

THE DISTRICT DISPATCH

The Cuba Lake District Board of Commissioners Information Letter

JULY 2007

The HEADLINES:

The Treeplanters:



The **CLCOA** and the District's Board of Commissioners shared in the funding of a tree planting project at the sediment basin areas of Munger and Abbotts creeks. The idea, initiated by Sylvia Bosworth, was further supported by the "Treeplanters" pictured above. Pictured from Left to right – Pat Pleotz, C-RHS Agriculture Teacher, Students - Torrey Hoxie, Richard Snyder, Chris Armison, Chad Nichols, Andy Ackerman, Geoff Frost, and Lake Manager, Dave Bosworth. Planting the trees filled the students' course requirement to participate in at least one community service project. Over 1000 trees and shrubs were planted including - Conifers- Red Pine and European Larch; Hardwoods- Butternut, Burr Oak, Buckeye; Wildlife And Erosion Control Species - Red-Osier Dogwood, Toringo Crabapple, Elderberry, Streamco Willow.

Joe Higgins Appointed Commissioner:

At the May 24, 2007 meeting of the Board of Commissioners, Joe Higgins was appointed by the Board of Commissioners to the position of Commissioner, filling a vacancy created late last year. (See Page 4, "**Joe Higgins**".)

Cuba Lake Water Quality:

- A **Mallard Farm's Manure Spill** has again occurred. On June 6, 2007 the District's Lake Manager was alerted to a potential manure discharge from the Mallard Farms. Lake Manager Dave Bosworth and Commissioner Dave Shemeld investigated the potential impact. (See Page 3, "**Mallard Farms**".)
- **WRP Meeting** held at Moonwinks Restaurant. The WRP (Wetland Restoration Project) for a portion of the area between the Mallard Farm and Cuba Lake, along Rawson Creek was the subject of an informational meeting held May 2, 2007 sponsored by the Cuba Lake District. The project is Federally funded and, as with all such WRP's, seeks to recreate wildlife habitat on lands long "abused" by agricultural activity. The meeting was well attended including representatives of the offices of Randy Kuhl, Cathy Young and Joe Gilio. The meeting explained the project and the

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methods used to enhance recreation of the habitat. It was noted that the real impact would be on an area of about 190 acres on the West side of Rawson Creek. It was further noted that there would be some but not major impact on reducing silt and contaminants that may be entering the Lake from Rawson Creek.

- **Dead Fish Noted:** Over the course of several weeks, dead fish have been observed in the lake. Timing would indicate the events are not associated with the afore-mentioned spill. Appearing to be of a single species (appears to be crappie or white perch) and younger fish in that species (3 to 6 inches in length), an appropriate specimen has been caught and is in the hands of the DEC for testing to try to confirm species and determine cause.
- **National Lakes Survey.** The EPA is working with states, tribes and others to survey the quality of the nation's lakes, ponds and reservoirs. Cuba Lake has been selected as one of 12 lakes in New York State to be a part of that survey. Field Testing is scheduled for July 2007 and will be conducted by the DEC. (See Page 4, "National Survey".)

Cuba Lake District Elections:

This year two positions for commissioner must be filled via the August 25, 2007 District election. The election will be held from Noon to 8:00 PM in the garage of cottage #63 on the South Shore Road. (See Page 4, "Elections".)

Board of Commissioners approves measures in support of the District's Land Use Restrictions & Controls (LUR):

- Permit process and Users' Guide has been created and approved to advance understanding of and simplify adherence to the LUR. Copies of all documents are available from the District Secretary.
- System of Fines created and approved for enforcing the terms of the LUR. The basic structure is:
 - Failure to comply with stop work orders – up to \$100 per day.
 - Failure to comply with variance proceeding decisions – up to \$100 per day.
 - Construction start without having obtained a permit or where work is performed which is not in substantial compliance with the issued permit, the Lease holder or owner (owners) may be required to elect one of the following options:
 - To abate the violation by removal at owners expense or,
 - If the BOC determines the grant of a permit for such construction would be otherwise authorized, the owners may be ordered to pay a penalty up to a maximum of \$10,000.

