

**TOWN OF CAZENOVIA
TOWN BOARD SEQR RESOLUTION
WITH NEGATIVE DECLARATION**

January 23, 2024

**CHEMICAL TREATMENT OF EURASIAN
WATERMILFOIL IN CAZENOVIA LAKE
(2024 Treatment - ProcellaCOR EC)**

The following resolution was offered by Councilor Race, who moved its adoption, and seconded by Councilor Golub, to wit:

WHEREAS, previously, the Town of Cazenovia Town Board has determined that protection and restoration of the water quality, aesthetic condition, recreational usage, and aquatic habitat of Cazenovia Lake is in the best interest of our entire community with respect to environmental stewardship, cultural heritage, and economic interests; and

WHEREAS, the invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil, has become increasingly abundant in Cazenovia Lake and degrades the Lake's water quality, aesthetic value and recreational potential; and

WHEREAS, the present action involves the permitted use of ProcellaCOR EC as a chemical treatment for the ongoing management of this invasive species and would represent an eighth phase of treatment to approximately 190 acres (defined areas) of Cazenovia Lake infested by Eurasian watermilfoil (see map attached); and

WHEREAS, previously the Town of Cazenovia has authorized the use of ProcellaCOR EC as an alternative approach to addressing this invasive species and had undertaken an application in 2021 after a full environmental analysis of the potential adverse impacts of the use of the ProcellaCOR EC product; and

WHEREAS, the results of the treatment have been deemed to effective on controlling Eurasian watermilfoil without adverse impacts on public health or environmental quality, it was

determined that a Short Environmental Assessment Form (“Short EAF”) will be sufficient for the present environmental review for the use of the ProcellaCOR EC product; and

WHEREAS, a Short EAF has been completed and fully reviewed by the Town Board; and

WHEREAS, the Town Board has examined each of the relevant environmental areas of concern associated with the proposed action (*i.e.* the 2024 treatment and application of ProcellaCOR EC in defined areas (approximately 190± acres) of Cazenovia Lake, subject to the granting of approval, licenses, and permits from the DEC as may be necessary; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), requires that as early as possible and within twenty (20) days after submission of a complete application/action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, previously on December 12, 2023 the Town of Cazenovia Town Board made the following determinations for purposes of SEQR:

1. The proposed action is an Unlisted Action;
2. The Town of Cazenovia Town Board would assume Lead Agency status for SEQR purposes;
3. Identified the New York State Department of Environmental Conservation, United States Army Corps of Engineers and the Village of Cazenovia Board of Trustees as involved agencies;
4. Identified the Madison County Health Department, New York State Office of Parks, Recreation and Historic Preservation and New York State Canal Corporation as interested agencies;
5. Instructed that a Lead Agency notification letter be sent out to the involved and/or interested agencies, including the October 2, 2023 Town Board Resolution relating to funding of the preparation and application for the permit to the NYSDEC; and the December 11, 2023 Town Board SEQR Resolution (Lead Agency Designation) with Part 1 of the Short EAF attached thereto; and
6. Acknowledged that the action has required the submission of Parts 2 and 3 of the Short EAF; and

WHEREAS, each of the involved and/or interested agencies have acknowledged that the Town of Cazenovia Town Board would serve as Lead Agency for said action or has not objected to such designation; and

WHEREAS, the Town Board has considered and discussed fully the potential environmental impacts of the proposed action through investigation, study and review by the Town's Consultant.

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 VIII (2024 Treatment)," the Town Board as Lead Agency has fully considered the relevant environmental impacts, facts and conclusions disclosed in the Short Environmental Assessment Form; and

BE IT FURTHER RESOLVED that the Town Board as Lead Agency hereby determines that the proposed action will not have a significant negative effect on the environment and that this Resolution (along with the Short EAF) shall constitute a Negative Declaration for the project, as proposed, for purposes of Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 for the following specific reasons and as similarly determined in April of 2021 by the Lead Agency:

1. **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.

