TOWN BOARD
SPECIAL MEETING

MONDAY

April 26, 2021

Zoom Meeting
https://madisoncounty-ny.zoom.us/j/95938237081
Meeting ID: 959 3823 7081

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Supervisor Zupan opened the meeting at 4:03 p.m. with four Councilors present. Councilor Race was absent.

Roll call:	
Councilor Andersen	**Present**
Councilor Race	**Absent**
Councilor Golub	**Present**
Councilor Reger	**Present**
Supervisor Zupan	**Present**

Supervisor Zupan stated that proper notification of the meeting took place and further that a quorum was present for the purposes of this meeting.

The Town of Cazenovia is committed to practicing the social distancing guidelines that are currently in place. In accordance with the Governor's Executive Order 202.1, this Special Meeting was held via videoconferencing. The meeting notification was posted on the Town's website and on the sign board at the outside entrance of the Town Hall and published in the newspaper.

This meeting was recorded.

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Liz Moran of Ecologic, LLC stated she updated the SEQR Findings to reflect the Town has switched to a new chemical this year. This appears to be good for environmental and fiscal reasons. Treatment can be used at a much lower dosage and it has been used on other lakes and proven to be effective against Eurasian watermilfoil. She stated given the low application rates, there are no label restrictions for use of the water for either potable supply or for irrigation for downstream farmers as in the past. The Town was required to do a detailed eco toxicity study of the potential impact on the pulmonate snails because of the endangered species that live at Chittenango Falls. She said that was done in conjunction with the Cazenovia Lake Association through SUNY ESF. The findings indicate there will be no risk or harm based on the proposed application rate. All the ensuing processes of dilution and dispersion and photo-oxidation that will occur after application as the chemical moves downstream.

Councilor Andersen said when she reviewed the Findings she learned ProcellaCOR has an impact on the plant cells where it elongates the leaves and they get weaker and die. She wondered how this compared to Renovate.

Liz Moran said Renovate has the same motive action-it interferes with the plant hormone called Auxin and disrupts that process. She explained that is why it takes a couple of weeks for the plants to get weaker, elongate, get disorganized, fall to the bottom and decay. She explained it was different from Renovate in the fact that it is effective at a much lower dosage. She mentioned SePRO is the manufacturer of both chemicals. She pointed out an item of interest about ProcellaCOR and said there is a warning that the plant community can evolve into some resistance to this particular herbicide. She said the label recommends that even if you switch to ProcellaCOR you may, over the years, find you have to rotate among other chemicals, as well.

Resolution No. 57 presented by Councilor Golub, seconded by Councilor Andersen

(ADOPTING SEQR FINDINGS AND AUTHORIZATION TO UNDERTAKE THE TREATMENT AND APPLICATION OF PROCELLACOR EC ON CAZENOVIA LAKE (2021 TREATMENT - PHASE VII)

WHEREAS, the Town of Cazenovia in the past has undertaken numerous treatments of portions of Cazenovia Lake to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil; and

WHEREAS, after impartial evaluation of all viable alternatives, a chemical treatment program was determined to offer the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake and has been used successfully in the northern, central and southern portions and spot treatment areas of the Lake subject to New York State Department of Environmental Conservation Permit; and

WHEREAS, after discussions with recognized experts in the subject field, consultation with the New York State Department of Environmental Conservation and conversations with other stakeholders concerning the Lake's health, it has been determined that continued treatment of the Lake can be beneficial and it has been further determined to utilize the herbicide known as "ProcellaCOR EC", which herbicide has shown positive results in other studies and applications on freshwater bodies in New York State and has been approved for use by the New York State Department of Environmental Conservation in such instances; and

WHEREAS, the chemical ProcellaCOR EC has been subject to rigorous federal and state environmental reviews prior to its approval for use in New York State lakes for control of Eurasian watermilfoil; and

WHEREAS, the Town Board has determined to pursue an additional new supplemental application to New York State Department of Environmental Conservation for a chemical treatment program using ProcellaCOR EC as part of an integrated long-term control strategy of Eurasian watermilfoil; and

WHEREAS, the present action represents a seventh phase of treatment to 190± acres (defined areas) of Cazenovia Lake infested by Eurasian watermilfoil (see map attached); and

WHEREAS, the Town Board now desires to undertake an additional (2021) treatment and application of Cazenovia Lake with "ProcellaCOR EC" in an area of approximately 190± acres (defined areas) of Cazenovia Lake, subject to the granting of approval, licenses and permits from the DEC as may be necessary; and

WHEREAS, it has been previously determined by the Town Board, on December 14, 2020, that the Town of Cazenovia would assume Lead Agency status for SEQR purposes for this action and said Lead Agency status has been confirmed; and

WHEREAS, pursuant to Volume 6 N.Y.C.R.R., Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (hereinafter referred to as "SEQRA"), the Town Board as Lead Agency caused the preparation, filing and circulation of a Draft Supplemental Environmental Impact Statement (hereinafter referred to as the "Draft SEIS") to address the environmental concerns presented by the proposed action; and

WHEREAS, the Town Board reviewed the Draft SEIS for completeness and on March 3, 2021, accepted the Draft SEIS and deemed it complete for purposes of public review; and

