

PERMIT WRITING FORM – P2023-0045

Assigned EPS: [A. Ziemann](#) Reviewed by: [Click or tap here to enter text.](#) Date: [Click or tap to enter a date.](#)

Applicant

Project Sponsor(s): [Town of Lake Luzerne](#)
Landowner(s): [Town of Lake Luzerne](#)
Authorized Representative: [Glenn Sullivan, Solitude Lake Management](#)

PROJECT SITE

Town/Village: [Lake Luzerne](#) County: [Warren](#)
Road and/or Water Body: [Lake Luzerne \(Lake\)](#)
Tax Map #(s): [NA](#)
Deed Ref: [NA](#)
Land Use Area(s): [NA](#) H MIU LIU RU RM IU
Project Site Size: [32±](#) 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): [Treatment Area Map](#)
Lawfully Created? [NA](#) Y N Pre-existing subdivision: [Click or tap here to enter text.](#)
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: [Click or tap here to enter text.](#)
CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

[Application of the aquatic herbicide ProcellaCOR EC within seven treatment zones in Lake Luzerne to control Eurasian watermilfoil.](#)

JURISDICTION (including legal citation)

[9 NYCRR Part 578](#)

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

[P16-79, P09-256, P07-52, P90-427](#)

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: [Lake Luzerne](#)

Length of Existing Shoreline (feet): [NA](#)

MHWM determ: Y N

Minimum Lot Width: [NA](#)

Meets standard: Y N

Structure Setback (APA Act): [NA](#)

Meets standard: Y N

Structure Setback (River Regs): **NA** Meets standard: Y N
Y N Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? Y N
Y N Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N
Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

Non-Navigable Streams in proximity to development **Check if none**
Permanent Stream Intermittent Stream Classified? Y N
[DEC Environmental Resource Mapper](#) stream classification: **Click or tap here to enter text.**

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: **deepwater marsh**
→ If Y, value rating: **maximum value of 1**
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: **Click or tap here to enter text.**

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*

Special Districts

Y N Agricultural District

Slopes NA

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.**

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.**

Stormwater NA

- 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: [Click or tap here to enter text.](#)
 Is nearby development visible from road? **NA** Y N
 → 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)**

FINDINGS OF FACT – COORDINATED REVIEW

- Y N Archeologically Sensitive Area, according to OPRHP If Yes, APA APO consulted
- Y N Structures > 50 years old on or visible from site If Yes, APA AHPO consulted
- Y N Within Lake George Park If Yes, LGPC consulted / application submitted
- Y N Public water supply If Yes, DEC / DOH application submitted
- Y N Greater than 1,000 gpd wastewater If Yes, DEC application submitted
- Y N Disturbing bed or bank of water body If Yes, DEC application submitted
- Y N Creating 5 or more lots less than 5 acres each If Yes, DOH application submitted
- Y N Army Corps involvement If Yes, ACOE consulted
- Y N Agency-approved Local Land Use Program If Yes, Town/Village consulted

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: ~~[Click or tap here to enter text.](#)~~

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)

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)

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)

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)

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)

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

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

Tree Cutting / Vegetation Removal

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

~~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)

~~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)

~~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)

~~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)

~~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)

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

Additional Site / Project-Specific Concerns / Conditions Needed

Specific Treatment period (Mid May – June); Clean Drain Dry Standards for all Equipment to be used in the treatment; post-treatment residue monitoring, post-treatment plant surveys, post-treatment reports

Justification: May-June treatment window will reduce potential for impacts to non-target species; Requiring the project to occur as proposed will ensure that the target plant is controlled while the native plant community remains intact, restoring the wetland value. 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 plant community within Lake Luzerne.

- Y N **Public comments received** **If Yes, #: 12**
Y N **Applicant submitted response (notes, if any)** [Click or tap here to enter text.](#)