

LAKE GEORGE PARK COMMISSION
PROJECT SYNOPSIS
Meeting Date 11/23/2021

Applicant Lake George Park Commission	Facility: Waters of Lake George	Parcel
Application # NR21-000001 New Recreational Use	Lakefront	Location
Date Received 10/08/2021	SEQR Type Unlisted Action	Comment Period Ends 10/23/2021

Project
New Recreational Use: Evaluation of motorized boards as a new recreational use on Lake George (eg. jet board, efoil, eSUP)

Background

A new type of watercraft commonly referred to as an eFoil or jet board, essentially an electrically powered surfboard, has been introduced to the waters of Lake George. This activity, having not been introduced to the waters of Lake George as of January 1, 1991, represents a New Recreational Activity or Use. Pursuant to 646-1.4(a)(a), no person shall operate or engage in any new recreational activity without first obtaining a special permit from the Commission. Due to the potentially diffuse use of this hand-launched craft, rather than review these on an individual user basis akin to Tour Boats, this application represents the Commission's review of this new recreational activity as a whole for suitability on the waters of Lake George.

In accordance with NYS Navigation Law, these type of craft are considered "Specialty Prop-Craft" or "Personal Water Craft" depending on whether they are set in motion by a propeller or a water jet pump, respectively. Navigation Law regulates these uses. Existing restrictions governing these uses are outlined in the following pages and include requirements for boater safety certifications, PFDs, and daytime use, among others. Additionally, pursuant to Navigation Law section 45(2), these vessels are restricted such that they may not "be operated within one hundred feet of the shore, a dock, pier, raft, float or an anchored or moored vessel at a speed exceeding five miles per hour..."

Example vessels may be found at the following links:

- eFoil: <http://liftfoils.com/efoil/>

- jet board: <http://www.radinn.com/>

For reference, the most recent study on Recreational Uses on the Lake may be found here: <http://lgpc.ny.gov/recreational-use-lake-george>

There is no apparent jurisdiction for the municipalities, APA, or DEC.

This review represents a major project, and public notice has been published in the Environmental Notice Bulletin and distributed to the Village Mayor, Town Supervisors, and code enforcement officials around the Lake. No public comments have been received.

Regulatory Determinations

SEQRA: This is an Unlisted Action pursuant to SEQRA. Review is uncoordinated. A draft negative

declaration has been prepared by staff.

LGPC REGS: Section 646-1.5 General Provisions Applicable to Special Permits.

(a) Prior to the issuance of any special permit pursuant to the provisions of this Subpart, the Commission may require submission of information necessary to determine whether the proposed activity will result in overcrowding, congestion, safety hazards or impair the water quality or other environmental resources of the Park. This may include, but not be limited to, specifications on the craft, its power, maneuverability, craft speed, equipment, noise output, lighting, wake, proposed operation including points of departure and landing, course, speed of operation and hours of operation.

(b) The Commission may require the submission of alternative design, equipment or methods of operation to mitigate specific impacts identified by the Commission.

Overview of Existing Restrictions Governing Use of Motorized Boards in NYS Navigation Law

The following applies to Specialty Prop-Craft and Personal Watercraft in NYS Navigation Law:

2251-1- NYS Registration- Vehicle and Traffic Law- No person shall operate or permit the operation of a vessel on the navigable waters of the state unless such vessel is registered and numbered and bears a current validation sticker in accordance with the provisions of this article.

45.2 Except as provided in section forty-five-cc of this part, no vessel shall be operated within one hundred feet of the shore, a dock, pier, raft, float or an anchored or moored vessel at a speed exceeding five miles per hour, unless such vessel is being operated near such shore, dock, float, pier, raft, or anchored vessel for the purpose of enabling a person engaged in water skiing to take off or land.

49.1-a.a Boater's Safety Certificate- No person shall operate a specialty prop-craft upon the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau and Suffolk counties unless the operator is fourteen years of age or older and the holder of, or is accompanied by a person over eighteen years of age who is the holder of a boating safety certificate issued by the commissioner, the United States power squadrons, the United States coast guard auxiliary, the United States sailing association for a powerboating course or courses which are approved by the commissioner, or other state or government, as a result of completing a course approved by the commissioner.

