

THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit <b>2025-0011</b></p>
	<p>Date Issued: April 29, 2025</p>
<p>In the Matter of the Application of</p> <p><b>NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION</b></p> <p>for a permit pursuant to 9 NYCRR Part 578</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following name(s):</p> <p><b>1. New York State Department of Environmental Conservation</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a one-time application of a piscicide in Echo Pond in the Town of Santa Clara, Franklin County.

This authorization shall expire unless recorded in the Franklin County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Franklin County Clerk's Office. The Agency will consider the project in existence when the piscicide application authorized herein has occurred.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

## **PROJECT SITE**

The project site is Echo Pond (C-P136), a 16.3-acre pond located off NYS Route 30 in the Fish Creek Pond Campground, Town of Santa Clara, Franklin County, New York. The bottom of Echo Pond is owned and administered by the New York State Department of Environmental Conservation (NYSDEC). Adjoining land use areas are classified Intensive Use and Wild Forest on the Adirondack Park Land Use and Development Plan Map. The site is located within Tax Map Section 453, Block 1, Parcel 1, and is described in a deed recorded in the Franklin County Clerk's Office at Book 107, Page 130.

Echo Pond is a seepage water with no inlet or outlet streams. The shoreline is predominantly hard substrate with little to no emergent vegetation. There is one small inundated channel extending from the shoreline of the pond between the southeast shoreline and NYS Route 30.

Echo Pond contains deep water marsh wetlands with a value rating of "2" pursuant to 9 NYCRR Part 578. Additional wetlands not described herein may be located adjacent to the project site.

The project site is subject to the Saranac Lakes Wild Forest Unit Management Plan (UMP). Management of Echo Pond is described in the UMP on Page 263 as follows: "Echo Pond will be managed as an Adirondack brook trout pond. It will be reclaimed upon establishment of non-native or other fishes to enhance and restore a native fish community."

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves reclamation of Echo Pond with rotenone piscicide to remove native but widely introduced brown bullhead and restore and enhance the native brook trout population.

Rotenone Fish Toxicant Powder (a toxicant containing 8.74% rotenone, EPA Reg. No. 89459-32) will be applied to the entirety of Echo Pond via a boat mounted powder-based spraying system. A small quantity of liquid Rotenone formulation (Prenfish Toxicant, EPA Reg. No. 655-422) might be applied via backpack sprayer in the littoral zone of the pond to effectively treat areas which cannot be reached with the boat mounted powder-based spraying system.

The project site will be treated with approximately 1153.7 pounds of Rotenone Fish Toxicant Powder to achieve a target concentration of 1.5 parts per million (ppm) for 24 hours. Dead fish will be allowed to decay in the pond. The lake will subsequently be re-stocked with *Temiscamie* x domestic hybrid strain fall fingerling brook trout in the year following the reclamation. 500 fall fingerlings will be stocked annually to support this fishery.

The piscicide will be applied by NYSDEC staff in a manner that is consistent with the product label, the Final Programmatic EIS on Fish Species Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife (Fish Species Management EIS), and the Final Programmatic EIS on Undesirable Fish Removal By The Use Of Pesticides Under Permit Issued By The Department of Environmental Conservation Division of Lands and Forest Bureau of Pesticides Management (Pesticides EIS). Licensed applicators will use boat-mounted pumps, backpack sprayers, and wick applicators to apply the product. The one-time fall treatment will be completed during open water conditions and daylight hours. The efficacy of treatment will be determined by a subsequent survey.

The project is described in a report labeled, "Application for Reclamation on Forest Preserve, Echo Pond (C -P136)," unattributed, stamped as received by the Agency on March 19, 2025 (hereafter, the "Application Report".)

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to the addition of a piscicide to a lake containing wetlands in the Adirondack Park.

### **CONDITIONS**

#### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Franklin County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and Application Report shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit authorizes one Rotenone treatment of Echo Pond as described in the Application Report, in the Autumn of 2025. Any change to the location, timing, methods, or other aspect of the treatment shall require prior written Agency authorization.

5. No other "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development, dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits, or values.
5. Within 90 days of treatment, the NYSDEC shall provide the Agency with a detailed written report on the reclamation and compliance with the Terms and Conditions contained herein. The report shall include an overview of the treatment, including but not limited to: date(s) of treatment, treatment concentration, field observations of any non-target species mortality, survival, and recovery within 24 hours after final application (including but not limited to frogs, turtles, salamanders, mussels, and aquatic insects), and bioassay tests performed during treatment.
6. By December 31 of the year following treatment, an assessment shall be undertaken to determine the efficacy of control. If re-treatment is necessary, the applicant shall advise the Agency in writing of reasons for failure of the prior treatment and proposed re-treatment details. Written Agency approval shall be obtained prior to any retreatment.

#### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Freshwater Wetlands Act and 9 NYCRR Part 578. The Agency hereby finds that the project authorized as conditioned herein:

- a. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state;
- b. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives;
- c. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this 29<sup>th</sup> day  
of April, 2025.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 29<sup>th</sup> day of April in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2029

Stephanie L. Petith  
Notary Public