

From: [Petith, Stephanie L \(APA\)](#)
To: ["gsullivan@solitudelake.com"](mailto:gsullivan@solitudelake.com)
Cc: ["dave@lqpc.state.ny.us"](mailto:dave@lqpc.state.ny.us); [Primeau, Brian \(DEC\)](#); ["zoning@townofhague.org"](mailto:zoning@townofhague.org); [Walrath, Leigh R \(APA\)](#)
(Leigh.Walrath@apa.ny.gov)
Subject: P2022-0003 & P2022-0004 1st NIPAs
Date: Tuesday, January 25, 2022 1:15:00 PM
Attachments: [P2022-0003-20220125-LRW-F-1stNIPA-slp.pdf](#)
[P2022-0004-20220125-LRW-F-1stNIPA-slp.pdf](#)

Dear Mr. Sullivan,

Please reply to this e-mail to indicate that the attached documents have been received by you, Glenn Sullivan. By replying to indicate receipt, you consent to delivery of the attached documents by e-mail in lieu of certified mail.

Thank you and take care!

Stephanie L. Petith

Administrative Assistant 1

NYS Adirondack Park Agency

PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov

www.apa.ny.gov

CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.



Adirondack Park Agency

NOTICE OF INCOMPLETE PERMIT APPLICATION **APA Project No.: 2022-0003**

Project Sponsor: Lake George Park Commission P.O. Box 749 Lake George, NY 12845	Authorized Representative: Glenn Sullivan, Solitude Lake Management 7256 Rte 9 West Catskill, NY 12414
---	--

Date Permit Application Received: January 10, 2022
Type of Project: Application of Herbicides Involving wetlands
Location of Project: Sheep Meadow Bay, Lake George
Town of Hague, Warren County
Land Use Area: Unclassified

Dear Glenn Sullivan:

Thank you for your permit application, received by the Agency on January 10, 2022. The application provided important information on the proposed project. As listed below, initial evaluation by Agency staff indicates that additional information is necessary to review the project and complete the application.

Please submit your response to this notice by e-mail to apasubmissions@apa.ny.gov and reference Project Number 2022-0003 in the subject line.

You will receive a notice in writing informing you when staff has received the information necessary to complete the application. At the time the application is deemed complete, the required time period for Agency action on the proposed project will begin.

The proposal may not be undertaken until a permit has been issued by the Agency. "Undertake" means any commencement of a material disturbance of land preparatory to the proposed project, including but not limited to road construction, grading, installation of utilities, excavation, clearing of building sites, or other landscaping, or in the case of subdivision, the conveyance of any lots.

If you have any questions regarding this Notice of Incomplete Permit Application or the project review process, please contact **Leigh Walrath**, Associate Adirondack Park Project Analyst - Freshwater.

January 25, 2022
Date

/s/ John M. Burth
John M. Burth
Environmental Program Specialist 3 (EPS3)

Attachment: List of Requested Information

REQUESTED INFORMATION
APA Project No. 2022-0003

Please submit your response to this notice by e-mail to apasubmissions@apa.ny.gov
All application submissions should be in PDF or similar format and be legible.
Electronic copies of plans must be fully scalable.

1. **GIR Item 14c – New York State Department of Environmental Conservation (NYSDEC):** Please provide copies of any comments or authorizations received from the NYDEC for the proposed activity going forward.

