



May 12, 2009

Rolf Tiedemann  
358 Electric Avenue  
Rochester, NY 14613

**RE: Eagle Lake Property Owners, Inc. (ELPOI) Proposed Herbicide Treatment, A2009-76**

Dear Mr. Tiedemann:

This letter is to follow-up on your recent discussions with Agency staff and Chairman Stiles concerning the proposed use of the aquatic herbicide Renovate in Eagle Lake. The Agency has been coordinating closely with the NYS Department of Environmental Conservation (NYSDEC) regarding the use of Renovate to control Eurasian watermilfoil in the Adirondack Park.

As was discussed with you on several occasions, Agency staff's position is that in the Supplemental Information Request-Application for Use of Pesticides to Control Aquatic Plants, copy attached, Item 8 Partial Lake Treatment, sequestering curtains will be required for all treatment sites where the herbicide will be applied. The curtains are necessary to eliminate or reduce the impacts to native aquatic vegetation, including those aquatic plant species listed as protected by the NYS Natural Heritage Program.

The 2008 aquatic plant survey identified two of the three protected plant species found in Eagle Lake to be located downstream of the proposed treatment sites. Other native plants located within the treatment site or adjacent to it have been identified in the March 2007 "Supplemental Environmental Impact Statement for the Use of Aquatic Herbicide Triclopyr Renovate in the State of New York" as being highly or moderately susceptible to Renovate. The curtains will also contain the herbicide within the treatment area, thereby increasing efficacy of the treatment on the target plant, Eurasian watermilfoil.

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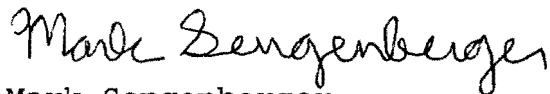
As you are aware, an ELPOI permit application to use Renovate will require Agency Board approval. Based on current knowledge, submission of an application without the requested sequestering curtain information will not receive a favorable recommendation from Agency staff.

The Agency is aware that the requirement for sequestering curtains will add to the overall cost of the project. However, it is the opinion of staff, following a recent site visit, that the treatment sites can be reconfigured to allow for smaller treatment areas and at shallower water depths where standard size curtains could be used.

I encourage you to continue working with your aquatic consultant to identify the most reasonable treatment sites, including other sites not previously surveyed or evaluated, in order to determine the most cost effective approach to achieving your aquatic plant management objectives within the constraints of your existing budget.

We look forward to working with ELPOI and to receiving a permit application for this proposal in the future. If you have any questions, please contact Ed Snizek, workdays from 8:00 am to 4:00 pm at the Agency.

Sincerely,



Mark Sengenberger  
Deputy Director (Regulatory Programs)

Attachment

MES:ESS:MJG:slp

cc: Scott Kishbaugh, NYSDEC  
John Bennett, NYSDEC  
Ed Snizek