Change in Albany leadership delays key aspects of the Lake Management effort:

The District is waiting for two key items necessary for continuing maintenance and improvements of the Lake. These are the final signing of the Lake Management Agreement and the final approval of the Lake Management funds (made up of the lease fees collected last year) to be returned for expenses budgeted in this fiscal year. We are advised that the holdup is in the State Comptrollers' office which is under new leadership.

Mt. Monroe Sediment Basin Project:

2007 will be the year for completion of the sediment basin at Mount Monroe Tributary. The necessary purchase contract has been approved by the Cuba Lake District electorate and necessary easement agreements on adjacent properties have been reached. Land survey, finalization of design and contractor bid packages are the next steps in the process.

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Mallard Farms:

On June 6, 2007 Lake Manager, Dave Bosworth was alerted to the fact that it appeared a manure spill had occurred from Mallard Farms and that clean-up efforts were in progress in Rawson Creek below the farm. Dave Bosworth and Commissioner, Dave Shemeld went to the site to investigate. In our discussion with Part Owner, Charlie Bares and the DEC officer on site, we were advised that an operating error was the cause of the problem.

A broken pipe in the manure processing system was the source of liquid that was filling up the "last-ditch-effort" catch-basin or lagoon which was designed and built as a result of the last big spill. The system as now designed with this lagoon would have prevented the manure from the broken pipe getting into the creek. The lagoon is positioned above Rawson Creek and below the Farm to catch spill from any point in the system. Any manure collected is pumped back to the processing system. The operating error resulted from the operator's belief that the "Last-Ditch-lagoon" was filling up because of excess water from recent rains. His error was in failing to recognize or to be alerted to the fact of the broken pipe the evening prior, and that the liquid in the lagoon was, in fact, manure not just water. Believing it was water, he opened the discharge valve into the creek. He then (reportedly after 20 minutes) discovered the pipe break, shut off the valve from the lagoon and initiated DEC notification and emergency action.

On June 6, we looked at the water upstream and downstream of a temporary dam that had been put in place by Farm personnel to stem the flow of the creek. The upstream creek content, heavy with liquid manure, was being pumped to points far up the hill on the West side of the creek. While it is believed that certainly some of the spill had made its way to the Lake, water checked in the creek downstream of the blockage point and at the creek outlet to the lake at the public access, was clear and free from discernable odor. The "water" upstream of the temporary dam was completely black and malodorous. It appeared the Farm had caught the spill (estimated at 40,000 to 75,000 gallons by the DEC) without causing major damage to the Lake waters. As we left the site we were advised by the DEC officer that a DEC "spills" specialist was on the way to the scene.

On June 13, the Lake Manager collected some water samples for analysis by the Cattaraugus County Labs. Those results are shown below and are below the "single sample" bacteria limits (also shown below, used by the Allegany County Health Department in assessing the usability of public beaches. We also understand the DEC has done some Dissolved oxygen testing and the lake was "normal" but we don't yet have the details. There are several aspects of this case that are of concern to Lake Residents and the Commissioners and these will be pursued with the DEC. The Commissioners plan on additional sampling through the summer.

Data From June 13th test samples:

1990 Site Designations	6/13/07 Sample #	6/13/07 GPS Zone 17 UTM E	6/13/07 GPS Zone 17 UTM N	6/13/07 Bottom Depth ft	6/13/07 Sample Depth ft	Total Coliforms Colonies per 100 ml	E-Coli Colonies per 100 ml	Fecal Colonies per 100 ml	June 27, 1990 Data Fecal Colonies per 100 ml
L1	Rawson #3	723202	4681908	3.6	1	600	<10	340	20
L2	Spillway #2	722184	4679803	7	1	400	<10	380	20
L3	Dam #1	724604	4680701	42	1	30	<10	30	20

Note – June 1990 data was taken from a 1993 report by the Allegany Soil & Water District.

