

**PERMIT WRITING FORM – P#2022-0003**

Assigned Review Officer: **Leigh Walrath**

Reviewed by:

Date:

**APPLICANT**

Project Sponsor(s): **Lake George Park Commission**

Landowner(s): **New York State Office of General Services**

Authorized Representative: **Glenn Sullivan, Certified Lake Manager, Solitude Lake Management**

**PROJECT SITE**

Town/Village: **Blairs Bay, Town of Hague**

County: **Warren**

Road and/or Water Body: **Lake George**

Tax Map #(s): **N/A**

Deed Ref: **N/A**

Land Use Area/s: **Under Water**

Project Site Size: **0.33± acres**

Same as Tax Map #(s) identified above

Only the H / MIU / LIU / RU / RM / IU portion of the Tax Map #(s) identified above

Other (describe):

Lawfully Created? **N/A**

River Area: **No**

CEAs (include all): **None**

**PROJECT DESCRIPTION**

**The project as conditionally approved herein involves the application of the aquatic herbicide ProcettaCOR EC (EPA Registration Number 67690-80; New York Special Local Needs Label Registration #SLN NY-19001) in Blairs Bay for purposes of controlling Eurasian watermilfoil (*Myriophyllum spicatum*). In total, the permittee will apply up to 4.2 gallons of ProcettaCOR EC within a 4-acre area in Blairs Bay; a permit is required from the Agency for application only within the 0.33±-acre wetland area.**

**JURISDICTION (including legal citation)**

**9 NYCRR Sections 578.2 and 578.3(n)(2)(i).**

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED:**

**NONE SUPERSEDED**

**LGPC is authorized to undertake hand harvesting and benthic matting activities in accordance with P2016-21 (General Permit GP2015G-2)**

## **FINDINGS OF FACT – ENVIRONMENTAL SETTING**

### **Lakes, Ponds, Navigable Rivers and Streams**

Check if none [ ]

Water Body Name: **Lake George**

Length of Existing Shoreline (feet): **NA**

Minimum Lot Width: **NA**

Structure Setback (APA Act): **NA**

Structure Setback (River Regs): **NA**

**No** Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? Y N

**No** Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N

**No** Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

MHWM determ: Y N

Meets standard: Y N

Meets standard: Y N

Meets standard: Y N

### **Non-Navigable Streams in proximity to development**

Check if none [ **X** ]

Permanent Stream  Intermittent Stream

Classified?

DEC Environmental Resource Mapper stream classification:

### **Wetlands**

Y N Jurisdictional wetland on property, or

Y N Wetlands are a basis of development jurisdiction  *If Yes, RASS biologist consulted*

→ If Y, covertype: **Deep water marsh**

→ If Y, value rating: **Value 1 (per 578.5(q))**

Y N Draining, dredging, excavation of wetland

Area of wetland loss: **Click or tap here to enter text.** Permanent? Y N

Y N Fill/structure in wetlands

Fill/structure area: **Click or tap here to enter text.**

Y N Shading of wetland

Area of shading: **Click or tap here to enter text.**

Y N Clearcutting >3 acres of wetland \*RASS forester consulted

Clearcut area: **Click or tap here to enter text.**

Y N Untreated stormwater discharge into wetland

Y N Pollution discharge into wetland

Pollution type: **Click or tap here to enter text.**

Y N Pesticide/Herbicide application in wetland

Pollution type: **ProcellaCOR EC (EPA Registration Number 67690-80; New York Special Local Needs Label Registration #SLN NY-19001)**

### **Ecological / Wildlife**

Y N Natural Heritage Sites/listed species or habitat present, including bat

Y N Forest management plan existing or proposed  *If Yes, RASS forestry analyst consulted*

Y N Biological Survey required by RASS Biologist 2 or Supervisor  *If Yes, completed*

