

Questions Regarding
the Revised Draft Rules and Appendices
from public meetings and public written comments
July 16 - August 31, 2007

NOTE: Most questions are listed as they were submitted. In some questions, text in brackets has been added for clarification. [Example of added text]. The numbers listed are as they appeared in the revised draft rules of June 18, 2007.

Definition 1.1 Access Permits

Question: Why is “exclusive use” not in this rule? What is wrong with the word “exclusive?”

The Regulating District Board did not remove from the rules the concept of “exclusive use” when developing the revised draft rules. Although the word “exclusive” may be included in some documents and signage, the concept of “exclusive use” was never granted nor contained in the current rules as approved by the Regulating District and the Department of Environmental Conservation (DEC) in 1992. In fact, rule 606.37 states that access shall not constitute an exclusive right or privilege. This rule includes: “The granting and issuance of any permit, or any renewal thereof, for access to and on the reservoir and its area, shall not constitute an exclusive right or privilege”

1.7 Back Lot

Question: Why does “Front Lot” still include camps on the other side of the road?

Front lot eligibility is based on the New York State property line (previously referred to as the “taking line”). Many of the roads are located partly or completely on the lands of the State of New York administered by the Hudson River - Black River Regulating District. Therefore, it is possible for the private property associated with a front lot access permit to be on either side of the road.

1.19 Front Lot

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1.16 Eligibility Line

Question: What is the proposed measurement? Is it one air mile or one driven mile?

One air mile (one straight-line measured mile.)

Rule 3.1 Grant of Access

Question: Do the proposed rules give the access permit holder the “lawful” right to have police forcefully remove trespassers?

Yes. Each access permit holder is allowed access to and use of his access permit area. Trespassers do not have this privilege, so the access permit holder can deny them access or have the police remove trespassers.

Rule 3.3 - Adoption, Amendment, Revision and Suspension of Any and All Rules

Question: Why are permit holders paying their fees if not exclusive?

Permit holders pay a fee for access to and use of lands of the State of New York under the jurisdiction of the Hudson River - Black River Regulating District. An access permit allows the permit holder to engage in certain activities that people who are not permit holders are not allowed to do, such as install temporary docks and stairways.

Access permits are not mandatory and no person or organization is required to apply for or hold an access permit (with the exception of a few property owners with specific deeded rights).

Question: Who bears the cost of legal challenges to the new rules if they are challenged?

Although the Regulating District has no control over lawsuits initiated against it, we do not anticipate this type of litigation in the future. In the unlikely event of a lawsuit, this would be a permit system cost borne by the permit holders via the permit system cost methodology.

Rule 4.5 - Limited Use of State Lands-No Trespass

Question: Why (and whose decision) was the word “exclusive” eliminated from our permit use approvals? Was it because of insurance and liability consequences? (3 questions) What abuse of the “exclusive use” wording has been reported to you which prompted the idea of removing that from the original longstanding permits and signage?

The Regulating District Board did not remove from the rules the concept of “exclusive use” when developing the revised draft rules. Although the word “exclusive” may be included in some documents and signage, the concept of “exclusive use” was never granted nor contained in the current rules as approved by the Regulating District and the Department of Environmental Conservation (DEC) in 1992. In fact, rule 606.37 states that access shall not constitute an exclusive right or privilege. This rule includes: “The granting and issuance of any permit, or any renewal thereof, for access to and on the reservoir and its area, shall not constitute an exclusive right or privilege”

The Board’s decision is not based on insurance and liability consequences.

Rule 4.6 - District Signs

Question: What is wrong with the word “exclusive?” Why not afford the permit holder more legal protection with the use of the word “exclusive,” without the District giving up any legal rights? What is the rationale for

removing exclusive use? Is it to support the change to Rule 5.5? Why is the current Regulating District Board removing the wording “Exclusive Use” on the sign?

The Regulating District Board did not remove from the rules the concept of “exclusive use” when developing the revised draft rules. Although the word “exclusive” may be included in some documents and signage, the concept of “exclusive use” was never granted nor contained in the current rules as approved by the Regulating District and the Department of Environmental Conservation (DEC) in 1992. In fact, rule 606.37 states that access shall not constitute an exclusive right or privilege. This rule includes: “The granting and issuance of any permit, or any renewal thereof, for access to and on the reservoir and its area, shall not constitute an exclusive right or privilege”

Question: How much is it going to cost to replace the approximately 4,700 District signs posted around the lake?

