

“The following questions and answers are part of the Lake George Park Commission’s continuing efforts to keep the public apprised as we endeavor to fulfill our important mission to protect stream corridors and, by extension, the Lake itself. We welcome your participation and comments.”

Bruce E. Young, Chair

Questions and Answers from the Lake George Park Commission On Draft Stream Corridor Protection Regulations

Why are new regulations necessary?

Most importantly, new regulations will improve protection of the Lake’s water quality. Even after a good deal of community effort, the Lake is still showing problems that are a direct result of sediments and nutrients carried by streams. Sediment deposition, nutrient enrichment and reduced water quality near developed areas are partly the result of poor management of stream corridors.

After an evaluation of current conditions by the Center for Watershed Protection, the Commission has concluded that current approaches to stream protection are not adequate and that improvements are warranted and possible.

What are stream buffers?

Stream buffers are an approach fitted into existing land use and water quality programs where native vegetation, ideally forest cover, is retained along streams when land is developed. Stream buffers help preserve lake and stream water quality, protect the banks of streams from accelerated erosion, conserve stream ecology and filter nutrients and sediments from surface runoff.

What is a designated stream corridor?

A designated stream corridor is a zone of protection, in this case 100 feet, along a stream’s high water mark. It is in this corridor that the objectives of stream protection and maintaining a vegetative buffer are applied.

Who will be affected by the regulations?

A permit approval will be required for anyone undertaking a development project within a designated stream corridor. This includes subdivisions, building, land disturbance and clearing vegetation. Special provisions would apply to timber harvesting that implement best practices and require prior notification to the Commission.

What is the goal of the regulations?

The goal of the regulations is to maintain as much as possible of a native forest vegetative buffer up to 100 feet on each side of tributary streams and still allow the reasonable and customary use of the land by the owner. The inner 50 feet of the stream corridor is called the riparian zone. This area is most important and disturbances in the riparian zone would be very limited. Cutting up to 30% of the large trees in the outer 50 foot zone would be allowed with a permit.

I am an existing business or homeowner. How would I be affected?

Existing buildings, parking areas, landscaped areas and impervious surfaces in a stream corridor are exempt from the regulations and may be maintained and continued.

Existing homeowners and business owners undertaking a new building project in a stream corridor will require a permit. However, there are more flexible standards for these projects. For homes and business expansions up to 25% in a stream corridor owners will be asked to retain vegetation in accordance with the standards for subdivisions “to the maximum extent practicable.”

Would there be a firm setback for expansion of existing development?

Yes, new impervious surfaces, land clearing and land disturbance would not be allowed within 35 feet of the high water mark of a stream when existing homes and businesses are expanded.

I own vacant lot. How would I be affected when I want to build?

Vacant lots of record would be subject to the same standards as expansions of existing homes and businesses. New homes and accessory structures would be sited in accordance with the limits for new subdivisions to the maximum extent practicable, subject to a functional setback of 35 feet.

Are there variance or waiver provisions?

Yes, both. The regulations adopt the same standards for variances found in New York State municipal codes. Also, existing properties which due to lot size or amount of stream frontage are very restricted may be eligible for a waiver. A waiver is an additional means to grant relief in an individual case when the area within 35 feet of a stream comprises more than 30% of the total lot area.

How is a stream defined?

A stream is defined as only those watercourses which are shown on a map that has been released and that will be part of the regulations. Streams could be added or deleted only by formal revisions to the rules. This will help insure a consistent application of the regulations and notice to affected owners before a stream may be added.

What would be the standards applied when vacant land is subdivided or developed?

A 100' zone of protection and permit jurisdiction would apply from the high water mark of the stream. New buildings and impervious surfaces would not be permitted in the corridor. The standards establish an outer zone between 50 to 100 feet. Cutting would be allowed up to 30% of the trees 6" or greater in the outer zone.

How would timber harvesting and woodlots be affected?

Timber harvesting projects would require prior notice to the Commission but not a permit. Timber harvesting would be subject to somewhat different standards and harvesting would have to conform to the best management practices in *New York Forestry Best Management Practices for Water Quality*. Several industry-leading organizations worked to develop the BMP practices.

What of consultation and coordination with local government?

The Commission reached out to local elected representatives before starting a public planning process to develop regulations almost three years ago and from time to time during the process. During the two-year public planning process in 2006 and 2007, the Commission held a series of five facilitated workshop meetings. Two additional public workshops were held in 2008. Invitees included all the elected, planning and zoning officials as well as the State agencies, business, property and environmental organizations.

The process was open, transparent, science-based and participatory. Although a true consensus was never achieved, many representatives from municipal offices participated actively and the meeting reports allowed interested parties to follow the progress.

The regulations allow the Commission to seek and enter into delegation agreements with local governments for municipal government administration of the standards. There are no stream corridor protections in some areas and greatly varying restriction in others. The Commission's objective is to implement appropriate and consistent standards whether administered by the Commission or local government.

Why are standards for stream crossings included?

Improper modifications to the bed of streams can accelerate bank erosion, block fish passage, affect amphibians and other species, and reduce the passage of water and sediment. Construction work in streams can also release a tremendous amount of sediment. Improper "hydromodifications" impact water quality and stream ecology, undermine down-stream structures and damage private property.

Is there an opportunity for public comments?

Yes, the Commission has already received, summarized and posted its responses to more than 400 public comments on an Environmental Impact Statement. An additional formal public comment period and hearing will be scheduled; however, public comments are welcomed any time and will be made part of the record.

What is the process ahead?

With the environmental impact report completed, the Commission soon will be publishing a notice of proposed regulations under New York's Administrative Procedures Act. The proposed regulations will be the subject of a 50 day comment period and public hearings. However, comments are welcomed now and will be addressed in the record. The Commission will consider modifications to the regulations and respond to public comments before a notice of final adoption is published. The Commission has adopted a tentative schedule for this process.

Where can more information be found.

The Final Generic Environmental Impact Statement, schedule, stream maps and updates can be viewed or downloaded from the Commission's web page www.lgpc.state.ny.us
Comments can be submitted to
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