49.1ab- Allow Operation w/o safety Certificate- No person who is the owner of a specialty prop-craft shall knowingly authorize or permit the operation thereof on the navigable waters of the state or any tidewaters bordering on or lying within the boundaries of Nassau or Suffolk counties unless the operator is fourteen years of age or older and the holder of, or is accompanied by a person over eighteen years of age who is the holder of a boating safety certificate issued by the commissioner, the United States power squadrons, United States coast guard auxiliary, the United States sailing association for a powerboating course or courses which are approved by the commissioner, or other state or government, as a result of completing a course approved by the commissioner.

73-a 1(a)- PFD- No person shall operate a specialty prop-craft unless each person riding on such vessel is wearing a securely fastened USCG approved personal flotation device.

73-a 1(c)(ii)- Whistle-Must be equipped with a sound producing device

73-a 1(c)(iii)- Distress Flag- Must be equipped with a visual distress signal

73-a 1(d)- Lanyard- Any person operating a specialty prop-craft equipped by the manufacturer with a lanyard type engine cut-off switch shall attach such lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel.

73-a 1(e)- Times- No person shall operate a specialty prop-craft at any time from sunset to sunrise.

73-a 1(f)- Swim Areas- No person shall operate a personal watercraft or a specialty prop-craft within five hundred feet of any designated bathing area, except in bodies of water where the opposing shoreline is less than five hundred feet from such designated area and in accordance with speed regulations and restrictions as provided by local law or ordinance but in no event at a speed in excess of ten miles per hour, provided, however, that nothing contained in this subdivision shall be construed to prohibit the launching of such vessel from designated launching area or sites.

73-a 1(g)- Reckless- Every personal watercraft and specialty prop-craft shall at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, (i) weaving through congested vessel traffic, or (ii) jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, or (iii) swerving at the last possible moment to avoid collision shall constitute reckless operation of a vessel, as provided in section forty-five of this article.

Project:	New Rec Use: Electric Surfboard
Date:	

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

NYS Lake George Park Commission

Name of Lead Agency

Joe Thouin

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Environmental Analyst

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)

617.21
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: NR21-000001

Date:

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Lake George Park Commission has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: New Recreational Use: Evaluation of motorized boards as a new recreational use on Lake George (eg. jet board, efoil, eSUP)

SEQR Status: Unlisted Action

Description of Action: New Recreational Use: Evaluation of motorized boards as a new recreational use on Lake George (eg. jet board, efoil, eSUP)

Location: Waters of Lake George

Reasons Supporting This Determination:

A new type of watercraft commonly referred to as an eFoil or jet board, essentially an electrically powered surfboard, has been introduced to the waters of Lake George. This activity, having not been introduced to the waters of Lake George as of January 1, 1991, represents a New Recreational Activity or Use. Pursuant to 646-1.4(a)(a), no person shall operate or engage in any new recreational activity without first obtaining a special permit from the Commission. Due to the potentially diffuse use of this hand-launched craft, rather than review these on an individual user basis akin to Tour Boats, this application represents the Commission's review of this new recreational activity as a whole for suitability on the waters of Lake George.

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The waters of Lake George, all land lying under such waters and within 500 feet of the mean high-water mark of such waters, and wetlands located adjacent to the waters of Lake George and all land within 500 feet of such wetlands are designated a Critical Environmental Area pursuant to Section 617.4(h) of the State Environmental Quality Review Act regulations (6NYCRR) and 645-3.8 of the Lake George Park Commission regulations (6NYCRR).

The reason for this designation was and is to afford increased protection of a unique resource of state-wide significance and to recognize and protect the exceptional natural beauty, scenic quality, water quality, fish & wildlife habitat, historic significance, recreational resources and ecological sensitivity of the Lake.

For Further Information:

Contact Person: Joe Thouin

Deputy Permit Administrator

Lake George Park Commission, PO Box 749, Lake George NY 12845

Telephone Number: 518-681-0934 Fax (518) 668-5001 E-mail: joe@lgpc.state.ny.us