The Regulating District does not plan to replace all of the signs the first year of the new rules. New signs will be phased in. When a new permit holder is issued an access permit or when existing signs need replacing, new signs will be used. The cost of the signs has not yet been determined, but the cost should be approximately the same as the cost of the current signs.

Rule 4.8 No Camping

Question: What prevents some radical group from suing for equal access and prevailing?

Nothing, therefore the Board may revise this rule in the proposed rules.

Rule 4.11 - No Storage of Vehicles

Question: Do you want people to be able to turn their permit areas into park as you please or driveways?

The Regulating District does not enforce the New York State Vehicle and Traffic Law.

Rule 4.14 - Number of Watercraft Authorized

Question: This rule refers to “dockage or moorings.” Does this cover boats pulled up on the shore or can you have as many of those as you want?

The number of boats does not cover boats pulled up on shore. There is no restriction on the number of boats pulled up on an access permit area as long as they are contained within the permit holder’s access permit area, do not interfere with reservoir operations, and do not block pedestrian footpaths.

Rule 5.4 - Layout and Regulation of Access Permit Areas

Question: Does this mean the District can arbitrarily take away, or change, established access permit area widths?

The Regulating District cannot arbitrarily take away, or change, established access permit area widths. The Regulating District can modify access permit area widths in accordance with the approved rules.

Question: Can district take away permit areas?

The Regulating District Board may revoke an access permit as prescribed in the rules. In such an event, the access permit holder has appeal rights as set forth in the rules.

Question: Where is the harm if your boat encroaches on your neighbor’s area while another neighbor’s boat is encroaching on your area? (Area where there are multiple moored boats).

There are liability and safety issues if moored boats are allowed to encroach in areas that may be occupied by other boats.

Rule 5.5 - Pedestrian Footpath to Access Permit Area

Question: Why can’t you grandfather existing pedestrian footpaths but stop creating new ones?

In some cases, there is currently a “gentleman’s agreement” where no pedestrian footpath is required as the front lot owner is letting the back lot

owner cross his private property to get to the access permit area. If the private property associated with the front lot access permit is sold, the new owner may restrict the back lot access permit holder from crossing his property. In this scenario, the Regulating District would need to create a pedestrian footpath so the back lot access permit holder could still get to his access permit area.

In no circumstances will pedestrian footpaths established by the Regulating District be on private property.

Question: Will permit holders be able to access ATV's over their footpaths from the public roads (i.e. now public right of way)? Will ATV's be permitted to cross other permit holder lands to access other permits on these footpaths?

No. Pedestrian footpaths are reserved for pedestrian use only.

Question: If a potentially new access permit holder does not have a public right of way or legal private means of access to their new access permit area, why would the Regulating District grant the new permit in the first place?

Eligibility requirements do not consider means of ingress and egress. The Access Permit Zone that includes the Access Permit Areas is New York State land. Back lot permits can be accessed via public roads or rights-of-way, then crossing the State land without crossing private property.

Question: What effect would new footpaths have on current access permit holders?

The effects should be minimal. An access permit holder will not be able to block a pedestrian footpath if one is located on his access permit area.

Question: Will diminished property values subject the Regulating District to lawsuits?

Although the Regulating District has no control over lawsuits initiated by property owners, we do not anticipate this type of litigation in the future. In the unlikely event of a lawsuit, it is doubtful that the property owner would prevail.

Question: Who has responsibility for maintaining this footpath, keeping it clean, raking, clearing brush or fallen trees?

Under the rule “Maintenance of Access Permit Areas”, the permit holder is responsible for keeping and maintaining his Access Permit Area in a clean and sanitary condition.

Rule 5.8 - Access Permits Nontransferable

Question: [Is the] owner of record same as name on access permit?

Currently only one name is usually listed on an access permit. In the proposed rules, the Board may consider allowing all owners of record to be listed on the access permit.

Question: [For] property under “power of attorney”, can this person or company acting as power of attorney renew permit at time of Access Renewal Time?

Yes.

Rule 6.6 - Registration on Waiting List and Eligibility

Question: Does the Regulating District know how many lots will be affected by using 1 mile as the crow flies?

The Regulating District is in the process of determining this.

Question: [Are you] planning on Rule 6.29 to expand the population on the Lake/Reservoir? For commercial reasons?

