

The intent is not to remove existing uses that are “non-compliant” under the new regulations, but to regulate their growth. Mowing is not considered removal of vegetation, it is a maintenance measure and as such unaffected by these regulations.

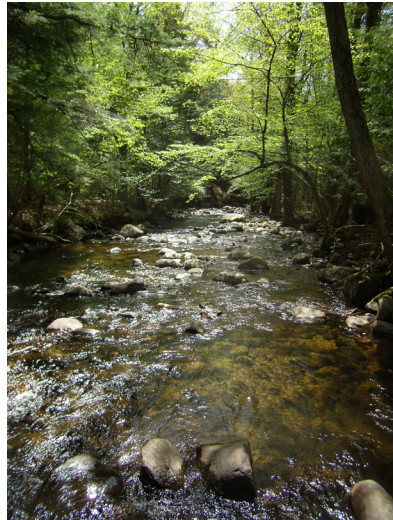


Photo of a healthy stream. Indian Brook, Town of Bolton.

MYTH: Stream buffer rules will prevent me from putting on a new deck or expanding my house.

REALITY: The regulations will not prevent the expansion or addition to existing structures that fall within the riparian zone (0-50 feet) or outer zone (50-100 feet) and become non-compliant structures under the new rules. Any proposed expansion or addition would require a variance from LGPC. As with any variance application, the applicant would be required to demonstrate that the benefit of receiving the variance

outweighs the potential impacts to the community and environment, that there are no feasible alternatives, is consistent with the character of the neighborhood, and evaluated for how substantial it is. Some variance requests may require the re-establishment of an engineered buffer to enhance water quality.

MYTH: It is unnecessary to protect intermittent streams because they rarely carry water.

REALITY: Together, intermittent streams comprise a substantial proportion of the drainage area in the Lake George watershed. It is true that intermittent streams only carry water a portion of the year, but can be completely full with water during spring runoff and storm events. During a single storm event, an intermittent stream can go from contributing thousands to millions of gallons of water per day to the lake. Additionally, intermittent streams can substantially influence the supply of water, sediment, and organic matter to downstream reaches. Therefore, intermittent streams also need to be protected for buffer regulations to be effective at water quality protection.

MYTH: Landowners around the lake won't know if the stream on their property is subject to these new regulations.

REALITY: The LGPC has stated that it will work with all landowners to make a determination about whether the stream on your property is subject to these regulations. The proposed regulations apply to all “permanent” streams (those that generally always have water in them) and all “intermittent” streams (those with flowing water 30 days or more a year). The LGPC has conducted an inventory to identify and map all regulated streams and these materials are available from the LGPC. Further, the regulations state that the LGPC will make a determination for landowner about the status of a stream on your property.

Photo of an unhealthy channelized stream. Hague Brook, Town of Hague.

FOR MORE INFORMATION REGARDING STREAM BUFFERS, PLEASE CONTACT THE FUND FOR LAKE GEORGE OR THE LAKE GEORGE WATERKEEPER.



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MYTHS & REALITY

ANSWERS TO POPULAR DISTORTIONS, MISCONCEPTIONS AND OTHER SHIBBOLETHS ABOUT PROPOSED STREAM BUFFER REGULATIONS

MYTH: My land is being “confiscated” by the proposed stream regulations.

REALITY: Private lands will remain private lands. Ownership of land will not change or be diminished. One group who opposes new draft stream buffer regulations has dishonestly and irresponsibly charged that the new stream buffer regulations will actually “confiscate” private lands. This is not true. The Lake George Park Commission has simply proposed to create stream buffers where 100-foot strips of land will be regulated alongside streams. Existing uses and activities will continue to be allowed. Expansions and new uses will need permits.

MYTH: Stream protection rules will hurt my property values.

REALITY: The proposed regulations will not hurt property values. In fact, property values increase with a forested stream based on aesthetics. The proposed regulations will also protect property values by reducing flooding, erosion and sedimentation, which all have negative impacts on property value. Uses will be limited (but not eliminated) within particular setbacks, therefore not affecting the value of a property.

MYTH: Streams around Lake George are fine and do not need any protection.

REALITY: Numerous scientific studies have indicated that many streams have become impacted and have relatively high levels of pollutants. As the watershed has become more developed streams continue to be impacted because they are not protected. Buffers are well accepted within the scientific community as an effective way to protect water quality and the ecological integrity

of streams. As the demand on the resources within the watershed continue to increase, water quality and the condition of streams will likely worsen if actions are not taken to protect streams from further degradation.

MYTH: Stream buffers are radical, extreme measures.

