Eagle Lake Property Owners, Inc. PO Box 287 Ticonderoga, NY 12883

December 2, 2013

Re: Comments on the APA Rass-1 guidelines for the appropriate use of the Herbicide Renovate with respect to EWM

Dear Mr. Walrath,

What follows are the Eagle Lake Milfoil Control Teams comments and observations as per APA's request for comments in RASS-1 "guidelines for the appropriate use of the Aquatic Herbicide Renovate". This document was open to the public and all other interested parties and asked for their review and comments as they related to the APA's proposed guidelines for the use of the aquatic herbicide Renovate. It is hoped that all comments submitted will be opened up for public review and that notification of a location for this to take place will be given to each submitter. Our comments ask several questions and will call into question the need for any additional guidelines for the use of the herbicide Renovate for control of the invasive Eurasian Water Milfoil in Adirondack Lakes, but first several concerns need to be addressed;

1. It is very disturbing, almost egregious, that in the initial press release regarding this document that ONLY 5 business days were provided to the public and all interested/invested parties to gather and then relay input on a topic of such importance. A quick change to this short and irresponsible deadline was made as result of a call by the Eagle Lake Milfoil Project Coordinator to Senator Little's office and an intervention on their part. The deadline was then changed to 30 days. If the APA were to perform in a manner where, as their tag line at the end of the press release states, and in all caps, "WE WORK FOR THE PEOPLE"- "performance*integrity*pride", they would have had the "integrity" and "pride" to provide the courteous, and most often required, response time of 30 days, to garner their necessary, but what appears to be "undesired" public response, without having to involve our Senator. It appears however that the APA works more under their mission, also provided in the press release "…through the exercise of the powers and duties… as provided by law". In the case of the short time frame provided to gather comments it appears to us that the APA is in this case, more about exclusion of the people and more about the exercise of their powers. Maybe they are not interested in or are trying to avoid or minimize the comments of the public. We owe thanks to the Senator's office for getting the time period extended. It is also disconcerting that a thorough Internet review of the request for comment produced only one small mention that the time frame had been extended. I'm sure many people falsely believed that the deadline to comment has already come and gone (this included many of the Adirondack Lake Alliance (ALA) community lakes that Eagle Lake is a member of, as was evidenced by their reply to my reminder notice). What a shameful way to initiate a positive dialog on such an important, potentially precedent setting regulatory agency document. In all honesty, this current comment period should be halted and

restarted after a thorough, timely and sufficient distribution of this notification is given/sent to the public at large and all *"... lake associations, state agencies and local municipalities, Adirondack Park Invasive Plant Program (APIPP), and others involved with management of aquatic invasive plants"*, as these are the entities the APA is stating these guidelines are being provided to/for.

2. Why did the APA not register their input, either positive or negative, during the original 2006 Renovate herbicide registration process?

   The NYS DEC, with a request for input from the APA, registered Renovate for use in ALL of NYS, including the Adirondack Park, some 7 years ago. At the time of the writing of the NYS Supplemental Environmental Impact Statement (SEIS) for the registration process, input and comments from all involved agencies were asked for. The APA, being an involved party, was included. By agreement, the APA deferred their input and expertise to the DEC staff working on the registration process with the DEC being designated "Lead Agency" (see SEIS section 1.4 copied below). At the completion of the SEIS, the APA again had opportunity for comment. Only a hand full of written comments were entered into the (SEIS) March 2007, again, none were from the APA. In this instance a non-response from the APA would be or should have been perceived as their being in support of the SEIS.

   1.4 Identification and Jurisdiction of the Involved and Interested Agencies
   The following agencies were identified as involved agencies for the development of this SEIS:
   • New York State Department of Environmental Conservation (NYSDEC) - Responsible for implementation of the laws and regulations pertaining to the management of environmental resources for the State of New York.
   • New York State Department of Health (NYSDOH) - Responsible for potential public health issues associated with the use of the products.
   • New York State Office of General Services (NYSOGS) - Responsible for the management of property owned by the State of New York. As pertaining to this project, they are responsible for the management of the lakes and/or lake bottoms owned by the State of New York.
   • Adirondack Park Agency (APA) - responsible for implementation of the Adirondack Park Land Use and Development Plan (as described by the Adirondack Park Agency Act).
   • New York State Department of State (NYSDOS) - Responsible for the administration of the Coastal Zone Program.

   By agreement of the involved agencies, NYSDEC was designated as the lead agency for the SEIS.

   If the APA chose to not make comments in 2007 for the SEIS, what circumstances have changed that compels the APA to generate these guideline recommendations now?
   There were lakes within the Park at that time of the product registration, including Eagle Lake, that were asking the APA about the need to use this herbicide as a management tool. Did the APA feel then that they would never approve a permit for the use of an herbicide, regardless of why, within the Park, despite a successful, state wide, herbicide product registration and therefore felt no comment was necessary? Why, after allowing for the development of the feelings amongst interested parties that the APA was in full support of the contents of the finalized SEIS, does/should the APA then subsequently urge the suggestion of the use of Sequestration Curtains, that then became a requirement? This should raise a flag for strong concern as to why these newly proposed guidelines must bear such public opportunity for

comment and change, and yet our opportunity has been overwhelming diminished through the actions of the APA's handling of this document's initial generation and their subsequent ill presented commentary opportunity period.

3. Did the APA ask for input on these guidelines from the "involved parties", as was respectfully done during the development of the SEIS guidelines? The proposed guidelines document states that *"The purpose of the guidance is to provide clear direction to involved parties on the use of the aquatic herbicides Renovate…".*

A. These Rass-1 Guideline recommendations were made, from what we have learned, without direct input from the DEC and were submitted to the DEC for comment at the same time they were released to the general public. Conversation with several DEC staffers indicated they were scrambling to figure out how they, too, were going to be able to make appropriate comments in the initial time frame provided. Sadly, even the involvement and intervention of a Senator didn't spark a direct dialog from the APA to the DEC regarding the guideline commentary period "extension" opportunity, especially considering that the DEC is the SEIS's Designated Lead Agency and is a State jurisdictional agency, just as the APA is. The Eagle Lake Project Coordinator was stunned at the fact that he had to tell the DEC staff of the deadline extension.

B. Additionally, these guidelines were not written with input from, or reviewed by, the product manufacturer prior to their publication. The Eagle Lake Project Coordinator was again stunned by the fact that the product manufacturer was learning about the release of these proposed guidelines from him. Several of the proposed guidelines are in conflict with the way the product is registered for use at the Federal level, as well as with the Supplemental NYS Label. The product manufacturer's representative indicated that they were disappointed to see some of these "guidelines" and that it appeared that several of the recommendations were made without having a full understanding of the product. The product Rep also replied *"It looks like, at quick glance, that they have put together guidelines based on very little research/paper review…" .*

C. What documented scientific data does the APA have to show that additional, more restrictive guidelines need to be put into place? (see comments about specific guidelines further below)

D. What professional, field tested, scientific background does the APA staff have to make recommendations of this nature without review or consult by the DEC, product manufacturer or even licensed product applicators?

4. Are additional "guidelines" for the use of a NYS DEC registered product necessary?

   The purpose of the SEIS document was *"…to objectively evaluate the scientifically documented evidence regarding <u>all aspects</u> of the use of Renovate for the control of nuisance aquatic weeds in waters of the State of New York.*"

   If the purpose of the SEIS was to evaluate the scientifically documented evidence regarding "all aspects" of the use of Renovate, what did the DEC and other NYS involved parties miss that the

APA is now trying to fix? In a November 2013 conversation with the product manufacturer's representative, they stated there has, to their knowledge, never been an instance of a problem with the product when used as it is labeled. When taking this and the existing SEIS guidelines into consideration, one would suspect that these newer guidelines for product usage are not necessary, especially ones that are even more restrictive, and some that may be in direct conflict with the approved and field tested application directions.

5. Section 2.3 of the SEIS states that "*All New York State surface waters are classified under 6 NYCRR Part 701.2 – 701.9, which delineates the protected or so-called designated uses inherent to such classifications*" with the use of the word "all" it does not mean that waters within the Park are not included or that the waters outside the Park are any more/any less protected. Section 2.3 also states "*Presently there are no chemical-specific New York State water quality standards for triclopyr or its salts (e.g., Renovate®) in effect. However, for purposes of the SEIS, information will be provided to show how proper use of the aquatic herbicide Renovate® 3 or OTF for the control of nuisance aquatic vegetation will not adversely affect any of the protected or best uses of the treated waterbody."* If section 2.3 is about "all waters" and "to show how proper use… will not adversely affect any of the protected or best uses", then reason would be that the SEIS should be the NYS guide book for how to properly use the product Renovate in ALL waters in NYS. The DEC's review process for the issuing and implementation of herbicide permits is without bias and does not place any more or any less value on those waters within or outside of the Park. Why does/should the APA have to add anything to an established process, at this time, or even prior to this time frame, that sets a different precedent for the Park ?

6. The APA is presenting the RASS-1 document as "guidelines", but in reading through them they read more as enhanced, and potentially enforceable, restrictions for use. These proposals go beyond what has been recommended by the Federal label and NYS DEC label, making them "restrictions" not guidelines. Guidelines, once proposed, can quickly become mandatory, otherwise why would they be suggested or recommended by an Agency at all? They quickly become the filter by which all future projects will be reviewed. As defined in the online *business dictionary,* guidelines are *"Recommended practice that allows some discretion or leeway in its interpretation, implementation, or use"*, the guidelines presented by the APA don't do this, they are specific statements that don't present themselves as having any leeway or room for interpretation, and gives the APA a window to force implementation of these guidelines. The statement that "the applicant must" is used in numerous locations within this document. When wording such as "the applicant must…" is contained in the "guidelines", there is no leeway or opportunity for deviation from implementation of the "applicant must". The APA presents no documented scientific reasoning for the presentation of these guidelines, and as such, there is no opportunity for dialog for a differing interpretation. When reading the Federal and NYS Renovate product label and SEIS there are no requirements to curtain a treatment area, yet the APA has set forth a precedent requirement to include this, as well as several other requirements. The Eagle Lake Milfoil Control Team has been trying to work with APA staff for many years on their reasoning/ interpretation for the need for curtains, amongst other issues, without success. The APA stated to us at a March 2011 meeting that they needed to have a lake treatment performed outside of the Park, at someone else's expense , to prove or disprove their "concerns" in order to relieve or bolster their now required policy of curtain usage. If there is or has been no proof of "need," there should be no burden of an "additional" requirement, a requirement that can actually interfere with an effective ability to remove this invasive. The

guideline for curtains, at a minimum, has been challenged by Region 5 DEC staff, as well as the DEC staff that completed the SEIS and ultimately recommended that the registration of Renovate for use in ALL of NYS be approved as written (see attached DEC letter from T. Sinnott). In fact, requiring the use of a curtain would make using the product in this manner inconsistent with the product label. It begs the question, how can two State agencies, both charged with protecting the environment and that are obligated to approve permits to use a product, come to such different conclusions? More importantly, how is it that one of these agencies, the APA, who claim in our conversations with them, to be understaffed and to have "no money", is able to present these "guidelines", without consultation of those that produce the product and/or those who are NYS/ Federally licensed to apply it? Where is the evidence that the APA did their due diligence prior to putting these guidelines forth for a public review? Was a specific "concern" or "negative impact" identified by the APA, that was based on field results of an herbicide application or the implementation of other milfoil control methodologies? Did the APA then see the need for further restrictions and/or governance to be put into place? Did the APA evaluate the "need" with other knowledge based, involved/interested parties? Was a comprehensive diagnosis for a solution with those same parties, outside of their own agency, then set forth? Just what is this "need" for newer, more restrictive guidelines based upon, and who made the call about how or whether it should be addressed? The APA does NOT bear the sole authority or responsibility for the implementation of guidelines, restrictions or enhancements to procedures and protocols! And because they do NOT bear the sole responsibilities and consequences for those decisions, they should NOT/CANNOT be allowed to do further harm with their ability to act independently and without accountability to the other agencies/authorities of the State, and the people of New York! These additional Guidelines must be STOPPED TODAY, UNTIL further comprehensive review and input by ALL parties has been undertaken and incorporated into the Guideline's original drafting! The APA's precedented behavior of doing what "feels right" or that may be "politically acceptable" to them MUST stop here!

7. Having worked tirelessly for more than 25 years as a volunteer lake steward , lake association board member and president, our milfoil project team leader, on several occasions has presented to the APA staff, written comments from DEC staffers and others, their professional opinion related to the topic of there being no need for curtains in the use of Renovate. These efforts have been met with a position of dismissal on the part of the APA, resulting in a lack of consideration/incorporation or change to their regulations, in particular, regulations that were added after the completion of the SEIS. What data basis is there for the APA to take the position that they have, and continue to uphold?

8. At a July 2012 meeting with APA staff, DEC staff, Senator Little's Legislative Aid and Eagle Lake Milfoil Project Team Members, Mr. Walrath made the comment "that a little milfoil mixed with natives might be good for the environment". Our reply to him was "If milfoil, being an invasive, is likened to cancer (i.e. it is capable of rapid spread, will be very costly to manage, is difficult to control once it is established, and in some cases is a death sentence) than is it okay to have a little cancer?" **We think not!** After working for almost three decades with DEC staff, the product manufacturer, the 3 major North East Certified Lake Management companies and various APA staff, to educate ourselves and the residents of the Eagle Lake community on the

impacts and solutions to unchecked milfoil growth and to seek their professional help to find solutions to control milfoil growth in Eagle Lake, we find it highly egregious of Mr. Walrath to make such a comment.

9. The following 3 paragraphs were taken from page 79 of the NYS Governors Task Force 2006 Final Report. The first paragraph indicates that the DEC and APA even in 2006 were unable to reach consensus for best practice to control the "invasive" species "milfoil". It is very sad that in 2013 things are still at the same status with the APA again holding up the process with a need for more guidelines. Paragraph 2 indicates that a multi prong recommendation was made that was supposed to improve coordination among government agencies. The APA does not appear to have coordinated with DEC or others in writing these guidelines which has once again stalled any milfoil control efforts on the part of lakes in the Park. Paragraph 3 is important because it recognizes that DEC since at least 2006, has reached out to stakeholder groups, has provide information to meet their needs, all while continuing to protect the environment. Where is the APA?

   In addition to effective control, biological or otherwise, current efforts need to focus on preventing the spread of Eurasian Watermilfoil. In Lake George, Eurasian watermilfoil was first detected as three populations in 1985. In ensuing years, the Watermilfoil populations have increased while the Lake George Association, DEC, and Adirondack Park Agency have been unable to reach consensus over the need, or best approach, to control the species in the lake.

   The Coalition of Lakes Against Milfoil, the Lake George Association, and the Eagle Lake Property Owners Inc. have urged the control of, and a streamlined permitting process for, Eurasian Watermilfoil. They are especially concerned about a more efficient and streamlined early response option. They recommend a permitting process that clearly identifies requirements and regulations and improves coordination among government agencies. In particular, they seek regulations that allow for an immediate response - localized treatment - after the first detection of an invasive species.

   It should be noted here that, beginning in 2004, DEC has begun to solve at least part of these problems by comprehensively reorganizing the way it responds to requests to control aquatic invasive plant species. It has enhanced the consistency of the aquatic herbicide permitting process across the State. It has also reached out to stakeholder groups, including pesticide applicators, to provide information and to identify and meet their needs while continuing to protect the States waters and other aquatic resources.

10. It appears that these "guidelines" have been drafted by Leigh Walrath. Does Mr. Walrath have the expertise to prepare these guidelines? Is his background in certified lake management? Is he a practicing certified aquatic herbicide applicator? Has he been in the water placing benthic mats, or participated in large scale hand harvesting of milfoil? Or, does he spend part of his time collecting and evaluating input for other unrelated projects, that might limit his knowledge base/ experience with regards to this matter? Based on a web search for Mr. Walrath's duties at the APA, and how these assignments might relate to involvement with aquatic invasive plant management and the qualification to make recommendations about guidelines for specific herbicide use, we find the following recent projects that he has been associated with; construction of a dock (Dec. 2013), Fourteen lot property subdivision (Feb 2013), 190 cubic yard waste disposal area for concrete and steel (Feb 2013), Three lot subdivision involving wetlands for two single family dwelling (June 2013), Through a Loon Lake generated notification letter, Mr. Walrath and Mr. Snezik were asked to collect comments related to the Loon Lake herbicide

application (Jan 2013), Temporary re-use of an existing ski facility (Oct 2010), and Sub division for construction of a telecommunications tower (Nov 2010). Of all that was found in this search, it appears that Mr. Walrath only has experience with one project related to aquatic invasive plant management. Should this raise a level of concern by those that are reviewing these guidelines?

11. Did Mr. Walrath consult with the product manufacturer in developing these restrictions? It might have been expected that Mr. Walrath would consult with them about the need for additional guidelines for use of Renovate, and what might be appropriate, before taking these proposed guidelines to the public for comment. Through inquiry with a representative from the product manufacturer of Renovate, I've been told that Mr. Walrath did not communicate with them. Why not?

12. Did Mr. Walrath consult with the NYS DEC permitting staff in preparing these guidelines? Was there collaboration between these agencies that are supposed to work jointly together for the protection of the environment and that are supposed to review and administer the same rules and laws for their decision? In conversation with several DEC staff members in early November 2013 regarding the proposed APA guidelines, the DEC indicated that they had NOT been consulted with regard to developing the proposed guidelines and that they also had reservations over many of the proposed guidelines. Again why not?

13. Per comments made in a letter dated March 15, 2013 to the Les Cheneaux Islands Lake, MI residents by Jason Broekstra, Biologist, Vice President of Great Lake Operations, PLM Lake & Land Management Corp. *"Examples of other lakes that share your interest and have implemented effective EWM management programs are found in the list provided. All of these lakes have used Renovate OTF safely and effectively for the selective control of EWM. None of these lakes have experienced negative environmental impacts to their fisheries, aquatic ecosystems, wildlife or human health."* This letter contains the names of 169 lakes treated with Renovate (see attachment for the full letter). Did APA staff check with any of these lakes for comments? If 169 lake were treated, and as the letter states "none have experienced negative environmental impacts", what is the APA's documented concern that warrants these additional restrictive guidelines?

14. Each of the dozen or so methods for milfoil control mentioned in the SEIS have positive as well as negative attributes. Detailed below are some first hand observation related to what the APA identifies as first choices for milfoil control, hand removal and benthic mats, and are considered by them to have a low environmental impact. One thing that will always need to be decided on when selecting a control method is are the short term impairments worth enduring for the long term gains and what are the costs, both financially and environmentally, associated with each method selected? It is our opinion for effective milfoil control that an integrated approach should be employed in all lakes, but that it MUST start with an herbicide where appropriate. "Where appropriate" should be determined by all involved parties, property owners, lay and professional lake managers, DEC permitting staff, APA staff and if necessary the product manufacturer. Together with an open dialog and the expertise of all these parties, a cost effective and environmentally responsible control method can be agreed upon. Any science based recommendations and decisions that these parties present, should not be swayed by

possibly biased environmental groups. Those that make the science based recommendations, the APA included, can not continue to be worried about a law suit(s). They need to stand tall with regard to the controversy that some of their decision may make and have the facts to prove that their decisions are indeed based on fact and best practices.

The general perception that other milfoil removal/maintenance/containment methodologies, specifically hand harvesting and the use of benthic barriers, are kinder to or better for the lake environment than the use of a controlled, highly plant species specific herbicide, needs some additional light shed on it. As relayed to our ELPOI Board by an experienced diver, these two milfoil control methods cannot be applied without negative consequences, and in some instances much more severe consequences than would/could ever result from an herbicide application, when assuming any herbicide would be applied correctly, per product label, and within state, federal and SEIS guidelines. Disturbances happen, whether subtle or severe, when milfoil is "manually" removed, regardless of what mechanical method is applied: sediment is disturbed, then stirred up and set into motion, that coats either lightly or liberally (depending on the magnitude of milfoil removal or the bottom type) other plants, fauna and spawning beds; substrate organisms, as well as organisms resting or hiding in the vegetation, are pulled up into the water column, becoming instant food targets for the waiting schools of fish that often times surround the divers; other non-target plants are damaged or unintentionally removed under best diver efforts, especially when growing intertwined with milfoil either within the water column or through the root system. This often occurs with some pondweeds, water shield, lillies, coontail, even RTE's (rare, threatened or endangered plants). Benthic barriers are even worse for the environment as they create entire, desolate dead zones in some instances that take years to recover, while opening up fresh space for milfoil to re-establish itself from either the perimeter of the targeted area or other locations within the lake. Neither of these methods can be successfully applied to ALL lake bottom/shoreline scenarios either. Cobble substrates present an enormous obstacle to complete intact root removal without painstakingly setting aside, at a minimum, each piece of stone that surrounds the plant(s), while larger stones/boulders prevent access to roots that are underneath their bases. Downed trees present these same obstacles plus the opportunity for diver entanglement, a safety consideration that should not be marginalized or disregarded. Gaps between boulders that contain growing plants cannot always be reached by hand, or be successfully covered with a mat based on the slope of the lake bed, despite a divers best efforts or intentions. Only a systemic herbicide can achieve control here. Depending on the timing of implementation of either of these mechanical methodologies, young or early season milfoil plants may not visually show above their neighboring native plants, such as occurs in areas of dense beds of Robinson Pondweed, and can be easily missed without knowing they were present, thwarting the best removal efforts, yet an herbicide would not miss them. One must weigh heavily the fact that an herbicide would cause no physical disturbance to sediments, or neighboring native plant root systems or water column structures. The overall disruption to water column fauna may only be temporary with an herbicide, since native flora would remain after an herbicide treatment, allowing for the possibility for displaced fauna to re-establish their living habitat there. Use of a benthic barrier would preclude that entirely from happening and would even kill fauna species that are unable to relocate, or generally impair overall flora species that were formally present if those flora have limited reproduction capabilities. While herbicides cannot be looked to "to

restore" an environment, neither can hand harvesting or benthic barrier applications. Only the deliberate replanting or reseeding of flora species can achieve that goal in any treated area, while fauna will be left unto themselves to determine if re-population within an area is even possible. So like it or not, herbicides will still cause the least and often times less permanent disruption to an ecosystem than the other, more APA favored methods discussed here. To further restrict this particular herbicide's use in the manor stated in the APA proposed guidelines document, screams of ignorance towards and a fear of herbicides on their part as an Agency.

15. **Unless we, the reviewers, are presented with some documented scientific evidence to the contrary that supports a need for guideline/regulatory change or issuance by the APA, where a corresponding opportunity for commentary and input related to the evidence is provided for, both prior to and post release of the document, it leads to the appearance that these APA guidelines may be, or are, based simply on an opinion/concern or fear; whether it is a biased or unwarranted opinion/concern or fear is uncertain, with the source for the opinion/concern or fear remaining hidden from the review process. This is/should clearly be grounds to stop these APA Guidelines from becoming established, period! These guidelines being generated without the involvement of the other critical players should have been enough to prevent the guidelines from ever being released for review, but who oversees the action of the APA? Governor Cuomo, do you hear us?!**

Specific comments related to each guideline:

1. Timing of herbicide application- while it is generally agreed that early Spring maybe the best application time there may be reason and opportunity for herbicide application at other times in the year. The SEIS section 4 (see below) addresses the timing issue in the following statement

   4.4.2 Time of Application "*It is recommended that Renovate be applied when plants are actively growing, early spring into fall depending on target species."* … "*However, due to the selective nature of Renovate® treatments can be effective in targeting susceptible species such as Eurasian milfoil throughout the growing season while protecting less susceptible monocots that would be established during a mid to late season treatment program".*

   Does timing need to be addressed again by the APA? The SEIS is pretty clear here, early Spring, but this can carry into Fall if deemed appropriate.