The Regulating District Board does not intend to expand the population, use or intensity of use of Great Sacandaga Lake, nor is it the Board’s intent to expand commercial activities.

Question: The obvious intent of the rule change is to allow for more back lot eligibility. Why?

The intent of this rule change is to be able to establish a map of the eligibility area. An odometer is not accurate, especially beyond tenths of a mile. Even if more people are eligible, the Regulating District has no plans to increase the number of back lot access permit areas.

Question: Does the Regulating District have a plan to increase the number of back lot permits at the expense of front lotters?

No. The Regulating District has no plans to increase the number of back lot access permit areas.

Rule 6.9 Removal of Registrant from Waiting List (ii.)

Question: Why are brothers and sisters not included as immediate family members?

The Board will consider making this change in the proposed rules.

Rule 6.22 - Access Permit Area Widths

Question: Does this mean the District can arbitrarily take away, or change, established access permit area widths?

The Regulating District cannot arbitrarily take away, or change, established access permit area widths. The Regulating District can modify access permit area widths in accordance with the approved rules.

Rule 6.23 Non-Conforming Permit Widths and Renewals

Question: Does this proposed rule mean that a back lot owner with an access permit greater than 10 feet will also be renewed at their current widths?

No. All back lot access permits will be renewed at a maximum width of 10 feet.

Rule 6.24 - Access Permit Renewal

Question: Typically I receive the Renewal Application by January 15th, so why not put this in the Rules?

Although some of the 4,718 permit holders receive their permit renewals by January 15, all may not. If we moved the date from February 1 to January 15, it might not be possible to accomplish this labor-intensive task with the current small staff.

Rule 6.29 - Request to have Front Lot Access Permit Area Reduced

Question: What is the intent of this rule? Why can a front lot landowner reduce his access permit area at will? Why would you even consider this?

In the past, some holders of front lot access permits have requested that the Regulating District reduce their front lot access permit area width. The Regulating District Board wishes to continue to allow this practice when holders of front lot access permits make this request.

Question: Why would a permit holder permanently reduce their access permit? Why would adjacent front lot permit holders want a section of beach accessible from the water for public use?

We can't speculate, but front lot access permit holders could make this request to lower their permit fee or reduce the amount of area they maintain.

Question: Who will police the areas? Who will discourage use at night? Who will keep it clean and sanitary?

The new access permit holder.

Who is responsible for the unallocated front lot areas?

The Regulating District.

Question: [Are you] planning on Rule 6.29 to expand the population on the Lake/Reservoir? For commercial reasons?

The Regulating District Board does not intend to expand the population, use or intensity of use of Great Sacandaga Lake, nor is it the Board's intent to expand commercial activities. By limiting the amount of new area that an Access Permit holder may acquire to the width at the front lot owner's

private property contiguous with the NYS property line, the size of the permit area that a front lot owner can acquire in this manner is limited.

Question: Why would you make it permanent [as] the owner still pays the land tax.

The purpose of making it permanent is so that the access permit holder who receives more front lot footage or a relocated back lot access permit area will not have his access permit taken away or reduced at a later time. Also, the permit holder does not pay the land tax on the permit area. Permit fees do not include the \$2.3 million dollars in property taxes that are paid by the Regulating District at Great Sacandaga Lake.

Question: [Is] consideration being given to a footpath through the individual permit areas open to the public?

No. The only footpaths in these rules are pedestrian footpaths for back lot permit holders to cross the State land, including other access permit areas, to get to their access permit areas.

Rule 7.3 Fees for a New Access Permit

Question: How was the fee for the new access permit application administrative fee determined?

This fee was based on a recommendation from the independent consultant, Saratoga Associates, after they estimated the costs associated with processing a new access permit application.

Rule 7.5 - Work Permit Fees

Question: Why should the permit holder pay fees to fix problems on their area created by high water levels?

Great Sacandaga Lake is a river regulating reservoir. Fluctuating water levels are inherent in reservoir operations. When a permit holder applies for

an access permit, these are terms and conditions which the access permit holder agrees to abide by.

It is, however, the Regulating District's responsibility to remediate erosion and stabilize the shoreline when it is damaged by the waters of Great Sacandaga Lake.

Question: Why should permittees pay for rip-rap and work fees?

In the proposed rules, the Board may consider that no permit holder is required to pay for rip rap unless he chooses to place rip rap on his access permit area. The fee for a work permit to place crushed stone products (rip rap) will be "no fee."

