



PERMIT WRITING FORM – P#2020-44

Assigned Review Officer: **Leigh Walrath**

Reviewed by:

Date:

APPLICANT

Project Sponsor(s): **Town of Minerva**

Landowner(s): **Town of Minerva**

Authorized Representative: **Glenn Sullivan, Certified Lake Manager, Solitude Lake Management**

PROJECT SITE

Town/Village: **Minerva**

County: **Essex**

Road and/or Water Body: **Minerva Lake**

Tax Map #(s): **154.4-4-25**

Deed Ref: Numerous **Deeds described in prior permits.**

Land Use Area/s: **UW (Under Water)**

Project Site Size: **41 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):

Lawfully Created? **Yes**

River Area: **No**

CEAs (include all): **Not Applicable (This is not an 810 Project) – Predicate of jurisdiction is 578 (Wetlands) Only**

PROJECT DESCRIPTION

The project as conditionally approved herein involves the application of no more than 8.73-gallons of the aquatic pesticide ProcellaCOR EC (EPA Registration Number 67690-80), over a 41-acre portion of Minerva Lake for purposes of controlling Eurasian watermilfoil.

JURISDICTION (including legal citation)

9 NYCRR Sections 578.2 and 578.3(n)(2)(i).

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED:

NONE SUPERSEDED

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none []

Water Body Name: **Minerva Lake**

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

No Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? Y N

No Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N

No Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

Non-Navigable Streams in proximity to development

Check if none []

[X] **Permanent Stream** [] Intermittent Stream

Classified? **Yes**

DEC Environmental Resource Mapper stream classification: **Jones Brook C(T)**

Wetlands: Aquatic Bed, Value 1 Floating Leaf and Deep Water Marsh greater than 20 acres within the MHW of Minerva Lake

Wildlife

No Rare/threatened/endangered species [] *If Yes, RASS ecologist consulted*

Yes R/T/E or other unique species habitat [X] *If Yes, RASS ecologist consulted*

Aquatic plant alpine pondweed (*Potamogetn alpinus*) is classified as Threatened. The plant is present but impacts are not expected due to the low treatment concentration.

No Northern Long-Eared Bat occurrences in Town [] *If Yes, RASS ecologist consulted*

Treatment area is outside zone. No trees being cut. At the treatment concentration the herbicide does not impact mammals or invertebrates.

No Forest management plan existing or proposed [] *If Yes, RASS forestry analyst consulted*

No Biological Survey required by RASS ecologist [] *If Yes, completed*

Detailed aquatic plant survey was submitted.

Ecological / Special Districts

No Natural Heritage Sites [] *If Yes, RASS ecologist consulted*

No Aquifer [] *If Yes, RASS engineer consulted*

No Agricultural District

Slopes [] *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:

Not applicable

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:

Not applicable

Character of Area

Nearby (include all): **Residential and Forested**

Adjoining Land Uses / State Land: **No**
Is nearby development visible from road? **Not applicable**
→ If Y, name road and describe visible development:

Additional Existing Development (ex: dam on site, etc.):
Two dams impound Minerva Lake. **Residential homes and public infrastructure (dam and public beach/recreation area) surround the waterbody.**

***** Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**
Not applicable

FINDINGS OF FACT – COORDINATED REVIEW

No	Archeologically Sensitive Area, according to OPRHP	[]	<i>If Yes, APA APO consulted</i>
No	Structures > 50 years old on or visible from site	[]	<i>If Yes, APA AHPO consulted</i>
No	Within Lake George Park	[]	<i>If Yes, LGPC consulted / application submitted</i>
No	Greater than 1 acre disturbance / SWPPP required	[]	<i>If Yes, DEC application submitted</i>
No	Public water supply	[]	<i>If Yes, DEC / DOH application submitted</i>
No	Greater than 1,000 gpd wastewater	[]	<i>If Yes, DEC application submitted</i>
No	Disturbing bed or bank of water body	[]	<i>If Yes, DEC application submitted</i>
No	Creating 5 or more lots less than 5 acres each	[]	<i>If Yes, DOH application submitted</i>
No	Army Corps involvement	[]	<i>If Yes, ACOE consulted</i>
No	Agency-approved Local Land Use Program	[]	<i>If Yes, Town/Village consulted</i>
YES	Application of Regulated Pesticide		<i>DEC application submitted</i>

and coordinated review has been undertaken.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Additional Site / Project-Specific Concerns / Conditions Needed

Requiring the project to occur as proposed (particularly the proposed treatment concentration) will ensure that the target plant is controlled while the native plant community remains intact. The post treatment monitoring of herbicide residue concentrations and of the plant community, and the reporting of activities and conditions surrounding the treatment, will allow the Agency to understand if the project occurred as proposed. The reporting will also allow a post-treatment impact assessment of a value 1 wetland. Finally, requiring the use of watercraft which prevent the resuspension of sediment will minimize impacts to native vegetation from sediment settling onto the vegetation. Resuspended sediment may also interfere with herbicide uptake by the target plant thereby reducing treatment efficacy so keeping it to a minimum will help to ensure a successful treatment.

Yes **Public comments received** **If yes, #: 1**
As of 4/30/20 there has been one letter in support; public comment period ended on April 9.

Y **No** **Applicant submitted response: No response needed.**