WHEREAS, the Lead Agency has directed the preparation and filing of a Final Supplemental Environmental Impact Statement (hereinafter referred to as the "Final SEIS") addressing any comments made by the public, involved agencies and others concerning the Draft SEIS and the application; and

WHEREAS, the Lead Agency filed the Final SEIS and said Final SEIS was subsequently reviewed by the Lead Agency for purposes of completion and public review; and

WHEREAS, the Town Board, by Resolution passed April 12, 2021, made its determination of adequacy with respect to the scope and content of the Final SEIS in accordance with the SEQRA Regulations at Volume 6 N.Y.C.R.R. Part 617.9, by issuing a "Notice of Completion" and gave the required notice of said determination; and

WHEREAS, the Final SEIS was then filed and distributed in accordance with the SEQRA Regulations at Volume 6 N.Y.C.R.R. Part 617.12; and

WHEREAS, the Town Board desires to make and issue its "Findings Statement" with respect to the proposed action in accordance with Volume 6 N.Y.C.R.R. Part 617.11.

NOW, THEREFORE BE IT RESOLVED that in connection with the proposed action known as the "Treatment and Application of ProcellaCOR EC on Cazenovia Lake, Phase VII (2021 Treatment)," the Town Board as Lead Agency has fully considered the relevant environmental impacts, facts and conclusions disclosed in the Final SEIS; and

BE IT FURTHER RESOLVED that the Town Board as Lead Agency hereby determines and certifies that:

1. The requirements of Article 8 of the New York Environmental Conservation Law and Volume 6 N.Y.C.R.R. Part 617 have been met; and

2. The Town Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations and consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed action avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and

BE IT FURTHER RESOLVED that the Town Board as Lead Agency hereby adopts the proposed "Findings Statement" annexed hereto and made a part of this Resolution as Exhibit "A;" and further directs that copies of the adopted "Findings Statement" be filed and distributed pursuant to the SEQRA Regulations; and

BE IT FURTHER RESOLVED that the Town Board hereby determines to undertake the proposed action to treat and apply portions of Cazenovia Lake with the herbicide ProcellaCOR EC as prescribed in the Final SEIS (as a Phase VII treatment) and the application for such treatment as submitted to the New York State Department of Environmental Conservation, subject to the granting of such permit by the Department of Environmental Conservation and appropriate funding for the action.

CAZENOVIA LAKE

2021 Herbicide Application Plan

Areas proposed for treatment to control Eurasian Watermilfoil:

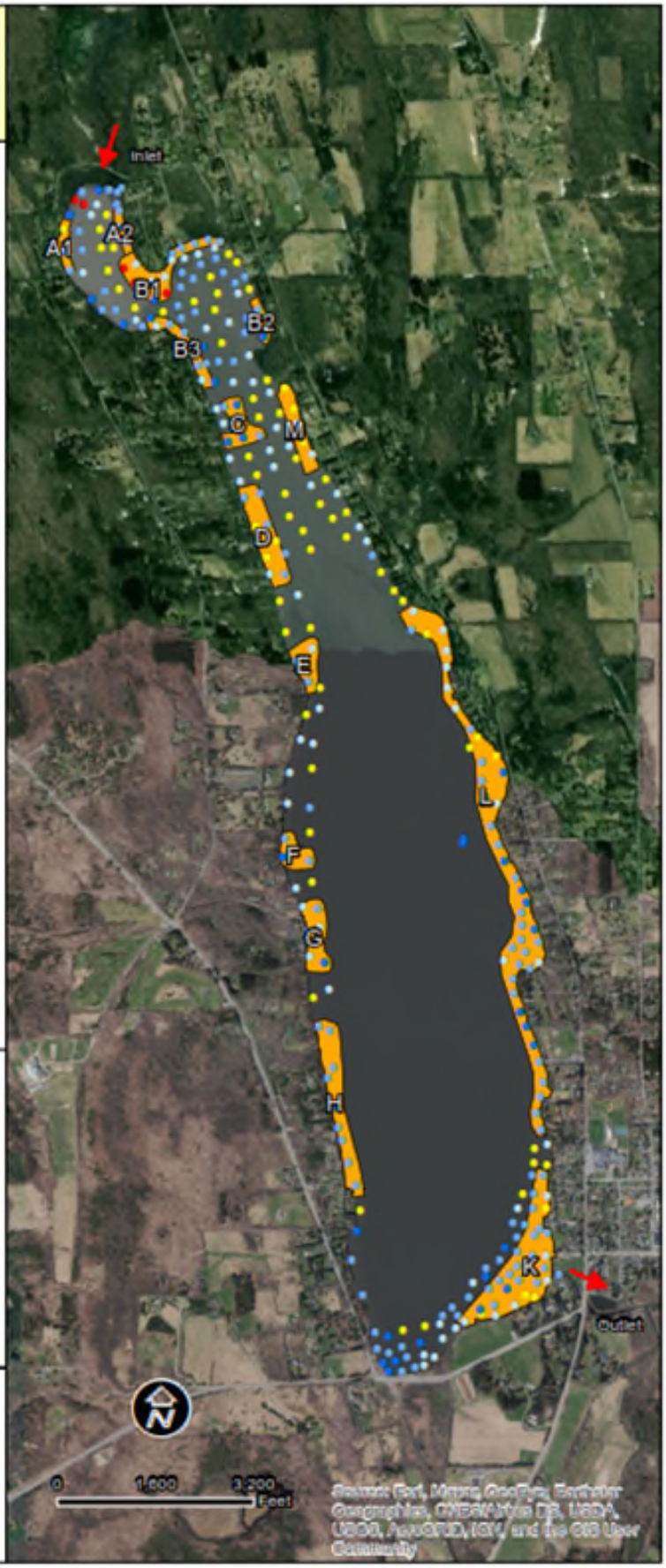
Site	Acres	Ave. Depth (ft)	Volume (acft)
A1	3	3.7	11.1
A2	2.7	4.7	12.69
B1	13	6.1	79.3
B2	2.6	3.0	8.4
B3	6.7	6.3	42.21
C	7.6	8.1	61.56
D	13.4	4.6	61.64
E	6.5	6.3	40.95
F	5.6	7.0	39.2
G	9.7	8.7	84.39
H	18	6.7	120.6
K	32.9	4.3	141.47
L	59.6	6.4	381.44
M	8.2	3.7	30.34
TOTAL	**189.7**		