Regarding work activity fees, members of the public as well as the Regulating District's Great Sacandaga Lake Advisory Committee recommended that the costs of authorizing and monitoring work activities should be borne by the permit holder requesting to do this work, rather than these expenses being borne by all of the permit holders.

Question: How many compliance units do we have to clear through to do a project?

The scope of work and location of the project will determine the need for SEQRA. Usually, SEQRA will be required for large commercial or association projects. Most recreational work activities have not required SEQRA compliance in the past, nor will they in the future. Many will be covered by the Regulating District's Environmental Impact Statement that will be submitted with these rules.

Question: The fee should be specifically capped at the highest singular fee. For example: projects with both a minor and standard fee should only be charged the standard fee. What is the current stance on this?

If a permit holder applies for a work permit that includes multiple work activities, the cost of the work permit will be based on the fees for the most expensive work activity, and there will be no fee for the other work activities included on that work permit application. In the proposed rules, this rule may be revised to reflect this clarification.

Rule 8.2.2 - SEQRA Compliance

Question: How many compliance units do we have to clear through to do a project?

The scope of work and location of the project will determine the need for SEQRA. Usually, SEQRA will be required for large commercial or association projects. Most recreational work activities have not required SEQRA compliance in the past, nor will they in the future. Many will be covered by the Regulating District's Environmental Impact Statement that will be submitted to the NYS Department of Environmental Conservation with these rules.

Rule 8.7 - Work Permit Requirements for Docks

Question: Is there evidence of increased damage to boats or injury to boaters in accidents involving submerged docks versus free floating docks?

Although we have not conducted research, we believe that docks with a portion above the surface of the water will be easier to see and less likely to be hit by boaters than submerged docks.

Rule 8.8 - Allowable Configurations for Floatable Docks

Question: Our T dock is 12 ft square. Can we retain this under the proposed rules?

Yes, until replacement of this dock.

Question: Permit holder has a "T" dock. His "T" is a 12 foot square. Can he retain under proposed rules?

Yes, until replacement of this dock.

Question: Square dock – how do we measure?

Dock width is measured on the portion of the dock parallel to the shore.
Dock length is measured on the size of the dock perpendicular to the shore.

Rule 8.11- Moorings

Question: Will there be a variance procedure for mooring placement as the shoreline changes due to lower water elevations at the end of the summer?

No variance procedure is necessary. As the shoreline changes, the mooring can also be moved accordingly.

Question: On permit areas 30' and less in width – how do you stay inside boundaries?

There is no guarantee that all permit areas can accommodate a moored boat.

Question: How do we put number on a mooring buoy?

Mooring buoys are available with a polyethylene shell that has a sandblasted surface that allows the buoy to be easily painted with the required identification information.

Question: Where is the harm if your boat encroaches on your neighbor's area while another neighbor's boat is encroaching on your area? (Area where there are multiple moored boats.)

There are liability and safety issues if moored boats are allowed to encroach in areas that may be occupied by other boats.

Question: Where did this arbitrary 100' come from? If from an external agency, will you "go to bat" for us to bring about change?

In the current rules the distance is 40'. This may be increased to 80' from the shoreline in the proposed rules. As the water recedes, moorings and docks can be moved accordingly.

The Regulating District Board's authority and duties does not include recommending changes in the rules, regulations or laws of other agencies.

Access Permit Fees Appendix

Question: How were the fee schedules set? Where did the cost information come from to support these fees?

Although the revised draft rules contain some recommended fees, the Regulating District has not set any new fee schedules at this time. The current permit fee schedule is frozen until January 2010.

Question: Do you have a cost accounting system? If so, are all the facilities you operate included in the system?

The Regulating District has not currently purchased dedicated hardware or software for the purpose of tracking permit system related costs. It has, however, implemented generally accepted cost accounting procedures pursuant to a cost allocation methodology recommended to the Regulating District Board by independent consultant Saratoga Associates.

Question: If you have a cost accounting system is it a job or work order based system? Does it distribute cost by labor, materials and overhead? Does it track cost by operations? That is, by river and lake level regulation, by maintenance, that is building, equipment, and shoreline maintenance, and finally the access permit system?

The Regulating District has not currently purchased dedicated hardware or software for the purpose of tracking permit system related costs. It has, however, implemented generally accepted cost accounting procedures pursuant to a cost allocation methodology recommended to the Regulating District Board by independent consultant Saratoga Associates. A cost accounting system will be in place before new permit system fees are implemented in 2010.

