

Lake George Park Commission Annual Report April 2009 - March 2010

State Approval Sought for Stream Corridor Rules

The Commission devoted considerable attention in 2009 to developing draft regulations for stream corridor protection. An Environmental Impact Statement was completed and public hearings held on draft rules. More than 400 public comments were received and the draft rules were revised in several important ways in response to those public comments. (The FEIS and response to comments along with the revised draft regulations are posted on the Commission's website)

The Commission has acknowledged that the draft regulations are controversial. The rules seek to increase protection of water quality of both the Lake and its tributaries by preserving a natural vegetative buffer along stream corridors when land is developed. The rules would also limit direct disturbances to tributaries including diversions and crossings. These limitations necessarily affect the use of land for future development by requiring that cutting, clearing and hard surfaces are kept back from the stream corridors. The rules endeavor to balance the environmental goals and the restrictions on private land.

To advance, the proposed regulations and their supporting documentation must be reviewed and approved by several State offices in accordance with the State Administrative Procedure Act and Executive Order 20. The Commission submitted the documents for approval in August 2009. In its assessment of regulatory impacts, the Commission noted that Lake George is the centerpiece of a regional tourism, second home and recreational economy. Further, that the economic vitality of the Lake is directly linked to its water quality. The report reasons that better protection of stream corridors is essential to stop further declines in the quality of the Lake and associated decline in tourism and near-lake property values.

The regulations would not affect existing development. Also, there are special provisions for home-building on vacant lots and expansion of existing facilities. Accordingly, while there will be efforts to preserve any remaining vegetative buffers in developed areas, the full effect of the buffer requirement occurs as land in the unsettled upland is being subdivided for future development.

The New York State rulemaking process establishes both procedures and standards for rule-making agencies such as the Commission. There must be an assessment of costs, alternatives and flexibility. If approved to go ahead, the Commission would present its reasoning in this regard and provide additional opportunity for public comments and hearings before making any final decisions on the regulations.

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PEOPLE NEWS

Dean Cook, a well known dentist from Ticonderoga, was appointed to the Commission in March 2010 to replace Thomas Morhouse of Ticonderoga whose term expired.

FISCAL AFFAIRS

The Commission is a regular New York State agency. Appropriations of the Commission are established in the New York State budget. All revenue is deposited to the Lake George Park Trust Fund, an account in the care and custody of the New York State Comptroller. Expenditures of the agency are upon warrant and subject to audit of the New York State Comptroller’s Office.

The Commission’s expenses booked for the twelve month period ending March 31, 2010 (fiscal year 2009-10) were \$ 1,093,817 a decrease from the previous fiscal year’s level of \$1,154,738 or 5.3% .

Total cash expenses included \$116,704 from a New York State Environmental Protection Fund grant for milfoil management and \$977,113 in expenditures from the Lake George Park Trust Fund.

The Commission had revenue of \$1,416,579 for the fiscal year up from the previous year’s level of \$998,201. However, the peak period for wharf and boat registrations (late March and early April) transcends the end of the fiscal year and the timing of mailing of the registrations can affect year to year comparisons. When adjusted for such factors, revenue income for 2009-10 varied less than 1% from the average of the previous four years.



ENFORCEMENT

Enforcement cases begun in 2009 reflect the Commission's broad mission. There were 16 cases for illegal dock construction, 9 cases related to storm-water management regulations, 6 marina rule violations and an enforcement action against a parasail operator for violations discovered after an incident in which two occupied parasails broke loose during a storm. Five cases were referred to hearing and four cases were referred to the New York State Attorney General's Office. A total of \$35,400 was collected in fines.

There were also scores of matters that were resolved without the need for formal enforcement actions.



MARINE PATROL

In its 48th year of service, the Lake George Park Commission Marine Patrol had, by any measure, one of the busiest and most productive seasons in 2009. The Marine Patrol covers all areas of the lake providing: emergency response; boating safety; first aid; fire suppression; vessel sanitary inspections; and law enforcement.

