the actions related to implementation under this strategy rely on communities and landowners to make progress towards tangible on-the-ground changes. There are numerous barriers that often make it difficult for municipalities and private landowners to have the capacity, resources, and expertise to lead complex resilience measures that will make meaningful and long-lasting improvements. Specifying a goal that would allow entities like SWCDs and ENGOs to work with municipalities/landowners to advance implementation of properly designed nature-based resilience measures is important to accelerate progress towards this strategy.
- Under this goal, only two of the actions list ENGOs as partners. BNW currently implements work that relates to Actions 5.3.1, 5.3.2, 5.3.3, 5.3.4, and 5.3.7 as described in previous comments, playing a role as an experienced practitioner and project partner. Having ENGOs added to the ‘Partners’ section is important for BNW or other non-profits to seek funding for this work and adds value to the role and work that ENGOs bring the table.

Action 5.3.1: Complete flood studies and hydrologic and hydraulic modeling on flood prone tributaries to identify flood mitigation projects, based on the Resilient NY stream model.

- The Resilient NY modeling was focused on flooding as related to surface water/coastal flooding and related effects, however it would be beneficial to incorporate additional data collection to support flood studies and associated modeling. Groundwater is a critical component of flooding within many of the tributaries and municipalities studied

which was not factored into the Resilient NY model. More robust data regarding long-term stream stage and flow data (only a few streams in the Niagara River watershed have USGS gauges installed to provide this information) and other potentially relevant data depending on the conditions of the waterway would also be beneficial when identifying flood mitigation projects. Where this data doesn't exist, the Resilient NY reports utilize models to estimate conditions along waterways. We recommend that this action encourage and incorporate hydrologic and hydraulic modeling that includes both surface and groundwater effects on local waterways that reflect accurate dynamics of a waterway which will more accurately identify effective flood mitigation projects.

Action 5.3.4: Promote natural stream channel restoration to improve habitat, water quality filtration and flood resilience potential of streams. Conduct reach-scale planning, training, and knowledge transfer activities.

- This is listed as an implementation action, but planning, assessment, and/or education would seem more appropriate as Action 5.3.4 doesn't include on-the-ground implementation. Further clarification is needed as to who is expected to implement natural stream channel restoration work, and who the audience is that this will be promoted to.

Action 5.3.6: Promote and evaluate the flood reduction potential of agricultural and roadside BMPs such as cover crops, wetlands, ditch management, etc., to reduce peak flows in high-risk areas.

- This is listed as an implementation action, but assessment or education would seem more appropriate as it doesn't include actual implementation.

GOAL 6: Revitalizing Local Communities and Economies through sustainable management and stewardship of Great Lakes lands and waters.

- BNW cautions on being overly broad with Goal 6 as it includes water quantity ("resources"); land use including energy development; and recreation including tourism all under the umbrella of Revitalize Local Community and Economies through sustainable management. Should sustainable management such as source water protection and protecting the quantity of the lakes through tools like the Great Lakes Compact be grouped with economic drivers? Protective measures are not solely economic drivers. Water resource protection measures should be grouped together and become their own subcategory. Protection does in turn boost the economy, but economic incentives should not be the reason for protection. Grouping those goals together clouds their intent.

Strategy 6.1: Evaluate and promote actions to protect and sustain drinking source waters, including water supply aquifers and surface waters.

- Basing the metric on the number of documents distributed is not an adequate measure of success. BNW recommends adding the following metrics: number of public meetings hosted; people who attended, engagements received by NYS DEC. The distribution of materials does not show that the proper audiences were engaged or that information was widely shared.

Action 6.1.2: Identify and assess groundwater and surface water supplies vulnerable to drought and other stressors. Identify alternative supplies and conservation strategies as needed.

- BNW questions whether other stressors include contaminants. Groundwater health and drinking water wells should be included here as should contaminants such as PFAS.

Strategy 6.2: Promote sustainable land use practices, plans and policies to revitalize communities, conserve open space, protect viable agricultural lands, and inform renewable energy development.

- BNW appreciates the intention of using the Action Agenda to inform renewable energy development. The Action Agenda serves as a road map for NY's Great Lakes communities' priorities and should work in tandem and be integrated into New York's energy goals.
- "Number of plans created" is a limiting metric to measure progress since Comprehensive Plans and Zoning codes are updated sporadically. BNW respectfully recommends revising the metric to include additional opportunities for communities to be recognized for their smart growth and sustainable land use work such as through the Climate Smart Communities program and/or the Clean Energy Communities program.
- BNW respectfully recommends the creation of attainable, non-competitive, funding sources to assist municipalities with the goals and programs outlined in Strategy 6.2. Municipalities need to know these programs exist and may need assistance implementing them. The previously mentioned circuit rider program would help address this gap.

Action 6.2.2: Encourage municipalities to participate in New York's Climate Smart Communities and NYSERDA's Clean Energy Communities programs and implement actions that promote sustainable land use.

- The state should incentivize, not simply encourage municipalities to participate in these programs as they provide a useful mechanism to engage with local municipalities.

Action 6.2.4: Encourage businesses to adopt sustainable facility designs and practices that reduce emissions, conserve energy and water, enhance worker safety, and support urban greening efforts.

- Action 6.2.4 should apply to government buildings as well and not just private businesses.

Action 6.2.5: Evaluate the environmental, social and economic impacts and benefits of expanded renewable energy development. Implement offshore and land-based spatial planning, conduct comprehensive analyses, and collect needed data to inform siting, in consideration of habitat protection, aesthetics, human health, recreational uses, cultural resources and cumulative impacts.

- Action 6.2.5 should include informing the feasibility of siting, particularly regarding offshore renewable sources. Adding the word “feasibility” to informing the siting process is important before moving forward with site-specific siting information.

Action 6.2.6: Implement best practices and planning guidance to inform local siting of generation and transmission facilities for solar, wind and other renewable sources. For solar development, refer to the New York State Solar Guidebook.

- It is important to create Guidebooks for wind and “other renewable sources” in addition to the Guidebook created for solar. Specifically, a Wind Siting Guidebook should be developed following the completion of NYSERDA’s offshore wind feasibility study, if wind is to be proposed offshore in the Great Lakes.

Strategy 6.3: Enhance and expand access to fishing, swimming, boating and wildlife-dependent recreation along Great Lakes waters, to promote stewardship and enhance local tourism economies.

- For the metric on number of participants engaged under the benefit “public stewardship of recreation areas improves aesthetics and promotes sustainable uses,” BNW recommends clarification on what constitutes methods of participant engagement.

On behalf of Buffalo Niagara Waterkeeper, thank you for the opportunity to comment on New York’s Great Lakes Action Agenda. Please don’t hesitate to follow up to discuss our comments. We look forward to continuing partnerships and opportunities to collaborate through the implementation of the Action Agenda in the coming years.

Sincerely,



Emily Root
Director of Ecological Programs
Buffalo Niagara Waterkeeper