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## Environmental concerns all but absent from APA boathouse debate

By CHRIS KNIGHT, Enterprise Senior Staff Writer

RAY BROOK - On Thursday, for the third time in four months, state Adirondack Park Agency commissioners will debate proposed regulations that would restrict the size and height of new boathouses in the Park.

On the agenda for 3 p.m. at Thursday's APA meeting in Ray Brook is a proposal that would amend the definition of "boathouse" in the agency's regulations as a structure no greater than 1,200 square feet in size and 15 feet in height. Commissioners and designees were deadlocked, 5-5, on a nearly identical proposal last month.

Some commissioners have said the 1,200-square-foot limit is too restrictive, will lead to "cookie-cutter" boathouses along Adirondack shorelines and will restrict the number of boats a person could own. Others think a 1,200-square-foot boathouse is too big and want a more restrictive size limit. Questions have also been raised about the agency's legal authority to define a boathouse using a size or height limit, since boathouses are generally exempt from the APA's jurisdiction.

Absent from much of the policy debate over the last four months, however, has been any real discussion or argument about the impetus for the regulations - the environmental impact of boathouses. Is it heavy enough to merit these steps?

"It's been lost in the debate, and that's unfortunate," said Dan Plumley, director of conservation programs for Protect the Adirondacks!, an environmental advocacy group.

Plumley said the shorelines of Adirondack lakes and ponds are the Park's most sensitive and least protected resource, and he says boathouse development threatens that resource.

"You're adding roof and impervious surface coverage right at the shoreline," Plumley said.

"You're building footers. You're affecting the littoral zone, where there might be some plant life, and fish habitat."

"It's not just the boathouse itself but what it brings close to the water," said Scott Lorey, legislative director of the Adirondack Council, another environmental group. "Whether it's people who are partying or chemicals, oil or gasoline - it brings all those things right to the water's edge, which are pollution concerns."

Plumley said the agency's staff needs to do a better job of pushing the science behind the proposed regulations.

"They should be providing the board with the best assessment they can of the impacts of shoreline development with respect to boathouses, how are they regulated to control or reduce impacts in other parts of the country and what are the best options here," he said.

In presentations to the public and the APA board, agency staff have said the revised boathouse regulations will help protect shorelines and water quality, but they haven't talked in detail about what effects the new rules are designed to prevent.

"If we haven't communicated that, certainly environmental impacts on shorelines are critically important," said APA spokesman Keith McKeever. "When you start to see more and more impervious surfaces and large structures in close proximity to water bodies, the science of common sense is going to lead you to understand that you're going to have impacts to water quality over time."

The one piece of research the APA has cited to support its proposed regulations is a 2003 report written by Sean Connin, the agency's former freshwater analyst. The report, which cites numerous other sources, doesn't specifically weigh the environmental impact of boathouses but talks about the importance of preserving vegetated buffers and limiting the amount of impervious surface along the Park's shorelines.

Some people aren't convinced that boathouses have enough environmental impact to warrant more regulation than what the agency already has in place.

"I think modern builders are pretty thoughtful about shoreline protection, and not digging into the land and building (boathouses) out over the water," said APA Commissioner Arthur Lussi, whose family owns two large boathouses on Lake Placid. "They haven't clear-cut the shorelines, for the most part, to create them."

If there are more significant effects commissioners should be concerned about, Lussi said he doesn't think the board has been given that information. He said he's seen Connin's study referenced in agency documents but hasn't been given a copy of it.

"For us to decide how big a boathouse should be, and how it affects the environmental quality, I'm not a qualified scientist to be able to tell you what the impacts are," Lussi said. "We really haven't gotten analysis about that."

Fred Monroe, executive director of the Adirondack Park Local Government Review Board, said prior revisions to the APA's boathouse definition that outlawed plumbing, kitchen, bathroom and living space in boathouses were understandable because of the potential pollution associated with those uses. He said the square footage requirement now proposed by the agency "does not seem to be related to a valid environmental concern."

Bill Hurley, chairman of the Lake Placid-North Elba Joint Review Board, which reviews boathouse applications on Lake Placid, said he doesn't think boathouses have a significant environmental impact.

"Most boathouses sit on piers, so when piers are driven there's some silt and dirty water, but that's not a long-term impact," Hurley said. "As long as you are on piers and are not disturbing the shoreline, fish can swim underneath it and get to their spawning areas. I don't see a large impact."

But McKeever argues that the APA is trying to avoid the cumulative impact of more and larger boathouses.

"If you're looking at one individual boathouse on a lake, it may not have significant environmental impact," he said. "But when you start to see more and more large structures, you're going to have a loss of the ability to control erosion, and a loss of habitat for wildlife. It also becomes extremely hard to ensure things like plumbing, septic systems and bathroom facilities are not being placed inside these structures."

It's unclear just how the latest proposal will be received at this week's agency meeting. The only significant change that's been made since the May meeting is the addition of new language that would exempt boathouses permitted by the Lake George Park Commission from the size and height limits.

The makeup of the APA board has also changed in the past month. William Valentino will assume the out-of-Park seat formerly held by Commissioner James Townsend, who has supported the size and height limits.

Commissioner Lani Ulrich was also absent from last month's meeting; if she had been there, her vote could have broken the tie. McKeever said Ulrich is expected to attend Thursday's meeting.

Lussi said he doesn't think the issue should even be back on the agenda.

"I feel we've heavily debated it and we resolved that we didn't think it was an appropriate time to implement the proposed policy," he said. "I thought that was enough. Obviously I was wrong, and I guess we'll have to hash it out again."

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