MEMORANDUM OF UNDERSTANDING
Between
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
and
The LAKE GEORGE PARK COMMISSION

This Memorandum of Understanding (MOU) is entered into on the 21st day of April 1997 between the Lake George Park Commission (LGPC), PO Box 749, Fort George Road, Lake George, New York 12845 and the New York State Department of Transportation (NYSDOT), Region One, 84 Holland Drive, Albany, New York 12208.

WHEREAS, Chapter 617 of the Laws of 1987, which became effective on January 1, 1988, amended Article 43 of the Environmental Conservation Law (ECL) and directed the LGPC specifically in ECL §43-0112 to promulgate rules and regulations relating to Stormwater Management within the Lake George watershed for the purpose of protecting the people, resources and water quality of the Lake George Park, and

WHEREAS, Stormwater Management regulations of the LGPC were promulgated on September 19, 1992 as Subpart 646-4 of Title 6 New York Compilation of Rules and Regulations (NYCRR). The regulations prescribe standards for the design of stormwater control measures which are to be part of development or projects within the Lake George Park, and

WHEREAS, NYSDOT and LGPC have a common interest in protecting the people, resources and water quality of the Lake George Park while recognizing the importance of providing the public with adequate, safe, efficient and balanced transportation at a reasonable cost to the people of the State of New York. The NYSDOT’s administration of the State highways within the Lake George Park provides a unique opportunity to improve Stormwater Management consistent with the purposes of Chapter 617 of the Laws of 1987, and
WHEREAS NYSDOT regularly employs stormwater management control practices in its projects in the Lake George Park by implementation of existing NYSDOT statewide standards and specifications for stormwater management and erosion control, and

WHEREAS, the NYSDOT and LGPC desire to enter into an agreement for the efficient fulfillment of their respective missions within the Lake George Park with the best possible coordination and minimum duplication.

NOW THEREFORE IN CONSIDERATION OF THE FOREGOING IT IS AGREED by NYSDOT and LGPC as follows:

1. Stormwater Management provisions associated with the construction and development of new State highways and realignment of existing State highways within the Lake George Park shall be designed by NYSDOT in accordance with the design standards for new construction contained in 6 NYCRR Subpart 646-4 or amendments thereof, with due allowance for variation as may be necessary for good cause;

2. NYSDOT and LGPC shall within three months of this MOU establish a working group to develop generic “Stormwater Management Guidelines” for NYSDOT activities undertaken within the Lake George watershed. The “Stormwater Management Guidelines” shall be developed within twelve months of this MOU. The LGPC shall review existing NYSDOT statewide standards and specifications for stormwater management and erosion control to determine if these generic standards and specifications are satisfactory. Any changes, improvements or suggestions shall be provided by LGPC to NYSDOT for review, comment and incorporation into the “Stormwater Management Guidelines” as appropriate.

3. LGPC shall provide NYSDOT with a copy of all Local Stormwater Management Plans approved pursuant to 6 NYCRR Subpart 646-4. Prior to undertaking transportation projects that could effect stormwater
distribution on State highways within the Lake George Park, NYSDOT agrees to review the applicable Local Stormwater Management Plan with the goal of incorporating any specific stormwater control measures identified in the plan into such projects to the degree it is reasonable and cost effective to do so and subject to availability of funds for such purposes. It is acknowledged that design standards for new construction contained in 6 NYCRR Subpart 646-4 or any amendments thereto are not applicable to repaving and resurfacing projects;

4. Maintenance and repair activities such as ditch cleaning, culvert replacement, drainage improvements, etc. within the Lake George Park will be guided by “NYS Department of Transportation Guidelines for the Adirondack Park.”

5. This Memorandum of Understanding is in satisfaction of any permit required pursuant to 6 NYCRR Subpart 646 for any project undertaken by NYSDOT and no further process is required except that NYSDOT shall give reasonable notice of projects involving construction and development of new State highways and realignment of existing State highways to LGPC. LGPC shall acknowledge receipt of such notices and will identify any specific stormwater management concerns within 30 days of receipt. Any identified conflicts with regard to LGPC requirements and other jurisdictional requirements shall be resolved by NYSDOT in consultation with the involved agencies. LGPC shall be actively involved in providing assistance in reaching a consensus among involved agencies.

6. NYSDOT will design, construct, and maintain highway projects in keeping with the intent of this MOU. However, strict conformance may not always be possible due to unique limitations placed on NYSDOT by narrow rights-of-way, existing adjacent development, and other manmade or natural constraints. Where conformance is unattainable, NYSDOT Regional design staff will provide an explanation to LGPC and document the reasons for non-conformance in the project files.
7. Emergency projects undertaken by NYSDOT to respond to an imminent threat to health and safety of humans or animals, or to respond to substantial imminent threat of property shall generally be exempt from conformance with the provisions herein. Nevertheless, to the extent possible, NYSDOT will attempt to incorporate the intent of the "Stormwater Management Guidelines" into the construction of all emergency projects.

8. This MOU cannot be modified except by a written agreement signed by the parties hereto.

9. This Memorandum of Understanding can be canceled by either party, upon sixty (60) days written notice.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding the date above written

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By: ________________

Bonny J. Cawley
Regional Director

Date: 4/23/97

LAKE GEORGE PARK COMMISSION

By: ________________

Carl R. De Santis, Sr.
Chairman

Date: 4-21-97