   A brief literature review indicates that a lake in Washington State, for whatever reason, was treated in mid August and September, lets not limit the use of this herbicide with this guideline, if there is good reason to treat at different times in the season as the State of Washington did, lets leave this option open..*"Herbicide treatment will be performed in these areas starting around mid-August*

*(anticipated Aug. 22), then approximately three weeks later on Sept. 12." (*see full announcement at Lake Tapps 2013 Milfoil Treatment Announced)

2. Size of treatment Area- Section 4 (see below) of the SEIS addresses the size of treated patches under dilution effects. There is a recommendation that treated areas be greater than 5 acres, but it also states that areas smaller than this can be treated if the herbicide concentration rate is adjusted accordingly. The NYS Special Needs Label indicates again that if the concentrations are adjusted, patches of ½ acre can be treated. "*Use of higher rates in the rate range is recommended in areas of greater water exchange or when treating target area of 1/2 acre or smaller. These areas may require a repeat application."* Why is the APA trying to deal with patch size when the SEIS and the product label cover it? Where did the limitation for "greater than 5 acres" come from? Is there no interest on the part of the APA to deal with single or multiple small, less than 5 acre patches in a lake? Must all lake association wait till the milfoil becomes a 5 acre or larger mess before a cost effective and environmentally friendly action can be taken? Specifics to size of patch treated should be up to the professional judgement of a licensed applicator, with appropriate consultation of the product manufacturer if necessary and in concert with what the milfoil removal goals are. When treating a smaller patch, overall efficacy of the herbicide might be reduced but effective removal of 70-80% of milfoil compared to a normal 90% plus may still be more cost effective and environmentally responsible than other removal methods and be has preference to a do nothing approach.

4.4.5 Dilution Effects

To prevent the dilution of the herbicide from reducing efficacy, several recommendations may be made in selecting the appropriate Renovate formulation. If submersed macrophytes in lakes or reservoirs are being targeted with Renovate® 3, it is recommended that treated areas be greater than 5 acres and application rates should be targeted in the higher rate range. Mid to high rates of Renovate® OTF should be selected to obtain effective submersed macrophyte control when targeting areas of higher water exchange, deep water sites, spot treatment of small (less than 5 acre) areas in large water bodies, such as when narrow boat lanes or dock areas are being treated. Application periods should be chosen when heavy rainfall is not expected. Where possible, the efficacy may be improved by restricting the flow of water.

In a review of the 2013 permit application for the use of Renovate to control milfoil in Waneta/ Lamoka and Mud Creek (NYS lakes), (see attachment Lamoka- Waneta Lake), Waneta lake lists 6 different treatment areas that are in the 2.5 acre size and Lamoka lists another 4 that are less than 5 acres with several, only a little over 2 acres. If these 11 small sites can be targeted for effective treatment in these NYS lakes how can the APA consider 5 acres as the minimum treatment site size within the Park? Did they check with the applicant/ applicator to see what the outcome of these other State treatments were? Where is their documented scientific evidence that 5 acres is the appropriate magic number?

Where did the 15% restriction for annual Littoral Zone Treatment come from?

The SEIS states the following about the treatment of the Littoral zone ***(section 4.4.5 last sentence)*** *"Entire littoral zone specific applications provide the greatest opportunity for the*

long-term control of an invasive species and restoration of native plant communities."

In order to properly evaluate and then comment on the 15% annual limit restriction for a littoral zone treatment, the APA needs to first provide their definition of a Littoral Zone. Is it waters that contain plants from the emergent zone to the end of the submergent zone anywhere within the lake? Do they consider the entire shoreline to be a littoral zone, like the oceanic continental shelf is designated as, or can it be just isolated sections along a shoreline or an island? Or is it wherever there may be an elevated, plant occupied lake bottom that may randomly occur anywhere within a lake? Is it all waters only to a certain depth, or to a certain distance from the shoreline? Secondly, why is this treatment zone being restricted to 15%? 15% of something that is not clearly defined is hard to evaluate, but 15 % of ANYTHING, on an annual basis, is not! The APA is stipulating that a complete Littoral Zone treatment would need to span a minimum of 7 years! What invasive can be successfully addressed/ managed/ removed over a 7 year time frame? Seven years allows for ample time for the invasive to repopulate any already treated area within a lake! This proposal is a nightmare and shows an irresponsible approach to lake management, both logistically within a waterbody and financially! Again, why 15%? Why not allow for anything up to something just short of a whole littoral zone treatment? This suggestion is much more realistic for a long term invasive management solution than 15% could ever effect. If one can have an entire lake hand harvested, as is allowed and even encouraged within the Park, which causes more environmental disturbance than an herbicide, why can't one address most of a lake, prudently, with an herbicide effectively? The goal is to remove the invasive, not to protect or perpetuate it by establishing guidelines that force it to remain. Allowing milfoil to repopulate itself or to continue to thrive because it can't be addressed within a single year, let alone 7, CANNOT be viewed as a sound management goal or Plan!

3. Sequestration Curtains- This one item has created the most conflict within these guidelines. There is no mention within the SEIS or on the product label for a need for a sequestration curtain. There is mention that "Where possible , the efficacy may be improved by restricting the flow of water". Sealing a treatment area with a curtain and restricting the "flow" of water are two very different situations. Checking with the product manufacture they indicate that no other states require sequestration curtains and that no other treatments have required or used them, there was however mention that a few treatments made use a reverse curtain to protect a small section of the water body. When a curtain is set up for "spot or patch treatment" where the whole patch is going to be treated, it puts use of the product in conflict with the Environmental Hazards warning found on the product label and printed below. How can this "whole patch", or sequestered water body be totally treated when you can by the label requirements not treat more than ⅓ to ½ of the water body at one time. This situation presented itself with the permitting process for Lake Luzerne's milfoil and required much additional dialog and other adjustments on the part of all parties. It appears that the APA is willing to put themselves, and all lakes that they require a curtain on, in a position to violate this section of the product label. This method has been questioned by DEC, the product manufacturer and applicators. Additionally, Renovate, as per the product manufacturer's label, needs to be applied in a manner that allows fish to move into untreated areas. If a curtain is used, there is no avenue of escape for fish into untreated waters and use of this product in this

manner would again violate this section of the product label.

Environmental Hazards *Under certain conditions, treatment of aquatic weeds can result in oxygen depletion or loss due to decomposition of dead plants, which may contribute to fish suffocation. This loss can cause fish suffocation. Therefore, to minimize this hazard, do not treat more than one-third to one-half of the water area in a single operation and wait at least 10 to 14 days between treatments. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas*

Aside from the above issue related to curtains there are many others, the logistics to deploy curtains on many lakes with rugged inaccessible shorelines is a challenge, the cost burden associated with purchase or rent of custom curtains could make the cost of treatment beyond reasonable. In Eagle Lake milfoil grows 20-25 feet which makes using 4-8 foot deep, off the shelf curtain impossible, meaning custom curtains will be needed, lengths of curtains to properly curtain a long shoreline patch could extend into the thousands of feet. Anchoring curtains that are 20 plus feet deep by several hundred feet long that are necessary to go around many lakes milfoil patches becomes an impossibility especially if the patch is located on an atoll in the middle of the lake, and last curtains can present a significant navigational hazard. Why is it that nobody else requires them, yet the APA does?

It is acknowledged that two lakes have been curtained in the Park, both of these, an approximate 400' by 8' deep curtain on Lake Luzerne and a 630' by 10' one at Loon lake, are short, both in length and depth, in comparison to those that have been investigated to curtain just one mid sized area on Eagle Lake where curtains range in the thousands of feet and depths to 20 plus feet (the 20 foot depth still has significant densities of milfoil) (see Eagle Lake map and data table) Has the APA done any research in to the cost burdens and logistics associated with this requirement for a wide variety of lake conditions? We have, and we presented this data to APA staff only to have them tell us that these are the rules. Again based on what documented scientific concern are curtains being reqyuired?

What is the APA's purpose/ reason for need for these sequestration curtains? The guidelines document indicates the following- "*Sequestration curtains can significantly reduce the dilution and dispersal of the herbicide by restricting the flow of water into and out of the treatment area."*

The claim that it reduces product dilution and drift may be true but the product was tested and registered for use with these dilution and drift factors in place, drift and dilution contribute to product dispersal in the water column. Has the APA published independent, peer reviewed, non biased, testing to see how their proposed guideline/REQUIREMENT for curtains impacts those tests done by the manufacturer?

Another reason given by APA staff for the need for curtains is to protect the native vegetation outside the treatment area from drift,"*Restricting herbicide drift reduces lethal exposure to susceptible native plants outside the target area*." lets think about this for a moment, concentrations of the herbicide will be highest in the treatment area (this is expected), and as

such natives in this area will be most susceptible to the treatment concentration, any plants native or invasive outside the treatment area and exposed to "drift" will see reduced concentrations and as such should have less of a potential impact. The only exception to this might be if there are very susceptible plants growing outside the treatment area and these same plants are not found and in the treatment area. In this case the concentration applied in the treatment area will need to factor in drift and dilution so that as the product moves it does not exceed the threshold for significant harm to the sensitive plants.

The APA also makes the following statement with regard to the need for curtains *"Using a herbicide concentration below the maximum label strength can reduce non-target impacts both within and outside the treatment area."* Again has the APA published independent, peer reviewed, non biased, field test results to show how curtains containing a lower concentration with a longer contact time application will impact all target and non target species?

It is in every ones interest to make sure that herbicide concentrations in the treatment area be expertly selected and applied so that they are in a range to effect the target species and not harm the natives. The SEIS has many charts that make this possible, they are all, however, based on a product application to non sequestration curtained waters. Has the APA performed testing to modify these charts? We have had questions about specific herbicide impact on certain RTE natives in Eagle Lake. The product manufacturer and product applicators have shared a wealth of information, information that can be used to make adjustments to provide for a proper application. What is it that APA staff knows, or that nobody else does, that allows for them to support or even impose such significant changes to an herbicide's application?

The last part of the section on sequestration curtains states *"Recycled curtains must be sanitized to ensure that there is no additional non-native species introduction."* This is indeed very important but not necessarily easy or even possible in practice. First the flotation chamber at top of the curtain is a heat sealed pocket with a block or blocks of foam in it, any sized hole would allow lake water to enter this pocket but all the washing in the world will not reach into the depths of this pocket, or between foam blocks, to remove the microscopic invasive waiting for a free ride to the next water body. The bottom of the curtain usually has a similar however much smaller pocket that contains a weight chain. Washing this pocket presents just as many challenges and opportunity to miss a hitch hiker. Second, washing curtains requires a sizable area to stretch them out in. They are typically 50' long by 4-8' plus high sections, that weigh in the 3-5 lbs per foot or 150 - 250 lbs per section. Any sanitation area has to have a way to contain the wash water so that any/all organisms in the wash water do not wind up being spread. If they are washed at the lake last used, wash water could be drained back to that lake, but how many lakes have an area set up to wash in, or what off site areas are available to them to accomplish this task. Captured wash water might even have special expensive toxic disposal requirements in some locations, just as boat wash water does. Third, are the not so simple logistics associated with just moving these some what heavy, but bulky and very slippery curtains around. Lastly, how exactly is the APA defining "sanitize"? Is it using just water, or does it include the use of bleach or vinegar, etc.

While curtains might have some appeal for use in a few very specific applications, there is no

manufacturer, federally approved data on how to use them, and there have been no incidences of product failures that should make them a mandatory item in for herbicide use in the Park. As such, unless the APA can document otherwise, this requirement needs to be stricken from the proposed guidelines.

C. Booster Treatments

How is the wording "booster" going to be defined here? Will it also include the term "split application" If boost is defined as "a distribution of herbicide post the initial distribution", for what ever reason, then it would/could include reference to a split application where the distribution is deliberately divided over two time frames. Split applications are used effectively in lakes to keep contact time/concentrations at specific design levels. This application method was used this year in Saratoga Lake.

2013 AQUATIC PESTICIDE PERMIT APPLICATION SARATOGA LAKE
Treatment in mid-late May 2013 is proposed. A tentative date of Tuesday, May 14th and Wednesday 15th is planned. We plan to apply 70% of the total herbicide dosage on the first day of treatment. The remaining 30% will be applied the following day. (see 2013 AQUATIC PESTICIDE PERMIT APPLICATION)

At the end of section C. it states "Booster treatments will not be allowed unless…". It appears that the intention of the APA here is to severely limit the options for effective use of this herbicide, options that may provide for even more effective invasive control. Does the APA have documented scientific evidence to the prove that "booster" and the possibly inferred "split" application create or cause harm?

The statement within section C indicating that "it is important to use the correct herbicide for the target species" goes without saying- what does the APA expect- DEC staff, lake managers, professional applicators etc. to just do/use anything they want?

D. Herbicide Concentration Monitoring

There are several reasons for concern here. When one is making decisions about Assay testing, as it is related to the use of Renovate, one has to make some decisions as to what data is being looked for. If testing takes place immediately after herbicide application, testing for initial dosage concentrations can be made, but due to the time frame necessary for getting results, there is no corrective action that can take place with getting closer to a target concentration due to the short half life of Renovate.

There are 2 pieces of data that can be garnered from a 4-12 hours post treatment sampling. Was the total concentration under the product manufacturer's max and approximately how close did the concentration come to the target concentration. From this the following can be learned; will there be impact to non target species because the target concentration is too high and will there be adequate control of the invasive because the target concentration was above its threshold.

Testing at time frames of 1,2 3, 5 or more days post application can show a few things, or be of no importance. First it has to be agreed that the herbicide will mix and dissipate in the water column over time. Then one has to ask, by how much and where and why is this important? If there are no water intakes in and around the treatment area then knowing the dispersion and concentration would be of no value because there are no restrictions on water use other than that placed on recreation on the day of application. After the initial no swimming restriction on the day of application, when the concentration drops to or below 50 ppb does not need to be known.

If there are water intakes in and/or near the treatment area then one needs to make a decision; to test daily until the concentration drops to below 50 ppb, or make an educated guess that normal dissipation will take X number of days to get close to the target restriction release time and then start testing. This same testing regiment can be used to remove the restriction for the agriculture water use restriction, but here again, if there aren't any agricultural water users does it really matter when the concentration reaches 1 ppb or a no detection level, or is the SEIS minimum time frame of 120 days sufficient? Why use expensive assay testing to test for dispersion when in some applications there is no need to know, or an established time frame has been met for either the start of or conclusion of any tests that need to take place? If test levels are too high what would one do about it ? Add more water to the lake ?

E. Long-term Management

As one reads the two sentences that have been copied below, one gets the sense that the use of an herbicide by the APA is not a favored method of control. This is fine until one looks at the milfoil control pattern experienced on so many lakes, and highlighted in the Loon lake removal / permit application reports. They have been using hand harvesting and find that even though areas are "cleared" one year, that they have more patches the following year. Maybe it as a result of the fact that hand harvesting is not EFFECTIVE in clearing milfoil, as many roots can remain, this results in the situation quoted here from the *March 2013 Adirondack Daily Enterprise* "*In 2010, milfoil was detected at 37 sites on the 586-acre lake. Removal efforts that year cleared 28 of those sites. The following year, however, milfoil was found in 41 locations around the lake. Twenty-nine of those sites were cleared, but by 2012, the invasive was detected at 43 sites."*
"This is the kind of Whack-a-Mole game that lake associations tend to play with milfoil," Walrath said.

It is shown by not doing the job completely and correctly and using the best tools, one is left to chase EWM around the lake indefinitely. Lets do the job to the best of our abilities with all options on the table including herbicide and maybe we can break this cycle. Long term lake management does require followup, but lets not set up guidelines that leave a project doomed to fail before it starts.

"Areas with scattered to trace amounts of EWM adjacent to the dense beds should not be included as part of the treatment area, since these areas can be hand harvested." "As outlined previously, the use of Renovate® and Renovate® OTF should be used for partial lake or spot treatment in areas with dense or moderately dense EWM beds to reduce populations to levels that can be managed long-term using non-chemical controls."

Mr. Walrath, as quoted above. is making an appropriate statement with regards to the limitations and failures associated with hand harvesting in the Loon Lake Project . “This is the type of whack-a-mole situation milfoil presents” as he described the ever moving number of patches in Loon Lake. If whack-a-mole is the game, then lets not, by the proposed APA guidelines, leave “scattered plants adjacent to beds” or “only treat dense or moderately dense EWM” and leave plants “that can be managed by non-chemical means”. EWM ,as stated else where by the APA, is an aggressive plant that will out compete the natives. Let’s be aggressive with this invader, not just look for patch maintenance or status quo. Let lake associations treat all sections of the lake, ie. 1/4 to ½ in a year. Don’t exclude plants in a patch’s perimeter and blindly subject these excluded plants to expensive, ineffective hand harvesting. Once as much milfoil is removed, by the plant community lake friendly highly selective herbicide, then and only then, lets practice responsible integrated plant management which includes as necessary hand harvesting to remove the isolated plants that remain or return. But lets also not “put out of the possibility”, re-treating an area with an herbicide, if necessary, for followup spot treatments. Completing an aggressive front end treatment plan has a better chance to move toward eradication than one that is weak and spotty.

F. Post-Treatment Aquatic plant Surveys

A thorough peer reviewed (if necessary) survey needs to be done at the beginning of any process. It should identify the distribution of plants. Susceptible plants should be identified and located with relevance to the milfoil treatment area. If milfoil control is the basis for the need for the survey, then real good visual, in and out of water milfoil plant location documentation should be completed. Strong documentation of milfoil distribution should take place pre-treatment.

It should be generally agreed that most native plants should not be fatally impacted due to the selective nature of a properly applied herbicide. As a result of this, the bulk of any post survey should concentrate on the significance of the milfoil removal and not the impact to non-target species. If there are non target plants that could be impacted, some special consideration should be given to those, both pre and post treatment. Also, if it is imperative to know the restoration of plants in the area where milfoil has been removed, then these are special circumstances that need special consideration. Post treatment surveys should be fairly simple and should not need to be conducted by a 3rd party, if trained personnel are available and accepted practices are used. Bias on the part of the surveyor should not be assumed.

A trained lay person should be able to achieve both of the milfoil pre and post survey, without their designation as a professional, considering we are only focusing on the distribution of milfoil in pre and post conditions. Any identified special consideration might require an enhanced post observation.

After treatment, it matters not what repopulates, it only matters that milfoil is gone. Restoration is beyond the control of the milfoil removed or the herbicide applied or any other factor that we have no control over.

The final report should not have to have a pre and post native plant comparison that details species richness and distribution, as the purpose of the pretreatment survey is only for identifying what is there, (native species richness and distribution and milfoil abundance and

distribution) and post for detailing the abundance of milfoil that was removed. If any comparison is made it should be milfoil pre and post removal. If non target susceptible species were identified, that merit observation, then consideration for reports related to them must be addressed.

There are several statements made in the guidelines document that are in contradiction with other statements in the document . In one place it states a positive attribute about the herbicide or item and then a few lines later it states that this same attribute is negative, these are highlighted here:

1. In reading the statement below, from the guidelines document top of page 2 it states that Milfoil will, if left alone, compete with RTE species, out compete native plants etc, but when reading further on page 3 item III section A, the second paragraph states that it **must** be demonstrated that use of Renovate **will** restore habitat and that failure to respond could result in loss of native plant diversity. By the APA's own words on page 2, they indicate that this invasive will if not checked ,or as APA states "failure to respond", will out compete natives, but why/how is it that everyone who wants to use Renovate must demonstrate its effectiveness at restoration? Renovate will only remove/ control the invasive. Mother Nature in conjunction with the removal of the invasive may allow for a return to the natural diversity. The use of Renovate or any other herbicide will not "restore habitat". Replanting native plants will be the only way to "restore habitat". Matting ,as is suggested as an alternative control method on page 3, is a total kill of ALL aquatic plants and aquatic organisms trapped under it. There is nothing "restorative" about that methodology.

Page 2- *Non-nativeinvasive species, such as Eurasian watermilfoil (Myriophyllum spicatum, EWM), compete with native plants, including New York State rare, threatened and endangered species, for available resources and can establish dense monocultures which can outcompete native plants, decrease plant diversity and diminish habitat for fish, macroinvertebrates, and other aquatic organisms. Dense EWM monocultures can also directly or indirectly impact aquatic organisms by changing lake nutrient dynamics, increasing water temperature, reducing fish spawning habitat and feeding success of predatory fish, etc.*

Page 3- *It must also be demonstrated that the use of Renovate® or Renovate® OTF will restore habitat and that failure to respond to the infestation could result in loss of native plant diversity and a viable functioning wetland community*

2. On page 2 second paragraph, it states that for management Renovate is preferred because it is highly selective and fast acting but yet on the bottom of page 2 top of page 3 it indicates that there is concern that there may be unacceptable impacts … this will only be the case if the product is not used according to best practices and the product label. How can the APA state that it is preferred and highly selective and then mention unacceptable impact? Is there a plan/ reason for concern for misuse?

Page 2 paragraph 2- *For management of EWM, Triclopyr, trade names, Renovate® and Renovate® OTF, is preferred because it is highly selective and fast acting.*

Page 2 last paragraph- *Furthermore, unless careful consideration is given to*

the appropriateness of an herbicide and, if appropriate, to the application strategy, there may be unacceptable impacts to non-target native plants and animals, including NYS protected species

3. It is generally recognized that volunteers from lake associations provide the bulk of the grass roots effort and labor for lake management/ invasive control. On page 2, third paragraph the APA acknowledges this and indicates that they have little to no funding and that Renovate provides a cost effective management option, but on page 3 first paragraph they burden these same people by stating "**must** demonstrate... a lake wide management program using non-chemical options such as hand harvesting and benthic barriers.", that the non-chemical control effort should be a multi-year activity with documentation, and "the applicant **must** demonstrate that **ALL** alternatives have been evaluated.
It appears to be unacceptable for lake communities to learn from others experiences and that each and every lake must try each and every control method. At what point in the trial is it acceptable to throw up one's hands and state that this method is ineffective, cost prohibitive, dangerous to those that are performing them (i.e. hand harvesting / benthic barrier placement in trees and unstable rock locations, etc.) or just plain inappropriate for the magnitude of the problem. Should every lake be required to be stocked with the non-selective milfoil eating grass carp as this for some lakes is an acceptable control method ? How does one demonstrate/ prove that ALL alternatives have been evaluated and to what level must they be evaluated? This paragraph states "and that milfoil cannot be controlled by non-chemical means or without undesirable non-target impact" hand harvesting and benthic mats both create potential significant impacts to non-target or natives and these same methods have been demonstrated in many lakes as not being as effective or environmentally friendly as the selective use of an herbicide. Milfoil will always continue to spread rapidly, this is the nature of the invasive.

Page 2 last paragraph- *Lake communities responding to a EWM infestation typically consist of lake volunteers with little to no funding. Management efforts are generally financed by the local municipality, private donations, or fund raising efforts by volunteers. As a result, these communities often conclude that the least expensive control is the most desirable management strategy. Aquatic herbicides, such as Renovate® or Renovate® OTF provide a cost effective management option for large dense beds of EWM.*
Page 3 paragraph 1- *The applicant must demonstrate that there has been a lake-wide management program using non-chemical options, such as hand harvesting or benthic barriers, prior to applying for an Agency permit for aquatic herbicide use. The non-chemical control effort should be a multi-year activity and must be documented by the applicant.*
Page 3 second paragraph- *The applicant must also demonstrate that all alternatives have been evaluated and the EWM cannot be controlled by non-chemical means or without undesirable non-target impacts, has the potential to continue to spread rapidly due to existing habitat.*

As per the APA's mission, "…through the exercise of the powers and duties… as provided by law", they can and do produce rules and guidelines in which they do not have to fully consider and bear the burden of both the financial and environmental cost of their decisions. With environmental protection of the Park paramount, is it responsible for the APA to have put forth so many years of road blocks to the removal of this invasive? Milfoil is an invasive that can be

easily seen and removed from aquatic equipment before it is moved and spread. Milfoil is also one of the few invasive that is within the reaches of good peer reviewed science to control. In the 34 +/- years since milfoil was first identified in Eagle Lake, how many additional lakes in the Park have been infected with milfoil as a result of it unknowingly being transported from Eagle Lakes breeding grounds?

As grass roots volunteers, that have worked with the DEC and APA for the past 26 years on seeking solutions to control the extensive beds of milfoil in Eagle Lake, and having witnessed first hand the nature of the APA and their continual changing of the rules/adding more guidelines, it is quickly approaching the point that we, or any other grass root/volunteer interested in lake management, will be squashed and out maneuvered. Lay people, along with their local communities, do not have the time, expertise, financial resources or the where-with-all to continue to try to keep up with the APA's moving target of rules. Therefore, the APA , through its continued path of performance, policy implementation and governance is moving the case for responsible invasive species control in the exact OPPOSITE direction for which they have been charged and, by/through their own self proclamation, against the very principals of "WE WORK FOR THE PEOPLE"- "performance*integrity*pride"!