	PROCELLACOR EC			
Site	Dose (PDU)	Conc. (ppb)	Dose oz/acft	Total Amt (oz)
A1	3	5.79	9.51	105.6
A2	3	5.79	9.51	120.7
B1	3	5.79	9.51	754.1
B2	3	5.79	9.51	79.9
B3	3	5.79	9.51	401.4
C	3	5.79	9.51	585.4
D	3	5.79	9.51	586.2
E	3	5.79	9.51	389.4
F	3	5.79	9.51	372.6
G	3	5.79	9.51	802.5
H	2	3.86	6.34	764.6
K	2	3.86	6.34	896.9
L	2	3.86	6.34	2416.3
M	3	5.79	9.51	286.5
			Total	**8566.4**

2020 Eurasian Watermilfoil Distribution Survey by Racine-Johnson Aquatic Ecologists

Percent of Mean Rake Toss Abundance

0 1 2 3 4



SOLITUDE LAKE MANAGEMENT

888-480-5253

www.solitudelakemanagement.com

EXHIBIT "A"

New York State Environmental Quality Review Act Findings Statement
For
Town of Cazenovia Treatment of Cazenovia Lake With the Herbicide ProcellaCOR™ EC (Phase VII)

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Cazenovia Town Board as the Lead Agency makes the following findings:

Name of Action:

Application of the aquatic herbicide florpyrauxifen-benzyl, trade name ProcellaCOR™ EC to up to 190 acres of the littoral (nearshore) zone of Cazenovia Lake for control of the invasive aquatic plant species, Eurasian watermilfoil (*Myriophyllum spicatum*).

Description of Action:

Application of the herbicide ProcellaCOR™ EC to certain portions of Cazenovia Lake evidencing increased presence and proliferation of the invasive aquatic plant Eurasian watermilfoil (*Myriophyllum spicatum*).

Multiple treatment areas are proposed for this seventh phase application as described and mapped in the Final Supplement Environmental Impact Statement dated April 2021.

Project Location:

Town of Cazenovia, New York: Approximately 190 acres of the littoral (nearshore) zone of Cazenovia Lake

(See map on file with the Town Clerk at 7 Albany Street, Cazenovia, New York and contained in the Final Supplemental Environmental Impact Statement)

Agency Jurisdiction:

Lead Agency:

Town of Cazenovia Town Board
William Zupan, Supervisor
Town of Cazenovia
7 Albany Street
Cazenovia, New York 13035

Date Final Supplemental Environmental Impact Statement Accepted: April 12, 2021

Project Description:

The proposed action is application of an aquatic herbicide to priority areas of Cazenovia Lake as one component of the community's Aquatic Vegetation Management Plan (the Plan). The overall goal of the Plan is to manage invasive macrophyte species and protect the habitat for desirable native species of plants and animals. The use of aquatic herbicides that target the invasive species *Myriophyllum spicatum* (Eurasian watermilfoil) is an important element of the Plan. The 2021 proposed chemical treatment program represents Phase VII of this effort, which began in 2009.

The 2021 chemical treatment program is dependent on acquisition of all necessary regulatory permits and availability of funds. The primary goal of the herbicide treatment program is to mitigate the dense growth of Eurasian watermilfoil, which significantly impairs conditions for recreation and other cultural uses of the lake. Approximately 420 acres of the 1164-acre lake exhibited dense growth of Eurasian watermilfoil prior to 2009. As outlined in the permit application submitted to New York State Department of Environmental Conservation (NYSDEC), the current herbicide program will treat up to approximately 190 acres of the littoral (nearshore) zone of Cazenovia Lake infested by Eurasian watermilfoil; treatment is planned for early June 2021. The first phase of the long-term aquatic plant management strategy treated 234 acres along the eastern and western shorelines and the lake's northern section in 2009; 177 acres were treated in 2010; 228± acres were treated in 2012, 269± acres were treated in 2014; 180± acres were treated in 2017; 190± acres were treated in 2019. Each treatment phase required separate permit applications and individual SEQR processes.

