

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: INVASIVE SPECIES SUB-COMMITTEE

DATE: SEPTEMBER 30, 2013

COMMITTEE MEMBERS PRESENT:

SUPERVISORS DICKINSON
CONOVER
MONROE
BENTLEY
MASON
FRASIER
LOEB

OTHERS PRESENT:

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS McDEVITT
MERLINO
MONTESI
TAYLOR
MICHAEL SWAN, COUNTY TREASURER
LEXIE DELUREY, DIRECTOR OF REAL PROPERTY TAX SERVICES
JEFF ANTHONY, LA GROUP
TRACEY CLOTHIER, LA GROUP
KEVIN FRANK, LA GROUP
DAVE WICK, EXECUTIVE DIRECTOR OF THE LAKE GEORGE PARK COMMISSION
ED GRIESMER, PRESIDENT OF THE LOON LAKE PARK DISTRICT ASSOCIATION
WAYNE BUTLER, BRANT LAKE ASSOCIATION
DOUG PATON, BRANT LAKE ASSOCIATION
JANE SMITH, EAST SHORE SCHROON LAKE ASSOCIATION
BILL MCGEE, EAST SHORE SCHROON LAKE ASSOCIATION
RICHARD NAWROT, EAST SHORE SCHROON LAKE ASSOCIATION
BOB HUNTZ, SUNNYSIDE LAKE RESIDENT
MATTHEW SIMPSON, TOWN OF HORICON
FRED AUSTIN, WARREN COUNTY RESIDENT
SAMANTHA HOGAN, LEGISLATIVE OFFICE SPECIALIST
DON LEHMAN, *THE POST STAR*
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Dickinson called the meeting of the Invasive Species Sub-Committee to order at 9:31 a.m.

Motion was made by Mr. Conover, seconded by Mr. Mason and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda were distributed to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Dickinson introduced Jeff Anthony and Tracey Clothier from the LA Group, a consultant group hired by the Lake George Park Commission (LGPC). He said the representatives from the LA Group were invited to the Committee meeting to explain the SEQRA (State Environmental Quality Review Act) process undertaken by the LGPC regarding the recently adopted mandatory boat inspections and/or washes on Lake George. Mr. Anthony introduced Kevin Frank, of the LA group, and said Mr. Frank was an Environmental Scientist. Mr. Anthony inquired on how the Committee would like him to proceed and Martin Auffredou, County Attorney, explained the Committee had envisioned an opportunity to hear the LA Group's perspective on the SEQRA process engaged in by the LGPC. Mr. Auffredou stated the County was considering taking similar action on a County-wide basis and if they did so, they would need to follow the SEQRA process, as well. He said he believed the Committee would like the LA Group to inform them of the science which had been engaged in, the data collected and how the process had begun and been completed.

Mr. Anthony advised the LGPC had completed research and studies prior to acquiring the services of the LA Group. He said the LA Group had entered into the process at the point that the LGPC had decided to adopt rules and regulations for boating on Lake George. He apprised the LA Group had suggested the LGPC deal with the issue as if it were an Environmental Impact Statement (EIS) because at some point the issue would require a Public Hearing. Mr. Anthony mentioned the LA Group commenced with research to determine what other communities had done when confronted with this issue. He said they had identified alternatives in order to decide which was the correct course of action for Lake George. He noted they had researched options from the no action option through the mandatory boat washing option. Mr. Anthony advised that a large amount of effort had gone into researching the economic impact of implementing the mandatory boat washing versus the economic impact of taking no action. He commented taking no action would result in a decrease in tourism and the associated sales and occupancy tax revenues. He stated the LA Group had researched several options involved with implementing the mandatory boat washing, such as the location of the boat washes. He explained the EIS had been completed with all of the information gathered before starting the Public Review process.

Mr. Loeb entered the meeting at 9:37 a.m.

Ms. Clothier advised a significant amount of time and effort had been expended on the no action alternative, including an Economic Impact Analysis which included the impact to property values. She said implementation of the mandatory boat washing would be complex, as there were 103 boat launches on Lake George. She reported that an intern of the LA Group monitored and mapped the location of all the boat launches. Mr. Frank pointed out the LA Group had joined the efforts after the SEQRA Positive Declaration had been received.

