

RESOLUTION 2020-20
Permit Conditions for Parasailing on Lake George

WHEREAS pursuant to Article 43 of the Environmental Conservation Law ("ECL") the Lake George Park Commission ("Commission") is empowered to regulate recreational activities, including parasailing, "In order to protect and preserve the water quality of Lake George, to provide reasonable public access to Lake George without overcrowding, congestion or safety hazards, and to protect the resources of Lake George," and

WHEREAS the Commission has promulgated Special Navigational Rules at 646-2.1 that "regulate recreational activities in or on the waters of Lake George in order to protect the public health, safety and welfare," and

WHEREAS in the interest of public safety, regulations at 646-1.5 provide "General Provisions Applicable to Special Permits", and state the Commission's oversight of regulated recreational activities, "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." And, "The Commission may require... alternative design, equipment or methods of operation to mitigate specific impacts," of a recreational activity, and

WHEREAS pursuant to regulation 645-5.10 permits may be modified by the Commission, and

WHEREAS, there are currently two (2) Special Recreational Use permits for Parasailing on Lake George that include general and special conditions to ensure public safety, and

WHEREAS in July 2019 the Commission formed an ad hoc committee to review and evaluate best management practices of the parasail industry, as well as physical constraints and weather that are unique to Lake George, and

WHEREAS the Commission has sought public input on parasailing through meetings with both parasail operators on Lake George as well as through a public input session hosted August 27, 2019 at the Lake George Town Hall, and

WHEREAS consistent with its findings and to the benefit of public safety, the Commission seeks to update the permit conditions for all current and future parasail permits,

NOW THEREFORE BE IT RESOLVED, the Commission hereby adopts the updated permit conditions for parasailing attached hereto as Schedule A , and

BE IT FURTHER RESOLVED, in accordance with regulations at 645-5.10, the Commission staff are directed to incorporate the subject conditions into the current parasail permits.

AYES _____ **NAYES** _____ **ABSTENTIONS** _____ **DATE** _____

SCHEDULE A

Updated General and Special Conditions for Parasail Permits

- A. Staff Requirements: (a) Each operator shall maintain a crew of at least three (3), including a pilot, a crew member for operational assistance (eg. outfit customers with harnesses), and a designated observer on the tow craft at all times during operation. The crew members must be at least sixteen (16) years of age. The designated observer must maintain visual contact with the parasail at all times while the parasail is in the air. In lieu of a third crew member for operational assistance, the operator shall have a written protocol approved by the Commission that identifies how compliance with the designated observer may be achieved with two crew members (eg. all customers outfitted with harnesses and life jackets prior to entering the parasail vessel).
- B. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent, permit, or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, N.Y.S. Office of General Services, N.Y.S. Department of Environmental Conservation, N.Y.S. Department of Health, Adirondack Park Agency, or any other local, state, or federal government agency which may be required.
- C. Reportable Incidents. Reportable Incidents involving parasail operations shall be reported in writing by the owner or operator to the Commission within twenty-four (24) hours after such incident. Reportable Incidents shall include but not be limited to vessel collisions, parasail water landings, detachment of the sail from the boat, injury to crew or passengers, and suspended operations. Reportable incidents shall relate to all aspects of the operation including passenger transport / shuttling.
- D. All parasail vessels must have on board a marine VHF radio that is capable of communicating with Respondents' shore side establishment and receiving weather information. All parasail vessels shall actively monitor marine channel 16. Respondents' shore side establishment shall actively monitor the instantaneous weather conditions as well as the weather forecast for the upcoming 60-minute interval at Floyd Bennett Memorial Airport in Queensbury, NY via the National Weather Service, National Oceanic and Atmospheric Administration, or from such source and location as authorized by the Commission. Operators must receive the weather conditions and the weather forecast from the shore side establishment each time prior to leaving the dock and every hour during operation. The shore side establishment shall maintain a written weather log documenting compliance with the above weather and forecast monitoring requirements on such forms as the Commission may provide. Copies of the log shall be maintained for three (3) years and be available on site during the season. They shall be made available upon request by the Commission. The weather log shall include date, time, wind direction, sustained wind speed, wind gust speed, wave height, and sky condition.

- E. No parasail vessel shall operate under any of the following conditions:
- a. If there is a severe weather "warning" issued within the next hour for the area of operation. Operations shall remain suspended until the severe weather "warning" is lifted or expires.
 - b. In seas in excess of 3 feet.
 - c. When the actual or forecasted wind speed (aka sustained wind) within the next hour is 16mph or greater as recorded or forecasted at the National Weather Service station at Floyd Bennett Memorial Airport in Queensbury, NY or from an alternate location as authorized by the Commission.
 - d. When the actual or forecasted wind gust speed within the next hour is greater than 20mph as recorded or forecasted at the National Weather Service station at Floyd Bennett Memorial Airport in Queensbury, NY or from an alternate location as authorized by the Commission.
 - e. No parasail operator shall use a chute or any equipment in a manner that exceeds ASTM standards or the manufacturer's recommended specifications.
 - f. If lightning is present within 7 miles of the area of operation.
 - g. If heavy fog is present in the area of operation.
 - h. If thunder is audible in the area of operation.

Parasail operations, suspended as a result of weather conditions or weather forecasts as enumerated above, shall remain suspended until the monitored weather condition and weather forecast are again below the thresholds listed above.

- F. By June 1 of each year, the permittee shall provide a copy of the operation's written protocol for water retrieval in incidences of unplanned passenger water landings.
- G. Passenger shuttling shall be undertaken in compliance with ASTM Standards.
- H. All captains and crew shall have their Blood Alcohol Concentration tested prior to work each day using a commercially available breathalyzer not more than 10yrs old. Anyone testing higher than 0.00 shall not be allowed to participate in parasail operations. Results of the daily testing shall be recorded on such forms as may be provided by the Commission.
- I. Vessel operators shall maintain a log of parasail operations on such forms as the Commission may provide. The log shall include but not be limited to date, time, crew members, weather, weather forecast, number of passengers, number of rides, passengers per ride, reportable incidents.
- J. The owner or operator must maintain written records that the requirements contained in 646-1.4(c) have been complied with. Written records shall be maintained on such forms as may be provided by the Commission. The records are subject to inspection by the Commission upon reasonable notice.