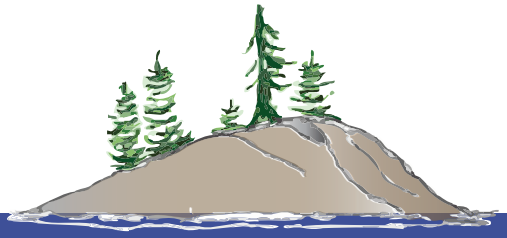
Upper Saranac Foundation

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



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June 19, 2024

Erin Donhauser
NYSDEC Region 5 Headquarters
1115 St Rte 86
Ray Brook, New York 12977
dep.r5@dec.ny.gov
(via electronic submission)

Re: DEC Project No. 5-1652-00216/00003 USL Marina LLC, Permit(s) Applied for:
Article 15 Title 5 Docks, Platforms & Moorings | Navigation Law Article 3, Section 35-a
Floating Objects other than Aids to Navigation

I am the President of the Upper Saranac Foundation (USF), which is a science guided advocacy organization charged with the protection and preservation of the Upper Saranac Watershed. While the USF is not opposed to the presence of a marina in the watershed, we believe the proposed marina project cannot be approved by the NYSDEC without a carrying capacity study of the Saranac Watershed Complex including Fish Creek Ponds and Upper Saranac Lake as stated in the Adirondack Park State Land Master Plan and the Saranac Lakes Wild Forest Unit Management Plan.

The proposed expanded marina is located on the 79-acre Lower Fish Creek Pond, which is adjacent and connected to Upper Saranac Lake by way of a narrow .85-mile channel. Expanding a marina with the capacity to dock 92 watercrafts will undoubtably increase boat traffic on both Lower Fish Creek Pond and Upper Saranac Lake. What remains unknown is what impact this expansion will have on the ecosystem, water quality, and on landowners and visitor experiences.

The NYSDEC cannot determine compliance with ECL-15 6 NYCRR Part 608.7(4) and grant a permit without first understanding the environmental impacts on; aquatic and wetland habitats, water quality and erosion, and safe commercial and recreational use of the water resource. A comprehensive carrying capacity analysis addressing these concerns is the only way to determine the impact of the proposed marina expansion.

The Adirondack Park State Land Master Plan (APSLMP) states clearly that carrying capacity analyses are needed for Adirondack lakes and ponds:

> *"A comprehensive study of Adirondack lakes and ponds should be conducted by the Department of Environmental Conservation to determine each water body's capacity to withstand various uses, particularly motorized uses and to maintain and enhance its biological, natural, and aesthetic qualities... The importance of the quality of these resources cannot be overemphasized*." (p.4)

A second key document which supports the need for a carrying capacity study is the Saranac Lake Wild Forest Unit Management Plan (SLWF-UMP) that was adopted in 2019. The SLWF-UMP, inclusive of Lower Fish Creek Pond and its channels to other lakes in the unit, explains that motorboats "*have the potential to cause a greater variety and more significant impacts than non-motorized watercraft." (page 75).*

Like the APSLMP, the SLWF-UMP identifies the importance of water body carrying capacities study, stating that:

"APSLMP recognizes the importance of waterbodies to the Adirondack Park and that these waters have a carry capacity just as land resources do. An action recommended in the APSLMP is for the Department to conduct a comprehensive study..." "An effort to conduct this was the study Adirondack Park Forest Preserve Carrying Capacity of Water Bodies Study: Phase 1 – Selecting Indicators for Monitoring Recreational Impacts, released in 2011" (p. 75).

The Adirondack Park Forest Preserve Carrying Capacity study monitored the ecological and social impacts of recreational use on water bodies using nine pilot waterbodies in the Adirondack Park, one being Fish Creek Pond. Findings for Fish Creek indicated that:

"Fish Creek was in the highest category for recreation use and development impact score, capable of producing physical, chemical, and biological Impacts. (Table 11 - p.64) and a high proportion (97%) of shoreline disturbance" (Table 12 - p.66).

As further evidence of the essential need for carrying capacity studies, we reference the decision in the recent lawsuit; Thomas Jorling vs Adirondack Park Agency, New York State Department of Environmental Conservation, and LS Marina, LLC, 214 AD3d 98 (3d Dept. 2023). The Appellate Division found that it was "*inexplicable that a carrying capacity study had not yet been completed for the Saranac Chain of Lakes".*

As co-stewards of the Upper Saranac Watershed, the USF sincerely hopes that our two organizations can collaborate in protecting this special resource for generations to come. On behalf of the Board of Directors of the Upper Saranac Foundation, we thank you for considering our comments and concerns regarding the permitting of the USL Marina, LLC, expansion.

Sincerely,

Tom Swayne
President, Upper Saranac Foundation
P.O. Box 564
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