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May 22, 2009

Mr. Mark E. Sengenberger
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re: Public Comments – General Permit 2009-G-2
Structural Stabilization of Shorelines as Watershed Management Projects

Dear Mr. Sengenberger:

The Lake George Waterkeeper would like to take this opportunity to provide comments and concerns regarding the proposed General Permit for Structural Stabilization of Shorelines as Watershed Management Projects or Involving Wetlands proposed by the Adirondack Park Agency.

The Waterkeeper recognizes the fact that shoreline erosion can result in impacts to the water quality by the deposition of organic sediments and potential pollutants as well as protecting the interface between land and water. We are pleased the Department has referenced "The Shoreline Stabilization Handbook" in the *Permit* as a guide for landowners to provide details and examples of the stabilization methods. We are also encouraged that the Agency included the listing of four approaches to shoreline stabilization in an order of favorability.

Upon review of the proposed *Application and Certification* and *Permit* documents, the Lake George Waterkeeper offers the following comments for the Agency:

1. The area threshold of 200 square feet of wall surface should be defined as to how it will be calculated.

The 200 square foot threshold is referenced in Section I, Item 1 in the *Application and Certification*. Will the 200 square feet only include the area above the mean high water line or would it extend below the water surface? A detail or example should be included on how this will be determined to eliminate differing interpretations.

2. The Agency should define the source(s) of erosion for which the shoreline stabilization measures are permitted.

Under Section I, Item 1, shoreline stabilization is permitted to "address an ongoing erosion problem or bank stabilization problem" but does not require defining the source of the problem. Will shoreline stabilization be permitted if the erosion is a result of surface runoff and/or a lack of stormwater management on a site? Will shoreline stabilization be permitted



if a landowner has removed vegetation along the shoreline creating the erosive condition? In such cases, the land owner should be required to mitigate the source creating the erosion and not be permitted to alter the natural shoreline.

3. The Agency should expand the material specification Under Section IV, Item 9 to include the source of rip rap to reduce the potential of introducing calcium into waterbodies.

Calcium levels are critical in the development of adult zebra mussels. Lake George, in general, has calcium levels which are just below the threshold required for the development of adult zebra mussels. But studies have found micro-environments can be created conducive for their development in areas where shorelines have been stabilized with concrete and rip rap or where there is a discharge of storm sewers. Therefore, if rip rap is to be installed, the bedrock/quarry source should be provided to determine the levels of calcium which may leach into the waters and increase the potential of zebra mussels.

4. The Permit should require the planting and establishment of shoreline buffers with native vegetation.

In addition, the Agency should provide a list of native species list consisting of trees, understory and grasses to promote the development of a three-story buffer with a varied canopy, which is most beneficial for the stabilization of shorelines. The developed buffer provides shoreline stability through the deep root system as well as through the canopy which protects the ground cover.

5. How will the General Permit 2009G-2 be coordinated with §575.1.e.3 relative to Minimum Vegetative Cutting Restrictions?

If a landowner was interested in stabilizing their shoreline, could they exceed the minimum vegetative cutting restrictions to achieve this?

6. The General Permit should state no cut and/or filling can be performed and all work must follow natural grades.

Application and Certification Section IV, Item 9 states the work “must follow the natural shoreline as it winds and turns”, but does not state that the actual grade above the shoreline cannot be altered. This should be clarified.

7. How will the Permit be evaluated in areas of emergent wetlands?

With the importance of emergent wetland along the shoreline of Lake George, will the Agency perform site visits to determine the presence of wetlands and make determinations of the potential impact from proposed shoreline stabilization?

Thank you for this opportunity to comment on this permit. We look forward to continuing to work with the Agency to preserve the unique natural character of Lake George as a critical resource for the Adirondack Park.

Sincerely,



Christopher Navitsky, PE
Lake George Waterkeeper

cc: Curt Stiles – Adirondack Park Agency
APA Commissioners – Adirondack Park Agency
Betsy Lowe - NYSDEC