The Marine Patrol Report includes a by-the-numbers summary of patrol activities, a description of unusual incidents, boat counts and more.

With over 400,000 private vessel excursions each year the marine patrol is an integral part of the Commission's efforts to maintain *recreational quality*.

Recreational quality is a state in which the attractive qualities of the Lake can be enjoyed without undue conflicts, congestion, safety hazards or noisome conditions. The Commission endeavors to manage recreational quality in a coordinated program of public education, special regulations, and effective enforcement. The Commission periodically evaluates the effectiveness by conducting surveys of user attitudes and perceptions. View a 2006 report on the Commission's evaluations of recreational quality at www.lgpc.state.ny.us

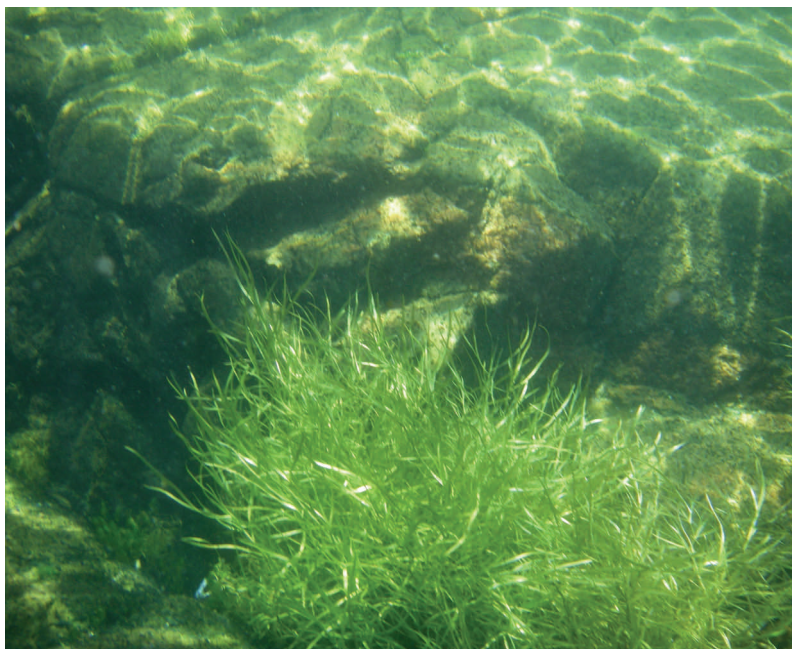
NEW PARTNERSHIPS ON INVASIVE SPECIES BEING FORGED

The Commission will provide \$12,500 for lake stewards at New York State launches at Mossy Point, Rogers Rock and Million Dollar Beach during 2010. In doing so, the Commission joins at least two municipalities in supporting the Lake Steward program being managed by the Lake George Association (LGA). In approving the agreement, the Commission noted that the program has demonstrated results at stopping the introduction of invasive species. The partnership with the LGA has benefits for the public. The contribution of private funds and the in-kind management services provided by the LGA increase the purchasing power of public funds and improve overall efforts in invasive species prevention and management.

EURASIAN WATERMILFOIL MANAGEMENT PROGRAM AT PEAK PERFORMANCE

Lake George Park Commission's program outputs for Eurasian Watermilfoil management reached an all time high level of success in 2009. The Commission devoted significant in-kind staff services and approximately \$113,583.66 in New York State Environmental Protection Fund appropriations to clear 157 milfoil sites, lay 1.8 acres (about 78,000 square feet) of benthic barrier and removed 5.2 acres of steel weights and benthic barrier (225,000 ± square feet).

Although eight new sites were added this year, 164 of the 177 locations where milfoil has ever been recorded were cleared in 2009, a 92.7% rate, the highest



(Native plants replace EWM by M.P. White)

rate recorded in the twenty-four year history of the program. There was a reduction in the number of un-managed milfoil beds from 16 to 9, also the best annual achievement recorded. The 15 remaining beds and moderate areas are smaller in area and compare to a high of 41 in 1999. Several huge persistent milfoil beds, the subject of intense management effort for years, were pronounced cleared for the first time in 2009.

