ADIRONDACK COUNCIL
PRESERVING WATER, AIR AND WILDLANDS

April 20, 2023

Aaron Ziemann
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977
(Via Electronic Submission)

RE: Application of ProcellaCOR EC within seven treatment zones in Lake Luzerne to control Eurasian watermilfoil, P2023-0045

Dear Aaron,

On behalf of the Adirondack Council, I would like to thank you for the opportunity to provide comments on project P2023-0045 regarding the application of ProcellaCOR EC within seven treatment zones in Lake Luzerne to control Eurasian watermilfoil. Adirondack Park Agency (APA) project P2023-0045 is proposed on lands designated as "underwater" and is adjacent to primarily Hamlet lands as well as Resource Management lands on Ivy Island, Rural Use to the north, and Moderate Intensity Use to the east of Lake Luzerne. The proposed application of ProcellaCOR EC has triggered APA jurisdiction due to the project's proximity to wetlands (9 NYCRR 578).

In reviewing the permit for the application sites, the Council cannot support the herbicide applications at this time due to the lack of data from long-term monitoring in northeastern waterbodies. The Council encourages the Agency to gain a better understanding of long-term impacts (beyond two years), if any, on sites where ProcellaCOR EC has been previously applied (ie. Minerva Lake) before applying the chemical in other Adirondack water bodies. The Council is aware of the growing appetite for chemical invasive species management strategies from many of our partners across the Park, who will undoubtedly be paying close attention to this permit application. We believe it is incumbent on the Agency to gather more data to understand what the longer-term impacts of this newer herbicide may be in order to act in a precautionary manner. If, in a few years, data confirms the low impact nature of this chemical treatment, then the Council would re-examine supporting such a treatment.

Background
Florpyrauxifen-benzyl, the parent compound in ProcellaCOR EC (referred to as ProcellaCOR throughout), is a chemical treatment used to manage aquatic invasive plant species like variable-leaf milfoil (VLM) and Eurasian watermilfoil (EWM). The chemical, manufactured by the SePRO Corporation, is an arylpicolinate and part of a new class of plant growth hormones called synthetic auxins that have been engineered to be absorbed by specific species. It differs from other herbicides

because it causes the plant to undergo an accelerated rate of growth by elongating a plant's cells; this process eventually kills the plant rather than more traditional herbicides, which poison a plant. ProcellaCOR was registered by the US Environmental Protection Agency (EPA) in 2018 as a Group 4 herbicide; it was registered by New York State as a "Restricted Use" pesticide in 2019 and was renewed at the end of 2022.

Due to its recent approval for use in New York State and other US markets, there is a paucity of long-term monitoring data and/or studies on the potential long-term health impacts of ProcellaCOR to human, plant and animal health. On these grounds, the Council previously opposed the application of ProcellaCOR in Lake George in 2021. We see potential for new concerns to the proposed application of the herbicide in Lake Luzerne, including increased potential harm to wetlands and the potential for ProcellaCOR and/or its degradates to persist in substrate of shallow-water zones where it would be used.

Process

The seven proposed treatment sites are located around Lake Luzerne's littoral zone, totaling 32 acres. It is worth noting that the application sites are relatively shallow as six of the seven sites are, on average, less than 10 feet in depth whereas the average depth of Lake Luzerne is approximately 24 feet. According to the permit application materials, the herbicide will be applied one day (between May 15 and June 30, 2023) at a concentration of less than 10 parts per billion (ppb) by the applicator, SOLitude Lake Management (SOLitude). Approximately 10.4 gallons of the herbicide would be combined with water and injected into the treatment sites below the water's surface. Following application, water samples will be collected at three intervals (1, 12 and 24 hours) within the first day, then three and seven days (respectively) post-treatment. It is expected that the concentration will fall below 1 ppb on the seventh day, but that will be confirmed by sampling. If the concentration is not below 1 ppb, additional monitoring will be required until the dilution threshold is achieved. Livestock watering and irrigation cannot occur until the herbicide concentration drops below 1 ppb. According to permit materials, the herbicide should be undetectable 2-3 days after application, while the water quality sampling is not expected to be completed until 10 days after application. In addition, the application states that a "qualitative survey will be conducted by [SOLitude] to assess efficacy of the treatment, and impacts to non-target species" 3-4 weeks post treatment.

Consistency with APA Regulations

The application of an herbicide in a wetland within the Adirondack Park is an APA regulated activity pursuant to 9 NYCRR Sections 578.2 and 578.3(n)(2)(i). In our review of the project file, we have been unable to identify any assigned wetland value ratings for any of the wetlands present in Lake Luzerne. Only summary numbers and a map are included in the project file.

According to 9 NYCRR Section 578.4, wetlands have five outlined general values, including wildlife habitat and protection of water resources and valuable watersheds through pollution treatment or sediment control. Recognizing these values, wetlands are then assigned a value rating based on factors and characteristics outlined in Section 578.5.

Section of 578.10 outlines when the Agency should not issue a permit for a regulated activity in wetlands. The permit application fails to include the type or value of the wetlands that will or could be impacted by this application. Therefore, the public cannot provide comments on the full scope of this project, including compliance with Section 578, without the wetland value ratings.

Furthermore, Section 578.9 of 9 NYCRR 578 states that "in its review of wetlands projects pursuant to this Part the agency will consider the relative values of wetlands set forth in section 578.5 of this Part, as well as any economic, social or other benefits to be derived from the activity proposed. Such benefits may compel a departure from the general guidelines of this Part, in which case the agency shall document the specific benefits compelling such departure." We do not see this analysis included in the permit application. This information should also be included for public review.

In the matter of *Jorling v. Adirondack Park Agency et al.* 2023 NY Slip Op 01118 (N.Y. App. Div. 2023), the Appellate Division annulled an APA permit requesting to expand a marina on Lower Saranac Lake where there would be wetland impacts. The Court found that the APA had misapplied its own wetland regulations. We ask how that decision applies to and impacts the Agency's review of this and other wetland-related actions.