Allegany Health Department upper value for density limit of bacteria based on single sample (per 100 ml) used in assessing waters of bathing beaches:

1,000 fecal coliform; 51 enterococci (not commented on in the results from Catt Cty Lab); 235 E-coli.

If values are found above these levels "---the permit issuing official shall cause an investigation to be made to determine the source or sources of pollution and, along with other factors in Section 6-2.15 (a) determine if the beach shall be closed." ***A brief treatise on coliform bacteria can be found on the last page.***

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Joe Higgins:

At the May 24, 2007 meeting of the Board of Commissioners, Joe Higgins was appointed by the Board of Commissioners to the position of Commissioner filling a vacancy created late last year. Joe and his wife Cecily are currently in the planning stages for their cottage at #259 on West Shore Road. Joe holds a Bachelor of Science degree in Chemical Engineering from Notre Dame University. After spending some 15 years in all phases of the specialty gases business in various parts of the country and with most of those years spent in the employ of Union Carbide, Linde Division, Joe purchased Abbott Welding Supply in Olean in January 1975. He and his wife Cecily moved to Allegany, NY where they reside today.

Joe brings a wealth of experience in community involvement to the Board of Commissioners. Highlights of his resume include:

1. Currently First Vice Chairman of the Cattaraugus County Industrial Development Agency.
2. Currently Chairman of the "Trail Committee". This is the group that provides for the continued maintenance and expansion of the Allegany River Valley Trail-a 5.6 mile paved trail between the Village of Allegany and the City of Olean along the Allegheny River. Joe conceived of this trail, assisted with grant writing, promotion, fund raising, design, and construction. It was completed in 1997.
3. Recent board member and past President of the Greater Olean Area Chamber of Commerce
4. Recent board member, Founder, and Treasurer of the Cattaraugus Region Community Foundation
5. One of twelve welding supply distributors that formed a buying group to help small distributors improve their buying power. This grew into a multi billion-dollar cooperative called the Independent Welding Distributors Association.
6. Past President of the Allegany Central School Board.
7. Board Member for six years at the HoliMont Ski Area in Ellicottville, NY
8. Past Ski Patroller at the Wing Hollow Ski area.

We welcome Joe to the Cuba Lake District Board of Commissioners and look forward to working with him.

Elections:

This year two positions for commissioner must be filled via the August 25, 2007 District election. The election will be held from Noon to 8:00 PM in the garage of cottage #63 on the South Shore Road. One position will be for the balance of the 4 years (ending 2011) of the vacated, Terry Keeley term and the second for a full 5 year term (ending 2012) for the position now held by Erick Laine who intends to retire from the Board of Commissioners.

To be on the ballot, the potential nominee is required to obtain 25 signatures on a petition form. The form provided by the District, is available from the District Secretary. Petitioners must be duly qualified electors of the Cuba Lake District, being natural persons over eighteen (18) years of age, and citizens of the United States of America and in addition, being either permanent residents of said District, or owners, or lessees of property in the Cuba Lake District.

Petition forms are available from the District Secretary. Signed petitions must be returned to (in the hands of) the Secretary no later than 10 days prior to the election or by August 15, 2007 before 5:00 PM.

National Survey:

The EPA is working with states, tribes and others to survey the quality of the nation's lakes, ponds and reservoirs. Cuba Lake has been selected as one of 12 lakes in New York State to be a part of that survey. Field Testing is scheduled for 2007 and will be conducted in NYS by the DEC. Tentative schedule for Cuba Lake Testing is July 9th or 10th, 2007.

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Cuba lake falls into the size category of greater than 250 acres. The total number of lakes in that category in the US is 7,356 and the number of lakes tested in that largest of sizes category is 264. Total of lakes to be surveyed is 909 of the 123,439 lakes in the United States.