2. Please provide the response to Supplemental Information Request (SIR) Item 2 in a clarified format with all required information. Specifically, please provide a plant survey report that consists of a stand-alone document that includes references to maps and tables contained within the report. Staff review indicates the following items were not included in the January 10, 2022, submission and should be included or addressed in the report:
 - a. Review of the provided data does not indicate that the methods for sampling and protocols outlined in the application were followed. Please clarify.
 - b. Please provide narratives referencing the provided tables and maps with explanations and relevance.
 - c. Please provide a discussion of expected short and long-term impacts to non-target species as well as actions proposed to be undertaken to avoid or limit impacts to the native vegetation species determined to have moderate to high susceptibility to the proposed herbicide as requested in the application. Please note that the brief narrative provided in response to SIR Item #2.b. states that two milfoil species present within Sheep Meadow Bay are known to be or likely to be impacted by ProcettaCOR EC. However, the table and distribution map for *Myriophyllum tenellum* (the only other milfoil species besides *Myriophyllum spicatum* identified in the raw data spreadsheet as present in the Sheep Meadow Bay survey) indicates the species is not found in the bay, but rather along the shoreline northerly of the treatment area. Please clarify.
 - d. Please provide a map of the proposed treatment area with overlays of non-target species.
 - e. The XLS spreadsheet Sheep Abundance does not include data for *Myriophyllum spicatum*, *Potamogeton gramineus*, or *Potamogeton robbinsii*. Please also provide this data.
 - f. Two sample point maps were provided, but neither appear to identify all survey points. Sheep Sample Points does not, at a minimum, include site 54 while file Sheep Sample Point Revised does not, at a minimum, include survey points 39 or 40. Please provide a sample point map that includes all survey points.
 - g. Please provide copies of the report Heilman 2019 and any reports prepared by Darrin Freshwater Institute that includes the *Myriophyllum alterniflorum* data provided in your response to SIR Item 2.

3. The response to SIR Item 5 states “Milfoil control from the proposed herbicide application is expected to exceed 95% of the treatment area, and last for at least two growing seasons.” Please clarify this statement. For example, are 95% of all milfoil species expected to be impacted for at least two growing seasons, or will there be a 95% reduction of Eurasian watermilfoil abundance (and/or area)?
4. The response to SIR Item 6 states that ProcellaCOR EC has excellent sensitivity to milfoil. Please provide additional information outlining the chemical’s sensitivity to *Myriophyllum spicatum* as compared to other milfoil species, including those species found in the 2021 plant survey. The information should include, as available, pre and post treatment reports and treatment concentrations from other ProcellaCOR EC treatments and results of bioassay analyses (including any that may have been undertaken by the manufacturer).
5. Based upon the information contained in the file named “Copy of Lake George Harvest Data, management of *Myriophyllum spicatum* in Sheep Meadow Bay was discontinued after 2014. Please provide an overview explaining why management was discontinued at this site.
6. The response to SIR Item 7 states that the post treatment plant survey provided identifies Blair’s Bay and not Sheep Meadow Bay. Please revise the proposal to specify that the post-treatment plant survey will occur at approximately the same time of year as the pre-treatment survey. Furthermore, please clarify at what water depth the water samples will be collected to determine ProcellaCOR EC concentrations. If the sample is not a composite sample of the water column, provide the basis for why the proposed depth is appropriate and representative of the entire water column at the site. Please revise the water sampling plan to include a sampling site at plant survey site #65, the nearest plant survey location where *Myriophyllum tenellum* was found and add a sampling event to occur more than one but less than 3 hours after treatment for locations SM1, SM2, SM3 and SM5.

The ProcellaCOR EC monitoring plan should also detail all steps taken to ensure no cross-site contamination of water samples.

Please provide the entire proposed water and plant survey as a single, stand-alone document.

Cc: Brian Primeau, NYSDEC
Town of Hague Code Enforcement Officer

From: [Walrath, Leigh R \(APA\)](#)
To: [Dave Wick](#)
Cc: [Joe Thouin](#); [Burth, John M \(APA\) \(John.Burth@apa.ny.gov\)](#); [Phillips, Elizabeth A \(APA\) \(Elizabeth.Phillips@apa.ny.gov\)](#)
Subject: P2022-3 and 4: RE: ProcellaCOR permit
Date: Monday, February 14, 2022 10:52:00 AM

Hi Dave,

We received your response to our January 25 Notice of Incomplete Permit Applications on February 11. This submission has started a 15 day review to determine completeness. If the project is deemed complete it will be noticed in the Environmental Notice Bulletin and only after the public comment period expires can it go to the Agency's Board for consideration. Assuming the February 11 submissions are complete the earliest a project can be brought before the Board is April 14th. If staff find that either recent submission is insufficient a second Notice of Incomplete Permit Application would be issued for that individual proposal and once a response is provided a second 15-day review period would begin. So it is possible for one or both projects can be determined complete, one complete and the other incomplete, or both incomplete. We will not be able to provide further guidance until staff have had time to review the newly submitted materials.