Concerns

While the Council understands that EWM harms the ecology and economy of a waterbody, we do not believe that applying a new herbicide where the long-term impacts are unknown is the right course of action at this time. More science and longer-term monitoring of ProcellaCOR is needed to understand how the herbicide will impact native plant, fish, invertebrate species, other biota, and abiotic systems in northeastern waters in the future. The herbicide has been increasing in popularity across the northeast, including over 50 locations in New Hampshire, as well as several sites in Vermont and New York, since it was registered with the EPA in 2018. This provides a unique opportunity to look at how the ecology and hydrology of those waterbodies respond to the treatment before widespread requests and application occurs in the Adirondack Park. The Council's additional concerns are outlined below:

1) Impacts to a Threatened Aquatic Plant: *Myriophyllum alterniflorum*, or alternate-flowered watermilfoil is listed by the New York State Natural Heritage Program as a State protected threatened species. In 2011, *M. alterniflorum* was found at 18 sites on Lake Luzerne; as of 2023, one *M. alterniflorum* population was located within proposed treatment "Zone E" according to SOLitude's 2023 survey map. ProcellaCOR, an arylpicolinate, has been engineered to be absorbed by specific species and observed to be effective in killing most (if not all) milfoil species. In the case of Minerva Lake, impacts to milfoils from the application of ProcellaCOR were even reported outside of treatment zones. Environmental Conservation Law §9-1503 states: "It is a violation for any person, anywhere in the State, to pick, pluck, sever, remove, damage by the application of herbicides or defoliants, or carry away, without the consent of the owner, any protected plant. Each protected plant so picked, plucked, severed, removed, damaged or carried away shall constitute a separate violation." Application of ProcellaCOR on Lake Luzerne will almost assuredly constitute damage to a NYS protected plant.

2) Impacts to Adjacent Wetlands and Persistence in Substrate: Based on the map of APA wetland areas SOLitude has submitted with this permit application, all seven proposed treatment sites fall within APA-designated wetlands. Regarding measures to mitigate wetland impacts, SOLitude has specified that the ProcellaCOR will "target the invasive plant specifically and minimize impact to native plants." In a 2019 Review of Florpyrauxifen-benzyl for Application to Massachusetts Lakes and Ponds, authors found that Florpyrauxifen-benzyl (ProcellaCOR) "…degrades slower in soils (mean half-life of 55.3 days) [and] readily binds to soil or sediments." Additionally, this study found ProcellaCOR's degradates have much longer half-lives and are also likely to bind with soils. Based on the proposed locations of these herbicide applications (ie. APA-designated wetlands), there is potential for ProcellaCOR and/or its degradates to reside for weeks to months

in the substrate. Additionally, little is still known about the potential for re-suspension of ProcellaCOR and/or its degradates during late summer mixing, which has been observed to occur in Lake Luzerne. Within the application, SOLitude has insufficiently addressed the potential risk that ProcellaCOR and/or its degradates could have if they persist in substrate, or may become re-suspended in late summer; both scenarios could cause long-term impacts to local plant and animal communities.

3) Native Plant and Macroinvertebrate Communities: ProcellaCOR may reduce potential impacts to some native plant communities in impacted wetlands (as well as throughout the lake), but impacts can still be expected on native aquatic plant communities. Of particular concern are populations of native milfoils, including Dwarf water milfoil (*M. tenellum*) and low water milfoil (*M. humile*), which were found in eight and two of the lake survey sites, respectively. It is certain that these native milfoil populations will be caught in the crossfire of a ProcellaCOR application, despite SOLitude's statement that the herbicide will "target" invasive Eurasian watermilfoil (*M. spicatum*). As has been demonstrated in previous applications of ProcellaCOR, cross-kill of native milfoils will be virtually assured, should this application be approved. Additionally, the persistence of ProcellaCOR and/or its degradates in substrate (as detailed in #2) could have unknown impacts on sensitive aquatic benthic invertebrate communities that live in this substrate. Furthermore, this could have compounding effects on the food webs relying on these macroinvertebrates.

4) Sampling through the Water Column: According to the proposed sampling plan for all seven sites on Lake Luzerne, a composite water sample will not be collected. Rather, samples will be collected at elbow depth. Due to ProcellaCOR's seeming reliance on photolytic processes to ensure its rapid degradation, sampling through the water column should be compulsory to establish that the major degradates of the parent compound, or parent compound itself, are not persisting at depths where photodegradation is slower or precluded. Additionally, sampling of the substrate at various locations within and outside the photic zone are highly encouraged.

5) DEC Application Incongruencies: In the Town of Lake Luzerne's application for the use of a pesticide sent to the DEC on March 10, 2023, Lake Luzerne is purported to not have any rare, threatened or endangered plants or animals present. In the same permit application, it is claimed that there are no regulated wetlands associated or downstream of the proposed treated waters. These are both incorrect due to the presence of *Myriophyllum alterniflorum* and *Isoetes lacustris* (enumerated as threatened and as rare, respectively, in 6 NYCRR 193.3) and APA regulated wetlands that exist in all seven test sites on Lake Luzerne. This permit application must be updated with the corrections above if it has not already been done.

6) Success of Alternative Management Approaches: According to the Diver Assisted Suction Harvester (DASH) Lake Luzerne Water Milfoil 2022 report, "[m]ost of the areas on Lake Luzerne did not have significant growth and were cleaned up quickly during each phase. The project was conducted in two phases to allow for any re-growth from the first phase to be removed during phase 2. … this method [is] very beneficial in the overall reduction of aquatic invasive species (AIS) in a waterbody." The report continues on to say that the consultants "… recommend continuing with the two-phase approach" and that invasive species levels will eventually "… reach the point where the entire lake is in a maintenance situation… and the budget required will level off and become more manageable." Despite the stated efficacy of DASH in Lake Luzerne and other lake associations' success with hand harvesting management approaches, there was

no alternative proposed for non-chemical management in this permit application. The Lake Luzerne Association should give more serious thought to a long-term, non-chemical adaptive management approach based on these findings as a viable alternative to chemical treatment, especially if this permit application is not approved.

7) Correction: Page 28 of the project file says that the APA site visit was done at Horseshoe Pond. We assume this is a mistake and should be corrected.

