



LAKE • GEORGE
WATERKEEPER®

PO Box 591, Lake George, NY 12845

TEL: (518) 668-5913 Fax: (518)-668-5915

EMAIL: mfo@lakegeorgewaterkeeper.org

[WWW.LAKEGEORGEWATERKEEPER.ORG](http://www.lakegeorgewaterkeeper.org)

July 24, 2008

Mr. Marc Migliore
New York State Department of Environmental Conservation
232 Golf Course Rd.
Warrensburg, NY 12885

Re: Lake George Association – Dredging of Foster Brook
Application No. 5-5324-00073/00001

Dear Mr. Migliore:

Please find attached concerns and comments regarding the general activities and necessity for the above referenced application advertised by the New York State Department of Environmental Conservation on June 18, 2008. The Lake George Waterkeeper realizes the comment period has concluded but the notice was posted while I was away from the office. Regardless, the Lake George Waterkeeper would like to make the Department aware of our objections to the application.

1. This office remains concerned about the continued issuance of permits for the reactive approach of dredging as a control measure for sedimentation in lieu of a more protective approach for watershed management consisting of proper review of site review, implementation of stormwater and erosion control measures and enforcement. For example, the majority of projects along the Foster Brook corridor lack stormwater management facilities to reduce runoff to the brook. Foster Brook is physically impacted by human activity. The stream has been lined with riprap and major portions are channelized before it enters Lake George. In fact, this section of the stream was recently reconstructed with a berm, which further restricts the stream's natural ability to expand and naturally remove sediment. Please refer to Attachment 1. All of these contribute to excessive erosion and sediment loading to Lake George which needs to be mitigated.
2. In lieu of proactive measures to reduce excess stormwater and sedimentation from entering the stream, an in-stream sediment basin has been installed in Foster Brook. In January 2006, a significant failure in the basin resulted in massive scouring and downstream flooding. This was a result of the extreme "flashy" nature of the stream that experiences substantial flow fluctuations as well as design flaws. Please refer to Photographs 2 and 3. The basin was reconstructed in the same location with more riprap used as stabilization. The Stream Assessment Project of the Lake George Waterkeeper has been monitoring these in-stream devices throughout the watershed and has found these devices may not reduce the amount of sediment entering the lake. Please refer to Photograph 4 which shows the bottom of the in-stream basin one year after reconstruction. Sediment does not appear to be accumulating in these devices. Is there any record of cleanouts of the basin

and the size and quantity of material removed? Additionally, these devices may have a variety of other impacts including unnatural temperature fluctuations, as well as reductions in aquatic communities, in stream habitat and food.

3. There has been no consideration of the preservation of a riparian buffer along the stream corridor, the most effective control measure for sediment removal. Please refer to Photograph 4, which depicts a complete removal of vegetative buffer along the stream corridor. The requirement of a buffer should be part of any sediment management program.
4. The Department needs to develop a management approach to the Lake George watershed to address the sediment impairment instead of issuing permits for dredging. Lake George and its tributaries have been listed on the 303(d) list for impaired water bodies which requires the development of TMDL studies for the improvement of the impairment. However, the Department has neglected its responsibilities under the Clean Water Act and has failed in addressing a single TMDL for Lake George or any of its tributaries.
5. The Lake George Waterkeeper monitored the recent dredging activities in Gull Bay in the Town of Putnam. Although the DEC has apparently stated there were no problems with the operations and compliance with the permit, this would differ from our assessment of the operations.
 - There were significant levels of turbidity outside the curtain as evident in Photographs 5 and 6. Due to this situation, it was determined an additional turbidity curtain was required. A curtain was not readily available and it one week to install the additional measure. However the dredging operations did not cease. This was contrary to Natural Resource Permit Condition 13 which states "If during dredging operations turbidity is produced outside of the containment area that causes substantial, visible contrast to the natural condition or results in a deposition of settleable solids, the permittee shall immediately cease work ...". This level of enforcement is unacceptable and the enforcement of permit conditions needs to be improved to protect water quality.
 - The dredging operations resulted in elevated levels of nutrients in the water column inside and outside the turbidity curtain including Total Phosphorous, Soluble Reactive Phosphorous and Total Nitrogen. For example, pre-dredging levels of TP were 4.4 mg/l and during operations, levels inside the curtain were as high as 85 mg/l and outside as high as 12 mg/l. Pre-dredging levels of TN were 0.11mg/l and during operations levels inside the curtain were as high as 0.74 mg/l and outside as high as 0.16 mg/l.
 - There was an obvious immediate impact to the aquatic life from this operation. I personally observed many young fish, one inch in length, within the turbidity curtain at the water surface seeking oxygen and apparently being suffocated from the dredging operations. How can this impact be mitigated?

It is apparent, despite the dialogue expressing concerns regarding this lake management practice, which the Department will continue to issue permits without consideration of improving proactive measures to reduce the sediment impact to Lake George. This is a disappointment. We encourage the Department to utilize their ability through the permitting process to implement proactive measures for sediment reduction for the protection of private and public property and water quality protection.

Thank you for the consideration of these comments. I look forward to working with the New York State Department of Environmental Conservation in defending the natural resources of the Lake George basin.

Sincerely,



Christopher Navitsky, PE
Lake George Waterkeeper

cc: Betsy Lowe – NYSDEC
Mark Sengenberger – Adirondack Park Agency
Curt Stiles – Adirondack Park Agency
Kevin Bruce – USACOE
Kevin Millington – NYS Department of State



PHOTOGRAPH 1

Foster Brook section indicating the installation of a berm to channelize the stream. Erosion is evident along the lower portions of the bank at the stream elevation.



PHOTOGRAPH 2

Photograph taken on January 30, 2006 depicting a washout of the recently constructed in-stream sediment basin. This basin was located on a bend in the stream.



PHOTOGRAPH 3

Photograph taken on January 30, 2006 depicting the lower portion of Foster Brook. Notice the area where the stream left its banks. This was a result of channelization, restriction from the bridge and above grade sewer pipe and material washed out from the basin.



PHOTOGRAPH 4

Cross-section of Foster Brook detailing a complete lack of riparian buffer. Along the stream bank there is evidence of trees stumps.



PHOTOGRAPH 5 & 6

Dredging operations at Gull Bay. Photographs taken on July 10, 2006 indicating elevated turbidity outside the curtain. It was determined on prior days that an additional curtain would be required to reduce the turbidity levels. However, operations continued in disregard of permit conditions.