Mr. Dickinson requested an update from Dave Wick, Executive Director of the LGPC. Mr. Wick informed that two Public Hearings on the draft regulations had been scheduled for October 10, 2013. The first of which, he continued, was at 1:00 p.m. at Roaring Brook Ranch Conference Center in Lake George and the second was at 6:00 p.m. at the Best Western Inn in Ticonderoga. He noted the draft regulations and EIS were available on the LGPC website. He anticipated the draft regulations to be finalized this fall. He advised of the Commissioners of the LGPC had voted in favor of moving forward with a mandatory boat inspection program. He noted the State would need to approve the draft regulations before they could be finalized and they were hoping to receive funding from the State. Mr. Dickinson asked how long it would take to enact the new regulations once funding and approval were received and Mr. Wick replied the LGPC was hoping the regulations would be in place for 2014 if a determination was received by February.

Mr. Auffredou stated the LGPC had a different process than a municipality when enacting legislation. He explained the Commission had the State Administrative Procedure Act (SAPA) process and the County was governed by the County Law and the Municipal Home Rule Law, which was a more streamlined process. Mr. Auffredou asked if the Economic Impact Analysis had been prepared in response to the no action alternative under SEQRA or had it been due to the SAPA process. He said he felt the County would need to complete an Economic Impact Analysis regardless of whether the LGPC completed theirs for SEQRA or SAPA requirements. Ms. Clothier replied the Economic Impact Analysis was completed for both the SEQRA and SAPA processes and was part of the no action alternative analysis. She advised the Economic Impact Analysis was vital in proving that taking no action would effect the economy of the municipalities connected by Lake George. A brief discussion ensued.

Mr. McDevitt pointed out there were other factors which spread invasive species, such as septic systems and he asked if there were efforts to impose a uniformity of standards for the communities which surrounded the lake. He said improper septic systems could leach nutrients into the lake

which could contribute to the spread of invasive species. Mr. Dickinson informed the Town of Lake George was in the process of a sewer initiative for which they were cataloging all of the in-ground septic systems. He said the goal was to bring the systems up to a certain degree of standard. He stated all of the communities on Lake George were required by law to meet the standards set by the New York State Department of Health. He noted there was difficulty in applying the regulations. He acknowledged that septic systems contributed to the nutrient rich sand beds in which the Asian Clams thrived. Mr. Montesi stated the best time to have a homeowner upgrade their septic system was when they were selling their home. He said the difficulty was in determining which standards should be required. He pointed out a survey of 84 homes on Dunham's Bay had been completed and 53 of those homes had no record of the type of septic system in place. He reported grant funding had been received to assist homeowners in pumping their septic systems every other year. Mr. Montesi informed it would be necessary to form a taxing district in order to standardize the septic systems. A brief discussion ensued pertaining to septic systems.

Chairman Geraghty entered the meeting at 9:54 a.m.

Mr. Monroe stated it was critical to determine whether or not the County was interested in pursuing a local law so that they could move forward. He said if the intention was to have mandatory boat washes in place by next spring it was necessary to start the process. He acknowledged the septic systems contributed to the spread of invasive species; however, he pointed out that it was important to move forward with a plan to prevent further invasive species from entering the lakes.

Mr. Dickinson asked how long the process would take and Mr. Auffredou interjected the first step should be to obtain a consultant through the RFP (Request for Proposal) process. Mr. Auffredou pointed out that a lot of research had already been completed but further research would be required. He informed that SEQRA law stated that the SEQRA process must be commenced as early in the action as possible and if the County was in favor of a County-wide law then it was necessary to commence the SEQRA process. Ms. Clothier opined the bar had been set high and people were looking at Lake George as the model for mandatory boat washing. She said enacting a County-wide local law for mandatory boat washing would likely make Warren County the template for other counties to follow suit.

Mr. Bentley commented most of the County had been dealing with milfoil in the water bodies for years and they did not want additional invasive species. He said he felt most of the County was ready to move forward with preventative measures, such as mandatory boat washing. Mr. Monroe voiced his concern that if the process took too much time, there would be additional invasive species to deal with. Mr. Conover stated he would be interested to read the Lake Stewards Reports from this summer. He said his understanding was that they were still identifying new invasive species being brought to this area. Mr. Bentley commented it was just as important to wash boats coming out of waters containing invasive species, as it was to wash boats before they entered the water bodies. Mr. Dickinson agreed and pointed out that Lake George had five known invasive species and Brant and Loon Lakes only had one invasive species each.