Please contact me if you have any questions.

Leigh

Leigh Walrath

Associate Adirondack Park Project Analyst, Freshwater

NYS Adirondack Park Agency

PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Office: (518) 891-4050 | Cell: (518) 708-3730 | Fax: (518) 891-3938 |
leigh.walrath@apa.ny.gov
www.apa.ny.gov

CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.

From: Dave Wick <dave@lgpc.state.ny.us>

Sent: Monday, February 14, 2022 8:24 AM
To: Walrath, Leigh R (APA) <Leigh.Walrath@apa.ny.gov>
Cc: Joe Thouin <joe@lgpc.state.ny.us>
Subject: ProcellaCOR permit

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning Leigh. The Commission needs to send out a request for proposals for our proposed ProcellaCOR treatment, probably this week (approvals can take a while in Albany). We can't finalize a contract with a vendor until we have the requisite permits in place, so can you give me a ballpark timeframe when the APA would be expected to take action on our permit application?

Thanks Leigh, call anytime if it's easier.

Dave Wick
Executive Director

NYS Lake George Park Commission

PO Box 749, 75 Fort George Road, Lake George, NY 12845
Office: 518-668-9347 Cell: 518-361-0985 Fax:518-668-9347
www.lgpc.ny.gov

From: [Walrath, Leigh R \(APA\)](#)
To: [Dave Wick](#)
Cc: [Phillips, Elizabeth A \(APA\) \(Elizabeth.Phillips@apa.ny.gov\)](#)
Subject: RE: Lake George DASH and ProcellaCOR
Date: Tuesday, February 22, 2022 8:51:00 AM

Thank you for the information Dave; I will add it to your permit application materials. Please note that I am checking with fellow staff to ascertain if this submission warrants restarting the 15-day review clock.

To keep your proposal moving forward in a timely fashion I suggest that going forward you and your consultant refrain from submitting any additional information unless it is in response to a specific request from Agency staff.

Please contact me if you have any questions.

Leigh

Leigh Walrath

Associate Adirondack Park Project Analyst, Freshwater

NYS Adirondack Park Agency

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

Office: (518) 891-4050 | Cell: (518) 708-3730 | Fax: (518) 891-3938 |

leigh.walrath@apa.ny.gov

www.apa.ny.gov

CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.

From: Dave Wick <dave@lgpc.state.ny.us>

Sent: Friday, February 18, 2022 10:11 AM

To: Primeau, Brian (DEC) <brian.primeau@dec.ny.gov>; Walrath, Leigh R (APA) <Leigh.Walrath@apa.ny.gov>

Subject: Lake George DASH and ProcellaCOR

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning Leigh and Brian,

Attached, please find the only proposal the Commission received (bids due yesterday)

for an upcoming four year contract for DASH milfoil control on Lake George. The Commission's current contractor, AE Commercial Diving submitted the proposal. The cost has gone up from \$7,500 per week to \$8,750 per week, with just one person harvesting per dive crew (we try to use four crews at a time as funding allows, so \$35,000 per week is what we spend on Lake George currently).

AE is an excellent company to work with, and very diligent in what they do, but it's very expensive. We spent a combined \$1.3 million in just the past three years on this strategy on Lake George, and while we have made good progress, the costs are simply unsustainable and our grant funding has been expended.

By contrast, Minerva Lake's treatment with ProcellaCOR (similar combined acreage to our Lake George DASH efforts) was completed for less money than we spend in a week on our Lake George DASH program. Very importantly, Minerva also spent zero dollars the following year (and probably the next few as well), with no recurrent milfoil identified subsequent to management, which is absolutely unheard of in our DASH program.