2. **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. We note that Cazenovia Lake is neither classified nor monitored for use as a public water supply. The product label for ProcellaCOR EC does not require restrictions on potable water use during or after application of the herbicide. However, the Town will continue to notify residents of the planned treatment dates as was done in earlier phases of the lake treatment program and inform residents of the availability of potable water at Lakeland Park.
3. **Impact on Terrestrial Flora.** Following application, drawing lake water from treated areas for livestock watering and irrigation (except for turf) will be restricted until concentration of the active ingredient falls below a defined threshold. Based on the percent of the lake volume to be treated (<2%) and the application rate (<5 PDU) the concentration will fall below the defined threshold within a day of application. However, the restriction will remain in place until receipt of certified laboratory results; the anticipated permit-required water sampling and analysis may extend over an 8–12-day period following treatment.
4. **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.
5. **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. Prior application of ProcellaCOR EC in 2021 confirms these findings.

The materials safety data sheet cites that the compound is practically non-toxic to fish.

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.

6. **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.
7. **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.
8. **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.
9. **Alternatives to the Proposed Action.** The previously filed Final Supplemental Environmental Impact Statement (2021) examined six (6) alternatives to the

proposed action and outlines the rationale for their rejection. These findings are hereby re-adopted and incorporated into these findings by referenced for purposes of the 2024 application.

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 Short Environmental Assessment Form (as a Phase VIII 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; and

BE IT FURTHER RESOLVED Town’s Legal Counsel shall distribute and publish this Negative Declaration pursuant to the requirements of 6 N.Y.C.R.R. Part 617, if necessary.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Sheila Fallon	Councilor	Excused	---
Kelli Johnson	Councilor	Excused	---
Jimmy Golub	Councilor	Voted	Yes
Patrick Race	Councilor	Voted	Yes
Kyle Reger	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: January 23, 2024

CERTIFICATE

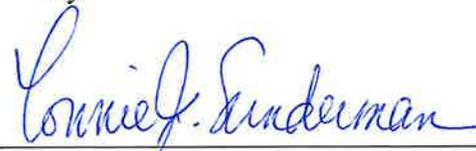
STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Clerk of the Town of Cazenovia, Madison County, New York, **DO**
HEREBY CERTIFY:

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

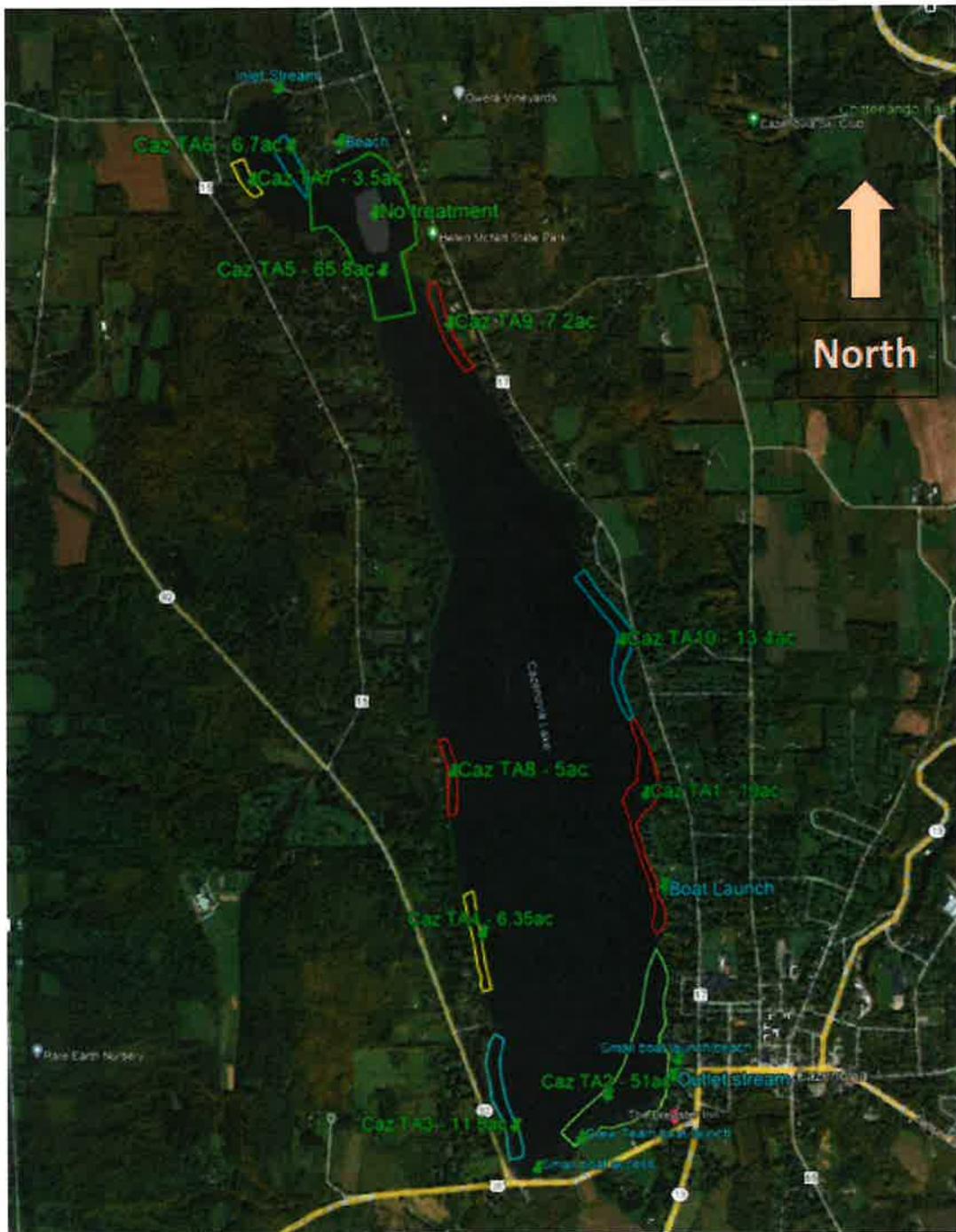
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on January 24, 2024.