In reviewing the size and distribution of milfoil in Eagle Lake and then applying the proposed guidelines to this distribution, it would doom Eagle Lake waters to a life sentence of milfoil infestation. Most if not all patches in Eagle Lake are not curtain containable, they are in open waters of the lake and along long stretches of open shoreline. Many do not meet the 5 acres in size requirement as individual patches, but are 1-3 acres in size with a hundred or so feet between patches. A lot of the distribution of milfoil extends for hundreds of feet along entire shoreline sections, with thousands of plants, a few here and a few there, encompassing more than 15% of the littoral zone. Hand harvesting for much of this milfoil is not safe or cost effective because the plants are tangled with shoreline downed trees, grow mixed with masking native vegetation or in rocky bottom, conditions that make root removal impossible. The notion of once again using benthic mats with their total kill properties and strenuous deployment and retrieval is an unacceptable option. Many areas where mats were used for past removal still bear the scars several years post mat removal. The additional notion of having to do this for decades to come is both beyond comprehension or desire.

Looking at the proposed plant survey needs associated with the proposed guidelines and again applying these to Eagle Lake, Eagle Lake has had several different plant surveys done in the past. Why, based upon the Guidelines, are lakes potentially being forced to conduct another pre and post herbicide survey if one already exists, when 99% of a lake's plant are not going to change and are not impacted by an herbicide application? Each survey costs thousands of dollars. If any pre/post survey is required, it should only focus on milfoil locations to make effective distribution of the herbicide possible. Any post survey should focus on the percent of milfoil removed, if this is even necessary, as the product is designed to remove milfoil. Let's not over survey with thousands spent and miss the opportunity that our limited dollars could have been used for milfoil removal instead, via any method.

Mr. Walrath was quoted in a newspaper as making an appropriate supportive statement with

regards to the Loon Lake Project . “This is the type of whack-a-mole situation milfoil presents” as he described the ever moving number of patches in Loon Lake . If whack-a-mole is the game, then let’s treat all sections of the lake, ie. 1/4 to ½ in a year. Don’t exclude plants in a patch’s perimeter and blindly subject these excluded plants to expensive ,ineffective hand harvesting which encourages regrow and hence contribute to the whack-a-mole syndrome Let’s have the trained certified licensed managers/applicators and product manufacturer specialist put their years of in-field experience to use in designing projects that will move us close to eradication.

Let’s not try to”protect” lakes with proposed stringent guidelines that are not based on science with hundreds if not thousands of lakes treated so far with the herbicide Renovate, which has a proven history of performance and no reports of incident /harm.

Milfoil Plant Training (a tongue in cheek view of the seriousness of the milfoil management issues lake managers face when trying to manage/control/eliminate milfoil within the boundaries of the Park)

If these Guidelines are somehow accepted into law without change, then the authors of these comments suggests that an APA, conduct an in water, 6 week field training course for all milfoil plants:

A milfoil plant must be taught the following:

1. **It must not grow in patches less than 5 acres in size**
2. **It needs to take/receive all its medicine in one dose, and correctly the first time**
3. **That it is not allowed to share/ distribute any of it medicine to other natives in the area**
4. **It cannot grow in lakes with, or spread to areas of a lake that have susceptible, rare, threatened or endangered plants in their neighborhoods**
5. **It cannot allow offspring to become isolated from the mother patch**
6. **The mother patch cannot kick out the young-ins to grow to adulthood in a new home location**
7. **It can not allow its offspring to hitchhike to neighboring lakes .**
8. **It cannot take up residence in more than 15 % of the lake’s littoral zone**
9. **It needs to occupy space in such a way as to be curtain-able**
10. **It cannot move into neighborhoods that are already occupied by rocks, downed trees, or cobblestone**
11. **It must ultimately learn to play nicely with the other plants in the neighborhood because the odds that the rest of the community is going to bring milfoil under control, let alone have a real opportunity to try, is severely stacked in the milfoil’s favor.**

The comments presented here as part of the review of the proposed APA guidelines should not be construed that NO guidelines for product use are necessary, but it is our belief that the guidelines/ restrictions for the use of Renovate that are stated in the comprehensively written NYS SEIS and on the product label are, and have proven to be, sufficient to guide the

professional unbiased use of the this herbicide. Considering that hundreds of successful treatments in and outside of NYS have been completed to date (all, following NYS, or a similar State, or Federal SEIS guidelines and the product label) and with stated comments from the product manufacturer that they have not had any incident of the product not performing as it was intended, the question comes back to; are these additional more restrictive APA mandatory guidelines necessary?

It is the Eagle Lake Milfoil Control Team's recommendation that the APA rescind their proposed additional guidelines document and work closely with NYS knowledgeable and experienced DEC staff, the product manufacturer and experienced lake management firms to utilize their collective expertise to the fullest extent to review and permit future milfoil control projects with this or any other herbicide.

We have arranged meetings with Senator Little's office, Dec Staff and APA staff on numerous occasions. We have sent letters to Governor Cuomo asking for help. The goal of these meetings was to get all of us to work together, for the common goal, to rid our lake of milfoil, in this case via a integrated approach that the NYS DEC Region 5 staff already supports. We are just waiting for the APA to agree that DEC methods and conclusion as not wrong or in need of modification. If your slogan is "We work for the people" We have to wonder which people you are referring to. It does not seem to be the people of Eagle Lake, the Adirondack Park or New York State for that matter. We continue to be interested in working together, let us know when you are ready!

Respectfully submitted by,

Rolf Tiedemann- Eagle Lake Milfoil Project Team Coordinator, ELPOI Board Member, Lake Property Owner

Dianne Tiedemann- Milfoil Project Team Member & certified milfiol Diver, Lake Property Owner (Same Family since 1894)

Chris Hyde- Eagle Lake Property Owner's Inc. (ELPOI) President, Milfoil Project Team Member, Lake Property Owner (Same Family since 1896)

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Alexander B. Grannis
Commissioner

July 10, 2009

Mr. Rolf Tiedemann
358 Electric Avenue
Rochester, New York 14613

SUBJECT: The use of curtains in association with the use of Renovate Herbicide in Eagle Lake

Dear Rolf:

In the past few months, you advised me that the Adirondack Park Agency (APA) had recommended for a Renovate treatment to be allowed in Eagle Lake, curtains should be placed around the treatment area to prevent the herbicide from drifting out of the treatment area and harming non-target vegetation in areas of the lake not designated for treatment. Yesterday, you asked if I could provide you with a written summary of my professional opinion regarding the use of curtains for that purpose.

In my opinion, the use of curtains around a proposed Renovate treatment area in Eagle Lake would be unlikely to result in any substantial environmental benefit, and if the requirement for curtains precluded the use of the herbicide, then the lake could suffer environmental harm.

The reason for proposing an herbicide treatment in Eagle Lake is to enhance efforts to eradicate the aquatic invasive plant Eurasian watermilfoil (*Myriophyllum spicatum*) (aka EWM). Eagle Lake was awarded a New York State Aquatic Invasive Species Eradication Grant (through the Town of Crown Point) for this purpose in November 2007. While other Adirondack Lakes have initiated EWM eradication programs based solely in hand harvesting and benthic matting programs, Eagle Lake chose to augment a hand harvesting/benthic matting program with a limited herbicide application in one area of the lake where it was believed the other, non-chemical techniques would not be effective because of the depth of the water and the density of EWM present.

Renovate, with the active ingredient triclopyr, is a selective herbicide. EWM is highly sensitive to triclopyr and is killed quickly and easily by the chemical. Other native plants are resistant to the effects of triclopyr and will be completely unharmed when exposed to the same concentrations that are 100% lethal to EWM. Others are moderately sensitive and could experience varying degrees of harm ranging from slight browning around the plant margins to death of a small percentage of the exposed plants.

I compared the results of the 2008 Tier III Aquatic Plant Survey of Eagle Lake with Table 4-2 of the Renovate/triclopyr SEIS. This table lists the impact of Renovate to common aquatic plants in New York State.

Of the five submerged aquatic plants listed in Table 4-2, the only ones identified as "highly sensitive" are four species of milfoil (including EWM) and the water marigold. Of the ten plant species that are listed in Table 4-2 as highly sensitive to triclopyr, only one is a monocot. The other nine species are all dicots, which demonstrates that triclopyr is clearly selective for dicot aquatic plants. Of the ten plant species listed in Table 4-2 as highly sensitive to triclopyr, only two are listed in the Tier III aquatic plant survey as present Eagle Lake; EWM (the target species), and water marigold. There are 12 species of the aquatic plant genus *Potamogeton*, better known as pondweeds, listed in Table 4-2. All of the *Potamogeton* species are of low susceptibility to triclopyr. *Potamogeton* species are also all monocots. There are three species of *Potamogeton* species found in Eagle Lake that were not listed in Table 4-2. Because all *Potamogeton* species are monocots and of low sensitivity to triclopyr, it is reasonable to assume that these three other species are likewise insensitive to the toxic effects of triclopyr. Table 4-2 lists *Chara* species (muskgrass) as being insensitive to triclopyr. *Chara* species are actually macroalgae. The Tier III aquatic plant survey of Eagle Lake lists stonewort (*Nitella flexilis*) as one of the species present. *Nitella*, like *Chara*, is not a macrophyte, it is a macroalgae. Both species are in the family Characeae. Because *Chara* species are insensitive to triclopyr, it is reasonable to expect that stonewort would be insensitive also. Another plant listed in the Tier III aquatic plant survey of Eagle Lake that is not listed in Table 4-2 is pipewort (*Eriocaulon aquaticum*). Pipewort is a monocot. Table 4-2 lists 35 monocot aquatic plants. One is highly sensitive to triclopyr, four are of medium sensitivity, and 20 are insensitive. The fact that pipewort is a monocot suggests that there is a good likelihood that pipewort is insensitive to triclopyr as well (see Table 1).

This analysis suggests that if all of the 28 plants identified in the Tier III aquatic plant survey as being present in Eagle Lake were present in the same one acre square, and that one acre were to be directly treated with triclopyr, the most likely results would be that two species, EWM and water marigold, would be eradicated. Five other species may suffer some damage and/or a portion of their populations might be lost. Nineteen species are insensitive to triclopyr and would probably not be effected at all. For two species, the potential effects are unknown. Thus, directly within the treated area, 25% (7/28) of the plant species are likely to be effected to some greater or lesser degree, while 75% of the plant species present are unaffected by the treatment. One of the seven species that will be effected is EWM, which is the species targeted for eradication and is the most abundant plant in the lake.

The OTF flake formulation of Renovate is designed to reduce the potential for drift, and without curtains, some herbicide will undoubtedly drift from the treatment area. But what is the consequences of such drift? If the herbicide drifts, the concentration will be diluted. A more dilute concentration would effect the seven susceptible plants even less. Drift/dilution would reduce the likelihood that any of the five plant species present of medium susceptibility would be effected at all, and the highly sensitive plants would only suffer moderate effects. The benefits of curtaining the treatment area are not significant, considering that 75% of the plant species in the direct target area of the treatment are unlikely to be harmed at all, and only two plant species present are likely to be damaged to the point of eradication, which is the point of the treatment for one of the two species.

There are two plant species present in Eagle Lake that are listed as protected species in New York State; northern pondweed (*Potamogeton alpinus*) and water marigold (*Megalodonta beckii*). Both

listed in the "threatened" category. Northern pondweed is unlikely to be harmed by a Renovate treatment because as a *Potamogeton* and a monocot, it is most probably insensitive to triclopyr. Water marigold, however, is listed in Table 4-2 as highly sensitive to triclopyr. Ostensibly, a case could be made that the Renovate treatment should be denied or curtained in order to protect water marigold.

That might be true if the nature and capacity of Eurasian watermilfoil is not taken into account. EWM is an aggressive, invasive plant because it outcompetes and overwhelms native vegetation. If EWM is not removed from the lake, then water marigold could well be extirpated as a result of the competitive growth of milfoil.

If water marigold is growing in close proximity to targeted stands of EWM, than it is at risk, either from EWM competition or the effects of the herbicide. In this situation there might be a value to the use of curtains, but if the expense of the curtains precludes their use, and subsequently the denial of a permit to use the herbicide, the water marigolds still remain at risk from expansion of the milfoil.

Water marigolds growing some distance away from areas targeted for EWM eradication (perhaps 100 feet to 100 yards) are probably unlikely to be effected by the herbicide.

Perhaps one way to use curtains effectively might be to curtain off areas where water marigolds grow in close proximity to treatment areas, rather than curtaining off Renovate treatment areas, if the depth and extent of that type curtaining is more affordable.

One worst case scenario is that the Renovate treatment is allowed without curtains. Then 75 – 93% of the plant species present in and around the treatment area would be unaffected but EWM and water marigold would be eradicated. Another worst case scenario is that Eagle Lake is not treated, and water marigold is extirpated by encroaching milfoil.

In summary, curtains provide little benefit to the protection of the lake from a Renovate treatment, as most of the plant species in the lake are not going to be impacted anyway, even in the treatment areas. Curtains could be useful for protecting water marigold, however, perhaps curtains could be used more practically to screen off areas of water marigold from the rest of the lake. If the curtaining requirements for screening off the water marigolds is still too expensive and extensive to allow any herbicide treatment, the marigolds will not be protected. They will continue to be at risk from competitive pressure from the milfoil.

Sincerely,

Timothy Sinnott
Biologist 2 (Ecology)
Leader, Ecotoxicology and Standards Unit

Table 1. Comparison of the plants listed in the 2008 Tier III Aquatic Plant Survey of Eagle Lake and their sensitivity to Renovate Herbicide with the active ingredient triclopyr.

Macrophyte	**Susceptibility**
Submerged vegetation	
Eurasian watermilfoil	high
Pipewort	Low because it is a monocot
Slender Naiad	Low
Common waterweed	Low
Water stargrass	Medium
Muskgrass	Low
Flat-stemmed pondweed	Low
Bass weed	Low
Tapegrass	Low
Robbins pondweed	Low
Coontail	Low
Leafy pondweed	Low because it is *Potamogeton*
Water marigold	High
Sagittaria (rosette)	Medium
Lake quillwort	
Needle spikerush	Low because it is a monocot
White-stem pondweed	Low
Ribbon-leaf pondweed	Low
Small pondweed	Low
Watermoss	
Creeping bladderwort	Low because it is *Potamogeton*
Variable-leaf pondweed	Low
Alpine pondweed	Low because it is *Potamogeton*
Vasey's pondweed	Low because it is *Potamogeton*
Stonewort	Low because it is macroalgae related to *Chara*
Floating vegetation	
Watershield	Medium
White water lily	Medium
Spatterdock (*Naphur* spp)	Medium

PLM Lake & Land Management Corp.

March 15, 2013

Dear Residents of Les Cheneaux Islands,

Over the past few months I have had an opportunity to listen to concerned residents, business owners and local township officials regarding the Eurasian watermilfoil (EWM) infestation plaguing the Les Cheneaux Islands. Over the years you have implemented a variety of management tools such as hand pulling, Weevils and mechanical harvesting to address this growing problem. In recent weeks additional communication efforts have been made regarding remaining EWM management options.

However, before those management options are discussed, it is important for residents to understand the severity of the problem at hand and negative ecological impacts of an EWM infestation.

Eurasian watermilfoil

EWM, an exotic species, is an extremely aggressive submerged aquatic plant that has the abilities to form a monoculture among vegetation. EWM spreads by fragmentation (every inch of plant can sprout new growth) and has a very strong root system. EWM forms a canopy above native plants, choking out the competition. EWM also has the ability to overwinter underneath the ice, allowing it to be present throughout the winter. This gives the plant a head start in growing during the spring and chokes out native plants very quickly. EWM should be controlled as soon as it is found within a waterbody to prevent further infestation and loss of native plant diversity. Left unmanaged this invasive species can negatively impact fisheries by promoting stunted prey fish populations and reduced size in predator species. EWM will negatively impact overall ecological stability.

Areas of the lake that support vegetation will grow plants, despite intense efforts to remove them. Aquatic vegetation provides important benefits to a lake, including stabilizing sediments, providing habitat for fish and other aquatic organisms, and slowing the spread of exotic plant species. In general, native plants interfere less with recreation and other human activities than exotic species. The non-native plant species, Eurasian watermilfoil concentrates its' biomass at the water surface where it strongly interferes with boating, swimming and other human activities. This growth form also allows exotic plants to displace native plants and form a monospecific (i.e., single species) plant community. The dense surface canopies of Eurasian watermilfoil provide a lower quality habitat than that provided by a diverse community of native plants. Control of exotic plant species minimizes interference of plant growth with human activities and protects the native vegetation of the lake. The goal of environmentally responsible aquatic plant management is not to remove all vegetation, but to control the types of plants that grow in the lake and ensure ecological stability. Aquatic plant management should preserve species diversity and cover of native plants sufficient to provide habitat for fish and other aquatic organisms.

Once a native plant is lost in a lake, there is no guarantee it will return. By prolonging the control of EWM, the infestation will continue to expand exponentially. Cost of management will also exponentially increase over time. In addition, short and long-term/permanent ecological changes impacting your fisheries, lake biology, recreation, property values and overall quality of life within the Les Cheneaux Islands will occur.

Interestingly, residents tend to make assumptions regarding the results of implementing a specific EWM management tool. Or they presume that each individual has a unique interest that is much different from their own. EWM does not have any ecological benefit. By controlling EWM, the fisherman, recreational boater, beach-goer and the typical property owner will benefit.

It is important that EWM control techniques meet the needs and expectations of lake users. Each technique has advantages and disadvantages:

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Mechanical harvesting is best suited for native plant species. PLM Lake & Land Management Corp (PLM) is one of the largest most experienced harvesting contractors in the state of Michigan and has been providing services since the late 80's. Most native plant species have a higher tolerance to aquatic herbicides and require higher dosage rates (increased cost and reduced selectivity). Mechanical harvesting can be used to provide relief from native plant species if they are causing a recreational nuisance. Harvesting does not kill the plants, but simply reduces it's stature, leaving lower growth for fish habitat and sediment stabilization. Mechanical harvesting of Eurasian watermilfoil is **not** typically recommended as it provides an opportunity to spread EWM throughout a lake through fragmentation. (This control technique is currently being used in isolated areas of Les Cheneaux Islands.)

Biological control options for nuisance aquatic vegetation are limited. Grass carp, which indiscriminately devour aquatic vegetation, have been restricted in many states because of their nonselective grazing and fear they may escape into nonintended waters. The use of the milfoil weevil (Euhrychipsis lecontei) to control Eurasian watermilfoil has been implemented in many Michigan lakes. PLM Lake & Land Management Corp has many years of experience participating in weevil stocking, evaluations and long-term observations related to their performance and sustainability. Although the milfoil weevils may impact EWM populations in certain situations, the use of this tool remains unpredictable and EWM spreads faster than weevils populations. (This control technique is currently being used in isolated areas of Les Cheneaux Islands.)

Chemical control, or use of aquatic herbicides, is the most common strategy for controlling exotic plant species such as EWM. Aquatic herbicides currently represent the most reliable, effective, selective means for controlling Eurasian watermilfoil. Also, there is a plethora of research and data regarding the use of aquatic herbicides. Every aquatic herbicide is registered with the Environmental Protection Agency, Michigan Department of Agriculture and the Michigan Department of Environmental Quality. Initially three herbicides options were being discussed for the Les Cheneaux Islands. One of the products that was being considered has the active ingredient 2,4-D. The active ingredient, 2,4-D, is one of the most commonly used herbicides in the world. Common uses include; agriculture, lawn/landscape industry, over counter sales for homeowners controlling broad leaf weeds in their yards and aquatic plant managers selectively controlling EWM in lakes. Unfortunately, there is a misconception regarding this product. People tend to confuse it with the carcinogenic compound, 2,4,5-T that was found in Agent Orange. Based on these unfortunate misconceptions and other influences, 2,4-D will not be proposed for the selective control of EWM within the Les Cheneaux Island. Another herbicide, with the active ingredient Fluridone, which is also commonly used for the selective control of EWM is also not being considered for use during the 2013 season. Both of these products (2,4-D and Fluridone) are safe, selective, systemic products (attack root sytem of plant) that are used commonly through out Michigan, USA and the world.

If an herbicide is used for EWM control in 2013 it will be Renovate OTF, active ingredient Triclopyr. This product is also approved by the EPA, Dept of Agriculture and MDEQ. Renovate OTF (Triclopyr) can be used safely to achieve long-term, selective control of Eurasian watermilfoil. Systemic herbicides are capable of killing the entire plant. Systemic herbicides control EWM with little or no impact on most native plant species. Under ideal conditions, several consecutive annual applications of these herbicides can reduce EWM to maintenance (low) abundance, such that only relatively small spot treatments are required to keep it under control. For this strategy to succeed, it is necessary to treat large infestations or most of the Eurasian watermilfoil in the lake each time.

Integrated Pest Management (IPM) approaches to aquatic plant control emphasize spending more effort evaluating the problem, so that exactly the right control can be applied at just the right time to control the pest. IPM approaches minimize treatment costs and the use of chemicals. Lake management planning ensures the most appropriate, cost-effective treatment for your area of concern. Planning is an essential phase of Integrated Pest Management and includes lake vegetation surveys, water quality evaluation and a detailed, written lake management plan. Having the plan in place helps lake users know what to expect from lake management. Survey results provide a permanent record of conditions in the lake and the impact of

management practices. The Les Cheneaux Island Foundation Task Force has been intensely researching and implementing management tools with the environment and resident's best interest in mind. Past IPM practices including weevils and harvesting are not meeting expectations and/or offering protection to the environment. Therefore, predictable, effective, safe herbicides should be considered for implementation to ensure EWM is controlled. As new technology develops, i.e. fungus, bacteria and other management tools, consideration to incorporate them into the Les Cheneaux Islands management plan must be considered.

Summary

The EWM infestation that you are facing is critical. Developing a plan, educating the public, securing funding and implementing a management program is challenging but the rewards are priceless. Protecting the environment, maintaining property values, allowing for safe recreation and ensuring a high quality of life are just a few of the rewards that come from proper EWM management.

Although each management plan is unique due to community interest and the fact that every water body is different, all communities go through this development, education and implementation process. The reassuring news is that all lakes go through the same process and in the end find a way to implement programs best suited for their specific environmental needs. EWM must be controlled! Not addressing EWM is not an acceptable option! The sooner an effective management plan is implemented within the Les Cheneaux Islands the better it will be for the environment and your community. A brief note; if Renovate OTF is used during the 2013 season it will be done on a limited evaluation basis. This evaluation process will further increase educational opportunities, expectations and a better overall understanding of a lake management program incorporating the use of herbicides.

In order to consider the incorporation of herbicides into this integrated management approach during the 2013 season, a permit with the Michigan Department of Environmental Quality has been submitted for review. The intent of this submission was to allow time for the community to take part in ongoing management discussions while we also addressed potential DEQ permit questions. Once a permit application is submitted it can take several months before DEQ approval. Our hope is to have an established integrated management plan within the next two months to allow for the option to perform treatment this spring.

Examples of other lakes that share your interest and have implemented effective EWM management programs are found in the list provided. All of these lakes have used Renovate OTF safely and effectively for the selective control of EWM. None of these lakes have experienced negative environmental impacts to their fisheries, aquatic ecosystems, wildlife or human health.

I look forward to working with and meeting concerned entities and residents of Les Cheneaux Islands in the near future. A public open forum meeting is currently being established for this spring to discuss Les Cheneaux EWM infestation, prior to DEQ permit approval. Please make notes regarding your questions, comments, concerns and support. This will be a constructive opportunity for all of us to work together and accomplish our goal of EWM control.

If you have immediate questions, comment or concerns please contact.

Sincerely,

Jason Broekstra, Biologist

Vice President of Great Lake Operations

PLM Lake & Land Management Corp.