The outlet of Cazenovia Lake flows to Chittenango Creek. At a distance of approximately 5.3 miles downstream of where the lake outlet enters the Creek, the endangered Chittenango Amber Ovate Snail (***Novisuccinea chittenangoensis)*** is present in the spray zone of Chittenango Falls. There are no data specifically testing the toxicity of florpyrauxifen-benzyl to pulmonate (air-breathing) snails. Toxicity tests with a closely related species of pulmonate snail were required and have been completed. Results indicate that there is no risk of harm to the endangered snail species from the treatment of limited areas of Cazenovia Lake with ProcellaCOR™ EC at the proposed application dosage.

An undetermined number of residents draw surface water from the lake for potable and non-potable uses. While no residences are formally registered with the Madison County Health Department for this use, the Town of Cazenovia has queried shoreline property owners as part of the community outreach associated with previous permitting efforts. The use of Cazenovia Lake as a source of potable water is strongly discouraged by the Madison County Health Department and the Town of Cazenovia.

ProcellaCOR™ EC is classified as practically non-toxic and there are no label restrictions on potable water use. ProcellaCOR™ EC is not demonstrated to be a cause of cancer, birth defects, or genetic mutations. Use of ProcellaCOR™ in accordance with the label instructions and at the planned application rate which will result in an ambient concentration of 4 - 6 µg/L poses no risk of harm to human health.

There are no label restrictions on use of water treated with ProcellaCOR™ EC at the planned dosage for crop irrigation. Consequently, there will be no adverse impact or restrictions on commercial growers who pump water from Chittenango Creek for irrigation of vegetable crops during extended dry periods.

Facts and Conclusions Relied on to Support the Decision:

Several potential environmental impacts associated with this Proposed Action were raised during the SEQRA process conducted by the Town Board and other involved and interested agencies since use of aquatic herbicides was first proposed in 2008. Issues with potentially adverse impacts were raised prior to and during the preparation of the initial Draft Supplemental Environmental Impact Statement for Phase 1 of the treatment. A formal scoping session was conducted prior to preparation of the Draft Supplemental Environmental Impact Statement. Primary issues relate to the Action's potential impact on water resources; potable water supply and human health; terrestrial flora; aquatic flora; aquatic fauna; wetlands; recreational pursuits and economic stability; aesthetics and human perceptions; and environmental wetlands. Because the action represents a seventh treatment to Cazenovia Lake, the results of the first six (6) treatments offer insights regarding the effectiveness, longevity, and risks associated with herbicide treatment for controlling Eurasian watermilfoil. Additional studies and analyses specific to the use of ProcellaCOR™ EC have been completed and are included in the Supplemental Environmental Impact Statement.

The Applicant/Lead Agency has identified mitigation measures it will undertake to address both short-term and long-term impacts related to the Proposed Project. Potential impacts and mitigation measures identified in both the Draft Supplemental Environmental Impact Statement and Final Supplemental Environmental Impact Statement are summarized below. Many of these impacts were identified and successfully mitigated under the prior Phases 1-6.

PART I: INTRODUCTION - PROCEDURAL REVIEW

1. The proposed action (aquatic herbicide application to targeted areas of Cazenovia Lake) was a result of numerous concerns by area property owners, visitors, and users of Cazenovia Lake over the years due to the predominating abundance of Eurasian watermilfoil on the surface and subsurface of Cazenovia Lake. In 2008, the Town and the Cazenovia Lake Association convened a Lake Summit to review various potential solutions to the identified problem of the infestation of the Lake by Eurasian watermilfoil. Participants in the Lake Summit included representatives of the NYSDEC and other lake water quality and aquatic habitat experts.

2. Following review of alternatives, the Cazenovia Town Board decided to undertake a chemical treatment program as part of a multifaceted approach to lake restoration and protection. Six prior herbicide treatments targeting Eurasian watermilfoil were implemented in 2009, 2010, 2012, 2014, 2017, and 2019. The Town conducted a full SEQR review for each treatment. On January 12, 2009, October 5, 2009, December 12, 2011, January 13, 2014, December 16, 2017, and December 10, 2018 the Cazenovia Town Board established itself as the lead agency under SEQR for Phase I, Phase II, Phase III, Phase IV, Phase V, and Phase VI, respectively. An identical process occurred for Phase VII with the Town Board taking Lead Agency status on December 14, 2020. Notices of Intent to assume lead agency status were again mailed to involved and interested agencies. The involved agencies included: NYSDEC (Central Office); NYSDEC (Region 7); U.S. Army Corps of Engineers; Village of Cazenovia Board of Trustees and the Town of Cazenovia. The interested agencies included: Madison County Health Department; New York State Office of Parks, Recreation and Historic Preservation; New York State Thruway Authority & Canal Corp; and the Army Corps of Engineers.

3. Subsequent to establishment of the Cazenovia Town Board as lead agency, the Town solicited comments on its Scoping Document. The Draft Scoping Document was prepared on February 8, 2021. No comments were received.

4. Subsequent to acceptance of the Final Scoping Document, the Lead Agency authorized preparation of a Draft Supplemental Environmental Impact Statement on March 4, 2021. The Draft Supplemental Environmental Impact Statement was prepared and reviewed by the Lead Agency and made available to the public for review.

5. The Draft Supplemental Environmental Impact Statement was accepted by the Lead Agency with a public comment period open between March 4th and April 2nd, 2021.

