

PROTECT THE ADIRONDACKS!

Board of Directors

May 10, 2024

Charles Clusen
Chair

John Ernst, Chair
Board Members
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook NY 12977

James McMartin Long
Michael Wilson
Vice-Chairs

Barbara Rottier
Secretary

Re: APA Conditions on the use of ProcellaCOR treatments

David Quinn
Treasurer

Dear Chairman Ernst and Board Members:

Nancy Bernstein
John Caffry
Andy Coney
Dean Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Evelyn Greene
Sidney Harring
Sheila Hutt
Dale Jeffers
Patricia Morrison
John Nemjo
Peter O'Shea
Philip Terrie
Chris Walsh

Protect the Adirondacks (“PROTECT”) has followed closely the Adirondack Park Agency’s (“APA”) issuance of permits to various entities for the use of ProcellaCOR EC to treat Eurasian watermilfoil (“EWM”) in Adirondack waterbodies. This has included permits to use ProcellaCOR EC to control EWM in Horseshoe Pond/Deer River Flow (approved April 2024), Brant Lake (approved March 2024), Paradox Lake (approved November 2023), Lake Luzerne (approved May 2023), Lake George (approved April 2022), and Minerva Lake (approved 2020). We know that there are upcoming applications coming to APA for consideration, and we urge APA to include more stringent conditions in its permit approvals going forward.

Staff

Peter Bauer
Executive Director

We have submitted several comment letters to APA raising concerns about the use of ProcellaCOR because of the potential impacts of the herbicide on nontarget species of plants, and on fish, birds, reptiles and invertebrates. Despite our repeated calls to APA for an adjudicatory hearing to better understand the issues, allow for cross examination and scrutiny of information (studies and experts), and to give APA ideas on permit conditions that will help to prevent undue adverse impacts to the natural resources of the Adirondack Park, APA has never held an adjudicatory hearing on this issue. We continue to be concerned about the use of ProcellaCOR because EWM is an invasive plant that will never be fully eradicated from our waters, will continue to be a challenge, and will need ongoing management.

Claudia K. Braymer, Esq.
Deputy Director

Christopher Amato, Esq.
**Conservation Director
and Counsel**

Since EWM is an invasive species that may outcompete native species and have negative consequences on the ecosystem, the use of ProcellaCOR may be an appropriate last resort to reduce EWM if the use of mechanical techniques (e.g., hand harvesting) has already been employed and cannot effectively

Protect the Adirondacks

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restore an approximation of the original abundance and diversity of native plant populations. However, careful monitoring and multiyear post-treatment, comprehensive plant surveys after the ProcellaCOR treatment should be mandated by APA as conditions to any permit for the use of ProcellaCOR.

In addition, EWM is not likely to be eliminated completely with ProcellaCOR and it will need to be controlled with sustained active management. PROTECT does not support ongoing, multiyear chemical herbicide treatments with ProcellaCOR particularly because of the lack of data about the potential long-term impacts on Adirondack waters, plants and animals. We urge lake associations and managers to develop robust lake management plans that include a variety of tools to address the multitude of threats facing Adirondack lakes. We also urge APA to include in all permits issued a requirement that the applicant have and follow a robust lake management plan to specifically reduce EWM with non-chemical treatments.

It is well within APA's existing statutory and regulatory authority to include conditions in its permits that require the applicant to monitor results and follow a management plan into the future. As set forth in the Freshwater Wetlands Act, APA may "impose conditions or limitations" to "preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands". ECL §§ 24-0103; 24-0705(4).

On behalf of the Board of Directors of Protect the Adirondacks, we thank you for considering our comments and concerns regarding the use of this herbicide in the Adirondack Park.

Sincerely,



Claudia K. Braymer,
Deputy Director

cc: David J. Plante, AICP CEP, APA Deputy Director, Regulatory Programs
Damion Stodola, Esq., APA Counsel