Multiple locations at each lake will be tested over the course of a day including deep areas of the lake as well as areas along the shoreline.

Key Indicators to be measured include:

<p>Trophic Indicators:</p> <ul style="list-style-type: none"> • In situ temperature and dissolved oxygen profiles • Water chemical quality and nutrient concentrations • Chlorophyll a, Secchi disk depth, turbidity and color 	<p>Ecological Integrity Indicators:</p> <ul style="list-style-type: none"> • Sediment diatoms • Phytoplankton • Zooplankton • Shoreline physical habitat conditions • Macroinvertebrates
<p>Recreational Indicators:</p> <ul style="list-style-type: none"> • Pathogen indicator (enterococci) • Algal Toxin (microcystins) • Sediment Mercury 	

The timeline for reporting results is 2009.

What are coliform bacteria?

Coliform bacteria are organisms that are present in the environment and in the feces of all warm-blooded animals and humans. Coliform bacteria will not likely cause illness. However, the presence of coliform bacteria in water indicates that disease-causing organisms (pathogens) may be present in the water system. Most pathogens that can contaminate water supplies come from the feces of humans or animals. Testing water for all possible pathogens is complex, time-consuming, and expensive. It is relatively easy and inexpensive to test for coliform bacteria. If coliform bacteria are found in a water sample, steps are taken to find the source of contamination and restore safe water. There are three different groups of coliform bacteria; each has a different level of risk.

Total coliform, fecal coliform, and E. coli:

Total coliform, fecal coliform, and E. coli are all indicators of water quality. The total coliform group is a large collection of different kinds of bacteria. The fecal coliform group is a sub-group of total coliform and has fewer kinds of bacteria. E. coli is a sub-group of fecal coliform. When a water sample is sent to a lab, it is tested for total coliform. If total coliform is present, the sample will also be tested for either fecal coliform or E. coli, depending on the lab testing method.

Total coliform bacteria are commonly found in the environment (e.g., soil or vegetation) and are generally harmless. If only total coliform bacteria are detected in water, the source is probably environmental. Fecal contamination is not likely. However, if environmental contamination can enter the system, there may be a way for pathogens to enter the system. Therefore, it is important to determine the source and to resolve the problem.

Fecal coliform bacteria are a sub-group of the total coliform group. They appear in great quantities in the intestines and feces of people and animals. The presence of fecal coliform in a water sample often indicates recent fecal contamination – meaning that there is a greater risk that pathogens are present than if only total coliform bacteria is detected.

E. coli is a sub-group of the fecal coliform group. Most E. coli are harmless and are found in great quantities in the intestines of people and warm-blooded animals. Some strains, however, may cause illness. The presence of E. coli in a water sample almost always indicates recent fecal contamination – meaning that there is a greater risk that pathogens are present.

<p>Commissioners: E-mail - commissioners@cubalake.org Lynnford J. Sweet, Chairman (585) 968-1735 Erick J. Laine, Deputy Chairman (585) 968-1279 or (716) 372-7952 Jerry Collins, (585) 968-0112 Dave Shemeld, (716) 968-3928 Joe Higgins, (716) 372-4265 Web site – www.cubalake.org</p>	<p>Lake Manager: E-mail – cubalakedistrict@yahoo.com Dave Bosworth, (585) 968-0500; Mail Address: Cuba Lake District, PO Box 201, Cuba, NY 14727 Location: Cuba Lake District Office, Suite 8, The Old Mill, 31 Water St. Cuba, NY Other officials: Jack Hart, Counsel (716)373-1600 Andrew Lindquist, Treasurer (585) 968-3269 Isabel Warren, Secretary (585) 968-3215 Meetings – District office; 2nd Thursday of each month; beginning at 7:00 PM (Exceptions are published in local newspapers.)</p>
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