6. The Draft Supplemental Environmental Impact Statement was noticed for comments from members of the public, including lakefront property owners, the involved and interested agencies, and the NYSDEC. Only the Madison County Health Department submitted comments; the final document was edited to reflect their recommendation.

7. A Final Supplemental Environmental Impact Statement was subsequently prepared by the Lead Agency for consideration and review.

8. The Final Supplemental Environmental Impact Statement was accepted as complete on April 12, 2021 and notices of completion were transmitted the following day (April 13, 2021).

PART II: THE ACTION

9. The Town of Cazenovia has decided to support a seventh application of an aquatic herbicide to portions of Cazenovia Lake for the purpose of continuing to manage the nuisance invasive aquatic plant Eurasian watermilfoil. Phase VII will switch from applying the herbicide Renovate to the recently approved herbicide ProcellaCOR™ EC. This change will enable application of a chemical at a lower effective dosage and with reduced restrictions on uses of the water for potable supply and irrigation. ProcellaCOR™ EC has a similar mode of action to Renovate and is targeted to Eurasian watermilfoil. Recent experience in several lakes in New York demonstrates the efficacy and safety of this aquatic herbicide. As with prior phases of the Cazenovia Lake aquatic plant management plan, use of an herbicide requires regulatory permits from the NYSDEC and is subject to criteria and conditions contained in such permits.

10. This decision to undertake this action is made in consideration of social and economic factors along with a detailed analysis of potential impacts on the lake's water quality and habitat. From a social perspective, the presence of Eurasian watermilfoil at nuisance levels interferes with recreational uses of the lake, including swimming, diving, waterskiing, general boating, sailing, jet skiing, and access to land from nearshore areas. Documentation of these conditions and the extent to which they impair and prevent use of the lake for recreation are contained in numerous letters and comments offered by the affected public as part of the SEQR scoping process and at the Town's original public hearings on the Supplemental Environmental Impact Statement. Other individuals noted that the value of their property has been negatively affected by their inability to enjoy recreational activities expected at a lake setting. The results from prior phases of the herbicidal treatments show that the chemical treatment offers effective, but not permanent, control of the nuisance vegetation. Moreover, the prior six treatments did not cause or contribute to water quality or habitat degradation.

11. The use of ProcellaCOR™ EC as an aquatic herbicide was approved by NYSDEC in February 2019. Their regulatory approval was granted following careful analysis and is based on the benign nature of the chemical on non-target species and the minimal risk to human health and the environment posed by its use under label conditions.

12. Prior treatments of lakes in New York State have documented that use of ProcellaCOR™ EC has a minor impact, if any, on the native aquatic plant community and does not pose a risk to aquatic animals (invertebrates, mollusks, and fish). The major impact of the chemical treatment is a temporary reduction in the distribution and abundance of Eurasian watermilfoil.

PART III: ANALYSIS OF IMPACTS

13. The application of ProcellaCOR™ EC to Cazenovia Lake has the potential to reach Chittenango Creek and downstream waters. The potential for downstream transport of residual herbicide was reviewed and the risk of adverse impacts on both the aquatic environment and human uses have been evaluated.

14. The Cazenovia Town Board has carefully and thoroughly reviewed the information contained in the Final Supplemental Environmental Impact Statement, which consists of the Draft Supplemental Environmental Impact Statement and the appendices and exhibits attached thereto, and any comments submitted thereon. The Town Board has found it to be an adequate examination of all important potential impacts that would result from the proposed action for the continued herbicide treatment of portions of Cazenovia Lake. Because Phase VII of the ongoing lake management program proposes changing the chemical herbicide, the SEIS incudes a focused review of impacts on water resources; potable water supply and human health; terrestrial flora; aquatic flora; aquatic fauna; wetlands; recreational pursuits and economic stability; aesthetics and human perceptions.

15. During SEQR review period for the first phase of the aquatic macrophyte management plan for Cazenovia Lake, the Lead Agency reviewed hundreds of pages of documents, received oral comments, conducted public informational meetings and public hearings, and carefully reviewed, questioned, and analyzed, with assistance of contractors retained by the Town, the various impacts of, alternatives to and potential mitigating measures for the proposed action. The same was true for Phases II, III, IV, V, and VI. We note that the plans for a Phase VII treatment did not generate any significant discourse from the public or the resource management agencies. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate the benefits and potential impacts of this proposed action as the basis for considering the treatment of portions of Cazenovia Lake with the aquatic herbicide ProcellaCOR™ EC as a Phase VII treatment.

16. SEQR is designed to foster careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequences has the most meaning. This review is conducted prior to any agency decision regarding permits or approvals and when the proposed project is still in its formative stages. This early environmental analysis of a proposal is particularly appropriate where the request relates to an herbicide permit to treat portions of a lake environment. The environmental review of this proposed action has afforded the Town Board, and other involved agencies, a clear understanding of the potential environmental impacts that might arise from the application of the herbicide to the targeted areas of Cazenovia Lake. To the extent possible, detailed information regarding certain impacts, which could be reasonably anticipated and analyzed, was provided at an early stage for review. Analysis of other impacts. Any additional permitting process (beyond this Phase VII) would also undergo its own SEQR review. The Lead Agency and other agencies will continue to work together with the involved agencies as set forth herein to ensure that all appropriate steps are taken to minimize risks to public health or the environment that might arise from the proposed action.

