Upper Saranac Foundation

It still is, and always will be, about Water Quality.

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Mr. John M Burth
NYS Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Re: Lot 9 Development: Deerwood Subdivision (Town of Santa Clara, Franklin Co. NY)
Tax Map Section 443.1, Block 4, Parcel 9
Deerwood Lane
Owner Paul Leinwand

Mr. Burth:

My name is Tom Swayne and I am the President of the Upper Saranac Foundation (USF). The USF is a nonprofit, science guided advocacy organization addressing priority threats that jeopardize the natural character, environmental quality, and recreational enjoyment of the Upper Saranac Lake (USL) watershed.

The USF has a long history of natural resource stewardship and advocacy for the protection of the waters of the USL. Examples of our advocacy include:

- Maintaining the Bartlett Carry Dam to assure consistent water levels. Without USF stewardship of the dam water levels would be four to five feet lower.
- Actively monitoring and managing Aquatic Invasive Species (AIS) in the watershed. As a result, AIS have been kept at bay and the USF is now considered a National leader when it comes to AIS management. Over the years, the USF has invested over 3.5 million dollars on AIS control and spread prevention on USL and its tributaries.
- The USF funds water quality monitoring so that sound watershed management decisions can be made. The result of all this research is that the Upper Saranac Lake is one of the most intensively studied lakes in the Adirondacks, if not the country.

I am writing to you today on behalf of our Board of Directors of the USF. The Board has learned of a proposed permit amendment (1988 APA Permit #87-74 and 1992 supplemental permit #87-74A) and would like to express their real concerns about this proposal. In short, the USF Board strongly opposes this amendment. We believe that there would be direct adverse impacts with the proposed modifications, and that the result would be an accumulation of adverse effects which could severely impact the water quality of the entire lake.

As the Board understands it, the current proposed amendment/variance deals specifically with a proposed septic system. But, as a result of a Freedom of Information Law (FOIL) search, the Board is also aware that the property owner and the APA have corresponded and discussed a series of other related amendments and variances. The Board is immediately concerned about the current proposed amendment, but it is even more alarmed about the piecemeal approval strategy being discussed.

Apparent amendments/variances discussed in correspondence include:

- An on-site system septic system
- A reduction of the septic setback from the minimum required 200-foot from the wetlands to 100 feet.
- Five-bedroom home within 100 feet from a sensitive wetland –terminating existing trails systems that are part of the HOA
- Garage / apartment
- Extensive tree removal where the permit prohibits vegetative cutting or other disturbances within the boundaries of the wetlands
- Construction of a hardened, contiguous boardwalk encroaching into the sensitive wetlands where the permit prohibits construction of walkways more than 100 sq. feet.
- Construction of a boathouse where the current permit prohibits boathouses; only allowing for a single dock not exceeding 30 feet.

To start, the USF Board disagrees with the APA that permitting for a single septic amendment constitutes a "NON—MATERIAL CHANGE". Any proposed septic system in a sensitive area adjacent to the lake must be thoroughly scrutinized and should never be viewed as "non-material".

Secondly, and even more alarming, is that fact that the APA is fully aware that this property owner's goal is to make a series of changes which individually and collectively are concerning.

Thirdly, because of the unreasonably short public comment period, many interested parties and USL shore owners are unaware that this action is pending. Obviously, informing and then, providing people reasonable time to respond would have been far more normal and correct.

Clearly, the full scope of what is being proposed is material. Further, because of the importance of what is being proposed, a full proposal should be required outlining the project, in its totality, instead of in incremental piecemeal amendments.

Back in 1988 when the Deerwood subdivision was approved, the APA clearly understood the unique and sensitive characteristics of the property. They recognized that the 25-acre wetland complex and pond, had tremendous significance to the water quality of the USL. The science showed that the wooded wetland lot also contains inter-digitized streams beneath bog mats that empty directly on the shoreline of Lot 9. The APA knew that this unique wetland complex included species indicative of a high-quality and biologically diverse wetland and, that these mats served as buffers and filters that protect the fragile water quality of the lake.

The USF Board believes that these proposed amendments will severely disrupt the fragile wetland ecosystem and have an undue adverse impact to the shoreline and the lake. Also, these disruptions to the ecosystem will certainly impact the water quality of USL. With no effective buffer, the proposed on-site septic system will increase loading of nitrogen and phosphorus into the on-site streams and

ultimately the USL. The proposed removal of trees will decrease the capability of the wetlands to absorb, filter, and slow nutrient rich runoff into the lake. Finally, the proposed vegetative clearing will have a disruptive impact on wildlife including loon nesting sites.

It should be noted that all other property owners who purchased Deerwood subdivision lots did so knowing what the restrictions were and have abided by the guidance provided in the APA permit. For the benefit of the Lake, so should the developers of lot 9.

Based on all our investment, our monitoring and our long-term knowledge of USL and the watershed, the USF Board sees this permit amendment as a direct threat to USL. Further, we believe that an APA approval, in this instance, would set a dangerous precedent for future actions at the Agency.

If you have any questions, please contact our Lake Manager, Guy Middleton. Guy has an extensive understanding of Upper Saranac Lake and the watershed. Guy's contact information is:

Guy Middleton
Lake Manager, Upper Saranac Foundation
lakemanager@usfoundation.net
518-796-1052

Sincerely,

Tom Swayne
President, Upper Saranac Foundation

cc:
Andrew McGill, Supervisor, Town of Santa Clara
Milt Adams, APA, Environmental Specialist 1