REALITY: Stream buffers are a commonly used regulatory method to protect water quality. Stream buffer regulations are widely used across the U.S. and have successfully been enacted in hundreds of localities. In New York, many communities have adopted stream buffer regulations, including Dutchess and Tompkins counties, around the New York City reservoir system, and by many cities and towns. Stream buffers are an economical and efficient regulatory tool.

Future home improvements or landscaping will not be negatively effected.

MYTH: If my property has a stream on it I will lose all my rights and use of my property.

REALITY: Future home improvements or landscaping will not be negatively effected. A stream protection buffer of natural woods (including dead trees for wildlife) and native vegetation (including trees, shrubs and groundcover) are beneficial for stormwater controls (including infiltration and treatment), and protecting the stream's water temperature (among other things) with a canopy. Infectious, diseased trees should be removed and are allowed for removal under these regulations. The proposed stream corridor protection regulations are an



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opportunity for property owners to make better choices when development or property management is desired. If you own a large parcel and have stream corridor protection regulations in place, you might decide to build your home away from the stream to preserve the streams natural ability to clean water flowing to Lake George. If you own a smaller parcel, then your variance may be conditioned with a requirement to buffer the stream. If you are developing for the first time and need a setback variance, retained vegetation on the stream corridor would be conditioned.

MYTH: A 35 foot buffer or less is all that's needed to protect the streams.

REALITY: A 35 foot buffer with sufficient vegetative cover have been shown to provide benefits and will stabilize stream banks, minimize water temperature fluctuations, and provide woody and plant debris for the aquatic organisms, which are used both as habitat and as a food resource. However, a wider buffer is needed for effective sediment removal, because Lake George is listed as an "impaired waterbody" for sediment pollution in 2002. The effectiveness of buffers at removing sediment as well as nutrients from runoff has been shown to increase with buffer width. Additionally larger buffers are required for flood control and to maintain wildlife habitat for terrestrial organisms. A 35 foot buffer is not sufficient to protect Lake George.

MYTH: These regulations are a "taking," which rob people of the use of their private property.

REALITY: The draft regulations come nowhere close to creating a "taking." Charges of a regulatory "taking" are often made and seldom substantiated. There is a wide body of Constitutional law that defines when, how and where a taking has occurred. Land uses are restricted in every zoning law across the U.S. in order to protect natural resources, like Lake George, and protect community interests. These stream buffer regulations have been carefully crafted to balance private property interests and lake protections. Landowners who seek to develop within a stream corridor, will need to get a permit or obtain a variance to do so.

MYTH: Stream buffer regulations are unnecessary.

REALITY: Lake George has been experiencing declining water quality for more than two decades. A large dead zone forms in the south basin at the end of every summer. Algae blooms have been reported at unprecedented levels throughout the lake. The clarity of the water has declined over time. Salt levels have tripled. These are all caused primarily through nutrient and pollution loading to the lake. Streams are the main delivery system for nutrients and pollution. Stream buffers are the best method to control nutrient loading. Further, Lake George is listed as an "impaired" water

body by the state due to sedimentation. Enormous deltas have formed at the mouths of the biggest streams on the lake due in large part to the absence of adequate stream buffers to help control and absorb sediment.

MYTH: I'm not going to be able to develop the property my family has had for years.

REALITY: The draft regulations do not prohibit development. Currently, most decisions on site plan review and proposed development are made by the various towns. Often environmental considerations are not adequately reviewed, especially when it relates to the environmental health of streams. The proposed regulations will ensure that stream health is evaluated at the same time that development or expansion is considered and approved.

MYTH: The LGPC is not going after the bigger polluters to the lake, namely DOT and lakeshore landowners.

REALITY: The LGPC Stream Corridor Management Regulations are an initial step in the process to reduce pollution to the lake. These regulations are required by state law. In addition to stream corridor regulations, the LGPC is required to develop regulations for the management of on-site wastewater treatment systems (OWTS), known as septic systems, within the watershed as well as tree cutting regulations for trees along the lakeshore and in the uplands. Discussions with DOT regarding salt/sand on winter roads and cleaning of catchment basins are ongoing, as well as the need to redirect stormwater to be infiltrated and treated before being channeled into the lake.

MYTH: These regulations will reduce jobs and create economic hardship.

REALITY: These regulations will encourage better development, but hardly stop development. Currently, the impact on stream health is not adequately considered during zoning variance or site reviews. These regulations will ensure that stream environmental health must be considered during a development review. The Lake George area is one of the most stunningly beautiful areas in the U.S. and deserves the best development possible. Lake George is the economic engine of the Warren County area and its protection is an investment in the area's continued economic viability.

MYTH: Restoration plans will see my house taken down and land given back to nature.