Authorized Work Activities and Work Permit Fees Appendix

Work Activity 18.

Question: Why not allow a permit holder to remove a portion or all of an existing launch ramp?

For the proposed rules, the Board is considering a change to allow a permit holder to remove an existing launch ramp. Also, a portion of an existing launch ramp may be removed but can not be replaced.

General Questions for Authorized Work Activities and Work Permit Fees
Appendix

Question: If permit fees are frozen until 2010, does this include the work permit fees for which there is currently no fee?

All access permit system fees, including miscellaneous fees and access permit fees, are frozen until 2010. Work permit fees will not be instituted until 2010. Similarly, current miscellaneous fees that will be eliminated in the proposed rules will remain in effect until 2010.

Question: Why should permittees pay for rip-rap and work fees?

No permit holder is required to pay for rip rap unless he chooses to place rip rap on his access permit area.

Question: Work permit fees – is it necessary to summon a Regulating District engineer to show you where to drop the anchor? Will he dive to the bottom to determine if it is properly placed? Will he repeat this process each time that you have to move the anchor because of receding water levels? Is it necessary to pay the \$75.00 fee each time that you move the anchor?

No.

Question: Why not allow a permit holder to remove a portion or all of an existing launch ramp?

For the proposed rules, the Board is considering a change to allow a permit holder to remove an existing launch ramp. Also, a portion of an existing launch ramp may be removed but can not be replaced.

General Questions

Question: Do permit fees include property taxes?

No, permit fees do not include the \$2.3 million dollars in property taxes that are paid by the Regulating District at Great Sacandaga Lake.

Question: What is wrong with the current Rules & Regulations? Why do they need this major revision? Why are previous rules bad? Why do we need new rules? Why were the previous rules considered inadequate to accomplish the desired goal?

The Regulating District Board undertook the Great Sacandaga Lake permit system rulemaking for many reasons:

- In 2004 and 2005 there were concerns regarding eligibility for back lot access permits when the permit holder sold his back lot property associated with the access permit area. In fact, the current rules not only do not address this issue, but they do not define terms related to front lot and back lot issues.
- There have been disputes and differences of opinion between permit holders. The current rules do not address some of these situations.
- In a few instances, management has made decisions that were eventually appealed to the Regulating District Board. The Board was concerned when the current rules did not adequately address some of these issues.
- Since the rules were last revised, permit holders have requested that the rules be amended to allow them to install wider and longer docks as well as to dock more watercraft on their permit areas.
- Revenues from the permit system should cover the cost of the permit system. The current rules do not include a permit system cost methodology.

Question: Will the Regulating District be able to implement the proposed rules with the same amount of staff, effort and resources used to implement the previous rules? How much more staff will be required to administer and enforce these new Rules & Regulation? Are we getting better enforcement with existing rules?

The Regulating District's goal is for the new rules to be clear and easily understood, so permit holders can comply with the new rules. We hope to promote compliance so our staff can spend more time facilitating

compliance rather than enforcing rules. The Regulating District does not plan to hire more staff to administer and enforce the rules. Hopefully, the Regulating District staff will have fewer enforcement issues, so will be able to better enforce the rules.

Question: What plans do we have to educate the permit holders on the new rules?

A new rulebook will be distributed to all permit holders. Also, the Regulating District Board plans to develop and initiate an outreach program to educate permit holders on the new rules.

Question: Are all other facilities within the jurisdiction of the HRBR Regulating District under the same access permit system as the Great Sacandaga Lake? If not, why not?

The “buffer zone” that contains the access permit areas around Great Sacandaga Lake is lands of the State of New York under the jurisdiction of the Hudson River - Black River Regulating District per Article 15, Title 21 of the Environmental Conservation Law. This buffer zone begins at our NYS property line with an average elevation of approximately 778’. The mean high water line, which is also the elevation of the spillway of the Conklingville Dam, is at an elevation of 771’.

None of the other reservoirs of the Regulating District have a permit system. Unlike Great Sacandaga Lake, the other reservoirs do not have a buffer zone. At these other reservoirs, New York State owns land in the vicinity of the dams, spillways and Regulating District facilities. For most of the lands around these reservoirs, the property owners own land to the high water line. The Regulating District retained flood and flow rights to the high water line.

Question: Who will enforce the rules?