REGULATORY PERMITS

The Commission's regulations require a permit before undertaking certain construction and development projects, for the operation of a marina and for the conduct of certain recreational activities such as tour boats, parasailing and seaplanes. The main objectives are to preserve both water quality and recreational quality.

The regulatory program staff assist applicants, the public and the Commission members in making regulatory programs work as intended. Each year the regulatory program staff answer thousands of inquiries, assist hundreds of interested parties, and guide scores of permit applicants through the regulatory process. The Environmental Analysts provide the Commission members with the objective analysis upon which they rely to make important decisions about the Lake.

Commission meetings are largely devoted to permit and enforcement decisions about which the Commission receives hundreds of public comments.

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total Applications Received	208	185	175	199	223	225	241	214	208	182	211	183	162	122
New Docks	29	28	30	26	29	22	29	24	25	18	15	13	13	14
New Moorings	13	17	7	26	17	22	17	13	13	7	12	10	4	6
Dock Modifications	53	47	49	59	73	63	69	54	53	44	57	54	71	38
New Cribs & Repairs	61	54	63	57	62	44	57	53	54	37	49	57	35	28
Stormwater	5	7	4	14	17	21	27	31	37	37	25	26	17	18
Class A Marinas	37	9	8	3	0	8	7	3	1	0	5	2	4	5
Class B Marinas	3	4	1	5	1	7	6	19	4	5	5	6	2	3
Marina Modifications/ Renewals	3	10	11	8	22	37	15	13	8	20	38	19	12	6
Recreational Uses	4	9	2	1	2	1	2	3	1	3	2	1	3	1

Existing Wharf Registrations and Documentation of Existing Moorings are included in total applications received but not separately tallied.

Projects reviewed by the full Commission

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
42	28	21	18	24	22	25	17	17	30	21	10

POLLUTION INVESTIGATIONS

The Commission investigated 26 cases of suspected pollution in 2009. Many of the inspections were in follow-up to high bacteria counts in water samples taken by Darrin Freshwater Institute under a program supported by the Fund for Lake George, Inc. The Commission staff also investigated reports of sedimentation, paint in the Lake and referred several matters to the NYSDEC petroleum spill program.

LAKE WATER LEVEL MANAGEMENT

Lake George's water levels are managed as much as possible to provide optimum conditions for recreation and natural functions while avoiding wide fluctuations. The only control is through the operation of discharge facilities. When surplus water is released, it is used to generate electricity at two hydroelectric generation plants along the LaChute River.

The target Lake elevation for summer months is set in state law. An operating regime governs the remainder of the year. The Commission monitors the Lake's water level and adherence to the discharge requirements. Lake George is maintained within a narrow range compared to other nearby lakes, about 14 inches in 2009 between the winter low and the spring high.

Historically, lake levels were recorded each day by use of a simple wooden gage fixed to the dock at the Rogers Rock Hotel. Even though a modern gage is now used and is located elsewhere, it is still referred to as the Rogers Rock Gage (RRG). The zero level of the original gage, an arbitrary point, has been determined to be 316.06 above mean sea level (mfs). Often lake levels are expressed as feet and hundredths of feet above this zero datum. The target summertime elevation is 3.5 on the RRG which computes to 319.56 msl.

Each year the Lake is drawn down to a lower level to accept anticipated runoff from melting snow in the spring. Snow surveys are performed at designated locations and regular intervals to help calculate potential runoff and the winter elevation is adjusted within certain limits. Ideally, the Lake crests at an elevation of 4.0 RRG in April. However, the Lake may rise above desired levels when melting snows and heavy rains combine. Once all the discharge capacity is opened, natural forces control the lake level. After cresting, the Lake is gradually drawn down to summer levels reserving some extra for evaporation during the warm months.

The lake level data for 2009 are available through the following link www.lgpc.state.ny.us The snow survey data are converted to show the theoretical lake level that would result if all of the snow was converted to surface water runoff to the Lake before any adjustment in Lake level could be made. It is therefore useful information but does not predict an event likely to occur.

