



PERMIT WRITING FORM – P2023-0018 (Blair’s Bay)

Assigned EPS: A Ziemann Reviewed by: DJP Date: 6/18/2024

APPLICANT

Project Sponsor(s): Lake George Park Commission
Landowner(s): New York State Office of General Services
Authorized Representative:

PROJECT SITE

Town/Village: Hague County: Warren
Road and/or Water Body: Lake George; Blair’s Bay
Tax Map #(s): NA
Deed Ref: NA
Land Use Area(s): Underwater Lands H MIU LIU RU RM IU
Project Site Size: 0.5± 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? Y N Pre-existing subdivision:
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River:
CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

The project as conditionally approved herein involves the application of the aquatic herbicide ProcellaCOR 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 ProcellaCOR 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PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

NONE SUPERSEDED LGPC is authorized to undertake hand harvesting and benthic matting activities in accordance with P2016-21 (General Permit GP2015G-2)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): MHWM determ: Y N
Minimum Lot Width: Meets standard: Y N

Structure Setback (APA Act): Meets standard: Y N
 Structure Setback (River Regs): 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:

Wetlands

Y N Jurisdictional wetland on property, or
Y N Wetlands are a basis of development jurisdiction If Yes, RASS biologist consulted
 → If Y, covertime: **Deep Water Marsh**
 → If Y, value rating: **Value 1 (per 578.5(q))**
Y N Draining, dredging, excavation of wetland
 Area of wetland loss: Permanent? Y N
Y N Fill/structure in wetlands
 Fill/structure area:
Y N Shading of wetland
 Area of shading:
Y N Clearcutting >3 acres of wetland *RASS forester consulted
 Clearcut area:
Y N Untreated stormwater discharge into wetland
Y N Pollution discharge into wetland
 Pollution type:
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)**
Y N OSWTS within 100 feet of a wetland
 Distance to Wetland:

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

Existing slope range:

Building area(s) if authorizing development:

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:

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:

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested

Adjoining Land Uses / State Land: NA

Is nearby development visible from road? Y N NA

→ If Y, name road and describe visible development:

Additional Existing Development (ex: dam on site, etc.): NA

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

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 Solar Project > 50 acres requiring ZVI & historic inventory 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 classified/navigable water body If Yes, DEC application submitted
- Y N Disturbing 300 LF or more of a stream (temp + perm) If Yes, DEC application submitted
- Y N Disturbing ¼ acre of Corps wetlands (temp + perm) 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
N/A for FWA-only Projects

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:

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:

Easement NA

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification:

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:

Structure footprint limit and justification:

→ 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:

Guest Cottages (if authorizing a dwelling) NA

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions:

Boathouses (if project site contains shoreline) NA

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification:

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

→ If Y, justification:

Docks (if project site contains shoreline) NA

Proposed and reviewed? Y N

If N, docks potentially allowed? Y N

→ If N, justification:

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

→ If Y, justification:

Outdoor Lighting (if authorizing development) NA

Plan proposed and reviewed? Y N

Building Color (if authorizing development) NA

If color condition required, justification:

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 feet of limits of clearing
- within feet of road
- within feet of river/lake/etc
- within feet of wetlands
- Other:

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 diameter dbh prohibited
- Other:

Justification:

Plantings NA

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year:

Justification:

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:

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

Extinguishing PBs? Y N If Y, number:

Wastewater (if authorizing construction of a new PB without further review) NA

Municipal system connection approved? YN

Community system connection approved by RASS? YN

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

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

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:

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:

Infrastructure Construction (if authorizing development) NA

Construction necessary before lot conveyance:
Justification:

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

Explain why no condition is needed:

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

G: A 12 page memo dated April 1, 2022, from Dave Wick, LGPC Executive Director, to the Adirondack Park Agency, includes “EWM Management Goals in Lake George,” includes the statement, “The goal of the Commission’s EWM management program is to eliminate all known dense and moderate beds, and keep them from re-emerging. This will allow for a financially manageable maintenance level of hand harvesting of sparse populations of EWM in the waterbody.”

Justification: A: Target plants will be 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

F: 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

F: The management goal statement confirms that hand harvesting will continue to be an important component of EWM management throughout the lake

Y N **Public comments received** **If Yes, #: 186**

Y N **Applicant submitted response (notes, if any)**