Motion was made by Mr. Mason and seconded by Mr. Bentley to authorize the issuance of an RFP to obtain the services of a professional engineering environmental firm to act as a consultant to the County with regards to the SEQRA process, Environmental Impact Study and any other steps necessary in determining the best course of action to eradicate invasive species in the water bodies of Warren County, including the possibility of adopting a local law requiring mandatory boat washing.

Mr. Loeb pointed out that originally the focus had been solely on Lake George and he felt it was important to prevent invasive species in all water bodies in Warren County. Mr. Auffredou stated it

made sense to look at a County-wide mandatory boat washing local law to protect all of the water bodies in the County. Mr. Mason apprised the best way to attack the problem was on a regional basis and not a lake-by-lake basis. He agreed with Mr. Bentley that it was just as important to wash boats coming out of the waters as it was to wash those boats entering the waters. A brief discussion ensued.

Mr. Monroe stated it was important for Warren County to take the lead on this issue and to seek State and Federal support in eradicating invasive species. Mr. Bentley apprised he had requested funding for Brant Lake and Schroon Lake from the New York State Department of Environmental Conservation (NYS DEC) and the Adirondack Gateway Council and he was optimistic that funding would be awarded. Mr. Dickinson pointed out the issuance of an RFP for a consultant assumed the Board of Supervisors was interested in pursuing a local law for mandatory boat washing. Mr. Monroe opined it was important to look at the no action alternative to show the impact of doing nothing. Mr. Auffredou stated the County needed the assistance of a consultant in order to discuss all of the alternatives. Mr. Anthony said it was important to determine the means of implementing the mandatory boat washes and the cost of enforcement. He added this information should be included in the Economic Impact Statement. He said there had been discussion as to who the responsible party for enforcement of the mandatory inspections and boat washes would be. Mr. Auffredou apprised the Committee had discussed this issue in previous meetings and he felt this process would assist the County in determining the answers to many questions. Mr. Bentley commented that the County already had a local law prohibiting the transfer of invasive species into water bodies. Mr. Monroe informed he had discussed enforcement with Sheriff Bud York who informed that although he did not envision actually policing the boat launches, the Sheriff's Department would be responsive to complaints and would be available for enforcement.

Following further discussion on the matter, Mr. Dickinson called the question and the motion was carried unanimously to authorize the issuance of an RFP to obtain the services of a professional engineering environmental firm to act as a consultant to the County with regards to the SEQRA process, Environmental Impact Study and any other steps necessary in determining the best course of action to eradicate invasive species in the water bodies of Warren County, including the possibility of adopting a local law requiring mandatory boat washing. *The necessary resolution was authorized for the October 18, 2013 Board Meeting.*

Mr. Dickinson introduced Wayne Butler, President of the Brant Lake Association, and Doug Paton, President Emeritus of the Brant Lake Association. Mr. Butler said he was a full time resident of Brant Lake. He explained there had been major fund raising efforts by the Brant Lake Association to bring the milfoil under control. He said the efforts were continued every year through education and hand harvesting of the milfoil. He advised 800 pounds of milfoil had been removed from Brant Lake this year through hand harvesting. Mr. Butler informed that Brant Lake had a part-time Lake Steward Program and the Brant Lake Association would be in favor of a County-wide local law requiring mandatory boat inspections and washes. He commented neither the Town of Horicon nor the Brant Lake Association could afford to fight a major invasive species battle like Lake George was doing with the Asian Clams. Mr. Butler announced the Brant Lake Association had partnered with SUNY (State University of New York) Oneonta for the completion of a barometric bottom study of the lake this summer, in order to understand the nutrient loading capabilities and provide a more scientific approach to determine other invasive threats. Mr. Butler said almost all of the members of the Brant Lake Association favored a more controlled approach towards invasive species prevention and eradication.