Lack of Impartial Public Information Access

On April 19th, a day before the close of this public comment period, the Town of Lake Luzerne hosted an informational meeting on ProcellaCOR. A project manager for SOLitude Lake Management led the meeting and stated that the purpose was to share "as much information with the public as possible" about the herbicide to allow for an objective, transparent process. The invited panel, which consisted of seven individuals, was comprised entirely of proponents of ProcellaCOR that spoke to its effectiveness in managing aquatic invasive and nuisance plants. However, there was no representation from parties with concerns about the herbicide. This raised a number of concerns about the presentation of the "facts" that were laid out before the audience (approximately 50 individuals attending in person and remotely).

While not within the agency's purview to regulate the consultant's interactions with the public during the public comment process, it should be noted that there is clear partiality in the information that is being presented to stakeholders, and there is an active public relations campaign funded by industry to promulgate the use of an herbicide with unknown long-term consequences. The APA has an opportunity to weigh these environmental concerns when considering the application of ProcellaCOR on Adirondack lakes and prioritizing protecting natural resources.

Conclusion

The Council's continued stance on the use of ProcellaCOR within the Park is that we still lack sufficient evidence of the long-term safety of the use of this chemical on human, as well as aquatic plant and animal health. We have attached our 2021 letter on the proposed use of ProcellaCOR in Lake George, which contains a list of questions that are still, as yet, unanswered. The Council strongly urges the APA's due diligence in thoroughly and thoughtfully investigating the potential long-term impacts of allowing the use of ProcellaCOR in Lake Luzerne, recognizing that this approval will likely open the floodgates for other permits of a similar nature throughout the Park. We thank you for reviewing our comments and look forward to your response.

Sincerely,

Jackie Bowen
Director of Conservation

Enclosure (1)

ADIRONDACK COUNCIL
PRESERVING WATER, AIR AND WILDLANDS

March 31, 2022

Leigh Walrath
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977
(Via Electronic Submission)

RE: Do Not Support the Application of ProcellaCOR in Sheep Meadow & Blairs Bay in Lake George, P2022-004 and P2022-0003

Dear Mr. Walrath,

On behalf of the Adirondack Council, I would like to thank you for the opportunity to provide comments on the Application of ProcellaCOR EC in Sheep Meadow and Blairs Bay in Lake George, P2022-003 and P2022-0004. In reviewing the permits for the two application sites, the Council does not support the herbicide applications at this time due to lack of long-term monitoring in northeastern waterbodies.

While the Council appreciates the intent to test this herbicide in small plots in Lake George, we believe that the applicant and the Adirondack Park Agency (APA) must first look to understand what, if any, impacts have or will occur in Minerva Lake, beyond two years, before looking to apply the chemical in other Adirondack water bodies. Minerva Lake is, in essence, a test case. Lake George is seen as a leader in its water resource management efforts, and many partners across the Park are paying close attention to these permits. We are at an important moment in time where the Agency has the ability to gather more data to understand what the longer-term impacts of this newer herbicide may be. If, in a few years, data confirms the low impact nature of this chemical treatment, then the Council would re-examine supporting such a treatment. Until then, we simply do not believe enough is known definitively.

Background
Florpyrauxifen-benzyl, commonly referred to as ProcellaCOR EC, is a chemical treatment used to manage aquatic invasive plant species, like Variable-leaf Milfoil (VLM) and Eurasian Watermilfoil (EWM). The chemical is an arylpicolinate, a new class of plant growth hormones called synthetic auxins, that has been engineered to be absorbed by specific species. It differs from other herbicides because it causes the plant to undergo an accelerated rate of growth by elongating a plant's cells and eventually kills the plant rather than more traditional herbicides that poison a plant. ProcellaCOR was registered by the US Environmental Protection Agency (EPA) in 2018 as a Group 4 herbicide; it was registered by New York State as a "Restricted Use" pesticide in 2019 and is slotted for renewal at the end of 2022.

Process
The proposed treatments sites are located in Blairs Bay (4.0 acres, lake depth of 10 feet) and Sheep Meadow Bay (3.6 acres, lake depth of 14 feet). The herbicide would be applied one day (between May 17 and June 30, 2022) at less than 10 parts per billion (ppb) by SOLitude Lake Management. Following application, water samples will be collected at three intervals within the first day (1, 12 and 24 hours) and then 3 and 7 days post-treatment. It is expected that the concentration will fall below 1 ppb on the 7th day, but that will be confirmed by sampling results. If not, additional monitoring will be required until that dilution threshold is achieved. Livestock watering and irrigation cannot occur until the herbicide concentration reaches below 1 ppb.

According to permit materials, the herbicide will likely be undetectable 2-3 days after application, but the water quality sampling is not expected to be completed until 10 days after application. In addition, the application outlines that a "qualitative survey will be conducted by SOLitude Lake Management to assess efficacy of the treatment, and impacts to non-target species" 3-4 weeks post treatment.

About 4.77 gallons of the herbicide will be combined with water and injected into the test site below the water's surface. The dilution zone for Sheep Meadow Bay will be about 40 acres and Blairs Bay will be about 60 acres.

Previous Management
Lake George, with a surface area of 28,000+ acres and a mean depth of 70 feet, is an important Adirondack waterbody given its ecological, economic, recreational and intrinsic values. The Council commends the Lake George Park Commission's efforts to manage EWM for over three decades and over 200 milfoil sites, 175 of which were cleared by divers via hand harvesting. Tens of sites have also been responsive to benthic barrier management efforts.

Concerns
While the Council understands that EWM harms the ecology and economy of a waterbody, we do not believe that applying a new herbicide where the long-term impacts are unknown is the right course of action at this time. More science and longer-term monitoring of ProcellaCOR is needed to understand how the herbicide will impact native plant, fish, invertebrate, etc., species in northeastern waters. The herbicide has been increasing in popularity across the northeast, including over 50 locations in New Hampshire, as well as several sites in Vermont and New York, since it was registered with the EPA in 2018. This provides a unique opportunity to look at how the ecology and hydrology of those waterbodies respond to the treatment before widespread requests and application occurs in the Adirondack Park.

The Council's concerns are outlined below:

1. No Management in the Bay for 4 and 7 Years: According to the 2013 Lake George Integrated Aquatic Plant Management Program, the program had a demonstrated record of success treating EWM through hand harvesting and benthic barriers. However, on page 169 of the application, EWM Harvest Data shows that no harvesting occurred after 2017 for Blairs Bay and not after 2014 in Sheep Meadow Bay Harvest.