Specific findings are reported in the sections that follow.

I. Water Resources - It has been determined that the use of ProcellaCOR™ EC to control Eurasian watermilfoil will not cause or contribute to adverse water quality or habitat conditions in Cazenovia Lake. An early season chemical treatment program targets the invasive macrophyte prior to its establishing significant biomass. ProcellaCOR™ EC is a systemic herbicide, and will kill the Eurasian watermilfoil slowly, thus avoiding a sudden increase in organic material to be decomposed on the lake bottom. Moreover, dissolved oxygen concentrations are higher as the water is cold in the early season. Oxygen is readily replenished from the atmosphere in the littoral zone where the Eurasian watermilfoil is present in abundance. The treatment program will not adversely affect the littoral habitat. Water quality and fisheries monitoring of other New York lakes treated with ProcellaCOR™ EC confirm this conclusion. Results from prior herbicidal treatments of Cazenovia Lake with triclopyr have also confirmed this. While there have been temporary increases in the abundance of some phytoplankton (algae and cyanobacteria) after some treatments, the blooms did not persist beyond a temporary nuisance. Moreover, Cazenovia Lake exhibits blooms of algae and cyanobacteria in non-treatment years as well.

II. Impact on Potable Water Supply and Human Health - Some property owners abutting Cazenovia Lake continue to use the lake as a source of potable water, as well as for cooking and bathing. The product label for ProcellaCOR™ EC does not require restrictions on potable water use. However, the Town will continue to notify residents of the planned treatment dates as was done in earlier phases of the lake treatment program. With respect to the Phase VII program (as with prior treatments), no riparian owners expressed objections to the action due to concerns of impacts of drinking water and domestic usages.

III. Impact on Terrestrial Flora - There are no label restrictions on use of lake water treated with ProcellaCOR™ EC at the proposed dosage for application to lawns, gardens, or food crops.

IV. Impact on Aquatic Flora - ProcellaCOR™ EC is a systemic herbicide that mimics the plant growth hormone auxin which causes excessive elongation of plant cells that ultimately kills the plant. Impacted plants will typically show a mixture of atypical growth and fragility of leaf and shoot tissue. Initial symptoms are observed within hours to a few days post treatment, with plant death and decomposition occurring over 2-3 weeks. The auxin-like action controls broad-leaf plants (dicots) while grasses (monocots) are tolerant. Application to Cazenovia Lake will target the dense beds of Eurasian watermilfoil.

V. Impact on Aquatic Fauna - Application of ProcellaCOR™ EC to Cazenovia Lake will not have a direct impact on the lake's warm-water fish community due to toxicity. The materials safety data sheet cites that the compound is practically non-toxic to fish on an acute basis (LC_{50} > 100 ppm (parts per million; 1 ppm is equal to 1 mg/L or 1000 µg/L)). LC_{50} is defined as the concentration of a substance that is toxic to 50% of a test population within a defined time (here, 96 hours). Since the maximum applied dose of the chemical to Cazenovia Lake is in the range of 4 – 6 µg/L, the margin of safety from the LC_{50} (>100,000 µg/L) extends over several orders of magnitude.

Nor would application of ProcellaCOR™ EC pose a risk of harm to the aquatic food web based on published toxicity data. Reduction in Eurasian watermilfoil and the resulting potential for expansion of native macrophyte species will enhance the habitat of the warm-water fish community, particularly for spawning and nursery areas.

Researchers at SUNY College of Environmental Science and Forestry (SUNY-ESF) completed toxicity testing of the potential for ProcellaCOR™ EC to harm the endangered pulmonate snail

living in the spray zone of Chittenango Creek downstream of the Cazenovia Lake outlet. Testing was performed in a specialized laboratory at SUNY-ESF using a closely related pulmonate snail (not endangered) that is also present at Chittenango Falls. Results of the toxicity testing confirmed that no adverse impacts on the snail, or its food sources, are expected at the proposed application dose. Dilution, dispersion, and degradation processes as lake water joins Chittenango Creek and flows to the falls (over five miles downstream) provide an additional margin of safety.

VI. Impact on Avian Fauna - ProcellaCOR™ EC is classified as "practically non-toxic" to avian species, the lowest ecotoxicological category. Waterfowl are potentially at greatest risk due to the multiple exposure pathways as birds swim in, feed in, and drink lake water. Because the application proposed for Cazenovia Lake is at an initial concentration (4-6 µg/L) that is orders of magnitude below the concentrations of concern for avian species due to subacute dietary exposure, it is concluded that the application will have no adverse impact on birds through this exposure pathway. This conclusion includes the Pied-billed Grebe, reported to nest in the northern marshy areas of Cazenovia Lake.

VII. Impact on Recreational Pursuits and Economic Stability – Although the product label does not restrict swimming in the lake during or after application of the herbicide, public beaches will be closed during the treatment program in accordance with guidance from the Madison County Health Department. In addition, boating will be restricted during application to minimize interference with the planned application route. Public notices will be posted to inform the recreational users of the lake of the aquatic herbicide treatment. The application will be completed during a period of low recreational usage. Any impact is temporary in nature and will not be significant.

Restoration of the aesthetic quality and habitat conditions of Cazenovia Lake will help maintain property values and economic stability throughout the Town. Therefore, it is concluded that there will be no adverse impacts on recreational pursuits and economic stability.

