



Board of Directors

Charles Clusen
Chair

James McMartin Long
Michael Wilson
Vice-Chairs

Barbara Rottier
Secretary

David Quinn
Treasurer

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

Staff

Peter Bauer
Executive Director

Claudia K. Braymer, Esq.
Deputy Director

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

May 3, 2023

Peter Frank
New York State Department of Environmental Conservation
Division of Lands and Forests
625 Broadway
Albany NY 12233
adirondackpark@dec.ny.gov

**RE: Public Comments on Application of the aquatic herbicide
ProcellaCOR EC in Paradox Lake to control Eurasian watermilfoil**

Dear Peter:

Protect the Adirondacks has a number of concerns about the proposed ProcellaCOR treatment on Paradox Lake. The purpose of this project is to reduce the presence of the aquatic invasive plant Eurasian watermilfoil (*Myriophyllum spicatum*). As an initial matter, it is unclear if this proposal is being proposed and implemented by the Paradox Lake Association or by the Department or some other entity. As with other recent proposals for the application of ProcellaCOR, this project appears to be high risk, premature, and poorly planned.

The presence of Eurasian watermilfoil (EWM) was first reported in 2008 and has been controlled with hand harvesting since that time. Of all the treatment methods, hand-harvesting has proven the most successful over the years, especially by utilizing large, trained diving crews. The high cost and intensive labor involved are the main drawbacks of hand-harvesting, but it's highly effective at reducing EWM sites and limits disturbance of native aquatic plant populations. Unfortunately, EWM is an invasive plant that will never be fully eradicated from our waters. Once a lake is infested, the most successful efforts have strived to contain it with regular treatments. This is the reality on Paradox Lake, just as it is in many Adirondack lakes. EWM control is a fact of life that must be continued year after year.

Protect the Adirondacks

PO Box 48, North Creek, NY 12853 · 518.251.2700

www.protecttheadirondacks.org · info@protectadks.org

Follow Us on Twitter @ProtectAdkPark & Like Us on Facebook

Paradox Lake has limited growth of EWM: The materials indicate that EWM is “present throughout Paradox Lake”, but the materials also state that there is “limited growth of [EWM] in Paradox Lake” and that due to the low level of infestation of EWM, “the impact of [EWM] on native species is limited”. While it is possible that EWM will continue to grow if left completely unmanaged, EWM was successfully reduced as a result of regular hand harvesting. According to the materials, 2023 is only the second year of a three year intensive effort to control EWM. In 2022, there was “significant progress” with hand harvesting of EWM. Hand harvesting without ProcellaCor application should be continued as a treatment method at least through the third year of the plan before ProcellaCor is approved for use.

Minerva Lake Experience: The Adirondack Park Agency (APA) previously permitted the use of ProcellaCOR in Minerva Lake, in southern Essex County. In Minerva Lake only part of the lake was proposed for treatment but the chemical spread to the whole lake as the sequestration of the treatment area failed.

Chautauqua Lake Experience: ProcellaCOR was also used in Chautauqua Lake. The Chautauqua-Conewango Consortium assessment of the 2020 treatment states: “The June 29, 2020 application of ProcellaCOR EC to 86.4 acres of Chautauqua Lake was conducted by Solitude Lake Management. The third-party monitoring report (Report) was submitted by Princeton Hydro, LLC and made public on February 3, 2021. In this Report, an important conclusion was that the reduction of the target species, Eurasian watermilfoil, from the 2020 treatments was not significant. Thus, the treatment program was not successful in achieving one of its main goals. The failure to significantly reduce the biomass of this species raises the question of the efficacy and cost effectiveness of the use of ProcellaCOR EC in the future.”

Questions that merit greater examination: The proposed use of ProcellaCOR to treat EWM on Paradox Lake raises many questions. These include:

- The aquatic plant diversity of the lake is relatively high. Impacts to non-target plants have been reported in recent treatments in other lakes and ponds. The proposal for use of ProcellaCOR has not provided adequate information about the impacts on non-target aquatic plants.
- The species richness of the lake is quite high, with hundreds of phytoplankton, fish zooplankton, and benthic invertebrates. The proposal for use of ProcellaCOR has not provided any pre-and post-treatment findings for macrophytes, algae, fish, benthic invertebrates or zooplankton native to Adirondack lakes. Much more information is needed to assess these impacts.
- The historic information about hand-harvesting treatments is inadequate. There is little information on annual hand-harvesting efforts, costs, plants/quantities harvested, or anything to evaluate the efficacy of these efforts.
- It appears from the application that chemical treatments are envisioned in the future as a means for controlling EWM (at least for 2024). There is inadequate information in the application about impacts from chemical treatments

undertaken on a regular basis into the future.

Questions merit full examination in an official APA Adjudicatory Public Hearing:

The APA ordered and conducted a formal adjudicatory hearing on the proposed use of the aquatic herbicide Sonar (SeaPro) by the Lake George Park Commission two decades ago, and the APA Board voted the project down in January 2003. ProcellaCOR is less proven than Sonar was at time. Though the APA has refused to consider any formal adjudicatory hearings for the last 12 years, this project merits a high level of public scrutiny, opportunity for independent expert testimony and cross-examination, and public involvement. The APA's refusal to hold formal adjudicatory public hearings on major projects over the last dozen years has been an unfortunate miscarriage of its regulatory responsibility and shows a disturbing hubris in its regulatory review.

Without the benefit of fully developed record that would be produced during a formal adjudicatory hearing on the proposal, Protect the Adirondacks is opposed to the approval of any proposals for the application for ProcellaCOR treatment on Paradox Lake, or any Adirondack lake. The use of ProcellaCOR must be fully evaluated in an adjudicatory public hearing.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to make these public comments. We may have additional comments as our review of this matter continues.

Sincerely,

A handwritten signature in black ink that reads "Claudia K. Braymer". The signature is written in a cursive, flowing style.

Claudia Braymer,
Deputy Director