   We encourage the Agency to not approve this permit until more monitoring in Minerva Lake can be completed. In the meantime, non-chemical treatments should be recommenced in both bays to determine how the EWM beds respond to hand harvest or benthic barriers management.

2. Minerva Lake Monitoring: According to the Minerva Lake permit (P2020-0044), "The post treatment monitoring of herbicide residue concentrations and of the plant community, and the reporting of activities and conditions surrounding the treatment, will allow the Agency to understand if the project occurred as proposed. The reporting will also allow a post treatment impact assessment of a value 1 wetland." The outcomes of this monitoring should be considered before further applications are conducted, as well as the results being made available for public access and review.

3. Potential Impacts to Rare Native Plant Species and Organisms: It is unclear what the impacts to more sensitive plant species will be in the treatment zones, including the following:
    a. Sheep Meadow Bay: Large-spored Quillwort (*Isoetes lacustris*) - *NY rare native plant*
    b. Blairs Bay: Alternateflower watermilfoil *(Myriophyllum alterniflorum) – NY Threatened native plant;* Large-spored Quillwort (*Isoetes lacustris*)

    Additionally, impacts to milfoils outside of the treatment zone were reported following Minerva Lake's application of ProcellaCOR. Therefore, there is the potential that impacts of these proposed application(s) in Sheep Meadow Bay and Blairs Bay may extend to other areas of the lake, affecting the native populations of milfoil found in Lake George, such as Northern Watermilfoil (Myriophyllum sibiricum) and Leafless Watermilfoil (Myriophyllum tenellum). Additionally, there has not been sufficient study on the potential impacts to benthic invertebrates to affirm that there will not be substantial risk to these sensitive communities.

4. Circulation of ProcellaCOR and Sampling through the Water Column: According to the Supplemental Information Request (SIR) for Sheep Meadow Bay, a composite water sample will not be collected. Rather, samples will be collected at elbow depth. Due to ProcellaCOR's seeming reliance on photolytic processes to ensure its rapid degradation, sampling through the water column should be compulsory to establish that the major degradates of the parent compound are not persisting at depths where photodegradation is slower or precluded. Circulation models could be useful in understanding where degradates that do not photodegrade are likely to accumulate. This is of particular concern, due to the fact that the product label suggests that ProcellaCOR is suitable for slow moving/quiescent water, which is not consistent with circulation predictions modeled by the Jefferson Project.

5. Endocrine Disruptor: Although the USEPA stated in its final registration decision that the impacts of the herbicide on public health "appear to be minimal," the European Food Safety Administration declined to approve the herbicide's application on grounds that the endocrine-disrupting potential of the herbicide could not be ruled out. Specifically, the European studies reported reduced ovary weights and mammary gland tumors in the test subjects and suggested that higher dosages may be needed to establish definitively that there are no second-generation toxicity impacts of the active chemical in ProcellaCOR, florpyrauxifen-benzyl.

6. Nutrient Loading & HABs: The project materials do not include an assessment of phytoplankton, nor any mention of how phytoplankton will be monitored. Given the presence of HABs in Lake George, including two last year, the application should address if and how the application of ProcellaCOR could increase the likelihood of a HAB(s) due to impacts from phytoplankton or nutrient loading as a result of EWM die off.

7. Persistence of Degradates: One of ProcellaCOR's major selling points is its rapid degradation in the water column, which seems to rely primarily on a photolytic process. However, the labeling of this product suggests that the major degradates of florpyrauxifen-benzyl, which are expected to have the same or lesser toxicity than the parent compound, may persist up to 111 days in the environment (assumedly under conditions where photodegradation is slowed). Little is known about the fate of these degradates, therefore the potential harm caused by the persistence of these compounds for an extended period in the environment is unknown and raises concern.

Questions

Early research indicates that ProcellaCOR is successful in managing invasive aquatic plant species, but a lack of existing research on the subject leaves gaps that should be considered before determining the suitability of ProcellaCOR for widespread application. The concerns detailed below present good opportunities for further study into this subject:

- Will ProcellaCOR concentrations appear in surface sediments following applications?
- Will ProcellaCOR concentrations be tested during periods of lake-wide senescence or turnover?
- Will aquatic plant assemblages at application sites significantly differ across time from nearby, un-treated sites?
- Could limited dissolved oxygen availability and nutrient loading due to decomposition of target plants create anoxic conditions that increase the likelihood of algal blooms?
- Will continued applications of ProcellaCOR be as effective in treatment over time, or will hybridized varieties of invasive aquatic plant species resistant to the herbicide emerge?
- Will testing (including long-term monitoring) be conducted on impacts of ProcellaCOR on more sensitive species versus "representative species?"
- What are the potential food web impacts (including to phytoplankton and zooplankton)?

Consistency with APA Regulations

The application of an herbicide in a wetland within the Adirondack Park is a regulated activity pursuant to 9 NYCRR 578 and a permit must be obtained. Section 578(n)(2)(i) outlines that regulated activities include, "whether or not within wetland boundaries: any form of pollution, including installing a septic tank or sewer outfall, discharging wastewater treatment effluent or other liquid wastes into or so as to drain into a freshwater wetland."

In addition, according to § 578.4, wetlands have five outlined general values pertaining to flood damage and storm water to control, wildlife habitat, protection of water resources and valuable watersheds through pollution treatment or sediment control, recreation, and other values, like scientific research, open space, etc. Recognizing these values, wetlands are then assigned a value rating based on factors and characteristics outlined in §578.5. Neither of the permit applications address the type or value of the wetlands that will or could be impacted by this application. As the legal criteria warranting this regulatory review, this information should be included for public consideration within the project materials.

Furthermore, § 578.9 of 9 NYCRR 578 states that "in its review of wetlands projects pursuant to this Part the agency will consider the relative values of wetlands set forth in section 578.5 of this Part, as well as any economic, social or other benefits to be derived from the activity proposed. Such benefits may compel a departure from the general guidelines of this Part, in which case the agency shall document the specific benefits compelling such departure." We do not see this analysis included in the permit application. This information should also be included for public review.

Request for Public Meeting
Given the growing popularity of ProcellaCOR in New York and the interest it is garnering by Adirondack communities to address persistent EWM and VLM beds, the Adirondack Park Agency should host a public meeting to share information on the herbicide and to present how long range science will be utilized to inform the Agency's issuance of permits for this herbicide.

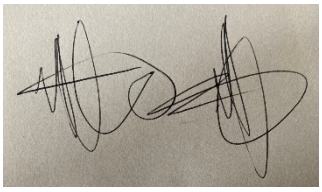
VISION 2050
One of the critical recommendations of the VISION 2050 reports is that the APA be a leader of setting the research agenda for the Adirondack, as captured in the text below:

> There is much to monitor and research in the Adirondack Park. Ensuring that it is done properly will require a coordinated effort. A state agency like a reimagined Adirondack Park Agency (APA) […] should facilitate the discussions needed among the many stakeholders to set the research agenda. This entails determining which subjects are most important to gather information about, and, which questions most need answers. The Adirondack Park Agency or other state agency would be best able to determine what research is needed to answer the policy and management questions they face. An example of a question on such an agenda would be, "What are the best ways to eradicate hemlock woolly adelgid without using pesticides?" The answer to that research would then be applied directly to management decisions.

In recognizing that more science and monitoring is needed to understand the long-term impacts ProcellaCOR may have on Adirondack waters, it presents itself as an important reminder and opportunity for the Agency to begin establishing how it can develop, respond to, and monitor for important science needs and data gaps across the Park.

In conclusion, the Adirondack Council does not support the application of ProcellaCOR in Sheep Meadow Bay and Blairs Bay until more science and data can be collected. Lake George is a leader in invasives management, and many other communities around the Park are watching this process. Before ProcellaCOR is used at prolific levels around the Park, we ask that the Agency work to collect more long-term science to better understand how the chemical impacts ecology, moves through a waterbody, persists in sediment, and more. We thank you for reviewing our comments and we look forward to your response.

Sincerely,



Jackie Bowen
Director of Conservation

Blake Neumann
Clean Water Advocate

From: noreply-pc@apa.ny.gov
To: APA Regulatory Programs Comments
Cc: Peter Carney
Subject: APA Project 2023-0045 Public Comments
Date: Tuesday, April 18, 2023 3:54:57 PM

********** PLEASE NOTE **********

The following public comment was made with your email address as the source.
If this is an error, please contact the New York State Adirondack Park Agency at 518-891-4050 or by sending an email to RPcomments@apa.ny.gov.
Please copy "2023-0045, Peter Carney, steamsrising@gmail.com" into your message for our reference.

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Attn: Aaron Ziemann
Comments from: Peter Carney
Email from: steamsrising@gmail.com
Address: 9193 Lakeshore Dr. Hague NY 12836
Re: Agency Project 2023-0045, Town of Lake Luzerne

My Comments:

I am a practicing environmental professional with five decades experience. I have reviewed the complete record of USEPA's approval of ProcellaCOR along with the approvals of NYSDOH, and NYSDEC. I have also reviewed extensive research and fovorable reports from Wisconsin and New Hampshire. I also wish to note that 48 states have approved the use of ProcellaCOR along with Canada and the European Commission. I conclude that the proposed use of ProcellaCOR in this case is the best reasonable and cost effective solution to control the plague of milfoil. I find the questions raised in the nearby Lake George case to be completely answered in the records I refer to above. Please approve this application.

From: noreply-pc@apa.ny.gov
To: APA Regulatory Programs Comments
Cc: Jane.Oppenlander@gmail.com
Subject: APA Project 2023-0045 Public Comments
Date: Thursday, April 20, 2023 12:46:20 PM

********** PLEASE NOTE **********

The following public comment was made with your email address as the source.
If this is an error, please contact the New York State Adirondack Park Agency at 518-891-4050 or by sending an email to RPcomments@apa.ny.gov.
Please copy "2023-0045, Jane Oppenlander, Jane.Oppenlander@gmail.com" into your message for our reference.

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Attn: Aaron Ziemann
Comments from: Jane Oppenlander
Email from: Jane.Oppenlander@gmail.com
Address: 39 Woodside Drive Burnt Hills NY 12027
Re: Agency Project 2023-0045, Town of Lake Luzerne

My Comments:

Dear Mr. Ziemann,

As a Lake Luzerne property owner, I write in support of the ProcellaCOR treatment for Lake Luzerne. For over 15 years, my family and I have enjoyed the lake, spending many hours swimming, boating, and appreciating its aesthetics and wildlife. In addition, for many years, I have been a volunteer working on the control of the Eurasian Watermilfoil (EWM), including the placement of benthic mats in the mid-2000s, installing the vinyl curtain for the 2010 Renovate herbicide treatment, and serving on the Citizen Science Lake Assessment Program (CSLAP) water sampling team. Maintaining a healthy lake that is a recreational destination is important to the quality of life for residents and visitors and the economy of the region. An affordable, integrated EWM control strategy, which includes judicious use of herbicide, is essential to keep Lake Luzerne a valuable natural resource for the present and future generations.

Thank you.

Jane Oppenlander

From: steamsrising@gmail.com
To: APA Regulatory Programs Comments
Subject: APA Project 2023-0045
Date: Friday, April 7, 2023 10:06:30 AM

I would like access to the permit application and related correspondence and documents for this proceeding. I am a practicing environmental professional and part time resident of Hague. I have closely followed the Lake George Park Commissions applications materials for the use of PorcellaCOR EC in Lake George and am convinced by the evidence for the approvals from USEPA, NYSDOH, NYSDEC, 48 other states, the European Commission and Canada that is will be safe and effective to use in Lake George. I wish to follow this project to learn what additional facts may be useful in the Lake George Proceeding.

Thank you for your attention to this request.

Peter Carney
9193 Lakeshore Dr.
Hague, NY 12836

And
182 South Longford Lake Rd
Brackney, PA 18812

From: Neill Shanahan
To: APA Regulatory Programs Comments
Subject: APA Project No. 2023-0045
Date: Tuesday, April 4, 2023 12:31:31 AM

To Aaron Ziemann:

I am a homeowner with a lakeside property on Lake Luzerne. I've been in receipt of various notices regarding the aquatic herbicide ProcellaCorED treatment project.

We are in complete support of this project. It's long overdue.

Neill & Janet Shanahan
49 Broadway
Lake Luzerne, NY

From: Kurt Tekolste
To: APA Regulatory Programs Comments
Subject: APA Project No. 2023-0045
Date: Friday, March 31, 2023 4:27:51 PM

Dear Mr. Aaron Zimmerman,

We recently received a notice from David J. Plante of the APA concerning the use of the herbicide ProcellaCOR in Lake Luzerne, Warren County (APA Project No. 2023-0045). We would like to respond to your request for comments with unqualified support for the approval of this application.

One of us has been a part-time resident of Lake Luzerne since the 1950s and the other since the 1970s. Since 1999 we have owned a lakefront cabin on the southern portion of the lake, often called "the cove." We both have spent many hours with our children swimming, boating, and just watching our beautiful little lake.

We have also been involved with maintaining the quality of our lake. In the 2000s, one of us was out on a barge helping to lay and remove the benthic mats which, in spite of the large effort involved, proved to be ineffective in controlling the spread of Eurasian milfoil.

In 2010 the cove was cordoned off and treated with a systemic herbicide, a predecessor to ProcellaCOR called Renovate (triclopyr). This treatment was extremely effective in eliminating the milfoil from the cove, making open water swimming much more enjoyable. The milfoil has only started to migrate back into the cove in the last three or four years.

We saw no ill effects from the treatment. The muskrat, heron, ducks, geese, loons, and fish are all still there.

We have been actively working with the Town of Lake Luzerne to research the benefits and risks of ProcellaCOR. Our personal conclusion is that, although one can never be 100% certain that there will be no unanticipated effects, the risks seem to be quite small and to be heavily outweighed by the benefits.

Barb and Kurt TeKolste
March 30, 2023

610-724-6320

From:	Mike Conway
To:	APA Regulatory Programs Comments
Cc:	Kara Conway-Love; Michaela Conway; Dan Conway; Arthur Havighorst; Elizabeth Pitcairn
Subject:	APA Project NO. 2023-0045
Date:	Friday, March 24, 2023 12:30:49 PM

Dear Mr. Aaron Ziemann :

I am in receipt of a Notice signed by Mr. David J. Plante dated 3/21/23. Thank you for sending this. I do wish to respond to the proposed PorcellaCOR treatment in Lake Luzerne.

A bit of history first. Our family has resided in Lake Luzerne since 1947 and is now in the fifth generation of enjoying Lake Luzerne. We have three family homes and The Luzerne Music Center all of which contains waterfront property. These properties span approximately 3,000 feet of lakefront.

We have fully supported the attempts to control Eurasian Watermilfoil beginning in 1989 which is when the density became a serious problem. We have actively participated in all of the phases attempting to control milfoil.

When our team went up to Raybrook to secure a permit to use an herbicide in the south end of the lake, we were one of the first in the Adirondack Park to obtain permission. That subsequent treatment was enormously successful. It lasted for several years and we followed the APA recommendation of handpicking, mats , divers etc. but the problem milfoile overtook our efforts.

We fully support the issuance of a permit to use PorcellaCOR to stem the tide of Eurasian Watermilfoil. The areas outlined for treatment in your letter are appropriate. I would recommend adding the area from the inlet to the Durmont Drive shoreline .

If I can provide additional information, support or discussion, please do not hesitate to call me.

Best regards,
Mike

Michael K. Conway, Esq.
19 Phillips Dr.
Lake Luzerne, NY 12846

518 469-4731

Sent from my iPad

From: Frank Keane
To: APA Regulatory Programs Comments
Subject: APA Project No. 2023-0045
Date: Wednesday, April 5, 2023 11:21:52 AM

Mr. Ziemann;
I have a summer camp located on Lake Luzerne and write in support of the Town of Lake Luzerne's application to utilize the aquatic herbicide ProcellaCOREC for the treatment of milfoil. I remember several years ago an application of another chemical to treat the lake which did provide relief over a period of a few years. Since then the limited use and success of hand harvesting has allowed the lake to regress to conditions where large areas are negatively impacted by this weed.
Thank you for the opportunity to comment.
Frank Keane

Sent from my iPad

From: Heidi Bunes
To: APA Regulatory Programs Comments
Subject: Comments on APA PROJECT NO. 2023-0045
Date: Thursday, April 20, 2023 11:14:33 AM

Application of the aquatic herbicide ProcellaCOR EC within seven treatment zones in Lake Luzerne to control Eurasian watermilfoil. (If the APA application includes any details beyond what appears here https://apa.ny.gov/Hearings/ApaCommentPopup.cfm?ProjectNumber=2023-0045, they have not been shared publicly.)

More transparency is needed for me to feel confident in this project. To date, the town has not made its comprehensive lake management plan public. The citation, Clothier, T. 2020. "Lake Luzerne Lake Management Plan." Clothier Planning and Consulting, is the only information I can find online. The actual 2023 ProcellaCOR EC plan is not publicly available. Instead of all residents and taxpayers, a total of 97 households on the lake were notified that use of ProcellaCOR is pending.

While we want to reduce the invasive Eurasian watermilfoil and the EPA has approved ProcellaCOR for that purpose, the Lake Luzerne plan seems aggressive considering the lake's characteristics and the relatively short experience with this chemical within the Park. Lake George plans to treat only two zones. Parts of Lake Luzerne do not seem ideally suited for ProcellaCOR due to continual flow of water from other lakes through Luzerne into the Hudson. Touting ProcellaCOR as the low cost, effective alternative to hand harvesting oversimplifies the challenge we face. Eurasian watermilfoil can migrate from upstream lakes, which would require additional treatments if this is the only approach. ProcellaCOR should be combined with other management options to avoid development of biotypes that are herbicide resistant.

I watched the April 19 informational meeting via zoom where representatives from other lakes and the vendor who would perform the application shared some positive information, but did not offer comprehensive pros and cons. For example, detailed follow up reports of ProcellaCOR's impact on other lakes were not posted for review. Also, ProcellaCOR's toxicity to certain plants was acknowledged only after a specific question was asked.