VIII. Impact on Aesthetics and Human Perceptions - The introduction of an herbicide into Cazenovia Lake has the potential to change the aesthetic condition of lake water by eliminating submerged and emergent plant material and thus will improve the lake's visual quality. Evidence of this was confirmed from the prior phases of herbicide treatment. Dozens of letters from lake users expressing support and appreciation for the prior treatments have been received.

IX. Alternatives to the Proposed Action - The Final Supplemental Environmental Impact Statement examines six (6) alternatives to the proposed action and outlines the rationale for their rejection.

A. No action alternative - The "no action" alternative does not address the proliferation of Eurasian watermilfoil in Cazenovia Lake. Without effective action, this invasive organism will continue to dominate the macrophyte community. Recreational use of the Lake will become increasingly impaired. The economy of the Town will degrade, as lakefront properties become less valued. The quality of the aquatic habitat will be diminished.

B. Mechanical Harvesting - Cazenovia Lake had a mechanical harvesting program in place for decades; the program was managed by the Cazenovia Lake Association and ended in the early part of this century. In 2015, the Lead Agency added mechanical harvesting as an additional element in the long-term lake management program. The Town Highway Department now manages the mechanical harvesting program.

C. Biological controls - As discussed in the Supplemental Environmental Impact Statement for NYS (ENSR 2007), biological control methods are generally experimental, with few long-term documented case studies. Three (3) biological control agents were reviewed: grass carp, aquatic moths, and weevils. Each of these biological controls was rejected due to the massive extent of the Eurasian watermilfoil infestation of Cazenovia Lake. As the dominance of Eurasian watermilfoil is reduced over time, biological controls using the moth and/or weevil may become feasible. Grass carp are not a feasible long-term option, due to the size of the Lake, its interconnectedness to other significant waterways, and the feeding preferences of the fish.

D. Suction dredging to remove plant material - Use of a suction dredge is practical for clearing aquatic plants from small areas. This method uses a diver to remove (vacuum) plant material from sediment. Depending on the experience level of the diver, removal can be relatively selective. This process is slow and labor-intensive (treatment rate is about 0.25 acres per day) and can be costly. This alternative is an attractive option for shoreline property owners wishing to clear macrophytes from their shoreline areas or docks, and for public swimming areas. Similar to the herbivorous insect alternatives, suction dredging may be an important component of a long-term integrated plant management strategy for Cazenovia Lake, once the Eurasian watermilfoil infestation is brought under control.

E. Benthic barriers - Covering sediment to prevent growth of nuisance aquatic plants is another effective technique useful for limited areas of Cazenovia Lake. A benthic barrier prevents light from reaching the sediment surface, while crushing vegetation underneath. Bottom barriers should be installed prior to the active growing season. While prohibitively expensive for application to a large area, benthic barriers are a cost-effective, chemical-free and reversible technique for use in limited areas of the lake. They are likely to continue to play a role in Cazenovia Lake as individual homeowners use this technique to improve recreational quality along their shoreline area. Since 2013, the Town has managed a benthic mat rental program for waterfront owners. This program has been successful and is now an established component of the Town's long-term program to manage nuisance aquatic vegetation.

F. Alternative chemical treatment programs – In addition to ProcellaCOR™ EC, six aquatic pesticides (herbicides) are currently approved by EPA and registered for use in New York State: diquat, 2.4-D, endothall, glyphosate, triclopyr, and fluridone. Only triclopyr and ProcellaCOR™ target Eurasian watermilfoil. Adverse impacts on native submerged aquatic vegetation have been documented.

G. Drainage and Runoff Mitigation - It has been recognized that point sources of siltation and unchecked drainage in the lake watershed have contributed to conditions which foster excessive weed growth. The Town has undertaken a comprehensive plan to identify and address unchecked erosion and siltation. The Town has engaged its engineer to design various drainage solutions in the lake watershed and these programs are ongoing. The continuation of these projects (in collaboration with the Madison County Soil & Water Conservation District) are currently active and financial resources have been budgeted for their support. These ongoing actions will complement the in-lake treatment measure.

X. Special Considerations of the findings from earlier treatment programs - The Lead Agency has taken advantage of the lessons from the post-Phase I, II, III, IV, V, and VI treatments by way of additional studies and in physical observations of the impacts of the 2009, 2010, 2012 2014, 2017, and 2019 herbicide applications.

A. 2009, 2010, 2012, 2014, 2017, and 2019 program review and results – The Final Supplemental Environmental Impact Statement addresses in detail the 2009 program review and results with particular emphasis on post-application analysis and studies, including the 2009 testing of the Owera Point public water supply (concluding no impact to that groundwater water supply); the Gary N. Neuderfer, November 19, 2009 Report: Acute Toxicity of Triclopyr Herbicide to the Gastropoda Snails European Ambersnail, *Succinea putris* and Tadpole Physa, *Physella gyrina* (concluding no anticipated impacts to the snail community of the lake or Chittenango Creek and its falls); the Town of Cazenovia Lake Management Plan, dated December 15, 2009, revised March 16, 2010 (in fulfillment of a condition of the 2009 NYSDEC permit to apply herbicides); and the annual reports prepared by Racine-Johnson Aquatic Ecologists. Herbicide treatments since 2009 have successful in reducing the standing crop of Eurasian watermilfoil, while protecting the native macrophyte species. Results of the annual macrophyte surveys are used to track effectiveness of the lake management program, determine priority areas for subsequent herbicide treatment, and document that the native plant community remains intact. Appended to the 2021 SEIS is a report prepared by scientists from the SUNY College of Environmental Science and Forestry documenting results of an ecotoxicity study of the chemical ProcellaCOR™ EC on (non-endangered) pulmonate snails collected at Chittenango Falls downstream of the Cazenovia Lake outlet.

