PROTECT THE ADIRONDACKS!



February 15, 2024

Aaron Ziemann
Adirondack Park Agency
PO Box 99 Route 86
Ray Brook NY 12977

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

Dear Aaron:

As we have stated previously, Protect the Adirondacks has a number of concerns about the use of ProcellaCOR treatment on Adirondack lakes. The most recent proposal is for Brant Lake. The purpose of this project is to reduce the presence of the aquatic invasive plant Eurasian watermilfoil (*Myriophyllum spicatum*). We continue to believe that this proposed application of ProcellaCOR is premature, its impacts have not been fully assessed, and the applicants do not have long-term planning in place for future management of Eurasian watermilfoil (EWM).

The presence of EWM was first discovered in Brant Lake in the late 1980s and has been managed with benthic mats, suction harvesting, hand harvesting, education and boat steward programs since that time. The use of an herbicide known by the brand name of SONAR was considered but never used. 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 management. This is the reality on Brant Lake, just as it is in many Adirondack lakes. EWM control with active management is a fact of life that must be continued year after year.

**EWM on Brant Lake:** The majority of points (61%) in the treatment area have only "trace densities" of EWM. The remainder of points in the treatment area have sparce or moderate densities of EWM. There are no points in the treatment area with dense or highly-dense coverage of EWM. Given the relatively low densities of EWM in the treatment areas, it is unclear why the use of an herbicide has been proposed for Brant Lake. The applicant recognizes that hand harvesting of EWM will need to continue indefinitely, and that the hand harvesting has been largely successful.

Moreover, the Brant Lake Management Plan (p. 76) states that "hand harvesting appears to be the most (if not only) appropriate technique for controlling EWM populations at a desirable level for Brant Lake." Notably, the Brant Lake Management Plan (p. 77) acknowledges that "it is unlikely that the [EWM] population will ever be eradicated", and that "stakeholders must determine to what level of abundance they wish to suppress EWM". The Brant Lake stakeholders have not made a documented determination about a realistic goal, or desirable level, of EWM suppression. Therefore, it is premature to approve the use of ProcellaCor when hand harvesting is effective, and stakeholders have not yet established a measurable goal for the level of EWM populations against which the effectiveness of ProcellaCor can be evaluated.

Additionally, there is no information in the application materials about the status and effectiveness of other strategies for controlling EWM identified in the Brant Lake Management Plan (page 71). These strategies "include but are not limited to: proper monitoring and maintenance of septic systems, construction of rain gardens to trap storm water entering the lake, and planting vegetation both in the water and on the shoreline to reduce erosion", and reduction of the use of lawn fertilizers. These strategies should be implemented to the full extent possible before herbicide use is approved.

**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. According to a 2023 vegetation survey, since the ProcellaCOR treatment of Minerva Lake in 2020, there has been an overall decrease in the frequency of occurrence for the most common native plant species, and that several species (floating pondweed (*P. natans*), bur-reed (*Sparganium spp.),* slender naiad (*Najas gracillima*), and quillwort (*Isoetes spp*.) that used to be present are no longer observed at all. Is it possible that the declines, and complete lack, of some plant species is a result of the ProcellaCOR treatment?

**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."

**Lake Luzerne Experience:** We understand that ProcellaCOR was approved for use in Lake Luzerne and that the application of ProcellaCOR was undertaken in the summer of 2023. Information about the efficacy of the application, as well as post-treatment findings of impacts to non-target aquatic plants, fish and other aquatic species, from the treatment of that lake should be provided to APA for review prior to approval for use in additional lakes in the Adirondacks.

**Questions that merit greater examination:** The proposed use of ProcellaCOR to treat EWM on 164 acres of Brant 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 provided information about the impacts on non-target aquatic plants such as native milfoil, but also acknowledges that there are some plant species where the impacts are unknown, such as for Common pipewort, which is relatively common in Brant Lake. We appreciate that there is a post-treatment monitoring plan that includes qualitative and quantitative plant surveys following the use of ProcellaCOR. APA should require that these survey results be submitted to APA, and that no future applications for use of herbicides in Brant Lake be approved if these surveys are not provided to APA.

- 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 application materials originally considered the entire lake the dilution zone, but the "more refined" simulated dilution zones mapped for the treatment areas cover 977 acres, more than half of the total size of the lake (1,440 acres). Thus, the proposal is not limited to a small area of impact for the lake. The APA should require a pretreatment dye study of the proposed treatment areas to determine the actual extent of the dilution/dispersal zones.

- Brant Lake is a complicated lake with a major outflow over the dam and 14 tributaries into the lake. The lake's water is dynamic, not static. According to the ProcellaCor production information it is an herbicide "for management of freshwater aquatic vegetation in slow-moving/quiescent waters with little or no continuous flow". Brant Lake does not match the characteristics called for by the production information so should ProcellaCor even be considered for use in this lake?

- While not entirely clear from the application materials, it appears that chemical treatments are envisioned in the future, two or three years from the initial

application, as a means for controlling EWM in Brant Lake on an ongoing basis. We oppose regular/repeated use of ProcellaCOR as a long-term management technique.

**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 by the Lake George Park Commission two decades ago, and the APA Board voted down the project in January 2003 based upon information elicited during that hearing. ProcellaCOR is less proven than Sonar was at time. Though the APA has refused to consider any formal adjudicatory hearings for the last 13 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 Brant Lake, or any Adirondack lake. The use of ProcellaCOR must be fully evaluated in an adjudicatory public hearing for the benefit of public understanding of its risks, utility and effectiveness.

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.

Sincerely,

Claudia K. Braymer

Claudia Braymer,
Deputy Director