Each rules will be enforced by the agency with primary jurisdiction regarding the rule. For most rules, this will be the Regulating District.

Question: Does the HRBR Regulating District Board consider GSL and buffer lands to be Forest Preserve land under Article XIV, Section 1 of the State Constitution? If so, what is the basis to justify state government to violate a strict interpretation of Section 1? What is the significance of the

fact that Section 2 of Article XIV was amended to forbid use of Forest Preserve land for water (flood) control purposes?

Constitutional and land classification issues are beyond the power of the Board and the scope of this rulemaking.

Question: Would the Regulating District establish such a negotiated rulemaking on the items for which there is no consensus between the District and the Lake Permit Access Committee?

No. The Regulating District is conducting this rulemaking in accordance with the New York State Administrative Procedure Act (SAPA) with guidance and oversight from the Governor's Office of Regulatory Reform (GORR).

Question: Why were the previous rules considered inadequate to accomplish the desired goal?

The current rules are considered inadequate for a number of reasons. Current rules neither define "front lot" and "back lot" access permits, nor specify clear eligibility requirements for permit holders in these two classifications. Permit holders requested larger, longer docks and permission to dock more watercraft at their docks. Also, there have been procedures developed by management since the rules were last revised, and these need to be included in the new rules.

Question: What contacts were made with local government officials to enlist support to develop alternatives to the rules prior to the formation of the Great Sacandaga Advisory Committee?

Meetings were conducted with town supervisors. Some supervisors suggested the formation of an advisory committee.

Question: What nonregulatory state actions were considered prior to the development of the proposed rules to accomplish the purpose? What alternatives to regulatory action were considered by the Regulating District prior to the development of the proposed rules?

Nonregulatory actions and alternatives to regulatory actions included Board resolutions. The Regulating District Board realized that these resolutions

were temporary in nature, subject to a rulemaking. Also, when permit holders appealed actions of management to the Board, the Board made decisions based on the existing rules. When conducting some appeals, the Board realized that some of these rules needed clarification.

Question: What attempts were made through public education to accomplish the purpose of the proposed rules?

Public education prior to a rulemaking would not accomplish the purpose of the proposed rules, as many of the issues that needed to be resolved were not in the current rules, such as front lot/back lot issues.

Question: Could better enforcement of existing laws and regulations achieve the goal?

The problem of the existing rules wasn't in the enforcement, but in the application of the rules, especially regarding front lot/back lot issues as the rules were silent on these issues.

Question: Does the District believe that the rules are clearly written and their meaning will be clearly understood by the lake access permittees?

Yes.

Question: Do the rules duplicate or exceed existing federal or state statutes or rules?

No, however, as other agencies have jurisdiction over some aspects of the land and water in, under and around Great Sacandaga Lake, some Regulating District rules reflect or comply with rules of other agencies.

Question: Do the proposed rules provide methodologies to allow maximum flexibility to the permit holders and encourage innovation in meeting the requirements and objectives underlying the law?

Yes.

Question: Will the Regulating District be able to implement the proposed rules with the same amount of staff, effort and resources used to implement

the previous rules? If there is a dollar savings or additional charge, what is it?

The Regulating District has no plans to increase the number of permit system staff. The Regulating District hopes to promote compliance with the rules, as monitoring compliance is less costly than enforcement. The more that permit holders voluntarily comply with the rules, the less it will cost. Also, the Regulating District has no control over the number of work activity permits and new access permits that applicants will apply for in the future, so we cannot calculate the future effort, resources needed and costs.

Question: Do the rules give preference to the least costly, less burdensome regulatory requirements to implement the lake access permit system?

Yes.

Question: Will the new rules require additional compliance costs from lake access permit holders.

No, with the possible exception of increased permit fees per the Access Permit Fees Appendix.

Question: What is the expected cost to state and local agencies in developing, implementing, monitoring and enforcing the proposed rules? Do they propose an unfunded mandate on local governments?

The proposed rules do not create an unfunded mandate on local governments. Other than costs to the Regulating District, we anticipate that the cost to state and local agencies of implementing, monitoring and enforcing the proposed rules will be approximately the same as the cost of the current rules to those agencies. The Regulating District anticipates that, with the exception of the Department of Environmental Conservation which must approve the rules, the cost to state and local agencies of developing the proposed rules could be minimal, and is more dependent on the state or local agency's decisions regarding the level of involvement in the development of the proposed rules.