Also attached is a new Excel file from Amy Smagula from New Hampshire who manages their invasives program. When compared to the costs of New Hampshire's ProcellaCOR treatments, continuing our traditional DASH program for our difficult bays makes little financial (and ultimately environmental) sense versus ProcellaCOR. I think our three state agencies share the collective goal of establishing long-term milfoil reductions in Lake George that minimize impacts to the lake. While DASH can be effective, the turbidity and nutrient resuspension from pulling tens of thousands of plant every year concerns all of us. We spend much of the summer in Harris Bay pulling milfoil (our largest and most problematic site), and this bay experienced our first ever HAB two years ago.

I just thought it very important that I present to you the bigger picture of milfoil control on Lake George and the long-term challenges we face. Thank you both for your considerable effort on our applications; we realize it takes a lot of work on the regulatory side to get a project prepared for final consideration.

Have a great weekend,

Dave Wick

Executive Director

NYS Lake George Park Commission

PO Box 749, 75 Fort George Road, Lake George, NY 12845

Office: 518-668-9347 Cell: 518-361-0985 Fax: 518-668-9347

www.lgpc.ny.gov

From: [Glenn Sullivan](#)
To: [Petith, Stephanie L \(APA\)](#)
Subject: Re: P2022-0003 & P2022-0004 1st NIPAs
Date: Tuesday, January 25, 2022 1:23:58 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Stephanie,

I have received both documents.

Thank you,

Glenn Sullivan

Certified Lake Manager

Project Manager



M:

908-310-8775



solitudelakemanagement.com

On Tue, Jan 25, 2022 at 1:15 PM Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov> wrote:

Dear Mr. Sullivan,

Please reply to this e-mail to indicate that the attached documents have been received by you, Glenn Sullivan. By replying to indicate receipt, you consent to delivery of the attached documents by e-mail in lieu of certified mail.

Thank you and take care!

Stephanie L. Petith

Administrative Assistant 1

NYS Adirondack Park Agency

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov

www.apa.ny.gov

CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.

Please consider the environment before printing this e-mail.

Information in this message is confidential and is intended solely for the persons to whom it is addressed. If you are not the intended recipient please notify the sender and immediately delete this message from your computer.

This system may be monitored or recorded to secure the effective operation of the system and for other lawful purposes. Please check out the Privacy Notice on our website for details.

From: [Walrath, Leigh R \(APA\)](#)
To: gsullivan@solitudelake.com
Cc: [Burth, John M \(APA\)](#)
Subject: RE: plant survey
Date: Tuesday, January 11, 2022 10:14:41 AM

Yes, thank you Glenn.

We'll begin working on our review of the other materials and I will keep you posted if we have other questions regarding individual files.

When you submit the plant survey it would a good time for you to specifically state that documents labeled as draft in the original submission are indeed final documents (if that's indeed the case, otherwise please submit final documents as soon as possible). Also, if files were submitted in error (i.e., sheep sample points vs sheep sample points update) please identify which file(s) should be stricken from the record. As before, when submitting the information please be sure to be sure to keep each project materials and clarifications (if any) separate. All materials should be submitted using the APAsubmissions@apa.ny.gov email address. We have assigned project number P2022-0003 for the Sheep Meadow Bay proposal and P2022-0004 for Blair's Bay. Please reference the appropriate file number in your subject line for any submission.

Please call me if you wish to discuss.

Thank you.

Leigh

Leigh Walrath

Associate Adirondack Park Project Analyst, Freshwater

NYS Adirondack Park Agency

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

Office: (518) 891-4050 | Cell: (518) 708-3730 | Fax: (518) 891-3938 |

leigh.walrath@apa.ny.gov

www.apa.ny.gov

CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.

From: Glenn Sullivan <gsullivan@solitudelake.com>
Sent: Tuesday, January 11, 2022 9:45 AM
To: Walrath, Leigh R (APA) <Leigh.Walrath@apa.ny.gov>
Subject: plant survey

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Leigh,

With Dave's approval, I have requested that Bob provide a single document plant survey report. For clarity, do you need a separate report for each site?

Glenn Sullivan
Certified Lake Manager
Project Manager



M: 908-310-8775



solitudelakemanagement.com

Please consider the environment before printing this e-mail.