**No trees being cut. At the treatment concentration the herbicide does not impact mammals or invertebrates.**

**Detailed aquatic plant survey was submitted. Alternate- flowering water milfoil was found at one site in trace amounts. Alternate- flowering water milfoil is listed as threatened by the NYS Natural Heritage Program, although the plant is historically known to be present in 35 unique locations not including treatment site, and a 2020 professional opinion by Larry Eichler (Research Scientist, Retired) from the Darrin Freshwater Institute indicates that the species is**

regionally secure in Lake George. The Natural Heritage Program website indicates that chemical treatments to control Eurasian watermilfoil pose an ongoing threat to alternate-flowering water milfoil. In New York alternate-flowering watermilfoil typically emerges in July, which is outside the proposed treatment window and associated timeframe for degradation for this project. However, it is unknown if herbicide residuals in sediment will negatively impact this species. For purposes of review of this proposal, the Agency assumed potential for impacts to alternate-flowering water milfoil from application of ProcellaCOR EC.

**Special Districts**

Y N Agricultural District

**Slopes**

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: [Click or tap here to enter text.](#) Building area(s) if authorizing development: [Click or tap here to enter text.](#)

Not applicable

**Soils**

Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A

If Yes, soil data information determined or approved by RASS soil analyst?

NRCS Mapped Soil Series or Other Comments: [Click or tap here to enter text.](#)

Not applicable

**Stormwater**

Y N Greater than 1 acre disturbance, or

Y N Proposed ground disturbance < 100 feet from wetlands

If Yes, stormwater management reviewed and approved by RASS engineer

Setback to wetlands: [Click or tap here to enter text.](#)

**Character of Area**

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: N/A

Is nearby development visible from road? Y N N/A

→ If Y, name road and describe visible development: [Click or tap here to enter text.](#)

**Additional Existing Development** (ex: dam on site, etc.): [Click or tap here to enter text.](#)

\*\*\* Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)

Not applicable

**FINDINGS OF FACT – COORDINATED REVIEW**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Archeologically Sensitive Area, according to OPRHP | <input checked="" type="checkbox"/> If Yes, APA APO consulted                      |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Structures > 50 years old on or visible from site  | <input type="checkbox"/> If Yes, APA AHPO consulted                                |
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Within Lake George Park                            | <input checked="" type="checkbox"/> If Yes, LGPC consulted / application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Public water supply                                | <input type="checkbox"/> If Yes, DEC / DOH application submitted                   |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Greater than 1,000 gpd wastewater                  | <input type="checkbox"/> If Yes, DEC application submitted                         |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing bed or bank of water body               | <input type="checkbox"/> If Yes, DEC application submitted                         |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Creating 5 or more lots less than 5 acres each     | <input type="checkbox"/> If Yes, DOH application submitted                         |

Y  N Army Corps involvement  
 Y  N Agency-approved Local Land Use Program  
N/A for FWA-only Projects

If Yes, ACOE consulted  
 If Yes, Town/Village consulted

## **PERMIT CONDITIONS AND IMPACT ANALYSIS**

### **Merger**

Justification if merger required: NA

### **Deed Covenant**

Non-building lot being created?  Y  N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: [Click or tap here to enter text.](#)

### **Easement**

Easement proposed or required?  Y  N

If Y, consult with Legal for conditions. Justification: [Click or tap here to enter text.](#)

### **Construction Location and Size (may be different for each subdivision lot) N/A**

Is new development (other than oswts) being authorized without further Agency review?  Y  N

→ If Y: Structure height limit and justification: [Click or tap here to enter text.](#)

Structure footprint limit and justification: [Click or tap here to enter text.](#)

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation?  Y  N

→ Review of future development required?  Y  N

→ If Y, justification: [Click or tap here to enter text.](#)

### **Guest Cottages (if authorizing a dwelling) N/A**

Proposed and reviewed?  Y  N

If N, guest cottages potentially allowed?  Y  N

→ Justification for any conditions: [Click or tap here to enter text.](#)

### **Boathouses (if project site contains shoreline) N/A**

Proposed and reviewed?  Y  N

If N, boathouses potentially allowed?  Y  N

→ If N, justification: [Click or tap here to enter text.](#)

