

FINAL SCOPE
FOR THE
DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
(DSGEIS)
FOR THE LAKE GEORGE DELTAS SEDIMENT MANAGEMENT/SHORELINE
RESTORATION PROJECT

PURSUANT TO 6NYCRR PART 617.9, TITLE 6, NYCRR
July 6, 2011

Lake George Delta Dredging Proposals

Project Names and Numbers: Finkle Brook 5-5220-00346/00001
Hague Brook 5-5226-00159/00001
Indian Brook 5-5220-00035/00005

PURPOSE AND SCOPE

This document presents the scope of the issues and analyses to be included in draft Supplemental Generic Environmental Impact Statement (draft SGEIS) for the Lake George Deltas Sediment Management/Shoreline Restoration Project. It has been prepared pursuant to the requirements of the State Environmental Quality Review Act, or SEQRA (Article 8 of the Environmental Conservation Law with implementing regulations at 6 NYCRR Part 617). This draft SGEIS is a supplement to the Final Generic Environmental Impact Statement for the Lake George Deltas Sediment Management/Shoreline Restoration Project that was previously accepted by the Lake George Park Commission, as lead agency, on April 20, 2004 (FGEIS).

The primary goal of scoping is to focus the DSGEIS on potentially significant impacts and to eliminate consideration of those impacts that are irrelevant or not significant.

This document reflects the findings of the DEC as lead agency with respect to the scope of relevant and significant issues to be included in the DSGEIS for the Lake George Deltas Sediment Management/Shoreline Restoration Project.

Section 2 briefly describes the proposed action.

Section 3 provides a summary of the various measures provided for notification and solicitation of public participation in the scoping process.

Section 4 provides a listing of potentially significant adverse impacts that have been identified to-date, an identification of mitigation measures, and reasonable alternatives that will be considered in this DSGEIS.

Section 5 provides an identification of information/data that will be included in an appendix rather than the body of the DSGEIS.

Section 6 identifies prominent issues that were raised during scoping and determined to not be relevant or not environmentally significant or that have been adequately addressed in a prior environmental review.

DESCRIPTION OF THE PROPOSED ACTION

Sediment deltas have formed along the shoreline of Lake George at locations where brooks discharge into the lake. The brooks carry sediments derived from human and naturally occurring forces within the watershed. As the brooks empty into the lake, the water velocity decreases, causing sediments to drop out and accumulate in the near-shore areas.

The potential environmental impacts of the delta remediation project were analyzed in the FGEIS, and findings issued on May 25, 2005. In the GEIS, the environmental review was focused on two methods for removing the sediment, “conventional mechanical removal” and “hydraulic removal” As described in DGEIS section 3.2 and the depicted on the conceptual plans, conventional removal would be carried out by excavating the delta sediments from the lake bottom, using clamshells or other excavating equipment located on barges. The sediments would then be placed in roll-off boxes located on other barges, which would then be transported to the designated upland transfer location for that project. Hydraulic removal would be carried out by pumping sediments from the lake bottom using a hydraulic dredge mounted on a barge. Sediment slurry would be pumped through flexible floating pipelines to a temporary onshore pretreatment area, where the sediments would be dewatered. The clean water would then be returned to the work site via a second line.

The scope of the proposed action is to examine alternative methods of dredging and any potential environmental impacts, not previously discussed. Particularly, mechanical dredging from access pads, in-water mechanical dredging, suction-dredging, and establishing a minimum criteria and potential environmental impact thresholds for sediment removal generally.

The specific project being contemplated as part of the proposed action is the mechanical excavation of sediment by tracked excavators operating from atop access pads constructed with dredged material. The Finkle Brook delta project involves an expected sediment removal of 8,217 +/- cubic yards over 3 +/- acres of delta surface area. The Hague Brook delta project involves an expected sediment removal of 27,347 +/- cubic yards over 9.8 +/- acres of surface area. The Indian Brook delta project involves an expected 25,000 +/- cubic yards of sediment removal over 8.3 +/- acres of delta surface area.

POTENTIAL SIGNIFICANT ADVERSE IMPACTS, REQUIRED INFORMATION, INITIAL MITIGATION MEASURES AND REASONABLE ALTERNATIVES

In reviewing the potential significant adverse impacts associated with the proposed action, the SEIS will be limited to the comparison, evaluation, and recommendation of the different dredging methods, as the dredging itself, and a majority of the impacts from dredging in general have already been considered previously in the duly adopted GEIS. Moreover, the original GEIS previously considered potential environmental impacts on the area within the “controlled work zone” and found that these areas would be impacted and focused the environmental review on impacts outside of the silt curtains and potential impacts post-dredging, once the silt curtains have been removed. To further this discussion, the SGEIS will address practices for reducing the potential for algae blooms and colonization by non-native aquatic species by avoiding the creation of unnatural bed conditions resulting from the dredging and prolonged work area containment. The SGEIS shall analyze all measures to mitigate the impacts from the physical reorganization and biological availability of suspended sediment-bound and soluble nutrients that occurs during the dredging operations, including an analysis of removing the work area containment curtains to disperse nutrients remaining in suspension.

