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Via Email: RPcomments@apa.ny.gov

May 16, 2025

Bart Haralson
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

**Re: APA Project 2025-0066; Heidi Hess
NYS Route 9N, Town of Bolton, Tax Parcel 156.20-1-58
Warren County**

Dear Mr. Haralson:

Protect the Adirondacks ("PROTECT") appreciates the opportunity to provide comments on the above-referenced project, which involves the proposed dredging of sediment from the bottom of Lake George around existing docks to allow for continued boat access and docking. The project is located in an area designated as Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map and requires an Adirondack Park Agency (APA) permit as a Class A regional project pursuant to Adirondack Park Agency Act §§ 809(2) and 810(1)(b)(1)(b).

While we understand the applicant's desire to maintain adequate access and docking capability, PROTECT opposes the proposed dredging of approximately 450 square feet of protected wetlands as part of this project. The application acknowledges that this wetland area includes wetland vegetation, confirmed by a July 2024 site visit by the applicant's consultant. The presence of wetland vegetation affirms the ecological sensitivity of the site and even minimal disturbance can have significant adverse ecological impacts.

The APA's wetland regulations clearly recognize the adverse impacts associated with dredging:

Dredging . . . wetlands, or removing soil, mud, sand, shells, or other aggregate from wetlands may increase water depth and remove wetland plant species, altering the basic substrate

Protect the Adirondacks

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characteristics. Wetlands may be eliminated by creating water levels too deep for wetland vegetation to survive. Fish and wildlife feeding or reproductive use may be altered. Water storage capacity may be increase while changes in coverytype, variability, turbidity, sediment deposition and substrate erosion may result.

9 NYCRR § 578.8(b).

The applicant claims that the impacts to the wetland will be “minimal,” but provides no analysis or evidence in support of this conclusion. On the contrary, since the wetland is located within the proposed dredging area, it is evident that the wetland vegetation will be directly disturbed and potentially destroyed in its entirety—an outcome that is clearly more than minimal, and in fact constitutes a loss of protected wetland functions.

Furthermore, no compensatory wetland mitigation plan has been submitted as part of this application. Given the recognized ecological value and regulatory protections afforded to wetlands, PROTECT urges the APA to either exclude the wetlands from the area to be dredged or require the applicant to submit a compensatory wetland mitigation plan.

In addition, the APA should require the applicant to remove the spillway that has been constructed on the shoreline, which currently discharges stream flow and stormwater from the applicant’s property directly into Lake George. This spillway is directing runoff laden with sediment, soil, and other materials into the lake and is situated less than 100 feet from regulated wetlands. Pursuant to ECL § 24-0701 and 9 NYCRR § 578.3(n)(2)(ii), the diversion of surface or subsurface drainage that adversely affects the natural hydrological regime or substantially increases erosion, siltation, or sedimentation into wetlands constitutes a regulated activity. The current configuration of the spillway appears to violate these provisions by contributing to sediment deposition into Lake George and adjacent wetlands. We therefore request that the APA require the applicant to implement a stormwater management control system on the property. This system must effectively prevent further transport of soils, stones, gravel, and other materials into the waters of Lake George and the wetlands which the applicant now seeks to dredge—ostensibly to “dig out material washed in from a stream.”

Furthermore, we urge the APA to ensure that the property fully complies with the minimum vegetative cutting requirements for shoreline properties under 9 NYCRR § 575.1, and that any retaining wall structures are in conformance with 9 NYCRR § 575.4. If the shoreline restrictions are not currently met, the applicant should be required to bring the property into full compliance as part of the current project review. As required under Executive Law § 806, the APA must ensure that shoreline restrictions are adhered to in the review of any project, particularly when there is ongoing or proposed development that may further impact protected resources.

On behalf of the Board of Directors of PROTECT, please accept our gratitude for the opportunity to share our comments on this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato", with a stylized flourish at the end.

Christopher Amato
Conservation Director and Counsel