800-382-4434 x 2000

LAKE NAME	COUNTY
BEAR LAKE	KALKASKA
LONG LAKE CLARE	CLARE
LOUISE, LAKE	OTSEGO
COWAN	KENT
BEAR LAKE	MUSKEGON
BIG WHITEFISH LAKE	MONTCALM
ALGONQUIN LAKE	BARRY
BIG BROWER LAKE	KENT
DOSTER, LAKE	ALLEGAN
ARNOLD LAKE	CLARE
MONTEREY LAKE	ALLEGAN
FINE LAKE	BARRY
LITTLE CROOKED LAKE	CASS
ST. MARYS LAKE	CALHOUN
SELKIRK LAKE	ALLEGAN
SADDLE LAKE	VAN BUREN
MILL LAKE	VAN BUREN
INDIAN LAKE	CASS
ACKLEY LAKE	VAN BUREN
PICKEREL LAKE	KENT
MILLENNIUM PARK LAKE	KENT
WOODARD LAKE	IONIA
CONTOS, LAKE	GLADWIN
BERTHA	CLARE
SHINGLE	CLARE
GEORGE, LAKE	CLARE
INDIAN LAKE	MONTCALM
PETTIT LAKE	NEWAYGO
NEGAUNEE LAKE	OSCEOLA
LILY LAKE	CLARE
MORLEY MILL POND	MECOSTA
ROBINSON LAKE	NEWAYGO
BUDD LAKE	CLARE
UPPER SPRINGWOOD Lk	CLARE
LOWER SPRINGWOOD	CLARE
DODGE LAKE COMPLEX	CLARE
BIG PINE ISLAND	KENT
MUSKELLUNGE LAKE	MONTCALM
HUTCHINS LAKE	ALLEGAN
SANFORD LAKE	MIDLAND
WIXOM LAKE	GLADWIN
EAGLE LAKE	KALAMAZOO
MISSAUKEE	MISSAUKEE

LAKE NAME	COUNTY
BLANCH LAKE	NEWAYGO
PETERSON LAKE	NEWAYGO
WINDOVER LAKE	CLARE
BASS LAKE	KENT
CONNAMARA	LAKE
CRAWFORD LAKE	KENT
HUNTER LAKE	MONTCALM
LITTLE BROWER Lk	KENT
LITTLE PINE ISLAND	KENT
LITTLE WHITEFISH Lk	MONTCALM
ROUND LAKE	JACKSON
GILLETTS LAKE	JACKSON
LEPLEY LAKE	SAINT JOSEPH
BALDWIN LAKE	MONTCALM
COMO LAKE	MONTCALM
DODGE LAKE	CLARE
BLUE GILL LAKE	CLARE
CAMPAU/KETTLE Lks	KENT
MIRAMICHI	OSCEOLA
TITTABAWASSEE RIV	GLADWIN
CROCKERY LAKE	OTTAWA
DEAN LAKE	KENT
ARCADIA LAKE	MANISTEE
PENTWATER LAKE	OCEANA
CADILLAC, LAKE	WEXFORD
HOUGHTON LAKE	ROSCOMMON
CRAIG LAKE	BRANCH
MESSENGER LAKE	BRANCH
MORRISON LAKE	BRANCH
SOUTH LAKE	BRANCH
DUNCAN LAKE	BARRY
GUN LAKE	BARRY
BELLA VISTA LAKE	KENT
UPPER SILVER LAKE	OCEANA
TURK LAKE	MONTCALM
CRYSTAL LAKE	NEWAYGO
WATERFRONT LAKE	OTTAWA
COBB LAKE	BARRY
FISH LAKE	SAINT JOSEPH
ROSE LAKE	OSCEOLA
STONY LAKE	OCEANA
SAPPHIRE LAKE	MISSAUKEE
BARLOW LAKE	BARRY

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LAKE NAME	COUNTY
SUGAR LOAF LAKE	WASHTENAW
LEACH LAKE	BARRY
MAGICIAN LAKE	CASS
MIDDLE LAKE	BARRY
WEST LAKE	MUSKEGON
MIDDLE LAKE	MUSKEGON
NORTH LAKE	MUSKEGON
SAND LAKE	NEWAYGO
KIMBALL LAKE	NEWAYGO
PICKERAL LAKE	NEWAYGO
BRIGHTON LAKE	LIVINGSTON
GITCHEGUMEE	WEXFORD
LONG LAKE	BRANCH
UPPER SILVER	OCEANA
VAN ETTEN	IOSCO
ELIZABETH LAKE	OAKLAND
GRASS LAKE	JACKSON
BIG BLUE LAKE	MUSKEGON
SHELDON LAKE	OTTAWA
ROUND LAKE	CLINTON
CENTER LAKE	JACKSON
GENEVA, LAKE	CLINTON
LANSING, LAKE	INGHAM
SAND LAKE	LENAWEE
WABASIS LAKE	KENT
SAND LAKE	MONTCALM
WHITE LAKE	MUSKEGON
THORNAPPLE LAKE	BARRY
GRASS LAKE	CLARE
LONG LAKE NW	MASON
TODD LAKE	OSCEOLA
RATTAIL LAKE	OSCEOLA
BIG LAKE	OSCEOLA
GREEN LAKE	ALLEGAN
ROUND LAKE	VAN BUREN
CUB LAKE	KALKASKA
VERSLUIS LAKE	KENT
SYLVAN LAKE	NEWAYGO
EMERALD LAKE	NEWAYGO
HART LAKE	OCEANA
PERCH LAKE	HILLSDALE
SILVER LAKE	LIVINGSTON
CRYSTAL LAKE	HILLSDALE

LAKE NAME	COUNTY
LITTLE ASYLUM LAKE	KALAMAZOO
FISK LAKE	KENT
JORDAN LAKE	BARRY
BIG MYERS LAKE	KENT
LITTLE MYERS LAKE	KENT
NEVINS	MONTCALM
PINE LAKE	KENT
REEDS LAKE	KENT
ROUND LAKE	KENT
SILVER LAKE	KENT
STANTON, LAKE	MONTCALM
THORNAPPLE RIVER	KENT
THOMAS LAKE	KENT
BANKS LAKE	KENT
WOODBECK LAKE	KENT
HALFMILE LAKE	KENT
HORSESHOE LAKE	KENT
NORTH LAKE	MUSKEGON
WEST LAKE	MUSKEGON
MORRISON LAKE	IONIA
LONG LAKE	KENT
MIRAMICHI, UPPER Lk	OSCEOLA
GILLIGAN LAKE	ALLEGAN
FAWN LAKE	BARRY
BOSTWICK LAKE	KENT
MILL LAKE	BARRY
PAYNE LAKE	BARRY
BIG CROOKED LAKE	KENT
PAW PAW LAKE	BERRIEN
GOGUAC LAKE	CALHOUN
CAMP	KENT
CEDAR LAKE	VAN BUREN
WALL LAKE	BARRY
WAMPLERS LAKE	JACKSON
VICTORIA LAKE	CLINTON
SCENIC LAKE	SHIAWASSEE
SPRING LAKE	OTTAWA
INDIANHEAD LAKE	MONTCALM
JEHNSEN LAKE	MECOSTA
LONG LAKE	IONIA

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In the News

Lake Tapps 2013 Milfoil Treatment Announced

August 06, 2013

Cascade will begin treatment of milfoil in Lake Tapps in mid-August, continuing the multi-year program to address dense Eurasian watermilfoil growth.

Contact:
Jon Shimada, Capital Projects Director
425.283.0367 | jshimada@cascadewater.org | www.cascadewater.org

Lake Tapps WA - Cascade Water Alliance, owner of Lake Tapps, will this August continue its multi-year program begun in 2010 to address dense growth of Eurasian watermilfoil. Milfoil is a non-native and invasive aquatic plant that spreads rapidly, crowds out native plants, and forms dense surface mats in Lake Tapps.

Herbicide treatment was performed in the summer of 2010 and 2011, with diver hand-pulling in 2012. This year, boat surveys were conducted, and, together with information gathered by last year's divers, revealed some dense milfoil infestation in a couple of areas located around Driftwood Point (see attached map and link : http://bit.ly/14ursM0). Herbicide treatment will be performed in these areas starting around mid-August (anticipated Aug. 22), then approximately three weeks later on Sept. 12.

Cascade awarded the 2013 contract for milfoil treatment to AquaTechnex, the same contractor who conducted previous treatments. AquaTechnex will apply herbicide treatments to approximately 60 acres of the lake this year (see attached map). Since 2010, Cascade has treated the lake as needed each year, spending almost $600,000 to address milfoil. This year's treatment will cost about $100,000.

The treatment will consist of applications of Sonar PR (Fluridone) and Renovate OTF (Triclopyr.), which have been used in previous years. Although, the Sonar PR and Renovate labels state there are no restrictions on use of water in the treatment area for recreational purposes, including swimming and fishing, the treated areas will be closed to swimming for 24 hours as a precaution. Homeowners adjacent to the treatment area will be notified when treatment will be done.

For limitations on uses and other information about Renovate, please see http://www.sepro.com/documents/Renovate_Label.pdf and

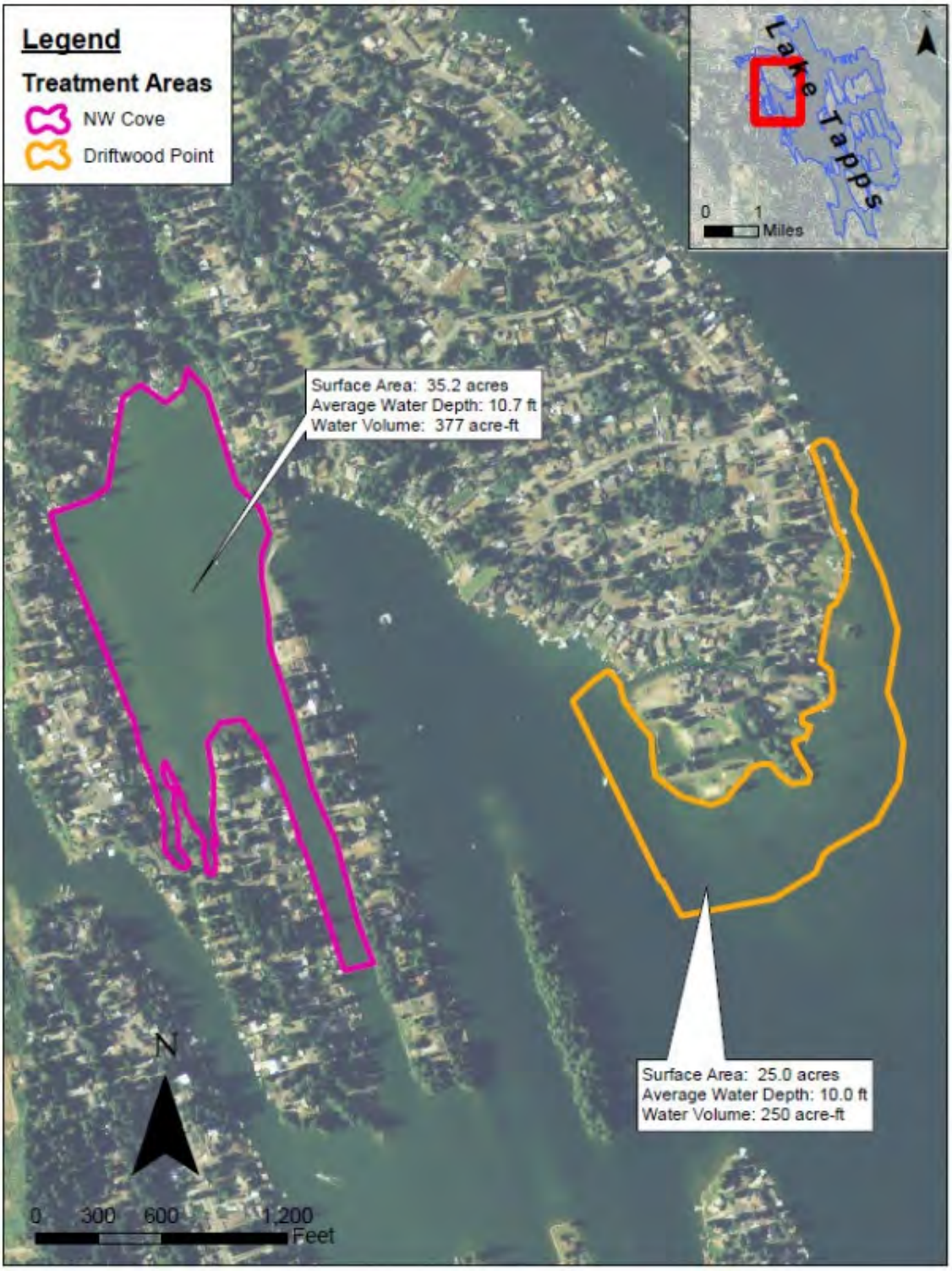
http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/triclopyr_faq.pdf

For limitations on use and other information about Sonar, please see http://www.ecy.wa.gov/programs/wq/plants/management/FluridoneStrategies.html

Milfoil is often brought in by boats that have previously been in milfoil infested waters. In addition, homeowner's use of fertilizer contributes to milfoil (and native plant) growth as the nutrients used on lawns feed milfoils growth as the runoff

goes into the lake. Native vegetation will not be treated as it is beneficial to the lake's health and its removal is regulated by the Department of Fish and Wildlife.

For more information on these issues, and help in differentiating foliage in the lake between milfoil and native plants, visit www.cascadewater.org


Legend
Treatment Areas
NW Cove
Driftwood Point
Lake Tapps
0 1
Miles
Surface Area: 35.2 acres
Average Water Depth: 10.7 ft
Water Volume: 377 acre-ft
Surface Area: 25.0 acres
Average Water Depth: 10.0 ft
Water Volume: 250 acre-ft
N
0 300 600 1,200
Feet

Lamoka – Waneta Lakes' Association

FOR THE BETTERMENT OF TWO OF THE FINEST LITTLE LAKES IN NEW YORK STATE

P.O. BOX 55, Tyrone, New York 14887, February 15, 2013

Dear Owner of Property Along the Shores of Lamoka and Waneta Lakes and Mud Creek 0.5 Miles Downstream of the Bradford Dam/Riparian Owners:

The Lamoka-Waneta Lakes' Association proposes to conduct, under the direction of the Lakes' District Commission and the New York State Department of Environmental Conservation, an application of the aquatic herbicide triclopyr, Renovate® to Lamoka and Waneta Lakes. Either Renovate® 3 (liquid) or Renovate® OTF (granular) will be used depending on location. The application is currently proposed to be conducted during a two day period in early to mid May, 2013 and will proceed only after a permit for the treatment has been obtained from the DEC. During this application 12.4 acres of Lamoka Lake & 32 acres of Mill Pond will be treated. The treatment of Waneta Lake will cover 7.5 acres at the north and easterly portion of the lake and 27.1 acres on the southerly and easterly portion of the lake. The appropriate Renovate® program will control the nuisance plant Eurasian Watermilfoil (EWM) while causing little damage to native plants, however it will require plant monitoring. A copy of the Renovate® Herbicide product label, maps showing the treatment areas for 2013, and the permit application information are available at the Tyrone, Wayne and Bradford Town Halls.

The water use restrictions associated with the use of Renovate® aquatic herbicide are:

* Use of water for human consumption is prohibited following application until the Renovate® concentration falls below 50 parts per billion (ppb) by laboratory analysis. Known users will be notified when the safe level is reached.
* Swimming and bathing are prohibited for 3 hours following application.
*There are no restrictions for fishing or use of fish caught.
*Treated water may not be used for irrigation purposes for 120 days after application or until residue levels of Renovate® 3 are determined by laboratory analysis to be 1ppb or less. Water samples will be monitored for 120 days or until Renovate® concentrations are 1ppb or less. There is no restriction on the use of treated water to irrigate established grasses. If you rent out your property during the time of application, it is your responsibility to notify renters of the applicable restrictions.

For persons affected by potable water restrictions, the Lamoka-Waneta Lakes' District Commission will provide potable water, as needed, following treatment. Those affected by this restriction may also request potable water for up to 30 days following treatment.

You have twenty-one (21) days (March 8, 2013) to respond to this notice. If you wish to object to the proposed treatment(s), please file a written documentation stating your objection to the proposed treatment and the water use restrictions resulting from treatment. Objections to the proposed treatment must demonstrate that your use of the water body will be significantly adversely affected. **Send your comments to Gail Mortimer, NYS Department of Environmental Conservation, Region 8, 6274 East Avon-Lima Road, Avon, NY 14414, Phone: 585-226-5423.**

If you do not respond to this notice, your lack of response will be considered to be consent to the proposed treatment. If you have any questions on the permitting process, please contact the Department representative listed above.

OVER >

If you wish further information about the treatment or the exact dates of the pesticide application, or if you need to arrange for potable water following treatment, please contact Dennis Fagan (Waneta), (607) 292-3687 or Gordon Shafer (Lamoka) (607) 292-6276 at your earliest convenience. Treatment information from the NYSDEC can be obtained by calling Gail Mortimer (585-226-5423) or Peggy Norry (585-226-5399)at the Avon Office.

Signs will be posted at the boat launches between the lakes and other lakes' access areas at the time of application, and will remain posted throughout the water restriction interval. Additional information is also posted at www.lwla.info.

Sincerely,

Dene Karaus, President
Lamoka-Waneta Lakes Association

Dennis A. Fagan, Chairman
Lamoka/Waneta Lakes District Commission

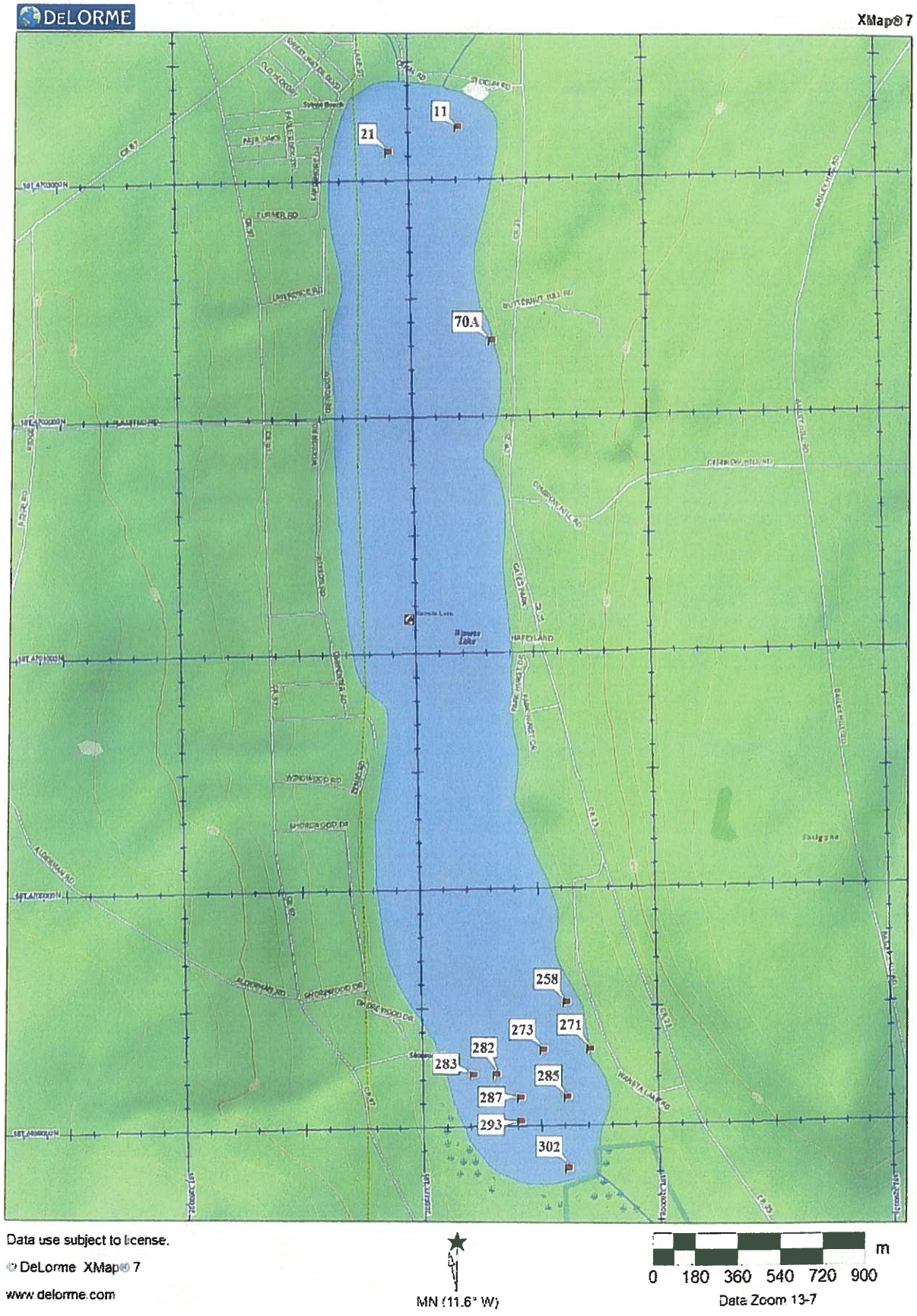


Figure 5. Twelve sample point (SP) Locations in Waneta Lake where rake-toss measurements taken in August 8 - 15, 2012 showed Eurasian watermilfoil.

Figure 6. Five sample point (SP) Locations in Lamoka Lake proper where rake-toss measurements taken in August 8 - 15, 2012 showed Eurasian watermilfoil.

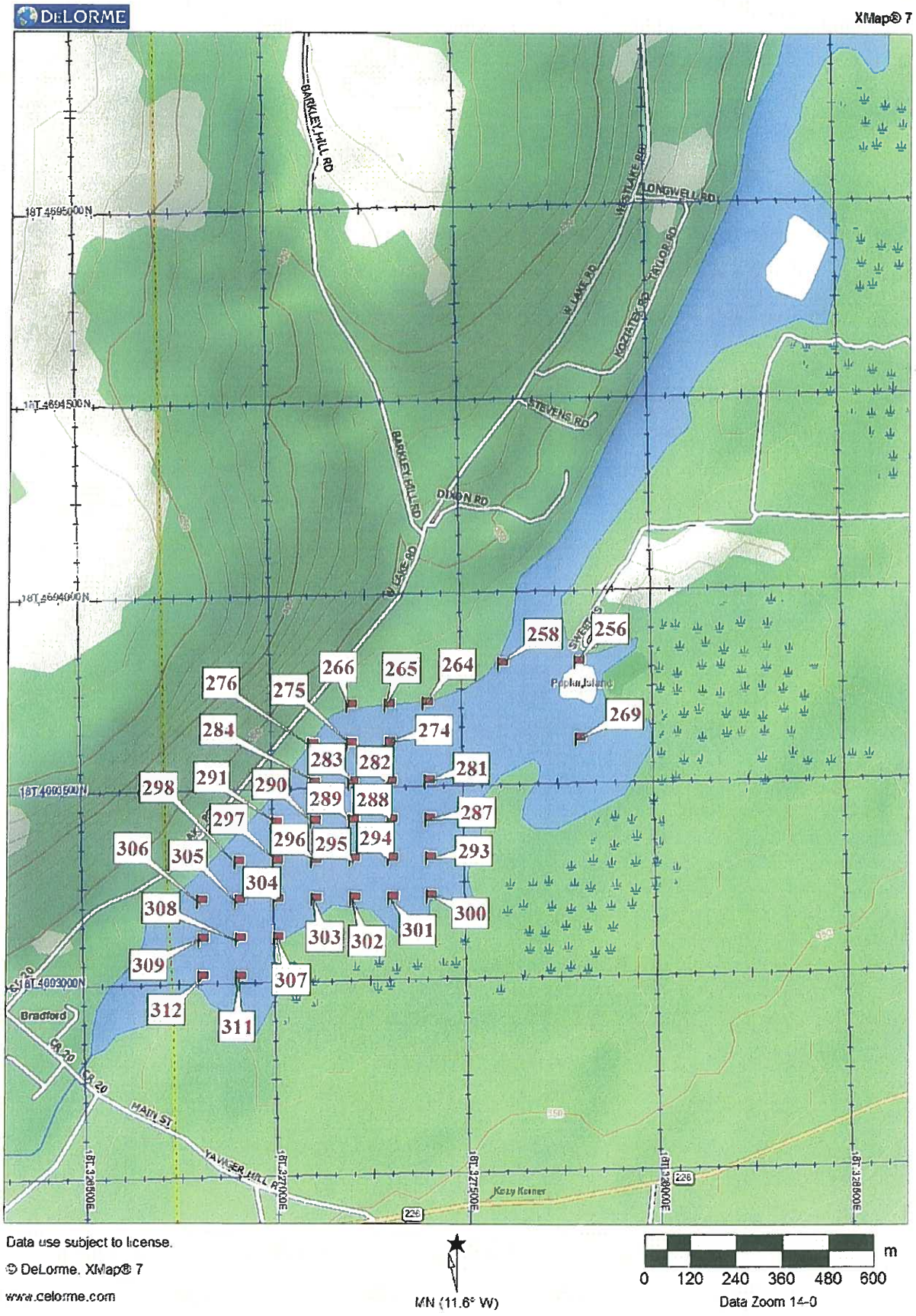


Figure 7. Thirty six sample point (SP) Locations in Mill Pond showed Eurasian watermilfoil with Mud Channel clear where rake-toss measurements taken in August 8 - 15, 2012.