REALITY: Restoration planning is voluntary. The proposed regulations state "The Lake George Park Commission Management Grant Program is hereby established as a mechanism for the Commission to provide funds from the Lake George Park Commission Trust Fund to local governments, conservation districts and citizen committees to plan and undertake stream corridor restoration." Such activities would be undertaken with willing landowners and are not mandatory.

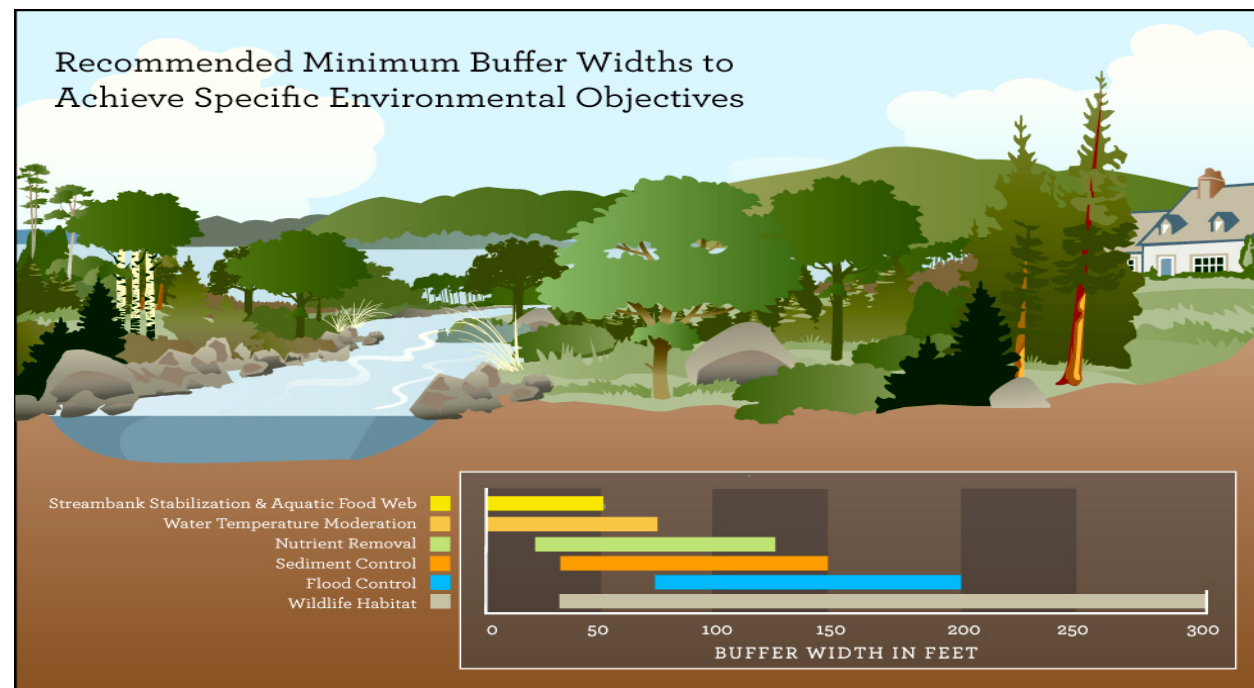
The FUND for Lake George has called upon the LGPC to expand this section to better assist landowners with voluntary restoration of stream corridors where streams have been put underground in pipes, placed in concrete troughs, all canopy have been removed, and otherwise degraded.

MYTH: The new rules will prevent landowners from cutting hazardous trees (dead, diseased and dangerous) in the stream buffer.

REALITY: The proposed stream corridor protection regulations do permit selective removal of dead, diseased and dying trees, or trees that are dangerous and a direct threat to human life or are blocking stream channels. In addition, removal of invasive species is permitted. The intent of minimizing the removal of dead trees, large woody debris and leaf litter in a stream is due to the fact that this organic material enhances the biotic integrity of the stream by maintaining stream structure and stability, and increasing the stream's productivity and capacity to process nutrients (dissolved nutrients from runoff become organic nutrients through decomposition). The presence of leaf litter and woody debris provide habitat and food for macroinvertebrates and fish. Forested buffers preserve wildlife habitat.

MYTH: I'll need to get a permit to mow my lawn if it's in the stream buffer.

REALITY: The regulations refer to the removal of vegetation that have benefits for stormwater management, habitat development and the streams ecosystem. Lawns generally do not help with stormwater runoff, habitat protection or in protecting stream ecosystems (shade, pools, vegetation along stream banks, etc.), which is why the removal of substantial vegetation is restricted within the riparian zone (0-50 feet) and outer zone (50-100 feet).



Source: Chesapeake Bay Program