→ If Y, review required (beyond definition limits)?  Y  N

→ If Y, justification: [Click or tap here to enter text.](#)

### **Docks (if project site contains shoreline) N/A**

Proposed and reviewed?  Y  N

If N, docks potentially allowed?  Y  N

→ If N, justification: [Click or tap here to enter text.](#)

→ If Y, review required (beyond definition limits)?  Y  N

→ If Y, justification: [Click or tap here to enter text.](#)

**Outdoor Lighting (if authorizing development) N/A**

Plan proposed and reviewed? Y N

**Building Color (if authorizing development) N/A**

If color condition required, justification: [Click or tap here to enter text.](#)

**Tree Cutting / Vegetation Removal N/A**

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

- within [Click or tap here to enter text.](#) feet of limits of clearing
  - within [Click or tap here to enter text.](#) feet of road
  - within [Click or tap here to enter text.](#) feet of river/lake/etc
  - within [Click or tap here to enter text.](#) feet of wetlands
  - Other: [Click or tap here to enter text.](#)
- OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

- Cutting of all vegetation prohibited
  - Cutting of trees of [Click or tap here to enter text.](#) diameter dbh prohibited
  - Other: [Click or tap here to enter text.](#)
- Justification: [Click or tap here to enter text.](#)

**Plantings N/A**

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: [Click or tap here to enter text.](#)  
Justification: [Click or tap here to enter text.](#)

**Density (may be different for each subdivision lot) N/A**

Located in Town with ALLUP? Y N (If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N

If N and N, list existing PBs, including whether they are pre-existing/year built: [Click or tap here to enter text.](#)

Mathematically available # of new PBs (in addition to existing or replacement):

Extinguishing PBs? Y N If Y, number: [Click or tap here to enter text.](#)

**Wastewater (if authorizing construction of a new PB without further review) N/A**

Municipal system connection approved? Y N

Community system connection approved by RASS? Y N

Proposed on-site system designed by engineer and approved by RASS? Y N

If N, has RASS field-verified location for conventional standard trench system? Y N

If N, has RASS field-verified location for conventional shallow trench system? Y N  
Suitable 100% replacement area confirmed for existing / proposed system? Y N  
Consult with RASS for additional conditions.

**Stormwater Management (if authorizing development) N/A**

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.  
Justification: [Click or tap here to enter text.](#)

**Erosion and Sediment Control (if authorizing development) N/A**

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.  
Justification: [Click or tap here to enter text.](#)

**Infrastructure Construction (if authorizing development) N/A**

Construction necessary before lot conveyance: [Click or tap here to enter text.](#)  
Justification: [Click or tap here to enter text.](#)

**For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings**

Explain why no condition is needed: **N/A**

**Additional Site / Project-Specific Concerns / Conditions Needed**

**Invasive species control, inspection for and flagging of any alternate-flowering water milfoil plants visible before treatment and analyzing for impacts post-treatment, post-treatment residue monitoring, post-treatment plant survey, post-treatment report**

**Justification: Requiring the project to occur as proposed will ensure that the target plant is controlled while the native plant community remains intact. Inspecting for and flagging any alternate-flowering water milfoil plants visible before treatment and analyzing for impacts post-treatment if any plants were flagged will help to provide data on potential impacts to alternate-flowering water milfoil from treatment, including whether timing alone is sufficient to protect the species. The post treatment monitoring and analysis of herbicide residue concentrations and of the plant community will allow the Agency to confirm that the project was undertaken as authorized and will provide additional data on the overall plant community within Lake George and on impacts from treatment to alternate-flowering water milfoil. Departure from 9 NYCRR Section 578.10(a)(1) compelled by economic, social, and other benefits of effective control of Eurasian watermilfoil. Alternative methods of treatment (benthic matting, hand harvesting, DASH) are less effective and less discriminate, negatively impacting native species, including alternate-flowering water milfoil.**

Y N **Public comments received** If Yes, #: [Click or tap here to enter text.](#)

Y N **Applicant submitted response (notes, if any) Yes – received April 6, 2022**