



December 22, 2008

Hon. Bruce Young
Chairman
NYS Lake George Park Commission
P.O. Box 749
Fort George Road
Lake George, New York 12845

RE: Special Report Released on the Importance of Streams to Lake George Water Quality and the Need for a Comprehensive Stream Buffer Regulatory Program for the Lake George Watershed

Dear Chairman Young,

The FUND for Lake George and the Lake George Waterkeeper are strong advocates for promulgation, adoption, and implementation of regulations by the Lake George Park Commission (LGPC) to protect water quality throughout the Lake George watershed through a comprehensive stream buffer regulatory program. According to a November 2008 press announcement, the LGPC is on the verge of releasing long awaited new draft stream buffer regulations. We welcome these draft regulations and look forward to increasing our advocacy activities in 2009 on this issue.

We are pleased to release to the LGPC and the public a new report *Clear Choice: The Need for Stream Buffers in the Lake George Watershed*. This report provides information on the importance of streams to the overall water quality of Lake George. More than half of the water in Lake George comes from streams. The water quality in these streams is vitally important to the overall ecological health of Lake George, which is utilized by thousands as a drinking water source as well as for the maintenance the lake's AA-Special water quality classification.

This report provides information on the ecological function and complexities of streams, the function of stream buffers to protect water quality, and how stream buffers have been successfully instituted in other areas of the United States.

In *Clear Choice*, the FUND for Lake George and the Lake George Waterkeeper call upon the LGPC to finalize and adopt stream corridor control regulations to establish a stream buffer program for all streams throughout the Lake George watershed. This is required by state law governing the LGPC and is long overdue. The stream buffer regulations should be based upon a comprehensive inventory of all streams -- perennial, intermittent and ephemeral -- in the watershed. Here are particular features of a stream buffer regulatory program we believe should be included:

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- All streams in the watershed should be located and classified as to order and current condition.
- Stream buffer regulations should be developed for the different stream classifications and conditions.
- Stream buffers should be a minimum of 100 feet in width on each side of the stream as measured from the stream's bank.
- The buffer should increase 2 feet for each percent of slope greater than 10 percent.
- Pre-existing, non-conforming structures within the regulated buffers should be grandfathered and a variance program should be developed and administered directly by the LGPC for expansions and new uses of these structures. Any variance application to existing grandfathered structures shall require engineered buffers installed as a condition.
- Areas where restoration opportunities exist to create forested stream buffers should be identified and incentives and procedures developed to enlist landowner compliance in creating forested stream buffers.
- The LGPC shall ensure that all local codes and permits issued by the Adirondack Park Agency conform to the LGPC stream buffer rules.

Last, the LGPC should develop a comprehensive public outreach and education effort to fully engage the residents, local officials, and all other stakeholders throughout the Lake George watershed.

Around Lake George there are streams that are wild and undisturbed, while many others are encroached by roads and houses, channeled through culverts, or have been completely filled in. The difference in the water quality between streams around the lake is substantial and scientific research has found that the water quality is very different between disturbed and undisturbed streams. For the past 20 years there has been a blank page in the LGPC's rulebook reserved for "stream corridor control." Much has been lost due to the LGPC's delay.

The FUND for Lake George and the Lake George Waterkeeper welcome the current action by the LGPC to develop a stream buffer regulatory program. We look forward to working with the LGPC as it finalizes stream buffer rules in 2009.

On behalf of the Board of Trustees of the FUND for Lake George, please let me thank you for the opportunity to make known our position on this important issue.

Sincerely,

Peter Bauer
Executive Director

Chris Navitsky, PE
Lake George Waterkeeper

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