Information in this message is confidential and is intended solely for the persons to whom it is addressed. If you are not the intended recipient please notify the sender and immediately delete this message from your computer.

This system may be monitored or recorded to secure the effective operation of the system and for other lawful purposes. Please check out the Privacy Notice on our website for details.

From: [Walrath, Leigh R \(APA\)](#)
To: gsullivan@solitudelake.com
Cc: [Burth, John M \(APA\)](#)
Subject: RE: Plant surveys
Date: Monday, January 24, 2022 2:14:19 PM

Will do.
Thank you.
Leigh

Leigh Walrath

Associate Adirondack Park Project Analyst, Freshwater

NYS Adirondack Park Agency

PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Office: (518) 891-4050 | Cell: (518) 708-3730 | Fax: (518) 891-3938 |
leigh.walrath@apa.ny.gov
www.apa.ny.gov

CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.

From: Glenn Sullivan <gsullivan@solitudelake.com>
Sent: Monday, January 24, 2022 2:13 PM
To: Walrath, Leigh R (APA) <Leigh.Walrath@apa.ny.gov>
Subject: Re: Plant surveys

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Leigh,

Please ignore my previous email, and I will await receipt of the NIPAs tomorrow.

Thanks,

Glenn Sullivan
Certified Lake Manager
Project Manager



M: 908-310-8775



solitudelakemanagement.com

On Mon, Jan 24, 2022 at 2:07 PM Walrath, Leigh R (APA) <Leigh.Walrath@apa.ny.gov> wrote:

Hi Glenn,

We are finalizing Notice of Incomplete Permit Application (NIPA) notices for both projects now and they will be sent out electronically by the end of the day tomorrow. To avoid delays I would strongly advise that you hold off on submitting the two plant reports until you receive the notices. To accept these documents now will restart a 15 day review clock and the NIPA we are finalizing now will not be issued until the additional review is completed.

Please call me at my cell phone (number is below) if you wish to discuss this further. I am here until 3 pm today.

Thank you.

Leigh.

Leigh Walrath

Associate Adirondack Park Project Analyst, Freshwater

NYS Adirondack Park Agency

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

Office: (518) 891-4050 | Cell: (518) 708-3730 | Fax: (518) 891-3938 |

leigh.walrath@apa.ny.gov

www.apa.ny.gov

CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.

From: Glenn Sullivan <gsullivan@solitudelake.com>

Sent: Monday, January 24, 2022 1:55 PM

To: Walrath, Leigh R (APA) <Leigh.Walrath@apa.ny.gov>

Subject: Plant surveys

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon Leigh,

Attached are plant survey reports for Blairs Bay and Sheep Meadow Bay. Please let me know if you need these submitted in a different way.

Thanks,

Glenn Sullivan
Certified Lake Manager
Project Manager



M: 908-310-8775



solitudelakemanagement.com

Please consider the environment before printing this e-mail.

Information in this message is confidential and is intended solely for the persons to whom it is addressed. If you are not the intended recipient please notify the sender and immediately delete this message from your computer.

This system may be monitored or recorded to secure the effective operation of the system and for other lawful purposes. Please check out the Privacy Notice on our website for details.

Please consider the environment before printing this e-mail.

Information in this message is confidential and is intended solely for the persons to whom it is addressed. If you are not the intended recipient please notify the sender and immediately delete this message from your computer.

This system may be monitored or recorded to secure the effective operation of the system and for other lawful purposes. Please check out the Privacy Notice on our website for details.

From: [Microsoft Outlook](#)
To: gsullivan@solitudelake.com
Subject: Relayed: P2022-0003 & P2022-0004 1st NIPAs
Date: Tuesday, January 25, 2022 1:15:18 PM
Attachments: [P2022-0003 P2022-0004 1st NIPAs.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

gsullivan@solitudelake.com (gsullivan@solitudelake.com)

<<mailto:gsullivan@solitudelake.com>>

Subject: P2022-0003 & P2022-0004 1st NIPAs