Potential Significant Adverse Impacts:

1. Water quality and benthic impacts resulting from the construction of in-lake roads built with dredged materials, and from the operation of mechanized excavating and support equipment directly in the lake.
2. Creation of an unnatural and fertile lake bed resulting from the dredging activities and subsequent prolonged containment of the work area, adding to the increased potential for colonization by non-native aquatic nuisance species.

Potential Mitigation Measures

1. Minimize on-shore work area requirements, land disturbance
2. Restore work site to existing or improved conditions
3. Use excavated sediments for land reclamation
4. Develop/implement sediment and erosion control plan for on-shore work activities
5. Provide transition of slope to shoreline
6. Use of silt curtains – type, effectiveness, recommended extent and duration of use
7. Provide post-remediation substrate that is less advantageous for colonization by non-native aquatic species
8. Provide post-remediation plantings to lessen the opportunity for colonization by non-native aquatic species
9. Continue upland erosion and sedimentation control initiatives to reduce the sediment and nutrient transport into the lake

Reasonable Alternatives To Be Considered

1. Comparison/evaluation/recommendation of possible dredging methods, including operation of equipment directly on the deltas.
2. Sediment and nutrient source control initiatives, including clarification of the FGEIS’ alleged pre-requisite to the removal of the deltas.
3. No-action alternative

INFORMATION / DATA FOR INCLUSION IN AN EIS APPENDIX

The following information / data will be included as an appendix to the DSGEIS rather than being included within the body of the DSGEIS.

1. Pertinent Correspondence
2. Delta Management Plans

PUBLIC NOTIFICATION AND SOLICITATION

The public comment period was established by the DEC for receipt of written public scoping comments. The public comment period ran from May 18, 2011 to June 6, 2011. Public notification of the public comment period was provided by the DEC within its notification and publication of the Positive Declaration on April 25, 2011. A copy of the Positive Declaration was provided by the DEC to the following:

- NYS Adirondack Park Agency
- NYS Office of General Services, Bureau of Land Management
- NYS Environmental Facilities Corporation, Division of Engineering, Metropolitan Project Section
- NYS Office of Parks, Recreation and Historic Preservation
- Lake George Park Commission

A notice of the Positive Declaration was published in the Environmental Notice Bulletin on May 4, 2011. A notice of the Public Scoping Meeting ran in the Environmental Notice Bulletin on May 18, 2011.

A public scoping meeting was held on May 25, 2011 to solicit public input with respect to the scope. Public notification of the Public Scoping Meeting was provided by the DEC as part of its publication and notification of the Positive Declaration of April 25, 2011.

PROMINENT NON-RELEVANT OR PRIOR-REVIEW ISSUES

The DEC, as Lead Agency, has determined that the following issues that were raised during the SEQR scoping process are not relevant or have been adequately addressed in a prior environmental review.

1. *Storm water management implementation measures for the reduction of sedimentation near the sources. The need for stream corridor management regulation. The need to adequately mitigate watershed erosion and sedimentation and the potential for future delta reduction*

These topics were addressed in the GEIS, as a function of the sediment management aspect of the analysis, in the absence of any proposed project. However, the three projects under this SEQR review are for the removal of delta sediments in the lake. Dredging is not a watershed management tool - rather it is a delta management tool. The direct and indirect impacts from these delta removal actions do not cause, or have potential to cause erosion, siltation and sedimentation in the watershed, and therefore is not required to be considered as a requisite for dredging. However, upland erosion and sedimentation control initiatives to reduce the sediment and nutrient transport into the lake must continue, to minimize contribution to the delta areas and maximize long-term benefits of the dredging.

2. *Development of TMDLs for Lake George as required under the Clean Water Act.*
Sediment is the only pollutant for which Lake George and its tributaries are 303(d) listed. For all intents and purposes, the water quality standard for sediment in the Lake George watershed is none in any amounts from manmade sources. Also, ECL 17-1709 prohibits point source discharges in the basin. Given these factors, a TMDL would be moot because the allocated load of sediment from controllable point and nonpoint sources would both be zero. EPA Region 2 has verbally agreed with this philosophy.

3. *Generic potential environmental impacts of dredging.*
The merits and potential environmental impact of dredging has been addressed in the GEIS. The primary scope of this review will be the comparative analysis of the different methods of dredging and the various potential environmental impacts that may result from the different methods. Moreover, there were a number of substantive comments that were included in the response letters to the draft scope. These comments will be included in the Draft Supplemental EIS and responded to where appropriate.