Lamoka Lake
2013 Aquatic Vegetation Management Plan

Renovate OTF Treatment to Contral Eurasian Water Milfoil

Site	Acres	Product	Dose Rate	Total Quantity
A	9.9	Renovate OTF	270 lb/acre	2673 lb
B	2.5	Renovate OTF	270 lb/acre	675 lb
Treatment Total				**3348 lb**

Renovate 3 Treatment to Control Eurasian Water Milfoil

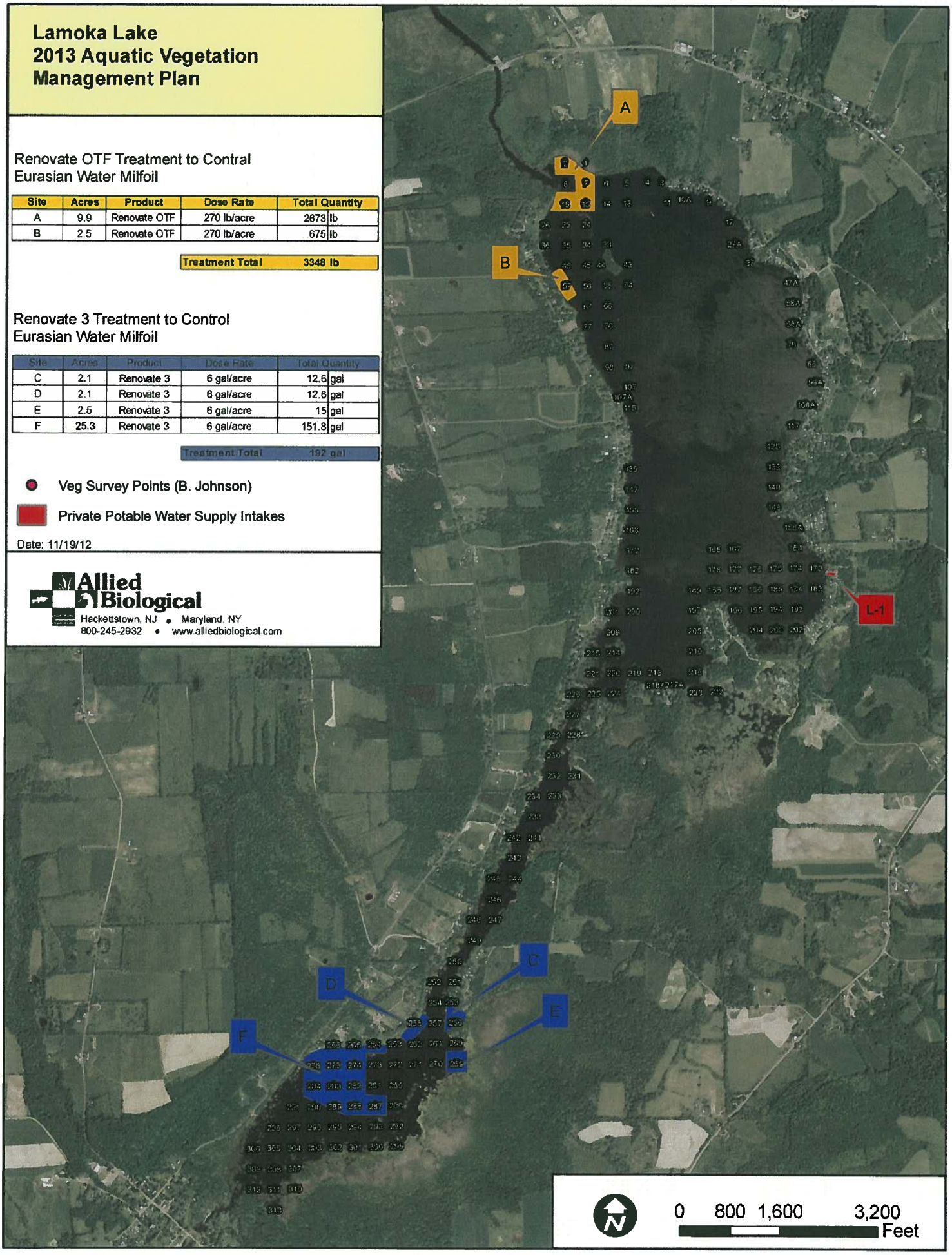
Site	Acres	Product	Dose Rate	Total Quantity
C	2.1	Renovate 3	6 gal/acre	12.6 gal
D	2.1	Renovate 3	6 gal/acre	12.6 gal
E	2.5	Renovate 3	6 gal/acre	15 gal
F	25.3	Renovate 3	6 gal/acre	151.8 gal
Treatment Total				192 gal

Veg Survey Points (B. Johnson)

Private Potable Water Supply Intakes

Date: 11/19/12

Allied Biological
Heckettstown, NJ • Maryland, NY
800-245-2932 • www.alliedbiological.com



Waneta Lake
2013 Aquatic Vegetation Management

Proposed Renovate OTF Treatment to Control Eurasian Water Milfoil

Site	Acres	Product	Dose Rate	Total Quantity
A	2.5	Renovate OTF	270 lb/acre	675 lb
B	2.5	Renovate OTF	270 lb/acre	675 lb
C	2.5	Renovate OTF	270 lb/acre	675 lb
D	2.6	Renovate OTF	243 lb/acre	632 lb
E	2.5	Renovate OTF	243 lb/acre	608 lb
F	19.6	Renovate OTF	243 lb/acre	4763 lb
G	2.4	Renovate OTF	243 lb/acre	583 lb

Treatment Total	8611 lb

Veg Survey Points (B. Johnson)

Private Potable Water Supply Intakes

0 700 1,400 2,800 Feet

Date: 11/19/12
Revised 11/26/12

Allied Biological
Hackettstown, NJ • Maryland, NY
800-245-2932 • www.alliedbiological.com

2013 AQUATIC PESTICIDE PERMIT APPLICATION

SARATOGA LAKE

Saratoga Springs & Stillwater, NY

January 2013

Prepared for:
Saratoga Lake Protection and Improvement District
P.O. Box 2551
Ballston Spa, NY 12020

Prepared by:
Aquatic Control Technology
11 John Road
Sutton, MA 01590-2509

AQUATIC CONTROL TECHNOLOGY
POND AND LAKE MANAGEMENT SPECIALISTS

TABLE OF CONTENTS

AQUATIC CONTROL TECHNOLOGY
POND AND LAKE MANAGEMENT SPECIALISTS

January 17, 2013

John Bennett, Pesticide Control Specialist
Bureau of Pesticide Management
NYDEC Region 5 Warrensburg Sub-Office
232 Golf Course Road
Warrensburg, NY 12885-0220

Re: Aquatic Herbicide Permit Application and Freshwater Wetlands Permit Application – Saratoga Lake – 2013 Season

Dear Mr. Bennett:

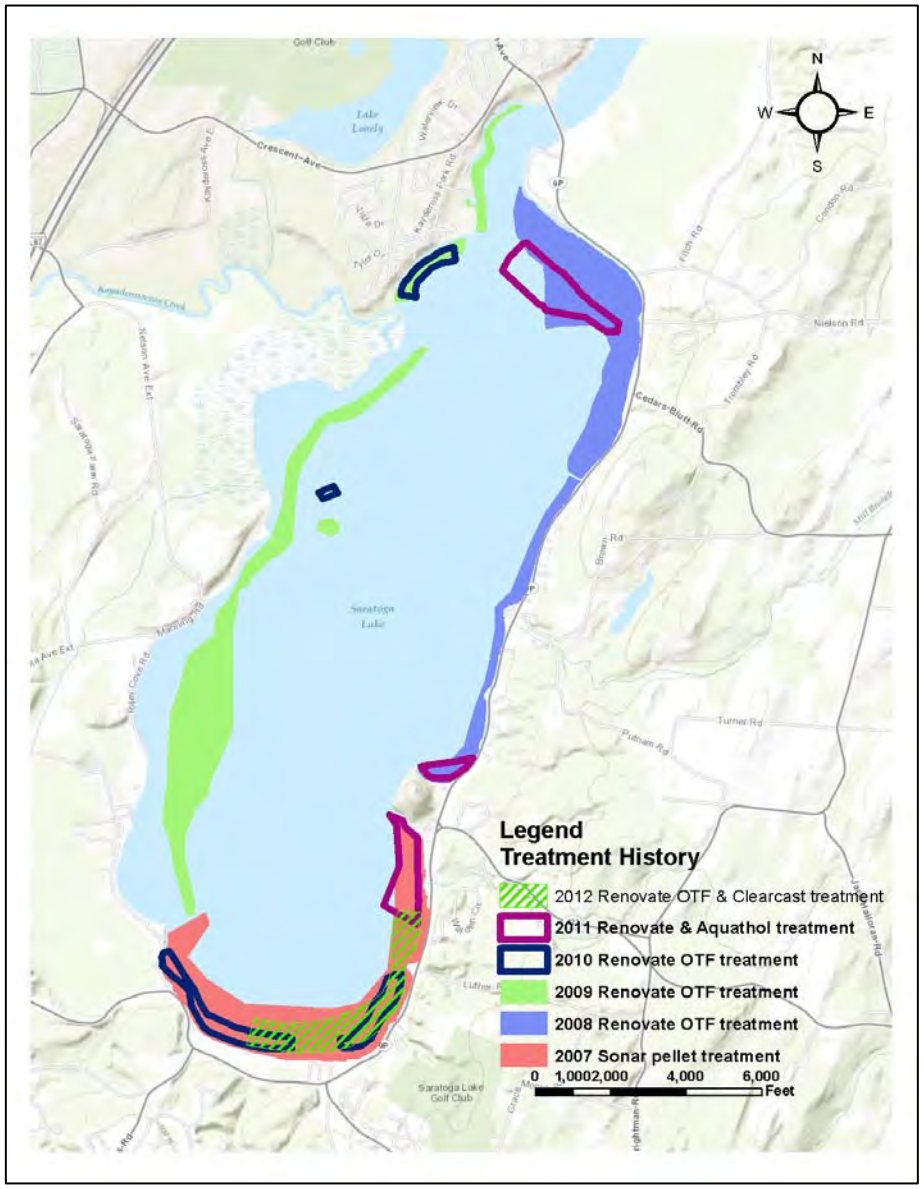
The following was prepared as supplemental information for the Aquatic Pesticide Permit Applications (AQV forms) and Freshwater Wetlands Permit Application (Joint Application for Permit form) for Saratoga Lake in 2013.

Project Applicant / Lead Agency:	Saratoga Lake Protection and Improvement District (SLPID)
Applicant Contact:	Joe Finn, SLPID Commissioner [518- 581-0409 or jfinn14@nycap.rr.com]
Applicator:	Aquatic Control Technology / Reg . # 07865 Marc Bellaud / Applicator ID# C0806081 [508-865-1000 or mbellaud@aquaticcontroltech.com]
Lake Manager:	Dean Long, Director of Environmental Planning, The LA Group, P.C. [518-587-8100 or dlong@thelagroup.com]
Requested Treatments:	SLPID is seeking approval for treatment of 172 acres with Renovate OTF (triclopyr) herbicide to selectively control invasive Eurasian watermilfoil (*Myriophyllum spicatum*). Treatment is proposed in the northeast and northwest shorelines of the lake. This is a continuation of an ongoing invasive species maintenance treatment program that was initiated in 2007. The treatment area will finalized following a pre-treatment survey May 2013. Preliminary treatment (see Figure 1) areas are based on the Eurasian watermilfoil distribution mapped by the Darin Fresh Water Institute in August 2012 and the hydroacoustic mapping performed by Aquatic Control Technology in November 2012. The treatment protocol calls for a surface application of granular herbicide throughout the treatment areas. Low application rates are proposed to selectively control the targeted invasives, reduce impacts to native species and limit associated water use restrictions. Renovate OTF will be applied at 1.3-1.5 ppm. We plan to apply 70% of the total herbicide dosage on the first day of treatment. The remaining 30% will be applied the following day.

SUMMARY OF RECENT TREATMENTS

A multiple-year, sequential herbicide treatment program targeting control of all of the dense Eurasian watermilfoil (EWM) beds in Saratoga Lake was initiated during the 2007 season. The following treatments have been performed since that time:

Year	acres treated	location	herbicide applied
2007	158 acres	south end	Sonar PR & Q (fluridone pellets)
2008	292 acres	northeast and east shore	Renovate OTF (triclopyr granular)
2009	285 acres	northwest and west shore	Renovate OTF (triclopyr granular)
2010	50 acres	various locations	Renovate OTF (triclopyr granular)
2011	100 acres	east shore – three locations	Renovate 3 (triclopyr liquid) and Aquathol K (endothall liquid) combination
2012	100 acres	south end	Renovate OTF (triclopyr granular)and Clearcast 2.7G (imazamox liquid) - Clearcast only applied to 1/2 treatment area (50 ac)



PROPOSED TREATMENT PROGRAM FOR 2013

In 2013, treatment of up to 172 acres with Renovate OTF (triclopyr granular) herbicide is proposed for the northern end of the lake.

Renovate OTF has demonstrated its effectiveness in past years at Saratoga Lake. In 2013, we are proposing an application rate of 1.3-1.5 ppm; the lower application rate will be used for the larger treatment area where dilution is less of a concern. The use of granular formulations of herbicide is recommended to deliver the herbicide to the bottom and allow for herbicide absorption and uptake in the lower portions of the plants. Using the granular formulations should also help reduce the effects of dilution.

Treatment is proposed for the mid-late May period. Specific objectives of the proposed treatment protocol include:

- Control of EWM while it is actively growing but before it reaches full biomass,
- Reduced impacts on slower-growing native species,
- Reduced lake and lake water user conflicts from the temporary water use restrictions that will be imposed following treatment, and
- Shortened water use restriction periods following treatment due to the lower herbicide concentrations being used.

Freshwater Wetlands

We expect that a Freshwater Wetlands Permit will be required for the 2013 treatment program due to the proximity of treatment to the State-regulated Freshwater Wetland Q-11 & Q-31 located along the northeastern and northern shorelines, respectively. We do not believe that impacts to these adjacent wetlands will be significant since the herbicides proposed for use will be highly selective for EWM and most of the native plant species found throughout the treatment area will be preserved.

Chemical Treatment Protocol - 2013

Approval is requested for treatment of 3 areas totaling 172-acres in the northern end of the lake. All three areas will be treated with Renovate OTF (triclopyr) herbicide. Preliminary Treatment Areas have been established based on the post-treatment conditions observed in 2012 and findings of DFWI's 2012 survey. A map of the Preliminary Treatment Areas is attached (Figure 1). The final location of treatment areas may be adjusted following a pre-treatment survey in early May 2013, but the total treatment area will not exceed 172 acres.

Details on the proposed treatment approach are provided below:

Area to be Treated	Renovate OTF – 172 acres in northern end Final locations may be adjusted following pre-treatment survey to be performed in early May 2012.
Herbicides	**Renovate OTF /** EPA Reg. No.: 67690-42; SLN NY-070004 Active Ingredient: triclopyr: 3,5,6-trichloro-2-pyridinyloxyacetic acid, triethylamine salt 14%; triclopyr acid equivalent 10%
Application Rates	Application rates/dose calculations have been calculated based on the bottom 5 feet of the water column. Area A ▪ 1.5 ppm or 200 lbs/acre ▪ 2,400 lbs for 12 acres Area B ▪ 1.3 ppm or 175 lbs/acre ▪ 24,675 lbs for 141 acres Area C ▪ 1.5 ppm or 200 lbs/acre ▪ 3,800 lbs for 19 acres
Treatment Timing	Treatment in **mid-late May 2013** is proposed. A tentative date of Tuesday, May 14th and Wednesday 15th is planned. We plan to apply 70% of the total herbicide dosage on the first day of treatment. The remaining 30% will be applied the following day. Contingent treatment dates of Tuesday May 21st and Wednesday May 22nd will be used in the event of unfavorable weather. If only one suitable day is forecasted we will aim to complete the application in one day. Treatment is recommended early in the growing cycle when targeted EWM plants are more susceptible to impacts from the proposed herbicide but once there is enough actively growing plant tissue to insure that sufficient herbicide absorption will occur. This timing should still control EWM before it reaches full biomass and should limit lake user conflicts with the temporary water use restrictions that will be imposed following treatment.
Method of Application	The solid (granular) formulation will be evenly applied using the eductor spray system used in recent years or calibrated cyclone spreader mounted in the sprayboats. It is expected that one or possibly two conventional work skiffs powered by outboard motors will be used for this herbicide application and that the treatment will be completed during one work day. The treatment boat(s) will be equipped with DGPS/WAAS system to provide real-time navigation and to insure that the herbicide is evenly applied throughout the designated treatment areas.
Staging Area / Base of Operations	Either the ramp located at the 9P bridge at the north end of the lake or the South Shore Marina will serve as the boat launch and base of operations for the herbicide treatment. The herbicide will be brought to the lake on the day of treatment in a truck and/or trailer and nothing will be stored on site. All of the herbicide bags will be collected and returned to Aquatic Control's Sutton, MA facility for proper recycling and disposal.
Herbicide Residue Monitoring	Water samples will be collected from locations inside and outside of the treatment area for immunoassay analysis of triclopyr residues following treatment. SLPID members will be trained on how to properly collect and ship the samples. Additional monitoring will be performed as required.
Post-Treatment Vegetation Surveys	DFWI will be contracted to perform a point-intercept aquatic plant survey similar to what they have completed in recent years. Survey work will occur in August and September,

	which will correspond with timing of previous surveys.
Water Use Restrictions and Notification	The temporary water use restrictions listed on the Specimen Label and the New York Special Local Needs (SLN) Label for Renovate OTF Specimen Label will be complied with, as follows: Potable/Domestic Water - There are potable water intakes located within the setback distances listed on the Specimen Labels and the SLN Label. The residents with intakes along Manning Cove will be notified of the treatment date. Regular water testing will be conducted to determine when the in-lake concentrations are below 50ppb and potable use can resume. As was the case in past years, all abutting property owners to the lake will receive a notice of the proposed treatment program and will be asked to contact SLPID immediately if they use water from the lake for potable/domestic purposes. Per the label instructions, treated lake water should not be used for domestic/potable purposes until the triclopyr concentrations are determined to be below 50 ppb. Irrigation –Use of treated lake water for irrigation is restricted until the triclopyr concentration drops to <1 ppb. There is no restriction on the use of Renovate OTF treated water to irrigate established grasses. Swimming - The NY SLN Label requires a "3-hour" restriction on swimming in areas treated with Renovate OTF. All treatment areas will be closed to swimming for the entire day(s) of treatment. There are no other water use restrictions listed on the product label, but we intend to comply with any specific conditions imposed by DEC Notification – All riparian owners located around Saratoga Lake received a notice by direct mail with the following language: "The anticipated restrictions on water use that will result from the proposed application will be: Swimming – treated areas will be closed for the day(s) of treatment; Irrigation – lake water cannot be used for irrigation purposes until testing shows that the in-lake triclopyr concentrations are less than 1 ppb, which is expected to take 4-6 weeks; and Potable/Domestic Water – treated lake water cannot be used as a potable/domestic water source until the in-lake triclopyr concentrations are <50 ppb." Notification of the specific dates of treatment will occur through posting of the shoreline, placing notices in the Saratogian newspaper, and posting dates on the SLPID and SLA websites.

SUMMARY

The Renovate OTF herbicide treatment program proposed for the 2013 season is expected to provide selective control of EWM in the treated portions of Saratoga Lake. While the treatments performed in prior years have proven to be effective, the 2013 program is seeking to further refine product selection, treatment rates and treatment timing in order to achieve the most selective control using the lowest practical application rates. Use of the granular formulation will be critical to the success of future treatment programs in areas that are subject to rapid dilution with untreated water.

SLPID remains committed to an integrated management program at Saratoga Lake to control invasive aquatic weeds. In addition to herbicide treatments, SLPID continues to perform limited winter drawdown and continues to fund and operate a large-scale mechanical harvesting program. Due to the lake-wide reduction of EWM the scope of the harvesting program has shifted in recent years to control of native plants. Since control of EWM is no longer the primary target of the harvesting program, harvester operators have modified their protocol, cutting to a depth of 2-3 ft as opposed to the standard 5 depth used for EWM control. Native plants grow slower than EWM; thus by reducing the depth to which the plants were cut SLPID was able to increase the rate of harvesting without sacrificing the efficacy of the cut, and reduce impacts to the overall native plant population.

If additional information is required to process this permit application, please let us know at your earliest convenience and we will prepare submit the requested material immediately. Please do not hesitate to contact me directly if you have any questions or require additional information.

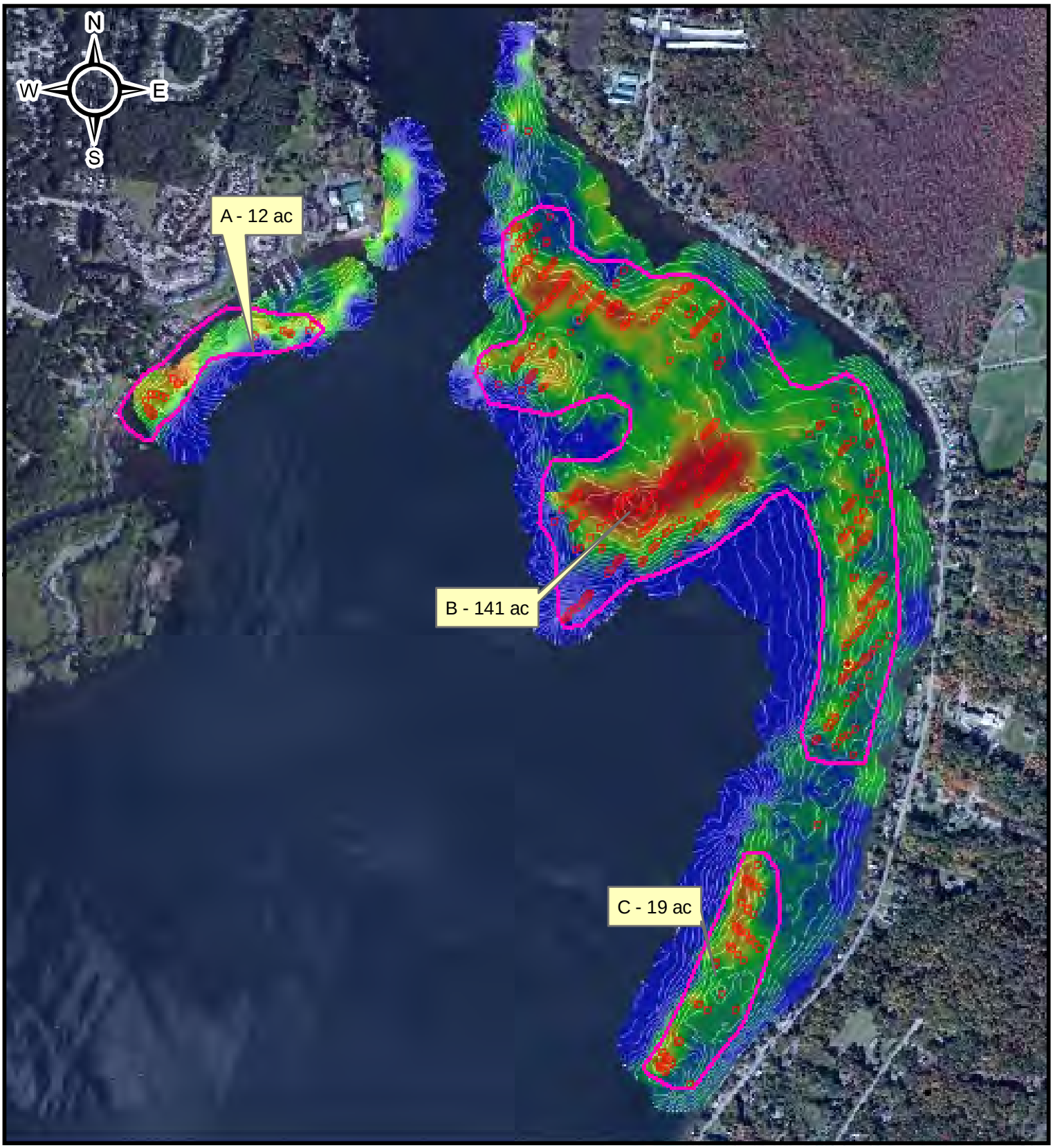
Sincerely,

AQUATIC CONTROL TECHNOLOGY

Marc Bellaud
President/Aquatic Biologist

Enclosures

cc: Joe Finn, SLPID Commissioner
Dean Long, Director of Environmental Planning, The LA Group, P.C.