Additional Permits and Approvals Needed

Several review and approval processes are required after completion of the SEQRA process. A wetland permit from NYSDEC is required due to the presence of mapped wetlands in the lake's northern basin. The NYSDEC has issued the required aquatic pesticide permit for the 2021 treatment using ProcellaCOR™ EC.

SEQRA REVIEW

The Town of Cazenovia Town Board, on December 14, 2020, established itself as the appropriate body to act as lead agency for this review, in conformance with Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and the regulations of 6 NYCRR Part 617. In accordance with SEQR procedures, the Town Board determined that the application represents a "Type I" action and required the preparation and dissemination of a Supplemental Environmental Impact Statement. The Draft Supplemental Environmental Impact Statement was accepted by the Town Board on March 3, 2021, with a public comment period extended to April 2, 2021. The Town Board accepted the Final Supplemental Environmental Impact Statement on April 13, 2021, concluding the SEQR process with this Findings Statement. This ensures that the requisite "hard look" has been undertaken at the project's potential impacts.

Certification of Findings to Approve/Fund/Undertake:

Having considered the Draft and Final Supplemental Environmental Impact Statements and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and

2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating in and as a condition of these findings of fact and conclusions of law those mitigation measures that were identified in this document and the Final Supplemental Environmental Impact Statement, as well as conditions to the Herbicide Application Permit to be issued by the New York State Department of Environmental Conservation.

3. (And if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Lead Agency:

Town of Cazenovia Town Board
William Zupan, Supervisor
Town of Cazenovia
7 Albany Street
Cazenovia, New York 13035

	Hon. William Zupan
Signature of Responsible Official	Name of Responsible Official
Supervisor	April 26, 2021
Title of Responsible Official	Date

cc: Town Board Attorney
Town of Cazenovia
NYS Department of Environmental Conservation
NYS Department of Environmental Conservation (Region 7)
Village of Cazenovia Board of Trustees
Madison County Health Department
U.S. Army Corps of Engineers
NYS Office of Parks, Recreation and Historic Preservation
NYS Thruway Authority & Canal Corp.

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Roll call:	
Councilor Andersen	**Yes**
Councilor Race	**Excused**
Councilor Golub	**Yes**
Councilor Reger	**Yes**
Supervisor Zupan	**Yes**

Supervisor Zupan declared Resolution No. 57 adopted.

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Resolution No. 58 presented by Councilor Golub, seconded by Councilor Reger

The Town Clerk stated Glenn Sullivan of Solitude reached out to the Town to have the Supervisor sign the updated Pesticide Discharge Management Plan.

Liz Moran stated the PDMP is part of the SPDES General Permit.

RESOLUTION TO AUTHORIZE THE TOWN SUPERVISOR TO EXECUTE THE UPDATED PESTICIDE DISCHARGE MANAGEMENT PLAN

WHEREAS, in past years, the Town of Cazenovia has contracted Solitude Lake Management for the treatment of Cazenovia Lake with the herbicide Triclopyr ("Renovate 3") to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil; and

WHEREAS, Solitude Lake Management recommended in relation to the SPDES Pesticide General Permit, the Town of Cazenovia have a Pesticide Discharge Management Plan (PDMP) on file that focuses on the application of the aquatic herbicide, Renovate 3; and

WHEREAS, for the 2021 planned treatment of Cazenovia Lake the Town of Cazenovia once again contracted Solitude Lake Management to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil; and

WHEREAS, a new aquatic herbicide will be used in 2021 known as ProcellaCOR EC; and

WHEREAS, the application of a new herbicide requires the updating of the Pesticide Discharge Management Plan; and

WHEREAS, the Town of Cazenovia Town Board engaged the services of SOLitude Lake Management to complete such updates for Cazenovia Lake; and

WHEREAS, the Town has been presented with a completed PDMP by SOLitude Lake Management that requires the signature of a representative from the Town.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Cazenovia hereby authorizes the Town Supervisor to execute the Pesticide Discharge Management Plan that shall remain on file in the Office of the Town Clerk.

Roll call:	
Councilor Andersen	**Yes**
Councilor Race	**Excused**
Councilor Golub	**Yes**
Councilor Reger	**Yes**
Supervisor Zupan	**Yes**

Supervisor Zupan declared Resolution No. 58 adopted.

Supervisor Zupan stated Glenn Sullivan has scheduled the Lake Treatment for June 1-3, 2021. He mentioned once this information is turned into the DEC, hopefully we will get the permit sometime in May.

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At 4:11 p.m., motion by Councilor Golub, seconded by Councilor Andersen to adjourn this meeting. The motion was unanimously approved.

Supervisor Zupan declared this meeting was adjourned.

Signed: *Connie J. Sunderman*

Connie J. Sunderman, Town Clerk