CONNIE SUNDERMAN
Town Clerk



Cazenovia Lake 2024 ProcellaCOR EC Treatment Areas (189.75 acres)



Project:	Cazenovia Lake 2024 Herbicide
Date:	January 23 2024

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:	Cazenovia Lake 2024
Date:	January 23, 2024

Short Environmental Assessment Form Part 3 Determination of Significance

Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed action is to apply the aquatic herbicide florpyrauxifen-benzyl, trade name ProcellaCOR™ EC, to approximately 190 acres of the Cazenovia Lake near-shore (littoral) area to control the growth of Eurasian watermilfoil and reduce this plant's relative abundance in the macrophyte community. The previous treatment using this NYSDEC and EPA-approved aquatic herbicide in 2021 resulted in excellent control of the target species. There have been no observed adverse impacts of the treatment program on Cazenovia Lake or downstream waterbodies.

A Supplemental Environmental Impact Statement (SEIS) was completed in advance of the 2021 herbicide treatment program. Sections of the SEIS described the potential impacts of the proposed herbicide treatment on the Cazenovia Lake ecosystem, including water quality, habitat, and the food web. Potential impacts on a downstream community of endangered snails present at Chittenango Falls were analyzed. Because the lake supports multiple uses, potential impacts on human uses were considered; the SEIS considered impacts on contact recreation, fishing, and use of water for private supply and irrigation.

Mitigating measures include use of licensed certified applicators, compliance with label restrictions, compliance with all permit requirements, and public outreach and notifications. As in previous chemical treatment of the lake's northern shoreline, a 100 ft. setback from the boundary of wetland OR-3 will be maintained and a barrier curtain will be installed.

Based on the analysis in the 2021 SEIS and the positive response of Cazenovia Lake to the 2021 treatment, the Cazenovia Town Board finds that the proposed 2024 treatment of portions of the Cazenovia Lake littoral zone with the aquatic herbicide ProcellaCOR will not result in any adverse environmental impacts.

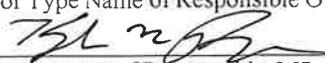
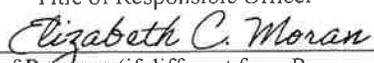
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Cazenovia- Town Board _____ January 23, 2024 _____

Name of Lead Agency Date

Kyle Reger Cazenovia Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)

PRINT FORM