Mr. Dickinson asked if the Brant Lake Association would have control of the boat launch in the Town of Horicon. Mr. Butler responded the boat launch was owned by the Town of Horicon and the

controlling entity was determined by the Town. He added the Town of Horicon had a lease with the NYS DEC which had since been terminated. Mr. Bentley advised there would be further negotiations with the NYS DEC. Mr. Butler explained there had been a 25 year lease with the NYS DEC and Mr. Bentley had informed them that renewal of the lease would not be automatic as the terms were no longer favorable to the Town. Mr. Dickinson asked if the Brant Lake Steward Program had been able to stop anyone from bringing in invasive species. Mr. Paton explained there were four part-time Lake Stewards who worked in alternating shifts, primarily for the long holiday weekends. He advised 750 boats had been inspected this summer and only one had milfoil on the trailer. Mr. Paton complimented the Invasive Species Sub-Committee and the Board of Supervisors on taking the steps necessary to make boat washes mandatory. A brief discussion ensued.

Jane Smith, of the East Shore Schroon Lake Association, explained Schroon Lake was bordered by three Towns in two different Counties. She added the Town of Horicon had a NYS DEC controlled boat launch on Schroon Lake. She advised that Richard Nawrot, of the East Shore Schroon Lake Association, was in charge of the Lake Steward Program. Mr. Nawrot noted because the NYS DEC controlled the boat launch which was open 24 hours per day, it was necessary to work in conjunction with them. He said thanks to the Town of Horicon, the boat launch had three Lake Stewards who worked 8 hours per day, 5 days per week. He added 2,400 boats had utilized the boat launch this year while the Lake Stewards were on duty. He presented examples of boaters who had posed potential invasive species threats. He said the boat launch required more Lake Stewards and additional coverage in order to prevent the spread of invasive species. He added it was necessary to encourage the NYS DEC to not grant 24 hour per day access to the boat launch. He informed 65% of the boats dealt with by the Lake Stewards were repeat users; however, he added, the other 35% were from other lakes and posed an invasive species threat.

Ed Griesmer, President of the Loon Lake Park District Association, apprised that Lake Associations were critical in dealing with invasive species. He said public outreach had been successful and the residents understood the importance of controlling the milfoil on Loon Lake. He reported the Loon Lake boat launch had been introduced in July of 2013 and was believed to be a critical prevention measure to reduce the introduction of invasive species. He pointed out the Loon Lake boat launch was manned with Lake Stewards from 6:00 a.m. until 6:00 p.m. daily. He said the regulations had been well received and the residents were supportive of mandatory inspections and boat washes if needed.

Mr. Montesi said the Town of Queensbury had two lakes for which taxing districts had been formed: Glen Lake and Sunnyside Lake. He explained Glen Lake had approximately 300 residents in the taxing district that paid \$197 per year. He added the funds were utilized to eradicate and prevent the further spread of milfoil on Glen Lake. Mr. Montesi stated Sunnyside Lake had also formed a taxing district; however, he continued, this was a smaller lake and the tax of \$95 per unit only raised approximately \$13,000 to fight the spread of milfoil. He explained \$30,000 to \$40,000 was needed for the entire lake and at the current taxing rate it would be an additional two years before anything could be done. Mr. Montesi requested a small portion of the \$300,000 earmarked in the County budget for the eradication of invasive species be allocated to the Sunnyside Lake taxing district.

Bob Huntz, resident of Sunnyside Lake, informed this was a small, 35 acre lake which did not allow the admission of power boats. He apprised most of the residents of Sunnyside Lake blamed the introduction of milfoil into the lake on Canadian Geese. He advised there were efforts to institute programs this spring to use herbicides and hand harvesting to control the milfoil. He stated the taxing district of Sunnyside Lake could afford the cost of maintaining the control of milfoil but could not afford the cost of eradication efforts. He anticipated the cost of removing the milfoil from the

lake to be approximately \$50,000 and an additional \$30,000 would be necessary to cover that cost. Mr. Huntz said once the initial expense was incurred, the taxing district would be able to afford the cost of maintenance.

Mr. Dickinson stated the County had earmarked \$300,000 for the eradication of invasive species but had not determined where the funds would be allocated. He said the Committee would take this request under advisement for funding next spring. Mr. Mason apprised this type of funding was what he had envisioned the County would use the budgeted funds for and he would be in favor of allocating funding to Sunnyside Lake. He thanked all of the people involved with the prevention and eradication efforts for their hard work and encouraged them to continue their efforts. A brief discussion ensued.

As there was no further business to come before the Invasive Species Sub-Committee, on motion made by Mr. Bentley and seconded by Mr. Loeb, Mr. Dickinson adjourned the meeting at 10:43 p.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist