

THE ALTAMONT ENTERPRISE

HILLTOWNS

INTRODUCING

CUSTOM CAR CARE

FULL AUTOMOTIVE DETAILING PACKAGES

Helderberg Lake Association may consider controversial herbicide use, but not before dam repair

Monday, August 14, 2023 - 17:32

BERNE — Among the community of Helderberg Lake, there has been talk of using a controversial herbicide, ProcellaCOR, which was recently at the center of a legal battle between the residents of Lake George and the Adirondack Park Agency, to control the weeds that grow from the bottom of the lake.

However, Helderberg Lake Association President Tom McQuade, when asked by The Enterprise this week about plans to use the herbicide, said that it was “just a discussion” and that the association is focusing solely on [repairing the lake’s high-hazard dam](#).

He said that, while talking about weed control, a community member who had recently been to Burden Lake, in Rensselaer County, mentioned that the lake association there [uses ProcellaCOR](#) in its water.

“We might just have that ... discussion, but we’re not going to be doing any of that herbicide or anything like that yet,” McQuade said, adding, “Everything’s still focused on the dam.”

Although ProcellaCOR is considered safe to use by the United States Environmental Protection Agency, and the New York State Department of Conservation, among other public agencies, [some people are uncomfortable](#) with the relatively new chemical since they believe its long-term effects are unknown.

In 2022, after the Adirondack Park Agency issued permits to the Lake George Park Commission to apply ProcellaCOR to the lake to reduce the amount of an invasive weed there, the Lake George Association sued to reverse the permit on procedural grounds, but fundamentally had concerns about the chemical’s safety, according to an [injunction decision](#) written last year by New York State Supreme Court Justice Robert Muller.

[Carol D. Collins](#), Ph.D., a limnologist — that is, someone who studies inland water systems — who has “spent years studying Lake George,” according to Muller, had written a letter to the Adirondack Park Agency imploring the agency, which is charged with protecting the forest preserve, to hold off on allowing the use of the chemical due to her belief that it was potentially unsafe.



Enterprise file photo — Michael Koff
The Helderberg Lake Association may consider the use of ProcellaCOR.

“I find that the use of ProcellaCOR in Lake George is likely to have highly significant adverse impacts on the plant and animal communities, fisheries, water quality and drinking water,” Collins wrote in her letter, which was included with the lawsuit.

“The application is premature, rushed, absent of critical information, misleading and incomplete ...,” she wrote. “I strongly urge the [APA] to table this application and take the time to fully investigate the impacts of this toxin. Trials of this herbicide should not be conducted in the waters of Lake George that so many rely upon for drinking water, fishing and recreation until more information is available.”

Earlier this year, Muller [overturned the permit](#) on the basis that the Adirondack Park Agency had not adequately involved the public in the decision, according to Politico.

Should the Helderberg Lake Association — or any other local lake managers — hope to use ProcellaCOR, it, too, would have to involve the public in its decision.

A DEC spokesperson told The Enterprise this week that a permit is required for the application of any chemical used for plant-control in surface waters in New York State.

“Applicants are also required to provide a notification letter outlining any water use restrictions that could result from the application of the herbicide,” the spokesman said. “The notification letter, sent to all deeded riparian owners, including those downstream, includes a comment period giving recipients the opportunity to provide written comments to DEC on the proposed permit.”

As for overall approval of ProcellaCOR, the DEC spokesperson said that products are reviewed by the DEC and the state’s health department only after first being approved by the federal Environmental Protection Agency. The “stringent review” takes between nine and 12 months, the spokesperson said.

A copy of the review for the new, active ingredient in ProcellaCOR — florpyrauxifen-benzyl — notes that the chemical “did not cause any toxic effects in neurotoxicity, immunotoxicity, subchronic, chronic, or developmental/reproductive feeding studies in laboratory animals (rats, mice and dogs) at the highest doses tested.”

“In addition,” the review states, “florpyrauxifen-benzyl did not cause any carcinogenic effects in rats or mice and was negative in a number of genotoxicity studies.”

ProcellaCOR is often used to specifically target Eurasian milfoil and is believed to do “little to no harm to native vegetation,” which is potentially at risk if the invasive weed is allowed to spread wantonly, the spokesperson said.

The Lake George Park Commission [states](#) on its website that the herbicide is widely used — having been applied to 30 lakes in New York state and more than 100 throughout the northeastern United States, “all with tremendous success and no negative impacts identified.”

The state of Massachusetts had findings similar to New York’s in its [own review](#).

All that said, “Aquatic weeds do benefit the ecosystem by providing habitat for a variety of wildlife such as snails, aquatic invertebrates, and smaller fish hiding from predators,” the

DEC spokesperson noted. With that in mind, the DEC recommends that herbicides be applied only to areas where the weeds might affect recreation, with other areas left alone.

Dam progress

Whatever decision the Helderberg Lake Association may make about the herbicide appears to be a long way off, since McQuade told The Enterprise that the association is still seeking funding to repair its dam, which is currently in breach of regulations for dams of its type, though isn't considered an imminent threat.

After the Berne Town Board [voted last year](#) to reject the association's request for a loan, which would be repaid through a special tax district, the association has struggled to come up with an alternative solution.

McQuade said that the association is hoping to get another cost estimate for the project, which, when the town board was approached, was expected to cost up to \$500,000.

The dam that creates Helderberg Lake is labeled a high-hazard dam by the state, meaning its failure would result in serious injury to life or property.

The private dam, which is overseen by the association, has been out of state compliance for structural reasons since 2018, [inspection reports](#) from the DEC show; in earlier years, the dam was out of compliance for administrative reasons.

Because it's out of line with state regulations, the dam is liable to be removed by the DEC, the department told The Enterprise earlier. This would in turn create an area of wetland where the Helderberg Lake currently exists.

"We have the permit [from the DEC] ready to go, but we don't have the funds," McQuade said this week of making the needed repairs to the dam.

McQuade said that the group has no deadlines to worry about since the DEC is aware of the association's funding problem and "aren't really that rough on us."

Tags: [environment](#) [planning](#)

More Hilltowns News

- **Berne Town Hall closed for asbestos removal, late tax bills en route**

Town hall will be closed for a week, from Jan. 10 through 17.

- **Dutch barn being relocated, leaving behind only its written history**

The Shultes-Malcolm Dutch Barn, in Knox, is being dismantled and relocated, as many Dutch barns in the area have been before it. Developers often buy these rare historic structures and turn them into housing, despite efforts by New York state and some municipalities to encourage local owners to preserve them in place.



- **Rensselaerville town board appoints liaisons for smoother functioning**

The liaison system will allow the Rensselaerville Town Board to be more aware of what the town's various boards and committees are working on and what their needs are, taking some of the burden off of the town supervisor.



Copyright © 2013 The Altamont Enterprise.
Albany County, New York

[Home](#) [Contact](#) [Promote something](#) [Legal notices](#) [Newsstands](#) [FAQ](#) [Special Sections](#) [Archive](#) [Terms of Service](#) [Privacy Policy](#)