SARATOGA LAKE

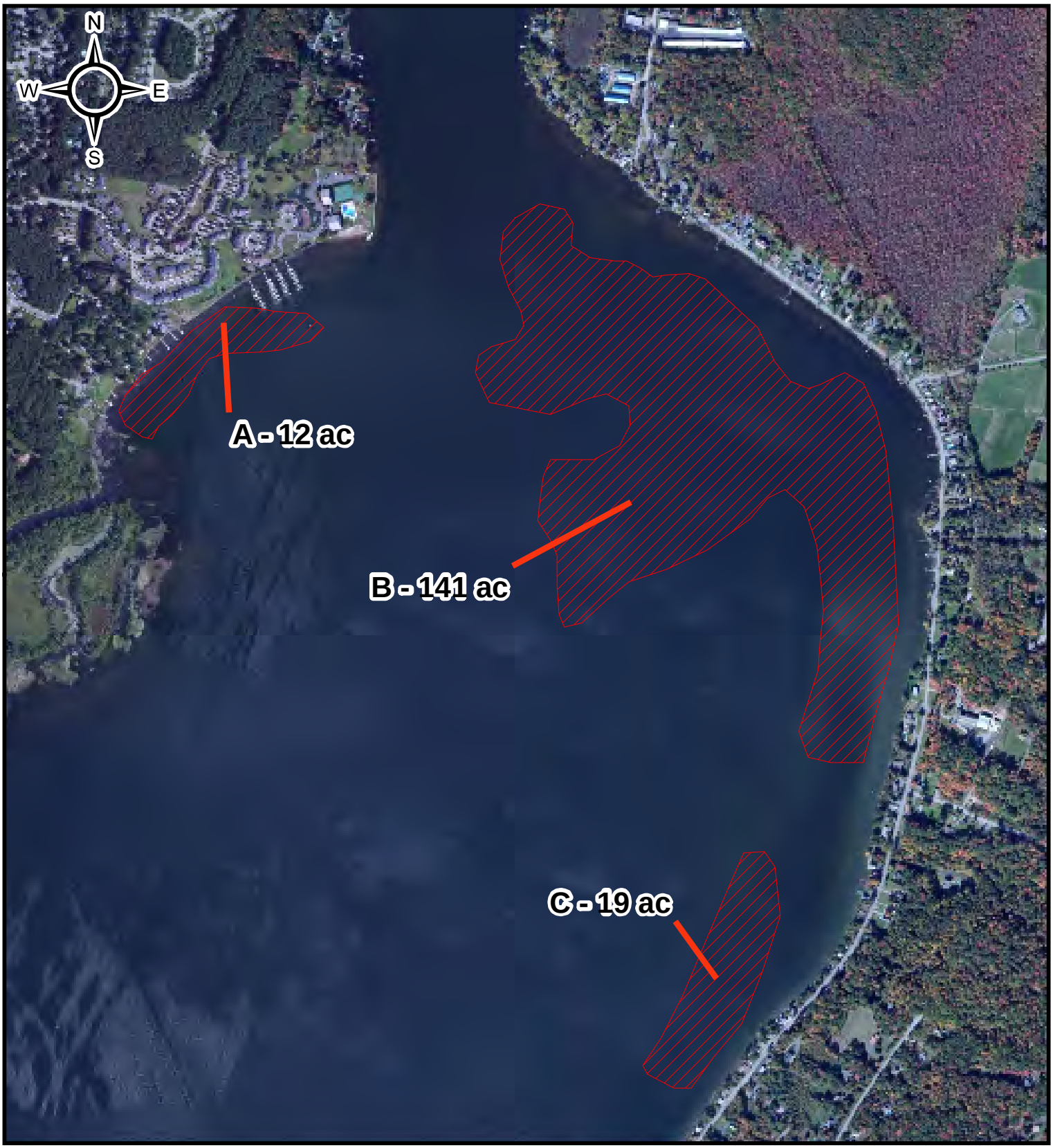
Proposed 2013 Treatment Areas

FIGURE:	SURVEY DATE:	MAP DATE:
2013_1	11/11/12	11/12/12

Draft - 2013 Potential Treatment Areas (172 ac)

0 750 1,500 3,000 Feet

AQUATIC CONTROL TECHNOLOGY, INC.
11 JOHN ROAD
SUTTON, MASSACHUSETTS 01590
PHONE: (508) 865-1000
FAX: (508) 865-1220
WEB: WWW.AQUATICCONTROLTECH.COM



SARATOGA LAKE

Proposed 2013 Treatment Areas

FIGURE:	SURVEY DATE:	MAP DATE:
2013_1	11/11/12	11/12/12

Proposed 2013 Treatment Areas
(172 ac)

0 750 1,500 3,000 Feet

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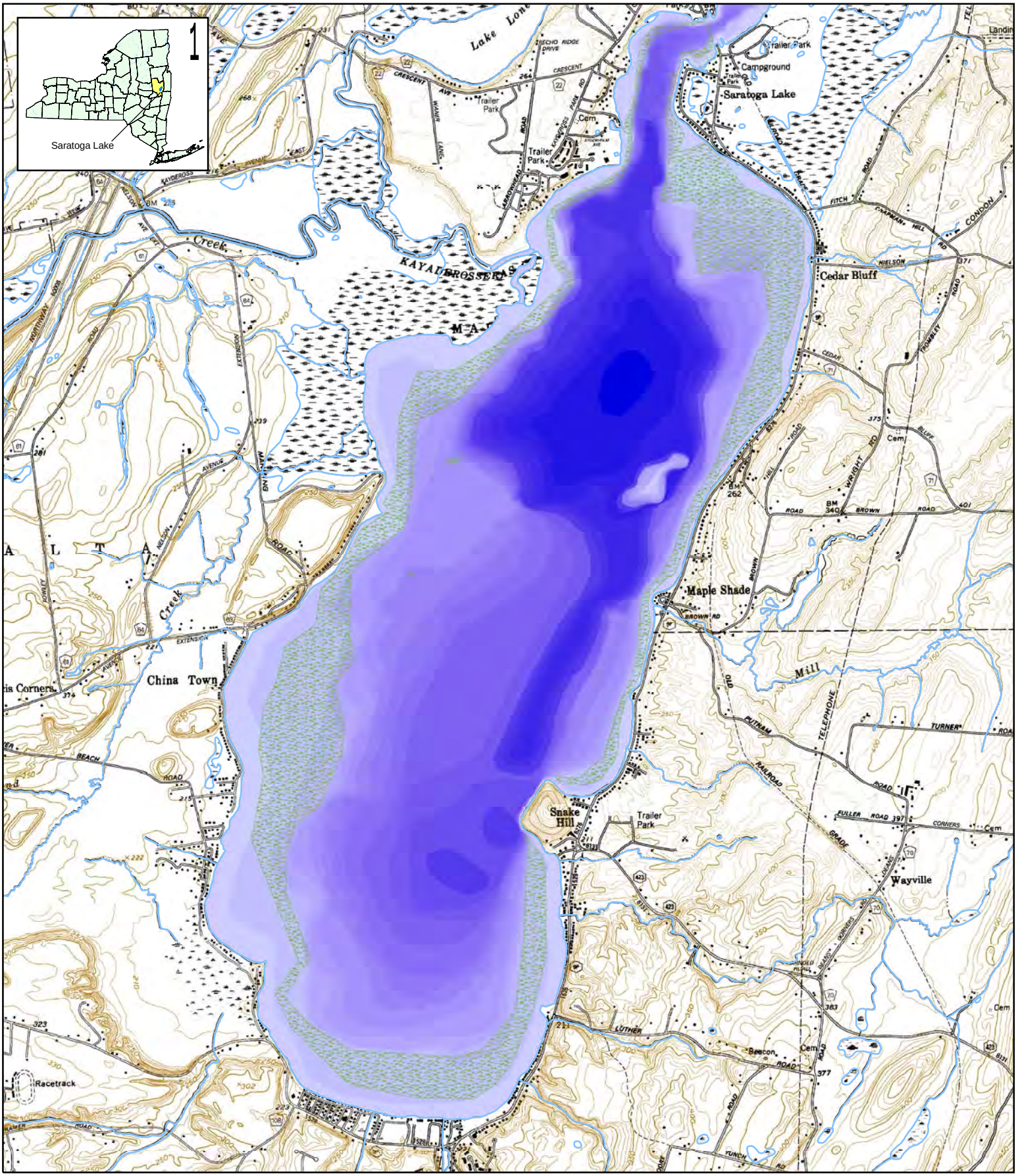


Saratoga Lake

Updated Bathymetric Contours
Figure 2

SCALE:	DATE:	PROJECT:
1 : 18,000	March 2005	ACT Saratoga

Legend:

Bathymetry (2004)

0 - 3	19 - 21	37 - 39	84 - 93
4 - 6	22 - 24	40 - 43	
7 - 9	25 - 27	44 - 53	
10 - 12	28 - 30	54 - 63	
13 - 15	31 - 33	64 - 73	
16 - 18	34 - 36	74 - 83	

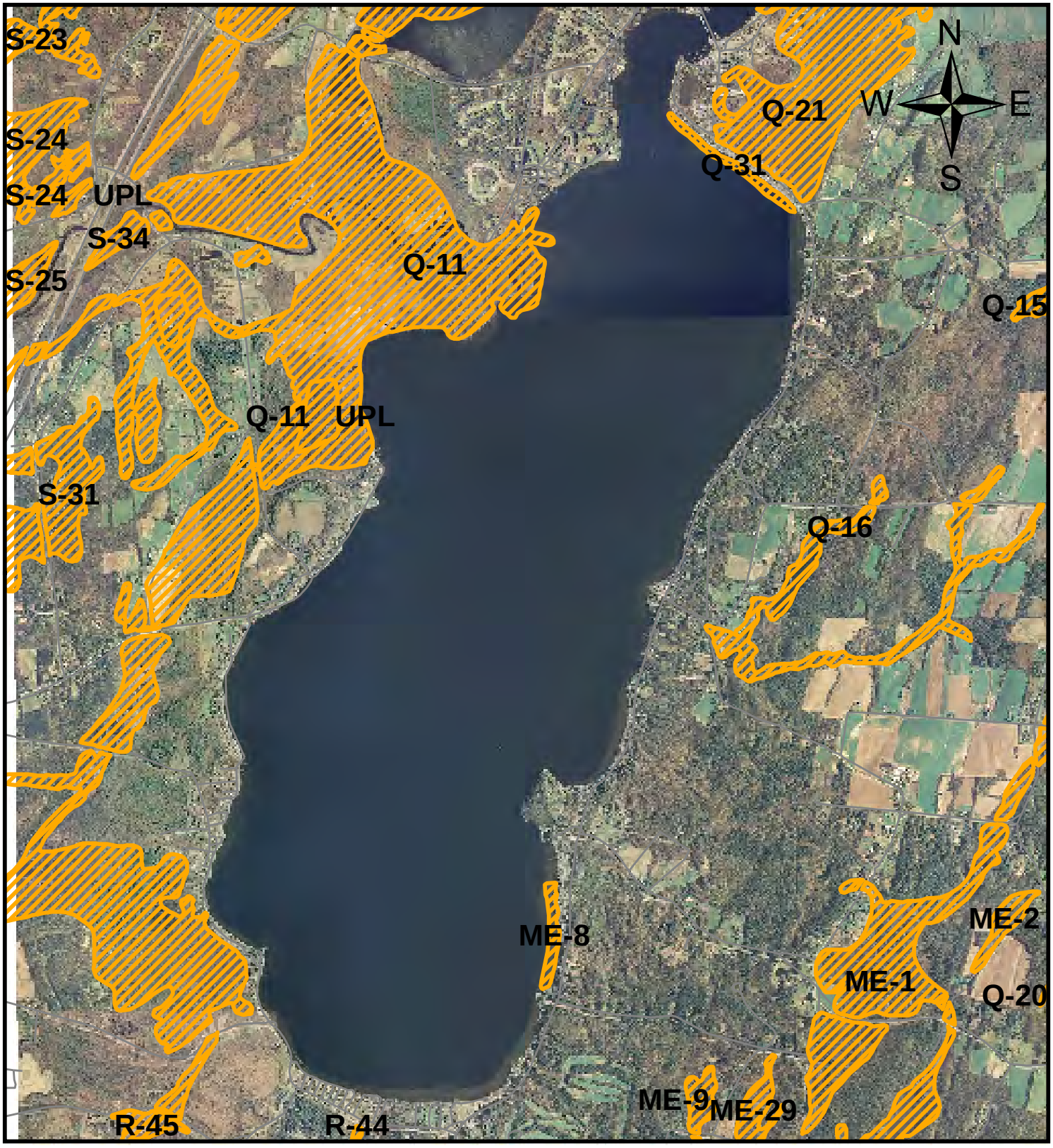
Eurasian watermilfoil beds mapped by DFWI Aug. 2004

Universal Transverse Mercator Coordinate system
Zone 18 North, North American Datum 1927

2,200 1,100 0 2,200 Feet

AQUATIC CONTROL TECHNOLOGY, INC.
POND AND LAKE MANAGEMENT SPECIALISTS
11 JOHN ROAD
SUTTON, MASSACHUSETTS 01590
PHONE: (508) 865-1000
FAX: (508) 865-1220
WEB: WWW.AQUATICCONTROLTECH.COM

animasgeographictechnology
WWW.ANIMASGEOTECH.COM



SARATOGA LAKE

NYS Freshwater Wetlands Map

FIGURE:	SURVEY DATE:	MAP DATE:
3	--	3/15/10

Legend:

NYS Freshwater Wetlands

3,500 1,750 0 3,500 Feet

AQUATIC CONTROL TECHNOLOGY, INC.
11 JOHN ROAD
SUTTON, MASSACHUSETTS 01590
PHONE: (508) 865-1000
FAX: (508) 865-1220
WEB: WWW.AQUATICCONTROLTECH.COM

AQV (04/09)

CLEAR FORM

SAVE FORM

PRINT FORM

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID AND HAZARDOUS MATERIALS ● BUREAU OF PESTICIDES MANAGEMENT
www.dec.ny.gov
TITLE 6 NEW YORK CODE OF RULES AND REGULATIONS PART 327 AND 328
APPLICATION FOR A PERMIT TO USE A PESTICIDE FOR THE CONTROL OF AN AQUATIC PEST

APPLICATION MUST BE SUBMITTED 3 MONTHS BEFORE PROPOSED TREATMENT
REFER TO INSTRUCTION SHEET AND CHECKLIST FOR MORE INFORMATION

FOR DEPARTMENT USE ONLY
Application Number _____
Water Body Name_____
Date Received _____
Application Fee Receipt Number _____
Type of Application _____
New ____ Repeat ____ Previous # _____

1. Check type of application: New _____ , Repeat ✔

   If, repeat application , prior Permit Number: **5-4199-00002/00008 & 11**

2. Name of Applicant: **Saratoga Lake Protection and Improvement District**

3. Name and Title of Authorized Person signing the Application

   (if Block # 2 is an organization): **Joe Finn, SLPID Commissioner**

4. Applicant street address: **P.O. Box 2551, Ballston Spa, NY 12020**

5. Applicant mailing address : **same**

6. Telephone Number: (**518**) **581-0409**

7. Is the applicant a (check): Riparian Owner_____ ; Lessee _____ ; Association of Riparian Owners/Lessees _____ ;

   NYS Department of Environmental Conversation representative _____ ; Other (specify) **municipal entity**

8. Name of Water body: **Saratoga Lake** 9. Township of water body: **Malta & Stillwater** 10. County of water body: **Saratoga**

11. Purpose of treatment (Specific species to be controlled): **Control of Eurasian watermilfoil (Myriophyllum spicatum)**

12. Uses of water proposed for treatment (check): Swimming ✔ ; Irrigation ✔ ; Watering Livestock _____ ; Public Water Supply _____ ; Private Water Supply ✔ ; Fishing ✔ ; Other (specify) _____

13. Total acreage of water body: **3850** 14. Acres/Acre Feet to be treated: **172** 15. Number of areas in water body to be treated: **3**

16. Does the water body have an outlet?: Yes ✔ No __ (Note: the outlet location must be shown on the detailed map of the water body).

17. If "yes" to question 16, can applicant control water level during and for the required period of time after treatment?: Yes _____ No ✔

18. If "yes" to question 17, how will water flow be held?(draw down study must be attached): _____

    If "no" to question 17, give estimated flow during time of treatment in CFS **varies** AND attach outflow study.

19. If applicable: Number of streams proposed for treatment: **n/a** Miles of streams to be treated: **n/a**

20. Name and location of any public and private water supply intakes within the treatment area

    none known of within 10,000 feet of treatment area

    NOTE: All public and private water supply intakes must be located on the detailed map.

21. Are there any regulated freshwater or tidal wetlands in the water body or streams?: Yes ✔ ; No _____ ; Unknown _____
    NOTE: If known, all regulated freshwater and tidal wetlands must be located on the detailed map.

22. Are Fish Present? Yes ✔ ; No _____. Are they stocked by the State? Yes ✔ ; No _____

23. Pesticide Requested (Product Name): **Renovate OTF**

FOR DEPARTMENT USE ONLY : APPLICATION NUMBER: _____ DATE RECEIVED: _____

24. Active ingredient: **triclopyr (3,5,6-trichloro-2-pyidinyoxyacetic acid, triethylmine salt)** 25. % Active ingredient: **14%**

26. EPA Registration Number: **67690-42 SLN NY-070004** 27. Application rate: **1.3-1.5 ppm (175-200 lbs/ac using the bottom 5 feet of the water column**

28. Total amount of product per application: **30,875 lbs (for treatment of 141 ac at 1.3 ppm & 31 ac at 1.5 ppm))**

29. Proposed Date (s) of treatment (month/day/year): **tentatively 5/14 & 5/15/2013**

30. Method of application: **Surface application of granular product** 31. Type of application equipment: **calibrated eductor or cyclone spreader; GPS navigation system**

32. If the proposed treatment involves an aircraft, indicate FAA Number(s): **n/a**

33. Riparian owners/users in the vicinity of the treated area and along the outlet stream(s), who may be required to restrict their usage as a result of the treatment, must be notified of the treatment.

Has proper notification been completed: Yes ____ ; Pending ✔ If yes, When? _____ ; How? **direct mail**

If 21day comment period has expired: Approved of your plans ? Yes____ ; No____. Agreed to restrictions? Yes ____ ; No ____

34. Are there or will there be other applications proposing to treat this water body or stream system this year?: Yes _____ ; No ✔

If "yes", indicate who will be making the treatments:_____ ; proposed date(s) of treatment: _____

specify products proposed for use: **I**

35. Name of pesticide Business/Agency performing application: **Aquatic Control Technology**

36. Address: **11 John Road** City: **Sutton** State: **MA** Zip Code: **01590**

37. Business/Agency Registration Number: **07865**

38. Name of Certified Applicator performing the application: **Marc Bellaud, President**

39. a. Certified Applicator Identification Number: **C0806081** b. Certified Applicator Telephone Number: **(508) 865-1000**

40. Are any other aquatic pest management control practices being employed to control the target pest problem? Yes ✔ ; No _____

Please Describe (attach additional sheets if necessary):

SLPID will continue to operate mechanial weed harvesters, as needed. The 2012 treatment is consistent with the Long Term Aquatic Vegetation Managment Plant (ACT 2005) and the Saratoga Lake Invasive Species Long Term Managment Plans (LA Group 2006 & 2011). See Project Description.

AFFIRMATION:

The applicant/applicator guarantees that he will employ the listed pesticides in conformance with all conditions of the permit and agrees to accept the following conditions as a prerequisite to the issuance of a permit: that the issuance of the permit is based on the accuracy of all statements presented by the applicant/applicator; that damage resulting from the inaccuracy of any computations, improper application of the pesticide, or legal responsibility for the representations made in obtaining approvals or releases, or the failure to obtain approvals or releases from the riparian owners/users likely to be affected is the sole responsibility of the applicant/applicator.

I hereby affirm under penalty of perjury that information on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class "A" misdemeanor pursuant to Section 210.45 of the Penal Law.

41. Signature of Individual in Item 2 or 3 above: _____ Title: _____ Date: _____

42. Signature of Representative of Applicator:_____ Title: _____ Date: _____

Renovate® OTF

Aquatic Herbicide

SPECIMEN

Aquatic Sites: For control of emersed, submersed and floating aquatic weeds in the following aquatic sites: ponds; lakes; reservoirs; marshes; wetlands; impounded rivers, streams and other bodies of water that are quiescent; non-irrigation canals, seasonal irrigation waters and ditches which have little or no continuous outflow.

For use in New York State, comply with Section 24(c) Special Local Need labeling for Renovate OTF, SLN NY-070004

Active Ingredient	
triclopyr: 3,5,6-trichloro-2-pyridinyloxyacetic acid, triethylamine salt†	14.0%
Other Ingredients	86.0%
TOTAL	100.0%

†Acid equivalence: triclopyr - 10.0%

Keep Out of Reach of Children

CAUTION / PRECAUCIÓN

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

Refer to inside of label booklet for additional precautionary information and Directions for Use Including Storage and Disposal Information.

Notice: Read the entire label before using. Use only according to label directions. **Before buying or using this product, read *Terms and Conditions of Use, Warranty Disclaimer, Inherent Risks of Use* and *Limitation of Remedies* inside label booklet.**

AGRICULTURAL CHEMICAL: Do not ship or store with food, feeds, drugs or clothing.

Renovate is a registered trademark of Dow AgroSciences LLC.

SePRO Corporation 11550 North Meridian Street, Suite 600
Carmel, IN 46032 U.S.A.

FIRST AID	
If in eyes	• Hold eye open and rinse slowly and gently with water for 15 - 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If on skin or clothing	• Take off contaminated clothing. • Rinse skin immediately with plenty of water for 15 - 20 minutes. • Call a poison control center or doctor for treatment advice.
If swallowed	• Call a poison control center or doctor immediately for treatment advice. • Have person sip a glass of water if able to swallow. • Do not induce vomiting unless told to do so by a poison control center or doctor. • Do not give anything by mouth to an unconscious person.
If inhaled	• Move person to fresh air. • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. • Call a poison control center or doctor for further treatment advice.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment.
In case of emergency endangering health or the environment involving this product, call **INFOTRAC** at **1-800-535-5053.**

EPA Reg. No. 67690-42
FPL070910

Aquatic Herbicide **Net contents**

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Causes moderate eye irritation. Avoid contact with eyes or clothing.

Keep Out of Reach of Children
CAUTION / PRECAUCIÓN

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USER SAFETY RECOMMENDATIONS

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside, then wash thoroughly and put on clean clothing.

ENVIRONMENTAL HAZARDS

Under certain conditions, treatment of aquatic weeds can result in oxygen depletion or loss due to decomposition of dead plants, which may cause fish suffocation. Therefore, to minimize this hazard do not treat more than one-half (½) of the water area in a single operation and wait at least 10 days between treatments when susceptible plants are mature and have grown to the water's surface, or when the treatment would result in significant reductions in total plant biomass. Begin treatment along the shore and proceed outwards in bands to allow fish to move into untreated areas. Waters having limited and less dense weed infestations may not require partial treatments.