Full disclosure by the town and other involved entities would help everyone clarify whether the best approach is to treat all seven areas, or perhaps limit the initial treatment to certain areas where there is a higher expectation of effectiveness. In either case, it is not clear whether there will be sustained (over at least 5 years) follow up monitoring of water quality, the impact on the 41 native aquatic plants in the lake, and on fish and amphibians. It is also unclear whether the Lake Luzerne harvesting

effort is expected to continue. As the Solitude vendor admitted, this product will not eradicate milfoil. It must be attacked from multiple directions, within cost constraints, to minimize its impact on the lake, which is exceedingly important to residents and the town.

Thank you for considering these concerns. I would appreciate confirmation of receipt.
Heidi Bunes

From: Joseph Morbidelli
To: APA Regulatory Programs Comments
Subject: Lake Luzerne No. 2023-0045
Date: Sunday, March 26, 2023 1:30:04 PM

Mr. Ziemann,

My family has been an owner of one or more properties in Lake Luzerne since 1958. I currently own 10 Camp Teck Rd.
and I am 100% behind the project.

Thank you,

Joseph Morbidelli
JLEnterprises
518.573.0195
jmjlenterprises@gmail.com

Aaron Ziemann

APA Resource Analysis and Scientific Services

rpccomments@apa.ny.gov

Dean R. Long Lake Consultant

548 Font Grove Rd. Slingerlands NY 12159

Dear Aaron Ziemann

Please accept these comments on Project APA 2023-0045 sponsored by the Town of Lake Luzerne for the use of ProcellaCOR® in Lake Luzerne at multiple locations.

I have long experience with *Myriophyllum spicatum* (Eurasian watermilfoil or EWM) both at Lake George, Saratoga Lake , and in New York State. My past work includes preparing the first two Draft Environmental Impact Statements (DEIS) for use of SONAR at Lake George 1986 and 1987. At Saratoga Lake working for Saratoga Lake Protection and Improvement District (SLPID) I lead the preparation of the 2002 Land to Lakes Perspectives to re-examine watershed issues. This lead to the preparation of the 2006 Environmental Impact Statement (EIS) for segmented whole lake herbicide treatments at Saratoga Lake as a method to control EWM. Following successful control of EWM two additional EISs in 2017 and 2019 EIS for Saratoga Lake management of aquatic invasive species and watershed planning were completed. Based on the above documents I managed various herbicide applications at Saratoga Lake including 2007 158 acres with SONAR®PR and Q , 2008, 292 acres with Renovate and in 2009 258 acres treated with Renovate®. Following the large scale treatments herbicides were used to manage EWM at various locations to reduce the target plant. At the same time *Potamogeton crispus* was also targeted and controlled by use of herbicides. In 2018 and 2021 two ProcellaCOR® were completed on Saratoga Lake to further reduce the amount of EWM at Saratoga Lake. The 2018 treatment area was at the north end in the area between Fitch Road and Franklin Beach. This location had been treated with Renovate three times, yet EWM persisted in deep water locations. The 2018 treatment was successful and there has not been significant re-growth of EWM at this location as of 2022. The 2021 ProcellaCOR treatment was on the east side of the lake and covered 60 acres to target the and EWM was fully controlled and EWM has not re-grown at this location as of 2022. Management of invasive species at Saratoga Lake is by Integrated Pest Management plan that includes annual aquatic plant surveys, mechanical control by harvesters to preserve recreation access, mechanical control by

hydro-rake or Weedoo and hand pulling of *Trappa natans* Water chestnuts, and outreach to community. The careful and efficient use of register herbicides has led to a significant improvement in the plant community at Saratoga Lake and reduce EWM from a dominant plant in the lake to one that is occasionally found. In 2004 EWM the per cent frequency of EWM was 34.6% and it covered 736 acres as dense plant beds, and now it no longer forms dense beds, and the percent frequency is 7% (2006 EIS SLPID and 2021 Plant Inventory).

The environmental analysis for use of ProcellaCor® by the LGPC was comprehensive and complete and is a solid recorded to evaluate the safety of the herbercide. The record demonstrates ProcellaCOR ® is safe when used in accordance with the label and best available product for the control of EWM. I have revisited the various United States Environmental Protection Agency documentation that are part of the registration process for herbicides. Summaries of the potential for impacts to non-target aquatic plants aquatic invertebrates, fish, amphibians, water fowl ,wildlife and humans are accurately stated, and will not be significant or cause longterm damage. All the details are in the record al will not be repeated here. https://lgpc.ny.gov/procellacor-pilot-treatment.

Herbicide treatments that I have been involved with on Saratoga Lake were completed under ideal weather conditions and less than ideal weather conditions. Herbicide treatments must follow label instruction related to acceptable weather conditions and delivery rates. With modern equipment that sets a specific course for the delivery of herbicide base on bathymetric profiles insures accurate dosing. Using a dose that is near higher application rate based on the New York State label is best means to be successful. An advantage of ProcellaCor® is that a small amount of product is needed to complete an application, and this shortens the duration of time required to apply the herbicide. Short duration applications process fit easily into early morning hours when there is normally less wind. The Saratoga Lake 2021 ProcellaCor® application to 60 acres was completed in two hours that include boat launch and retrieval.

The APA must consider the project application from the Town of Lake Luzerne as it relates to the findings that the Agency make to approve the project. Section 810.9e of the Act requires the Agency to determine that the" project does not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project". Invasive species have direct negative effects on the natural, scenic aesthetic, ecological, wildlife recreational and open space resources of lakes system and therefore these impacts would create undue adverse impacts (Gettys, Haller, and Petty, 2014). Controlling EWM in Lake Luzerne aids in limiting the spread of EWM to other lakes in the Park. Findings should consider the expenditure that the Town has made in controlling EWM

by other methods over the last twenty plus years. By approving the PorcellaCOR application future costs to control EWM will be reduced when compared to annual diver assisted dredging or hand harvesting. Allowing government to efficiently utilize tax payer funds should be viewed as a benefit to the community and Park. It may take more than one application of ProcellaCOR®, but future herbicide projects will be smaller or it maybe more practical to use suction dredging to fully control the EWM. All herbicide application need to be a part of an IPM. It has been the experience at Saratoga Lake with the successful control of EWM that large scale annual herbicide treatments targeting EWM are not required. At Lake Luzerne in the past when Renovate ® was used in the south bay there were multiple years of control achieved and with ProcellaCOR® being a superior equal or greater success is fully anticipated. .

