



Northwest Bay Brook is one of the major tributaries of Lake George.

Roiling the waters

■ *Lake George landowners fight stream-protection proposal, saying the rules would hurt property values.*

BY BRIAN NEARING

Eight square miles. That's roughly 3 percent of the mountains, hills, and forests in the Lake George watershed. It's how much land may be needed to preserve the lake's legendary clear waters. And it's sparked a battle royal on the Queen of American Lakes.

The state-run Lake George Park Commission is eyeing limits on construction, tree cutting, and other forms of land disturbance around 150 streams, large and small, that feed the lake. The aim is to curb pollution by keeping intact forests and natural ground cover along streams.

Numerous studies have shown that when natural vegetation is removed right up to edges of streams, fertilizers and silt wash into the waterways and eventually into the lake. The pollution clouds waters and fuels blooms of greenish algae that suck out oxygen needed for aquatic life. Also, with tree cover reduced, the streams may become warmer, damaging habitat for fish and other life.

Scientists say such ecological damage can be prevented by leaving natural buffers along streams. Chris Navitsky,

the Lake George Waterkeeper, said the rules proposed by the commission are long overdue. He said the construction of homes on the steep hillsides above the lake has led to deterioration in water quality, particularly in the southern basin, where most of the development is taking place.

Last summer, Navitsky and the Fund for Lake George, which employs him, monitored more than sixty algae blooms around the lake. "We are seeing changes in the lake, and stream-protection zones are needed," Navitsky said. "We can't let the lake deteriorate further just so a few people can cash in."

The draft regulations would prevent all tree cutting within fifty feet of a stream and would place limits on cutting for another fifty feet on either side of the stream. About two-thirds of the stream-flow into the lake comes from eight large perennial streams: East Brook, English

Brook, Finkle Brook, Shelving Rock Brook, Hague Brook, Indian Brook, Northwest Bay Brook, and West Brook.

The rules would apply not only to year-round streams, but also to intermittent streams that run for as few as thirty days a year. Altogether, they would cover streams that course through more than two thousand private parcels totaling eight square miles. Opponents contend that the rules would unduly restrict property rights and reduce land values. And land around the lake is expensive. In a new high-end residential development in Bolton, for example, five-acre building lots with a stream are selling for \$200,000 and up.

"It is easy to write regulations when it is not your property and you are pressured by extremist groups," said Richard Kudlak, a member of the Lake George Property Owners Group, which represents landowners and developers. "The benefit from these rules is minuscule."

When the commission held public hearings in February, Navitsky and Kudlak were among the nearly three hundred people who jammed the Lake George Holiday Inn to speak out or listen. Numerous written comments also were sent to the commission. All told, the panel received some four hundred comments—far more than it has got on any other single issue.

"What we got was definitely more con than pro," said Michael White, the panel's longtime executive director. The commission extended until May its deadline for writing a final environmental impact statement, which will spell out in detail the rationale for the rules. A final decision would still be months away.

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LAKE GEORGE WATERKEEPER

► While said an economic argument can be made in favor of stream protection, citing evidence that diminished water quality reduces land values, "Poor development practices and ineffective oversight potentially impact thousands of homes and businesses along the lake, tens of thousands [of people] who rely on the lake for drinking water, and untold numbers who recreate, visit, and enjoy the lake's splendor," he said.

Not all Lake George landowners oppose stream regulation. Joan Robertson, who has had a place on Assembly Point for fifty years, took the commission's side at the hearing. "At first, you could drink right out of the lake, and twenty-five years ago, you still could," she said. "But things are changing. Now the lake is becoming grossy with algae. And we have to use a filter for lake water. We need these rules."

But Tecumsehga resident Gilberne Bartlett complained that the rules would cover about fifty of the three hundred acres his wife's family owns on Sabbath Day Point—property that has been in the family since before the Revolutionary War. "Who is going to pay the taxes on this land, if it cannot be used? You guys?" Bartlett asked.

Several states (but not New York) have offered landowners tax breaks or tax credits as part of stream-buffer programs, according to the U.S. Department of Agriculture.

One of the main pollutants fueling algae blooms on Lake George is phosphorus, which is found in septic systems and lawn fertilizers. Many homes have lush lawns that border streams or the lakefront.

A 2001 study of Lake George for the commission by Stearns & Wheeler found that more than 80 percent of the phosphorus entering the lake came from water running into streams and drainage systems. Although developed areas comprise just 5 percent of the land in the watershed, they account for 43 percent of the phosphorus entering the lake in runoff, the report said.

That same year, "Lake George—Planning for the Future," a report commissioned by Gov. George Pataki, cited evidence that a development-fueled mix of grasses, oil, lead, fecal coliform bacteria, and phosphorus was getting into the lake. The report said three studies confirmed that storm-water runoff is a significant contributor to a downward trend in water quality.

"Studies have documented that storm water runoff from developed areas of the Lake George Basin is significantly enriched with pollutants and contaminants, as compared to runoff from undeveloped areas. All the evidence suggests



Most of the Lake George development is occurring in the southern basin.

Photo by Carl Heitman II

that water quality of the lake can be expected to deteriorate incrementally. If these issues remain unchallenged," according to the report, which was prepared by a panel of state and local officials, including those from the lake towns of Lake George, Queensbury, Bolton, and Hague, and the Warren County Board of Supervisors.

In 2007, an analysis by the Albany *Times Union* found that 687 new single-family homes sprouted within about 2,400 acres around the lake since the start of the decade. About 80 percent of growth took place at the lake's southern edge in Warren County, where water quality is deteriorating most rapidly.

Three towns in that region, Hague, Bolton, and Lake George, have gone on record in opposition to the stream-protection rules (as has the Warren County Board of Supervisors). If adopted, however, the rules would apply regardless of a town's position.

John Carr, a member of the Lake George Planning Board,

said more study of the lake and its streams is needed before any rules move forward. "There is conflicting data on various measures of lake health," said Carr. "Most of the data is being presented from an environmental point of view." Carr said it's "theoretically possible" that storm-water removal systems installed by developers work better than natural buffers in filtering out pollutants. "It is something we don't know yet," he said.

He urged the commission to scrap the draft rules and hire the Dartmouth Freshwater Institute, an affiliate of Rensselaer Polytechnic Institute, to do more studies.

Navitsky said local governments that oppose the rules are simply seeking delay. He dismissed allegations that the locals were left out of the process. "We do not want this process rushed," he said, "but all the towns around the lake were interviewed about this when the first started in 2005, and since. So for anyone to say they have not been involved does not make any sense." ■

For more information

The Lake George Park Commission's draft regulations for protecting streams can be downloaded from its website. The commission also has posted its draft environmental impact statement, stream maps, questions and answers, responses to comments, and videos of the public hearing.

www.lgpc.state.ny.us
Phone: 518-668-9347



The Fund for Lake George has published a booklet titled "Clear Choice: The Need for Stream Buffers in the Lake George Watershed." The booklet and the fund's "2008 Stream Assessment" are both available on the group's website.

fundforlakegeorge.org
Phone: 518-668-9700

Courtesy of the Fund for Lake George



Environmentalists say runoff from hillside development is contaminating the lake.