AGRICULTURAL CHEMICAL: Do not ship or store with food, feeds, drugs or clothing.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read all Directions for Use carefully before applying.

GENERAL INFORMATION

When applying this product follow all applicable use directions, precautions and limitations.

For Aquatic and Wetland Sites:
Use Renovate® OTF herbicide for control of emersed, submersed and floating aquatic weeds in the following aquatic sites: ponds; lakes; reservoirs; marshes; wetlands; impounded rivers, streams and other bodies of water that are quiescent; non-irrigation canals, seasonal irrigation waters and ditches which have little or no continuous outflow. Renovate OTF is formulated on biodegradable granules that, when applied to water bodies, immediately deliver Renovate OTF down to the critical area for controlling target weeds.

Obtain Required Permits: Consult with appropriate state or local pesticide and/or water authorities before applying this product in or around public waters. Permits and posting or treatment notification may be required by state or local public agencies.

Recreational Use of Water in Treatment Area: There are no restrictions on use of water in the treatment area for recreational purposes, including swimming and fishing.

Livestock Use of Water from Treatment Area: There are no restrictions on livestock consumption of water from the treatment area.

GENERAL USE PRECAUTIONS AND RESTRICTIONS

- For use in New York State, comply with Section 24(c) Special Local Need labeling for Renovate® OTF, SLN NY-070004.
- Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.
- **Chemigation:** Do not apply this product through any type of irrigation system.
- Do not apply to tidal salt water bays or estuaries.
- Do not apply directly to un-impounded rivers or streams.
- Do not apply where runoff water may flow onto agricultural land as injury to crops may result.

APPLICATION TO WATERS USED FOR IRRIGATION

Irrigation Restrictions

- Do not use treated water for irrigating greenhouse or nursery plants unless triclopyr concentrations are confirmed to be less than 1 ppb by laboratory analysis, or other appropriate means of analysis.
- Do not use water treated with Renovate OTF for hydroponic farming.
- Do not apply Renovate OTF directly to, or otherwise permit it to come into direct contact with grapes, tobacco, vegetable crops, flowers, or other desirable broadleaf plants, and do not permit dust to drift into these areas.
- This label describes both required and recommended uses of a chemical analysis for the active ingredient, triclopyr. SePRO Corporation recommends the use of an Enzyme-Linked Immunoassay (ELISA) test for the determination of the active ingredient concentration in water. Contact SePRO Corporation for the incorporation of this analysis in your treatment program. Other proven chemical analysis for the active ingredient may also be used. The ELISA analysis is referenced in this label as the preferred method for the rapid determination of the concentration of the active ingredient in the water.
- **Non-Food Crop Irrigation:** There is no restriction on use of treated water to irrigate established grasses. If treated water is intended to be used to irrigate other non-crop areas not labeled for direct treatment with triclopyr (e.g., landscape ornamentals) or for other irrigation uses not described, consult with SePRO Corporation prior to commencing irrigation if triclopyr concentrations exceed 1.0 ppb.
- **Food Crop Irrigation:** Water treated with Renovate OTF may not be used for crop or food-crop irrigation purposes for 120 days after application or until triclopyr concentrations are determined by laboratory analysis, or other appropriate means of analysis, to be 1.0 ppb or less. These restrictions apply to all applications of Renovate OTF where water could be used for irrigation of crops or food-crops, including:
  - o Seasonal Irrigation Waters: Renovate OTF may be applied during the off-season to surface waters that are used for irrigation on a seasonal basis.
  - o Irrigation Canals/Ditches: Those currently being used to transport irrigation water or that will be used for irrigation within 120 days following treatment

APPLICATIONS TO POTABLE WATER SOURCES

For applications of Renovate OTF to control floating, emersed, and submersed weeds in sites that contain a functioning potable water intake for human consumption, see Table 1 to determine the minimum setback distances of the application from the functioning potable water intakes.

TABLE 1					
CONCENTRATION OF TRICLOPYR ACID IN WATER (PPM AE)					
Area Treated (acres)	**0.75 ppm**	**1.0 ppm**	**1.5 ppm**	**2.0 ppm**	**2.5 ppm**
	Required Setback Distance (ft) from Potable Water Intake				
< 4	300	400	600	800	1,000
> 4 - 8	420	560	840	1,120	1,400
> 8 - 16	600	800	1,200	1,600	2,000
> 16 - 32	780	1,040	1,560	2,080	2,600
> 32 acres, calculate a setback using the formula for the appropriate rate	Setback (ft) = (800 * ln (acres) - 160)/3.33	Setback (ft) = (800 * ln (acres) - 160)/2.50	Setback (ft) = (800 * ln (acres) - 160)/1.67	Setback (ft) = (800 * ln (acres) -160)/1.25	Setback (ft) = (800 * ln (acres) - 160)

Note: ln = natural logarithm

Example Calculation 1: to apply 2.5 ppm Renovate OTF to 50 acres:

Setback in feet = (800 x ln (50 acres)) - 160
= (800 x 3.912) - 160
= 2,970 feet

Example Calculation 2: to apply 0.75 ppm Renovate OTF to 50 acres:

$$\text{Setback in feet} = \frac{(800 \times \ln(50 \text{ acres})) - 160}{3.33}$$

$$= \frac{(800 \times 3.912) - 160}{3.33}$$

= 892 feet

NOTE: Existing potable water intakes which are no longer in use, such as those replaced by potable water wells or connections to a municipal water system, are not considered to be functioning potable water intakes.

To apply Renovate OTF around and within the distances noted above from a functioning potable water intake, the intake must be turned off until the triclopyr level in the intake water is determined to be 0.4 parts per million (ppm) or less by laboratory analysis, or other appropriate means of analysis.

BEST MANAGEMENT PRACTICES FOR DRIFT MANAGEMENT

Equipment used in the application of Renovate OTF should be carefully calibrated to ensure it is working properly and delivering a uniform distribution pattern. Make aerial application only when the wind velocity is 2 to 10 mph.

Applications may be made only when there is little or no hazard for volatility or dust drift, and when application can maintain Renovate OTF placement in the intended area. Very small quantities of dust, which may not be visible, may seriously injure susceptible plants, and Renovate OTF may be blown outside of the intended treatment area under extreme conditions. Do not spread Renovate OTF when wind is blowing toward susceptible crops or ornamental plants that are near enough to be injured.

Avoiding drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for drift. The applicator is responsible for considering all these factors when making decisions.

Ground Application Equipment: To aid in reducing drift, Renovate OTF may be applied when wind velocity is low (follow state regulations; see *Sensitive Area* under *Aerial Drift Reduction Advisory* below) or using a slurry injection or eductor system.

AERIAL DRIFT REDUCTION ADVISORY
This section is advisory in nature and does not supersede the mandatory label requirements.

Application Height: Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces drift potential.

Swath Adjustment: When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (e.g. higher wind).

Wind: Drift potential is lowest between wind speeds of 2 - 10 mph (follow state regulations). However, many factors, including equipment type, determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect drift.

Sensitive Areas: Renovate OTF should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

AQUATIC WEEDS CONTROLLED BY RENOVATE OTF

alligatorweed	milfoil species	white water lily (*Nymphaea* spp.)
American lotus	parrotfeather††	water primrose (*Ludwigia* spp.)
bladderwort	pickerelweed	watershield (*Brasenia* spp.)
Eurasian watermilfoil	pennywort	yellow water lily (*Nuphar* spp., spatterdock)
Flowering rush	smartweed	
hybrid milfoil (*Myriophyllum spicatum x sibiricum*)	water chestnut †, ††	

† Not for use in California
†† Retreatment may be needed to achieve desired level of control.

APPLICATION METHODS

Surface Application
Use a mechanical spreader such as a fertilizer spreader, blower or mechanical seeder, or similar equipment capable of uniformly applying Renovate OTF. Before spreading any product, carefully calibrate the application equipment. When using boats and power equipment, you must determine the proper combination of (1) boat speed, (2) rate of delivery from the spreader, and (3) width of swath covered by the granules.

Use the following formula to calibrate the spreader's delivery in pounds of Renovate OTF per minute:

$$\textbf{Pounds per Minute} = \frac{\text{miles per hour X swath width (feet) X pounds per acre}}{495}$$

Aerial Application (Helicopter Only)
Ensure uniform application. All equipment should be properly calibrated using blanks with similar physical characteristics to Renovate OTF. To avoid streaked, uneven or overlapped application, use an appropriate tracking device (e.g. GPS). Refer to the *Aerial Drift Reduction Advisory* section of this label for additional precautions and instructions for aerial application.

Floating and Emersed Weeds
For control of water lily's (*Nymphaea* spp. and *Nuphar* spp.), watershield (*Brasenia* spp.), and other susceptible emersed and floating herbaceous weeds, apply 1.0 to 2.5 ppm a.e. triclopyr per acre. Apply when plants are actively growing.

Use higher rates in the rate range when plants are mature, when the weed mass is dense, in areas of greater water exchange, or for difficult to control species. Repeat as necessary to control regrowth, but do not exceed a total of 2.5 ppm a.e. triclopyr for the treatment area per annual growing season.

Submersed Weeds

For control of Eurasian watermilfoil (*Myriophyllum spicatum*) and other susceptible submersed weeds, select the rates of Renovate OTF according to Table 2 to provide a triclopyr concentration of 0.50 to 2.5 ppm a.e. in treated water. Use of higher rates in the rate range is recommended in areas of greater water exchange. These areas may require a repeat application. Split treatments over relatively short periods of time (e.g., 1 to 4 days) may be effective in some areas (e.g. small sites or sites with higher dilution potential) to maintain adequate exposure with target plants. However, total application of Renovate OTF must not exceed an application rate of 2.5 ppm a.e. triclopyr for the treatment area per annual growing season.

For optimal control, apply when Eurasian watermilfoil or other submersed weeds are actively growing.

TABLE 2

CONCENTRATION OF TRICLOPYR ACID IN WATER (PPM A.E.)

Average Water Depth (ft)	0.5 ppm.126	0.75 ppm	1.0 ppm	1.5 ppm	2.0 ppm	2.5 ppm
	Pounds Renovate OTF/Acre					
1	14	20	27	41	54	67
2	27	41	54	81	108	135
3	41	61	81	122	162	202
4	54	81	108	162	216	270

For applications greater in depth than 4 feet, when targeting difficult to control species, and/or in sites with high dilution potential, the following formula should be used to calculate applications rates should greater than 270 pounds of Renovate OTF be needed to achieve desired weed control. NOTE: Do not exceed 2.5 ppm a.e. triclopyr for the treatment area per annual growing season.

Pounds of Renovate OTF per Acre = average depth x target ppm x 27

Example Calculation:

6 foot average depth x 2.5 ppm x 27 = 405 pounds of Renovate OTF per acre

For spot treatments or small treatment sites of ½ acre or less use Table 3 to determine the application rate depending on average water depth to achieve a concentration of 1.25 to 2.5 ppm a.e. Do not exceed 2.5 ppm a.e. triclopyr for the treatment area per annual growing season. Use higher rates in small treatment areas and in areas prone to higher dilution and for heavy weed infestation. Use the lower rates for spot treatment application of areas less prone to dilution and lighter weed infestations. For best results, split the total application rate into three equal applications 8 to 12 hours apart. Apply when water is calm.

Example: A 100 ft. x 40 ft. lakeshore swimming area with a 4 ft. average depth, heavily infested with Eurasian watermilfoil

Step 1: Determine the area to be treated in square feet (ft^2) by multiplying the length of the area by the width.
➢ 100 ft. x 40 ft. = 4,000 ft^2

Step 2: Determine the amount of Renovate OTF to be used by consulting Table 3, *Pounds of Renovate OTF for Areas Less Than ½ Acre*.
➢ According to Table 3, use 24.7 lbs. of Renovate OTF total based on 4 foot average depth.

Step 3: Apply Renovate OTF uniformly over weeds in treatment site in three equal applications of 8.2 lbs. each, 8 - 12 hours apart.

TABLE 3				
POUNDS OF RENOVATE OTF FOR AREAS LESS THAN ½ ACRE				
Area (ft^2)	3 foot average depth		4 foot average depth	
	1.25 ppm a.e.	*2.5 ppm a.e.*	*1.25 ppm a.e.*	*2.5 ppm a.e.*
500	1.2	2.3	1.5	3.0
1,000	2.3	4.6	3.1	6.1
4,000	9.3	18.6	12.4	24.7
10,000	23.2	46.5	31.0	61.9
20,000	46.5	93.0	62.0	123.9

For applications with an area or depth not included in the above chart, use the following formula to calculate the application rates.

Pounds of Renovate OTF = area (ft^2)/43,560 x average depth x target ppm x 27

Example Calculation:

8,250 ft^2/43,560 x 4 foot average depth x 1.25 ppm x 27 = 25.6 pounds of Renovate OTF

Small treatment application of Renovate OTF is recommended with waterproof gloves or a hand spreader to uniformly distribute flakes on target weeds.

Wetland Sites

Wetlands include flood plains, deltas, marshes, swamps, bogs, and transitional areas between upland and lowland sites. Wetlands may occur within forests, wildlife habitat restoration and management areas and similar sites as well as areas adjacent to or surrounding domestic water supply reservoirs, lakes and ponds.

For control of emersed, floating or submersed aquatic weeds in wetland sites, follow use directions and application methods associated with the *Floating and Emersed Weeds* or *Submersed Weeds* sections on this label.

Use Precautions

Minimize unintentional application to open water when treating target vegetation in wetland sites.

If any content on this label is not understood, or you need further assistance, contact a SePRO Corporation Aquatic Specialist with questions specific to your application.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.
Pesticide Storage: Store in original container only. Do not store near feed or foodstuffs. In case of spill, contain material and dispose as waste.
Pesticide Disposal: Wastes resulting from use of this product must be used according to label directions or disposed of at an approved waste disposal facility.
Nonrefillable Container Disposal (non-rigid plastic bags, any size): Do not reuse or refill this container. Completely empty bag into application equipment. Offer for recycling if available. If recycling not available, then dispose of empty bag in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

TERMS AND CONDITIONS OF USE

If terms of the following *Warranty Disclaimer, Inherent Risks of Use,* and *Limitation of Remedies* are not acceptable, return unopened package at once to the seller for a full refund of purchase price paid. Otherwise, use by the buyer or any other user constitutes acceptance of the terms under *Warranty Disclaimer, Inherent Risks of Use* and *Limitations of Remedies*.

WARRANTY DISCLAIMER

SePRO Corporation warrants that the product conforms to the chemical description on the label and is reasonably fit for the purposes stated on the label when used in strict accordance with the directions, subject to the inherent risks set forth below. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, SEPRO CORPORATION MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER EXPRESS OR IMPLIED WARRANTY.

INHERENT RISKS OF USE

It is impossible to eliminate all risks associated with use of this product. Plant injury, lack of performance, or other unintended consequences may result because of such factors as use of the product contrary to label instructions (including conditions noted on the label such as unfavorable temperatures, soil conditions, etc.), abnormal conditions (such as excessive rainfall, drought, tornadoes, hurricanes), presence of other materials, the manner of application, or other factors, all of which are beyond the control of SePRO Corporation or the seller. To the extent consistent with applicable law, all such risks shall be assumed by buyer.

LIMITATION OF REMEDIES

To the extent consistent with applicable law, the exclusive remedy for losses or damages resulting from this product (including claims based on contract, negligence, strict liability, or other legal theories) shall be limited to, at SePRO Corporation's election, one of the following:

(1) Refund of purchase price paid by buyer or user for product bought, or
(2) Replacement of amount of product used.

To the extent consistent with applicable law, SePRO Corporation shall not be liable for losses or damages resulting from handling or use of this product unless SePRO Corporation is promptly notified of such losses or damages in writing. To the extent consistent with applicable law, in no case shall SePRO Corporation be liable for consequential or incidental damages or losses.

The terms of the *Warranty Disclaimer, Inherent Risks of Use* and this *Limitation of Remedies* cannot be varied by any written or verbal statements or agreements. No employee or sales agent of SePRO Corporation or the seller is authorized to vary or exceed the terms of the *Warranty Disclaimer* or *Limitations of Remedies* in any manner.

DOCUMENT SCAN CONTROL SHEET

Document ID 515588

EPA REG # SLN NY-070004

67690-42

Product Name RENOVATE OTF (EPA REG. NO. 67690-42)

Accepted Date 8/5/2008

Document Type SLNLAB

Registration ID 119563

D-19

PM: JXB

FIFRA 24(C)
SPECIAL LOCAL NEED (SLN) LABEL

SePRO Corporation 11550 N. Meridian St., Suite 600, Carmel, IN 46032 USA www.sepro.com

Renovate® OTF Aquatic Herbicide

EPA Reg. No. 67690-42

EPA 24(c) Special Local Need Registration SLN NY-070004
(For Distribution and Use Only in the State of New York)

For Control of Emersed, Submersed and Floating Aquatic Weeds in Aquatic Sites

ATTENTION

- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This labeling must be in the possession of the user at the time of application.
- Read the label affixed to the container for Renovate® OTF before applying. Carefully follow all precautionary statements and applicable use directions.
- **In the state of New York, Renovate® OTF is registered under FIFRA Section 24(c) as a Special Local Need (SLN) registration. For the state of New York, this 24(c) supplemental labeling provides directions for use, including use precautions and limitations applicable to use of Renovate® OTF, and supersedes directions for use on the product label.**
- **Note to all pesticide applicators**: Before application under any project program, notification of an approval by the NYS Department of Environmental Conservation is required, either by an aquatic permit issued pursuant to ECL Section 15.0313(4) or issuance of purchase permits for such use.
- Use of Renovate® OTF according to this supplemental labeling is subject to all use precautions and limitations imposed by the label affixed to the container for Renovate® OTF.

DIRECTIONS FOR USE

Use Renovate® OTF for control of emersed, submersed and floating aquatic weeds in the following aquatic sites: ponds; lakes; reservoirs; marshes; wetlands; impounded rivers, streams and other bodies of water that are quiescent; non-irrigation canals, seasonal irrigation waters and ditches which have little or no continuous outflow.

Refer to the product label of Renovate® OTF for *Precautionary Statements*, *Environmental Hazards* and *Storage and Disposal.*

DocID 515588

ACCEPTED
FOR REGISTRATION
AUG - 5 2008
NYSDEC

CLASSIFIED FOR
"RESTRICTED USE"
IN NEW YORK STATE
UNDER 6NYCRR PART 326

FIFRA 24(C)
SPECIAL LOCAL NEED (SLN) LABEL

SePRO Corporation 11550 N. Meridian St., Suite 600, Carmel, IN 46032 USA www.sepro.com

General Use Precautions and Restrictions

- **Chemigation: Do not** apply this product through any type of irrigation system.
- **Irrigation:** Water treated with Renovate® OTF may not be used for irrigation purposes for 120 days after application or until triclopyr residue levels are determined by laboratory analysis, or other appropriate means of analysis, to be 1.0 ppb or less. This label describes both required and recommended uses of a chemical analysis for the active ingredient, triclopyr. SePRO Corporation recommends the use of an Enzyme-Linked Immunoassay (ELISA) test for the determination of the active ingredient concentration in water. Contact SePRO Corporation for the incorporation of this analysis in your treatment program. Other proven chemical analysis for the active ingredient may also be used. The ELISA analysis is referenced in this label as the preferred method for the rapid determination of the concentration of the active ingredient in the water.
    - **Seasonal Irrigation Waters**: Renovate® OTF may be applied during the off-season to surface waters that are used for irrigation on a seasonal basis, provided that there is a minimum of 120 days between Renovate® OTF application and the first use of treated water for irrigation purposes or until triclopyr residue levels are determined by laboratory analysis, or other appropriate means of analysis, to be 1.0 ppb or less.
    - **Irrigation Canals/Ditches**: **Do not** apply Renovate® OTF to irrigation canals/ditches unless the 120 day restriction on irrigation water usage can be observed or triclopyr residue levels are determined by laboratory analysis, or other appropriate means of analysis, to be 1.0 ppb or less.
- **There is no restriction on use of treated water to irrigate established grasses.**
- **Do not** apply Renovate® OTF directly to, or otherwise permit it to come into direct contact with grapes, tobacco, vegetable crops, flowers, or other desirable broadleaf plants, and do not permit dust to drift into these areas.
- **Do not** apply to salt water bays or estuaries.
- **Do not** apply directly to un-impounded rivers or streams.
- **Do not** apply on ditches or canals currently being used to transport irrigation water or that will be used for irrigation within 120 days following treatment or until triclopyr residue levels are determined to be 1.0 ppb or less.
- **Do not** apply where runoff water may flow onto agricultural land as injury to crops may result.
- **Grazing and Haying Restrictions**: Except for lactating dairy animals, there are no grazing restrictions following application of this product.

- **Grazing Lactating Dairy Animals**: **Do not** allow lactating dairy animals to graze treated areas until the next growing season following application of this product.
- **Do not** harvest hay for 14 days after application.
- Grazed areas of non-cropland and forestry sites may be spot treated if they comprise no more than 10% of the total grazable area.

- **Slaughter Restrictions**: During the season of application, withdraw livestock from grazing treated grass at least 3 days before slaughter.

Best Management Practices for Drift Management

Equipment used in the application of Renovate® OTF should be carefully calibrated to be sure it is working properly and delivering a uniform distribution pattern. Aerial application should be made only when the wind velocity is 2 to10 mph.

Applications should be made only when there is little or no hazard for volatility or dust drift, and when application can maintain Renovate® OTF placement in the intended area. Very small quantities of dust, which may not be visible, may seriously injure susceptible plants, and Renovate® OTF may be blown outside of the intended treatment area under extreme conditions. Do not spread Renovate® OTF when wind is blowing toward susceptible crops or ornamental plants that are near enough to be injured.

Avoiding drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for drift. The applicator is responsible for considering all these factors when making decisions.

Ground Application Equipment: To aid in reducing drift, Renovate® OTF should be applied when wind velocity is low (follow state regulations; see *Sensitive Area* under *Aerial Drift Reduction Advisory* below) or using a slurry injection system.

Aerial Drift Reduction Advisory

This section is advisory in nature and does not supersede the mandatory label requirements.

Application Height: Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is required for aircraft safety. Making applications at the lowest height that is safe reduces drift potential.

Swath Adjustment: When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the

applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (e.g. higher wind).

Wind: Drift potential is lowest between wind speeds of 2 - 10 mph (follow state regulations). However, many factors, including equipment type, determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. **Note**: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect drift.

Sensitive Areas: Renovate® OTF should only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, known habitat for threatened or endangered species, non-target crops) is minimal (e.g., when wind is blowing away from the sensitive areas).

Aquatic Weeds Controlled by Renovate® OTF

alligatorweed	parrotfeather†	yellow water lily (Nuphar spp., spatterdock)
American lotus	pickerelweed	water chestnut†
bladderwort	pennywort	water primrose (Ludwigia spp.)
Eurasian watermilfoil	smartweed	watershield (Brasenia spp.)
milfoil species		white water lily (Nymphaea spp.)

†Retreatment may be needed to achieve desired level of control.

APPLICATION METHODS

Surface Applications

Use a mechanical spreader such as a fertilizer spreader or mechanical seeder or similar equipment capable of uniformly applying Renovate® OTF. Before spreading any product, carefully calibrate the application equipment. When using boats and power equipment, you must determine the proper combination of (1) boat speed (2) rate of delivery from the spreader, and (3) width of swath covered by the granules.

Use the following formula to calibrate the spreader's delivery in pounds of Renovate® OTF per minute:

$$\frac{\text{Miles per hour X swath width (feet) X pounds per acre}}{495} = \text{Pounds per minute}$$

Aerial Application (Helicopter Only)

Ensure uniform application. All equipment should be properly calibrated using blanks with similar physical characteristics to Renovate® OTF. To avoid streaked, uneven or overlapped application, use an appropriate tracking device (e.g. GPS). Refer to the *Aerial Drift Reduction Advisory* section of this label for additional precautions and instructions for aerial application.

Floating and Emersed Weeds

For control of water lily's (Nymphaea spp. and Nuphar spp.), watershield (Brasenia spp.), and other susceptible emersed and floating herbaceous weeds, apply 1.0 to 2.5 ppm triclopyr per acre. Apply when plants are actively growing.