The record is clear that the use of ProcellaCOR® is environmentally sound, fiscally responsible and will protect the resources of the Adirondack Park by increasing the level of control of an invasive aquatic plant. I support the use of ProcellaCOR® at lake Luzerne.

Thank you to the members of the APA Board for taking time to read this comment and for you efforts on behalf of the Park.

Dean R. Long

Dean R. Long Lake Consultant
Dlong735@gmail.com

Reference.
Gettys L.A., W.T. Haller, and D.G. Petty2014 Biology and Control of Aquatic Plants . A best management practices handbook 3Rd edition. Aquatic Ecosystem Research Foundation.

From: Vito Andolini
To: APA Regulatory Programs Comments
Subject: Project #2023-0045
Date: Friday, March 31, 2023 4:57:25 PM

To Aaron Ziemann;

I support Project #2023-0045 - herbicide to control Lake Luzerne Euroasian millfoil -

James Miraglia
PO Box 620 (49 Valeria Drive)
Lake Luzerne NY 12846

Note: The Major Public Project Notice was sent to my mother.

Ellen Miraglia
257 Hight Point Court West, Apt A
Delray Beach, Florida 33445

She lives in Florida permanently and she mailed me the notice. I live in the Lake Luzerne house now. We would both prefer if APA would send these notices directly to me.

Thank You;

Jim Miraglia

April 20, 2023

Aaron Ziemann
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977
RPcomments@apa.ny.gov

RE: Public Comments on APA Projects 2023-45 Application of the aquatic herbicide ProcellaCOR EC within seven treatment zones in Lake Luzerne to control Eurasian watermilfoil

Dear Aaron Ziemann:

Protect the Adirondacks has a number of concerns about the proposed ProcellaCOR treatment on Lake Luzerne (APA Project 2023-45) by the Town of Lake Luzerne. The purpose of this project is to reduce seven large beds of the aquatic invasive plant Eurasian watermilfoil (*Myriophyllum spicatum*). Lake Luzerne is one of the most storied and beautiful lakes of the Adirondack Park. The lake is a big part of the local tourist economy. This project appears to be high risk, premature, and poorly planned.

The Lake Luzerne community has been treating Eurasian watermilfoil (EWM) with various means for more than two decades. EWM has spread throughout the littoral zone-shoreline area around the whole lake. A chemical treatment was used more than 10 years ago, but in the meantime, there was little hand-harvesting and the EWM reestablished itself in the areas that had been treated in 2010. Of all the treatment methods, hand-harvesting has proven the most successful over the years, especially by utilizing large, trained diving crews. The high cost and intensive labor involved are the main drawbacks of hand-harvesting, but it's highly effective at reducing EWM sites and limits disturbance of native aquatic plant populations.

Unfortunately, EWM is an invasive plant that will never be fully eradicated from our waters. Once a lake is infested, the most successful efforts have strived to contain it with regular treatments. This is the reality on Lake Luzerne, just as it is in many Adirondack lakes. EWM control is a fact of life that must be continued year after year.

ProcellaCOR is poorly suited for complex, dynamic Lake Luzerne water currents and patterns: The aquatic herbicide ProcellaCOR is proposed for use in Lake Luzerne. This chemical appears best suited for small lakes and ponds where the dosage can be controlled, and the treatment area is naturally contained. The ProcellaCOR product label says its use is for "slow-moving/quiescent waters." The complex currents and water flow patterns in Lake Luzerne are neither "slow-moving" or "quiescent." The ProcellaCOR product label states:

> ProcellaCOR EC is a selective systemic herbicide for management of freshwater aquatic vegetation in slow-moving/quiescent waters with little or no continuous outflow: ponds, lakes, reservoirs, freshwater marshes, wetlands, bayous, drainage ditches, and non-irrigation canals, including shoreline and riparian areas in or adjacent to these sites. Also, for management of invasive freshwater aquatic vegetation in slow-moving/quiescent areas of rivers (coves, oxbows or similar sites).

Given the recommendations of the product manufacturer it does not appear that the project's plans for containment of the chemical in the proposed treatment areas are sufficient. The chemical is likely to spread far and wide to other areas with unintended and unknown consequences and impacts. Other applications of ProcellaCOR in New York have documented the spread of the chemical beyond its intended treatment area, and its lack of effectiveness:

Minerva Lake Experience: The APA previously permitted the use of ProcellaCOR in Minerva Lake, in southern Essex County, which is much smaller than Lake Luzerne. In Minerva Lake only part of the lake was proposed for treatment but the chemical spread to the whole lake as the sequestration of the treatment area failed.

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

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

- The aquatic plant diversity of Lake Luzerne is relatively high, with over three dozen plants identified. Impacts to non-target plants has been reported in recent treatments in other lakes and ponds. The application for use of ProcellaCOR has not provided adequate information about the impacts on non-target aquatic plants. There is inadequate information about the efficacy of using a 30-gallon drum to protect the native Little Watermilfoil that is adjacent to a treatment area and "is likely to be impacted by the herbicide" treatment.

- The species richness of Lake Luzerne is high, with hundreds of phytoplankton, fish zooplankton, and benthic invertebrates. The application for use of ProcellaCOR has not provided any pre-and post-treatment findings for most macrophytes, algae, fish, benthic invertebrates or zooplankton native to Adirondack lakes. Much more information is needed to assess these impacts.

- The outlet area is designated for treatment and there is inadequate information in the application about potential downstream impacts.

- The historic information about hand-harvesting treatments since the last chemical application more than 10 years ago is inadequate. There is little information on annual hand-harvesting efforts, costs, plants/quantities harvested, or anything to evaluate the efficacy of these efforts. The Lake Luzerne Lake Management Plan (January 2020) recommends that the Town "intensify the diver and suction harvesting program" by "replac[ing] current program with a structured, consistent and sustained program".

- It appears from the application that chemical treatments are envisioned in the future as a means for controlling EWM. There is inadequate information in the application about impacts from chemical treatments undertaken on a regular basis into the future.

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

Without the benefit of fully developed record that would be produced during a formal adjudicatory hearing on the proposal, Protect the Adirondacks is opposed to the Agency granting the application for ProcellaCOR treatment on Lake Luzerne.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to make these public comments.

Sincerely,

Peter Bauer,
Executive Director