

THIS IS A TWO-SIDED DOCUMENT
STAFF DRAFT – NOT APPROVED BY AGENCY

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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 style="text-align: center;">APA Permit 2023-0017</p>
<p>In the Matter of the Application of</p> <p>LAKE GEORGE PARK COMMISSION Permittee</p> <p>for a permit pursuant to 9 NYCRR Part 578</p>	<p>Date Issued: XXXX</p>
	<p>This permit does not have to be recorded in the County Clerk's Office.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a one-time application of an herbicide in Sheep Meadow Bay, also known as Jelliffe-Knight Bay, Lake George, in the Town of Hague, Warren County.

The project shall not be undertaken or continued without a new or amended permit unless the project authorized herein is in existence by June 30, 2025. The Agency will consider the project in existence upon commencement of the herbicide application.

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 an estimated 0.5±-acre deep water marsh wetland with a value rating of "3" within Sheep Meadow Bay, Lake George, in the Town of Hague, Warren County.

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 Sheep Meadow Bay for purposes of controlling Eurasian watermilfoil (*Myriophyllum spicatum*). In total, the permittee will apply up to 4.78 gallons of ProcellaCOR EC within a 3.6-acre area in Sheep Meadow Bay; a permit is required from the Agency for application only within the 0.5±-acre wetland area.

A permit from the New York State Department of Environmental Conservation (DEC) Bureau of Pesticides Management is also required.

The Lake George Park Commission will continue to manage Eurasian watermilfoil in Lake George, using hand harvesting/diver assisted suction harvesting and/or benthic barrier installation techniques as currently permitted by Agency Permit 2016-0021.

The project is shown on the following maps, plans, and reports:

- A map titled “Sheep Meadow Bay 2022 Eurasian Watermilfoil Control Plan,” prepared by Solitude Lake Management, dated November 18, 2021, and received by the Agency on January 7, 2022 (the Project Map);
- A plan titled “Jeliffe-Knight Bay Treatment Area Map and Sampling Map,” prepared by Solitude Lake Management, and received by the Agency on April 17, 2024 (the Sampling Plan); and
- A report titled “Sheep Meadow Bay Lake George, New York 2021 Submersed Aquatic Macrophyte Report,” prepared by Warren County Soil and Water Conservation District, supplemented by a narrative survey addendum labeled, “Sheep Meadow Bay,” stamped as received by the Agency on February 28, 2023 (together, the Plant Surveys).

A copy of the Project Map is attached as a part of this permit for easy reference.

AGENCY JURISDICTION

The project consists of the application of an herbicide within wetlands and requires an Agency permit pursuant to 9 NYCRR Sections 578.2 and 578.3(n)(2)(i).

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. 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 shall be furnished by the permittee and/or any subsequent owner or lessee to all persons undertaking the activities authorized herein.
2. 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].

3. This permit authorizes the application of the aquatic herbicide ProcellaCOR EC at a rate of no more than 7.72 parts per billion (4 Prescription Dose Units) within wetlands in the location shown on the Project Map and described in the Pesticide Use Application. The liquid herbicide shall be mixed with water on the application vessel before being injected below the water surface.
4. Prior to being brought on site, all equipment (including but not limited to boats, trailers, anchors, ropes/lines, and internal and external pumps, hoses, and storage or mixing tanks) that will be placed in or over the water shall meet the Clean Drain Dry standard as set forth on the DEC website. Disinfection, if necessary, shall also be done prior to being brought on site and shall be done in accordance with procedures outlined on the DEC website.
5. Post-treatment herbicide residue monitoring shall occur at the six locations shown and with the frequency described in the Sampling Plan. A post-treatment herbicide monitoring report shall be provided to the Agency by December 1 of the treatment year, and shall include an assessment and discussion of all monitoring results for each sampling event.
6. A post-treatment aquatic plant survey shall be completed between August 5 and September 15 of the treatment year. The survey shall repeat the process described in the 2021 Plant Survey.

A post-treatment status report shall be provided to the Agency by December 1 of the treatment year. This report shall include the results of the post-treatment aquatic plant survey, including any Eurasian watermilfoil not lethally controlled by the treatment observed at or adjacent to any post-treatment survey site but not captured by rake toss; a table identifying the GPS coordinates of each sample site; and a map and table identifying the GPS coordinates of any Eurasian watermilfoil not lethally controlled by the treatment observed outside any post-treatment survey site. The report shall also include a narrative assessment of the overall health and effects of treatment on the plant community of Sheep Meadow Bay and the immediate surrounding area.

7. Any change to any aspect of the project, including but not limited to the treatment location, application rate, or concentration, or to the post-treatment monitoring, shall require prior written Agency authorization.

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 be consistent with the Adirondack Park land use and development plan;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social or other benefits to be derived from the activity;
- c. will result in the minimum possible degradation or destruction of any part of the wetland or its associated values;
- d. is the only alternative which reasonably can accomplish the applicant's objectives; and
- e. will, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.

PERMIT issued this day
of , 2024.

ADIRONDACK PARK AGENCY

BY: _____
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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.

Notary Public