Use higher rates in the rate range when plants are mature, when the weed mass is dense, in areas of greater water exchange, or for difficult to control species. Repeat as necessary to control regrowth, but do not exceed a total of 2.5 a.e. triclopyr for the treatment area per annual growing season.

Submersed Weeds

For control of Eurasian watermilfoil (*Myriophyllum spicatum*) and other susceptible submerged weeds in ponds, lakes, reservoirs, impounded rivers, streams and other bodies of water that are quiescent; non-irrigation canals, and seasonal irrigation waters, or ditches that have little or no continuous outflow, apply Renovate® OTF using mechanical or portable granule spreading equipment. Rates should be selected according to the rate chart below to provide a triclopyr concentration of 0.5 to 2.5 ppm ae in treated water. Use of higher rates in the rate range is recommended in areas of greater water exchange. These areas may require a repeat application. However, total application of Renovate® OTF must not exceed an application rate of 2.5 ppm ae triclopyr for the treatment area per annual growing season.

For optimal control, apply when Eurasian watermilfoil or other submersed weeds are actively growing.

CONCENTRATION OF TRICLOPYR ACID IN WATER (PPM A.E.)					
	0.5 ppm	1.0 ppm	1.5 ppm	2.0 ppm	2.5 ppm
Avg. Water Depth (ft)	**Pounds Renovate® OTF / acre**				
1	14	27	41	54	67
2	27	54	81	108	135
3	41	81	122	162	202

4	54	108	162	216	270

For applications greater in depth than 4 feet, when targeting difficult to control species and/or in sites with high dilution potential, the following formula should be used to calculate applications rates should greater than 270 pounds of Renovate® OTF be needed to achieve desired weed control. **NOTE**: Do not exceed 2.5 ppm a.e. triclopyr for the treatment area per annual growing season.

average depth x target ppm x **27 = pounds of Renovate® OTF per acre**

Example Calculation:

6 foot average depth x 2.5 ppm x 27 = 405 pounds of Renovate® OTF per acre

Precautions for Potable Water Intakes:

For applications of Renovate® OTF to control floating, emersed, and submersed weeds in sites that contain a functioning potable water intake for human consumption, see the chart below to determine the minimum setback distances of the application from the functioning potable water intakes.

CONCENTRATION OF TRICLOPYR ACID IN WATER (PPM AE)					
Area Treated (acres)	0.75 ppm	1 ppm	1.5 ppm	2 ppm	2.5 ppm
	Required Setback Distance (ft) from Potable Water Intake				
<4	1,300	1,700	2,500	3,400	4,200
>4 - 8	1,700	2,300	3,500	4,600	5,800
>8 - 16	2,400	3,300	4,900	6,500	8,200
>16 - 32	3,500	4,600	6,900	9,200	11,500
>32 acres, calculate a setback using the formula for the appropriate rate	Setback (ft) = sqrt† [(4,102,708 X acres treated) + 981,690.7] / 3.33	Setback (ft) = sqrt† [(4,102,708 X acres treated) + 981,690.7] / 2.50	Setback (ft) = sqrt† [(4,102,708 X acres treated) + 981,690.7] / 1.67	Setback (ft) = sqrt† [(4,102,708 X acres treated) + 981,690.7] / 1.25	Setback (ft) = sqrt† [(4,102,708 X acres treated) + 981,690.7]

†Sqrt = Square Root

Example Calculation 1: to apply 2.5 ppm Renovate® OTF to 50 acres:

Setback in feet = sqrt [(4,102,708 x 50) + 981,690.7]
= sqrt [206,117,091]

= 14,357 feet
= **14,400 feet (rounded to nearest 100 feet)**

Example Calculation 2: to apply 0.75 ppm Renovate® OTF to 50 acres:

$$\text{Setback in feet} = \frac{\text{sqrt } [(4{,}102{,}708 \times 50) + 981{,}690.7]}{3.33}$$

$$= \frac{\text{sqrt } [206{,}117{,}091]}{3.33}$$

$$= \frac{14{,}356.78}{3.33}$$

= 4,311 feet

= **4,300 feet (rounded to nearest 100 feet)**

Note: Existing potable water intakes which are no longer in use, such as those replaced by potable water wells or connections to a municipal water system, are not considered to be functioning potable water intakes. These setback restrictions do not apply to terrestrial applications made adjacent to potable water intakes.

To apply Renovate® OTF around and within the distances noted above from a functioning potable water intake, the intake must be turned off until the triclopyr level in the intake water is determined to be 50 parts per billion (ppb) or less by laboratory analysis or immunoassay.

- **Recreational Use of Water in Treatment Area:** DO NOT swim in water treated with Renovate® OTF for three (3) hours after treatment. There are no restrictions on use of water in the treatment area for fishing.
- **Livestock Use of Water from Treatment Area:** There are no restrictions on livestock consumption of water from the treatment area.

Wetland Sites

Wetlands include flood plains, deltas, marshes, swamps, bogs, and transitional areas between upland and lowland sites. Wetlands may occur within forests, wildlife habitat restoration and management areas and similar sites as well as areas adjacent to or surrounding domestic water supply reservoirs, lakes and ponds.

FIFRA 24(C)

SPECIAL LOCAL NEED (SLN) LABEL

SePRO Corporation 11550 N. Meridian St., Suite 600. Carmel. IN 46032 USA www.sepro.com

For control of emersed, floating or submersed aquatic weeds in wetland sites, follow use directions and application methods associated with the *Floating and Emersed* or *Submersed* sections on this label.

Use Precautions

Minimize unintentional application to open water when treating target vegetation in wetland sites. **Note:** Consult local public water control authorities before applying this product in and around public water. Permits may be required to treat such areas.

IF ANY CONTENT ON THIS LABEL IS NOT UNDERSTOOD, OR YOU NEED FURTHER ASSISTANCE, CONTACT A SEPRO AQUATIC SPECIALIST WITH QUESTIONS SPECIFIC TO YOUR APPLICATION.

Renovate is a registered trademark of Dow AgroSciences LLC.
Manufactured by: SePRO Corporation, 11550 North Meridian Street, Suite 600, Carmel, IN 46032 U.S.A.

FPL050608

JOINT APPLICATION FORM

New York State

For Permits/Determinations to undertake activities affecting streams, waterways, waterbodies, wetlands, coastal areas and sources of water supply.

You must separately apply for and obtain separate Permits/Determinations from each involved agency prior to proceeding with work. Please read all instructions.

US Army Corps of Engineers (USACE)

APPLICATIONS TO

1. NYS Department of Environmental Conservation

Check all permits that apply:

- ☐ Stream Disturbance
- ☐ Excavation and Fill in Navigable Waters
- ☐ Docks, Moorings or Platforms
- ☐ Dams and Impoundment Structures
- ☐ 401 Water Quality Certification
- ☑ Freshwater Wetlands
- ☐ Tidal Wetlands
- ☐ Coastal Erosion Management
- ☐ Wild, Scenic and Recreational Rivers
- ☐ Water Supply
- ☐ Long Island Well
- ☑ Aquatic Vegetation Control
- ☐ Aquatic Insect Control
- ☐ Fish Control
- ☐ Incidental Take of Endangered/Threatened Species

☐ I am sending this application to this agency.

2. US Army Corps of Engineers

Check all permits that apply:

- ☐ Section 404 Clean Water Act
- ☐ Section 10 Rivers and Harbors Act
- ☐ Nationwide Permit(s) - Identify Number(s):

_____

_____

Preconstruction Notification - ☐ Y / ☐ N

☐ I am sending this application to this agency.

3. NYS Office of General Services

Check all permits that apply:

- ☐ State Owned Lands Under Water
  - ☐ Utility Easement (pipelines, conduits, cables, etc.)
  - ☐ Docks, Moorings or Platforms

☐ I am sending this application to this agency.

4. NYS Department of State

Check if this applies:

- ☐ Coastal Consistency Concurrence

☐ I am sending this application to this agency.

5. Name of Applicant (use full name)
Saratoga Lake Protection and Improvement District (SLPID) c/o Joe Finn

Mailing Address: P.O. Box 2551

Post Office City: Ballston Spa

State: NY Zip Code: 12020

Telephone (daytime): (518) 581-0409

Email: jfinn@nycap.rr.com

Applicant must be:
- ☑ Owner
- ☐ Operator
- ☐ Lessee

(check all that apply)

Taxpayer ID (If applicant is NOT an individual):

6. Name of Facility or Property Owner (if different than Applicant)

Mailing Address

Post Office City

State Zip Code

Telephone (daytime)

Email

7. Contact/Agent Name
Marc Bellaud, President

Company Name: Aquatic Control Technology

Mailing Address: 11 John Road

Post Office City: Sutton

State Zip Code

Telephone (daytime)

Email

8. Project / Facility Name
Saratoga Lake

Property Tax Map Section / Block / Lot Number

Project Location - Provide directions and distances to roads, bridges and bodies of waters:
Three areas in the northern end of Saratoga Lake. See attached map of proposed treatment areas

Street Address, if applicable

Post Office City: State: NY Zip Code

Town / Village / City: Saratoga Sp./Saratoga / Malta/Stillwater

County: Saratoga

Name of USGS Quadrangle Map: Saratoga

Stream/Water Body Name: Saratoga Lake

Location Coordinates: Enter NYTMs in kilometers, OR Latitude/Longitude

NYTM-E	NYTM-N	Latitude	Longitude
		43deg00min52sec	74deg44min53sec

For Agency Use Only DEC Application Number: USACE Number:

9. Project Description and Purpose: Provide a complete narrative description of the proposed work and its purpose. Attach additional page(s) if necessary. Include: description of current site conditions and how the site will be modified by the proposed project; structures and fill materials to be installed; type and quantity of materials to be used (i.e., square ft of coverage and cubic yds of fill material and/or structures below ordinary/mean high water) area of excavation or dredging, volumes of material to be removed and location of dredged material disposal or use; work methods and type of equipment to be used; pollution control methods and mitigation activities proposed to compensate for resource impacts; and where applicable, the phasing of activities. ATTACH PLANS ON SEPARATE PAGES.

The "Applicant", the Saratoga Lake Protection and Improvement District (SLPID), is seeking approval for treatment of 172 acres with Renovate OTF (triclopyr) herbicide to selectively control invasive Eurasian watermilfoil (Myriophyllum spicatum) in the northern end of the lake.

This is a continuation of an ongoing invasive species maintenance treatment program that was initiated in 2007. The treatment area will finalized following a pre-treatment survey May 2013. Preliminary treatment areas based on the Eurasian watermilfoil distribution mapped by the Darin Fresh Water Institute and Aquatic Control Technology in 2012 are shown on Figure 1.

The treatment protocol calls for a surface application of the granular herbicide throughout the treatment areas. Low application rates are proposed to selectively control the targeted invasives, reduce impacts to native species and limit associated water use restrictions. Renovate OTF will be applied at 1.5 ppm in the smaller treatment areas (Area A - 12 and Area C - 19 acres) and at 1.3 ppm in the large treatment block (Area B - 141 ac). We plan to apply 70% of the total herbicide dosage on the first day of treatment. The remaining 30% will be applied the following day.

Proposed Use: ☐ Private ☑ Public ☐ Commercial	Proposed Start Date: May 2013	Estimated Completion Date: July 2013
Has Work Begun on Project? ☐ Yes ☑ No If Yes, explain.		
Will Project Occupy Federal, State or Municipal Land? ☐ Yes ☑ No If Yes, please specify.		

10. List Previous Permit / Application Numbers (if any) and Dates:
unknown

11. Will this project require additional Federal, State, or Local Permits including zoning changes? ☐ Yes ☑ No If yes, please list:

12. Signatures. If applicant is not the owner, both must sign the application.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant	Printed Name	Title	Date
Signature of Owner	Printed Name	Title	Date
Signature of Agent	Printed Name	Title	Date

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

_____ (Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Project Number _____

Agency Representative: Name (printed) _____ Title _____

Signature _____ Date _____

2013 AQUATIC PESTICIDE PERMIT APPLICATION SARATOGA LAKE Stillwater and Malta, NY

January 2013

RIPARIAN OWNER/USER NOTIFICATION

Information Enclosed:

- Certification of Notification
- Notification/Consent Letter
- Riparian Owners/Users List

Applicant:
Saratoga Lake Protection and Improvement District
P.O. Box 2551
Ballston Spa, NY 12020

Applicator:
Aquatic Control Technology
11 John Road
Sutton, MA 01590-2509

Attachment B

CERTIFICATION OF NOTIFICATION OF RIPARIAN OWNERS AND USER

TO: Bureau of Pesticide Management
New York State Department of Environmental Conservation

SUBJECT: Application for Permit to Use Pesticides for the Control of An Aquatic Pest:
Saratoga Lake Protection and Improvement District
(Name of applicant as it appears on Permit Application Form)

CHECK ALL APPROPRIATE STATEMENTS

_X_ All owners of real property abutting the body of water proposed to be treated pursuant to the above-referenced Aquatic Pesticide Permit Application, a list of whom is attached to this letter, have been notified by letter of the proposed pesticide permit. This list includes property owners abutting the outflow from this body of water, if the water is not to be held in the treated water body for the period of time during which use of the water is restricted. Such letters were mailed or personally delivered and signed. Either a copy of the letter and the receipt of mailing or the original letter with signatures is attached. (A receipt for the purchase of stamps is not an acceptable receipt.)

____ A review of the appropriate real property tax records indicates that no person other than the applicant owns any real property abutting the water body proposed to be treated pursuant to the above-referenced Aquatic Pesticide Permit application.

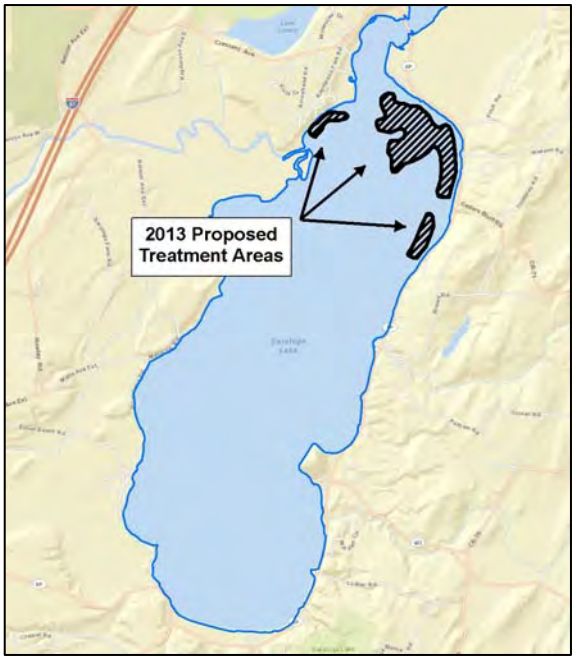
____ A person or person not owning abutting real property possesses a vested legal right to use of the water body proposed to be treated. All such persons have been notified by letter of the proposed pesticide permit. A list of such persons, and the nature of their right to use of the water proposed to be treated is attached. Such letters were mailed or personally delivered and signed. A copy of the letter and the receipt of mailing or the original letter with signatures is attached. (A receipt for the purchase of stamps is not an acceptable receipt.)

____ To my knowledge, no person other than the applicant possesses any vested legal right to use the water body proposed to be treated pursuant to the above-referenced Aquatic Pesticide Permit application.

SIGNED: _____
Print or type Name: Marc Bellaud, President/Aquatic Biologist, Aquatic Control Technology
DATE: _____
If applicant is not an individual, relationship to applicant: Consultant / Applicator

False statements made on this document are punishable under §210.45 of the Penal Law
(11/02)

Aquatic Control Technology, Inc.
11 John Road
Sutton, MA 01590-2509



«owner_first_name» «owner_last_name»
«secondary_name»
«additional_owner»
«Mailing_Street_Address»
«City_State_Zip»

February 11, 2013

Saratoga Lake Property Owner:

Saratoga Lake Protection and Improvement District (SLPID) continues to work towards effectively controlling the invasive species (non-native weeds) in Saratoga Lake. Since 2007, an integrated management program utilizing winter drawdown, mechanical harvesting and herbicide treatments has been effectively employed.

For the 2013 season, SPLID proposes to treat aggressive growth of invasive Eurasian watermilfoil at the northern end of the lake. Other areas will be managed throughout the summer with the harvesters. Up to 175 acres in the lake may be treated. The final treatment area will be determined following an early season survey. The treatment is tentatively scheduled to occur on or about May 14 and 15, 2013. Treatment using Renovate OTF herbicide (active ingredient triclopyr) for Eurasian watermilfoil control is proposed. This product is registered for aquatic weed control by the U.S. Environmental Protection Agency (EPA) and New York State and has been successfully used at Saratoga Lake on several occasions since 2008. Copies of the herbicide specimen label can be accessed on-line at the following websites:

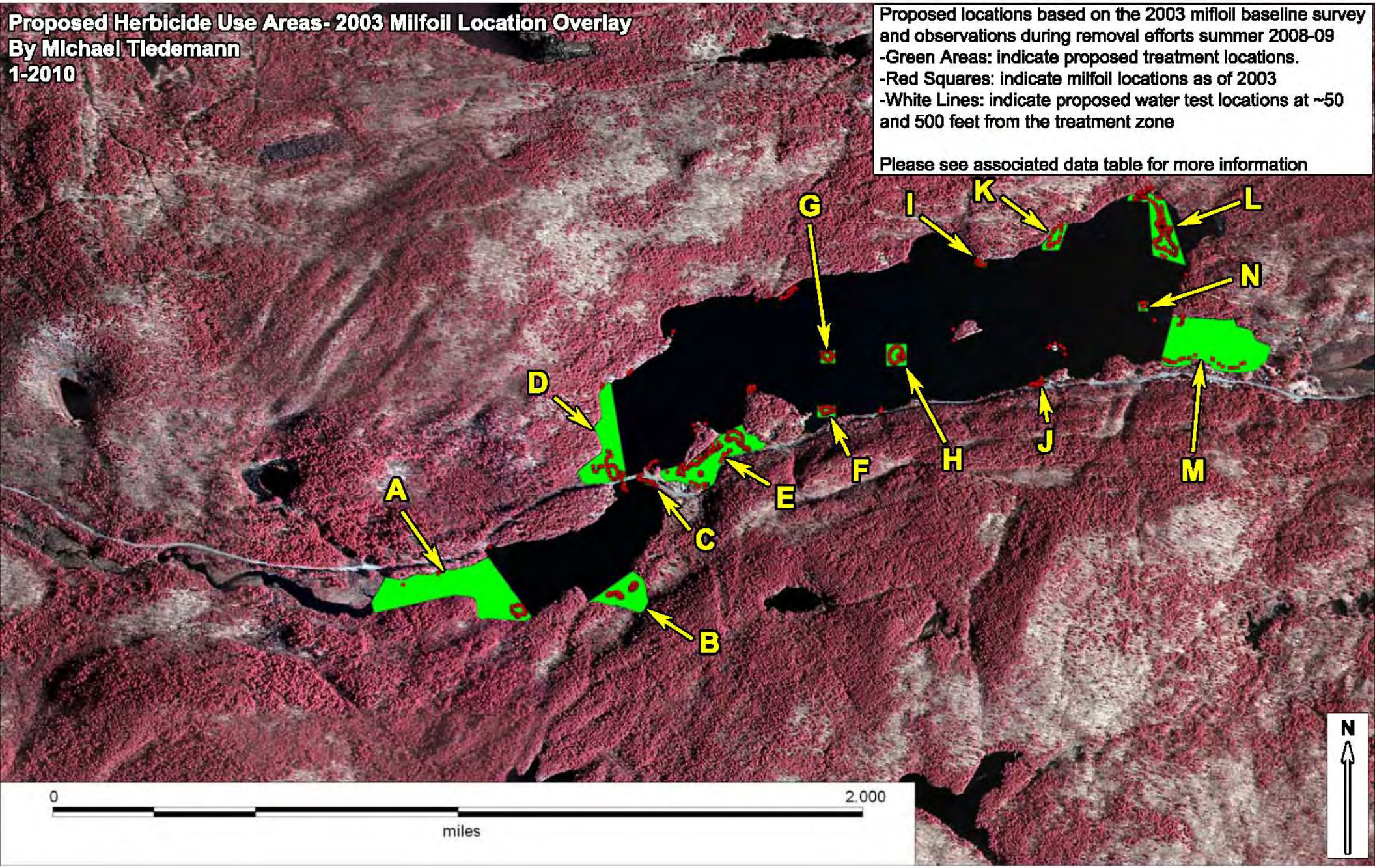
- Renovate OTF, EPA Reg. No. 67690-42: http://www.sepro.com/documents/RenovateOTF_Label.pdf
  Special Local Need Registration, SLN NY-070004: http://128.253.223.36/ppds/515588.pdf

The treatment program will be performed by State licensed aquatic applicators under a permit issued by the New York State Department of Environmental Conservation (DEC). It is expected that the targeted Eurasian watermilfoil plants will be controlled within approximately three weeks of the date of treatment. Early season treatments with these herbicides have demonstrated good selectivity for the targeted invasive weeds. Non-target native aquatic plants are expected to remain to provide a habitat for fish and other marine life.

As a riparian owner/user you have the right to object to the restrictions of water use resulting from the proposed application. The anticipated restrictions on water use that will result from the proposed application will be: Swimming – treated areas will be closed for the day(s) of treatment; Irrigation – lake water cannot be used for irrigation purposes until testing shows that the in-lake triclopyr concentrations are less than 1 ppb, which is expected to take 4-6 weeks, but there is no restriction on use of treated water to irrigate established grasses; and Potable/Domestic Water – treated lake water cannot be used as a potable/domestic water source for 14 days and until the in-lake triclopyr concentrations are <50 ppb. You are requested to notify us at the above address or phone number as soon as possible if you have a water intake line in Saratoga Lake. If you wish to object to the proposed treatment you need to send a written notice stating your objection to: John Bennett, NYS Department of Environmental Conservation, Region 5, 232 Golf Course Road, Warrensburg, New York 12885, telephone (518) 623-1200. Your notification must be submitted within 21 days of the date of this letter. A lack of response will be considered as consent to the proposed treatment.

Notice of the specific treatment date will be provided by posting of the lake shoreline, publishing notices in the Saratogian newspaper, and on the following websites: **www.sara-lake.org** and **www.saratogalake.org**. If you wish further information about the treatment or a copy of the products' labels please contact the following person: Joe Finn, Saratoga Lake Protection and Improvement District, telephone (518) 581-0409, or visit the websites listed above.

Sincerely,
Ed Dweck
Chairman, Saratoga Lake Protection and Improvement District


Proposed Herbicide Use Areas- 2003 Milfoil Location Overlay
By Michael Tiedemann
1-2010
Proposed locations based on the 2003 mifloil baseline survey and observations during removal efforts summer 2008-09
-Green Areas: indicate proposed treatment locations.
-Red Squares: indicate milfoil locations as of 2003
-White Lines: indicate proposed water test locations at ~50 and 500 feet from the treatment zone
Please see associated data table for more information
A
B
C
D
E
F
G
H
I
J
K
L
M
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miles
N

Proposed Herbicide Curtain Locations Information
By Michael Tiedemann
1-2010

Proposed Herbicide Treatment Location	Surface Area (In Acres)	Perimeter Distance (In Feet)	Length of Curtain Required (In Feet)	Shoreline Length in the Treatment Area (In Feet)	Overall East/West Width (In Feet)	Overall North/South Height (In Feet)
A	20.30	5200	1000	4200	2010	840
B	4.80	2050	600	1450	790	550
C	0.60	680	300	380	280	150
D	7.50	3430	1300	2130	620	1340
E	10.60	2580	900	1680	1350	850
F	1.00	750	750	0	240	140
G	1.30	800	800	0	200	200
H	1.90	1150	1150	0	295	280
I	0.70	700	540	160	160	190
J	0.50	600	360	240	260	120
K	1.80	1120	720	400	340	340
L	6.70	2750	2400	350	690	930
M	17.00	3800	600	3200	1440	730
N	0.30	500	500	0	110	140
Total	75.00		11920	14190		

Note:
Treatment locations "A", "D", and "M" show signification treatment volumes beyond the 2003 baseline study locations. This is due to observations by experienced divers in 2008-09 which indicated significant milfoil expansion. See Jacques "Eagle Lake Depths, Milfoil Beds, and Matting - Ti Bay 2009" for 3 selected beds that were resurveyed at treatment site "M."