

PERMIT WRITING FORM – P2023-0038

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): [Horseshoe Pond/Deer River Flow Association](#)

Landowner(s): [NYSOGS](#)

Authorized Representative: : [Glenn Sullivan, Ready Scout](#)

PROJECT SITE

Town/Village: [Duane](#) County: [Franklin](#)

Road and/or Water Body: [Horseshoe Pond](#)

Tax Map #(s): [NA](#)

Deed Ref: [NA](#)

Land Use Area(s): H MIU LIU RU RM IU

Project Site Size: [24.8±](#) 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 Plan Map](#)

Lawfully Created? 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 four treatment zones in Horseshoe Pond, to control Eurasian watermilfoil.](#)

JURISDICTION (including legal citation)

[9 NYCRR Part 578](#)

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

[None Superseded; Prior Permits: P2006-115; P2012-109 \(GP2008G1-A\); P2016-84 \(GP2015G-2\)](#)

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: [Horseshoe Pond](#)

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

MHWM determ: Y N

Minimum Lot Width: [NA](#)

Meets standard: Y N

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

Meets standard: Y N

Structure Setback (River Regs): [NA](#)

Meets standard: Y N

- Y N Cutting proposed within 6 ft of MHW? If Yes, < 30% vegetation? Y N
Y N Cutting proposed within 35 ft of MHW? 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: **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: **ProcellaCor EC**
Y N OSWTS within 100 feet of a wetland
 Distance to Wetland: [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 NA

- 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: **DEC Underwater Lands of Deer River Flow; Debar Mountain WF; Deer River Flow Primitive Area**

Is nearby development visible from road? Y N **NA**

→ 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

- | | | |
|--|---|---|
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Archeologically Sensitive Area, according to OPRHP | <input 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 type="checkbox"/> Y <input checked="" type="checkbox"/> N | Solar Project > 50 acres requiring ZVI & historic inventory | <input type="checkbox"/> If Yes, APA AHPO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Within Lake George Park | <input 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 classified/navigable water body | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing 300 LF or more of a stream (temp + perm) | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing ¼ acre of Corps wetlands (temp + perm) | <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 |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Army Corps involvement * | <input type="checkbox"/> If Yes, ACOE consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Agency-approved Local Land Use Program | <input type="checkbox"/> If Yes, Town/Village consulted |

*- Review the Pre-Construction Notification (PCN) thresholds for the [Buffalo District](#) and the [New York District](#) to help determine if an application (PCN) needs to be submitted to the Corps. Additionally, review the [Section 10 waters list](#) to determine if a Section 10 Navigable Waters permit might be required from the Corps.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger **NA**

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

Deed Covenant **NA**

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 **NA**

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) NA

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) NA

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) NA

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) NA

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) NA

Plan proposed and reviewed? Y N

Building Color (if authorizing development) NA

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

Tree Cutting / Vegetation Removal NA

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 NA

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) NA

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) NA

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) NA

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) NA

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) NA

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 NA

Explain why no condition is needed: [Click or tap here to enter text.](#)

Additional Site / Project-Specific Concerns / Conditions Needed

A: Condition restricting timing of treatment to mid May/June of treatment year

B: Application must be within the treatment locations proposed, and in accordance with DEC Pesticides Permit

C: Compliance with “Clean Drain Dry” standards for all equipment to be used in the application

D: Conduct post treatment concentration monitoring as described in the Sampling Plan.

E: Conduct post treatment aquatic plant survey between August 1 and September 15 of the treatment year, repeating the survey methodology of the pre-treatment survey.

F: Post treatment status report to be provided to the Agency by December 1 of the treatment year, to include post treatment residue monitoring report and post treatment aquatic plant survey results

Justifications: A: Target plants will be smaller early controlled early in the growing season will be smaller than they are later in the season. This will result resulting in reduced decaying biomass and associated water quality impacts

B: Dosage control is pursuant to DEC permit; Application in areas other than those depicted on the map may have associated impacts that haven’t been reviewed, or may involve underwater lands under different ownerships

C: Clean Drain Dry standards will limit potential for spread of invasive plant material from other waterbodies

D: Post treatment residue monitoring will allow confirmation that the project was undertaken as authorized

E: Post Treatment aquatic plant survey will allow confirmation that the project was undertaken as authorized, will provide data to assess efficacy of the treatment, and will provide assessment of non-target impacts

Y N **Public comments received** **If Yes, #: 6 (as of 3/14/2024)**

Y N **Applicant submitted response (notes, if any)** [Click or tap here to enter text.](#)