

**TOWN BOARD
SPECIAL MEETING**

TUESDAY

January 23, 2024

Supervisor Reger opened the meeting at 7:05 p.m. with three Councilors present. Councilors Johnson and Fallon were absent.

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

Elizabeth Moran was present to assist with the completion of the SEQRA process. She said by accepting the negative declaration, the Town Board is agreeing with the conclusions in Parts II and III of the Environmental Assessment Form. She said this includes the checklist in Part II discussing the adverse impacts. If there are any, they are small and can be mitigated. Referring to Part II of the Short EAF, she said all the checkmarks in the column labeled “no, or small impact may occur” lead the Town Board to conclude this can be a negative declaration - there is no harm to environmental or human health. Part III of the Form puts forth why this conclusion is such. She stated this process has been reviewed in past treatments and a Full Environmental Impact Statement has previously been completed, coupled with a good experience in 2021 which made it a straight-forward process. She said this will terminate the SEQRA process and this resolution will accept the negative declaration.

She further explained Glenn Sullivan will be submitting the DEC application. He had language in the DEC materials that there was a restriction on livestock watering and irrigation for a period following the treatment. She said it is not particularly relevant to the conditions. However, in reviewing the product label, she drew the Board’s attention to item #3 in the Resolution, Impact on Terrestrial Flora. This does state following application, drawing lake water from treated areas for livestock watering and irrigation will be restricted until the concentration of the active ingredient falls below a certain threshold. But then, it specifically says that given the nature of the area that is being treated which is not an isolated bay, there is exchange with other parts of the Lake and the concentration. The concentration is projected and documented in lots of studies to fall below any level of concern within 6 hours. It turns out there will be a permit condition that says the concentration has to be verified by testing. The delay in collecting the samples, getting the samples to the laboratory and DEC to review the data can be a period of 8-12 days. She stated it is not an issue but there will be a permit condition. She said there is no livestock watering operations on the Lake and people will not be pulling water to irrigate in May.

Councilor Golub said there are people that drink the water from the Lake.

Elizabeth Moran said there are no restrictions on drinking the water. The product label for ProcellaCOR does not require restrictions on potable water use. There is no impact on human health in all the studies. She said for the impact on potable water, the label does not require, but

the Town will continue to notify of the planned treatment days and inform residents of the availability of potable water at Lakeland Park.

Resolution No. 22 presented by Councilor Race, seconded by Councilor Golub

**TOWN BOARD SEQR RESOLUTION
WITH NEGATIVE DECLARATION
CHEMICAL TREATMENT OF EURASIAN
WATERMILFOIL IN CAZENOVIA LAKE
(2024 Treatment - ProcellaCOR EC)**

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

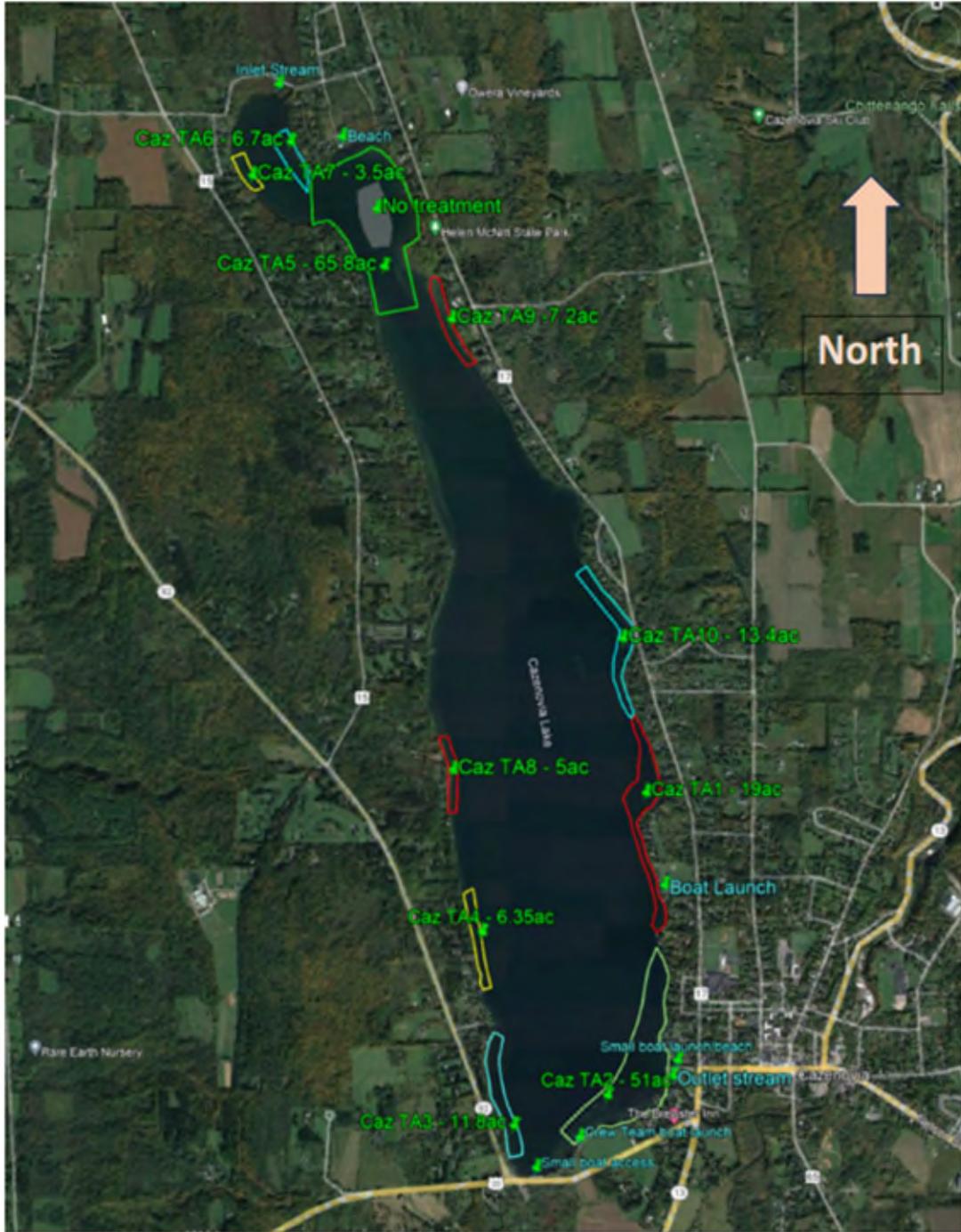
accordance with guidance from the Madison County Health Department. In addition, boating will be restricted during application to minimize interference with the planned application route. Public notices will be posted to inform the recreational users of the lake of the aquatic herbicide treatment. The 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.

Cazenovia Lake 2024 ProcellaCOR EC Treatment Areas (189.75 acres)



Roll call:

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|--------------------------|----------------|
| Councilor Race | Yes |
| Councilor Golub | Yes |
| Councilor Johnson | Excused |
| Councilor Fallon | Excused |
| Supervisor Reger | Yes |

Supervisor Reger declared Resolution No. 22 adopted.

At 7:11 p.m., motion by Councilor Race, seconded by Councilor Golub to adjourn this meeting.

Supervisor Reger declared this meeting adjourned.

Signed: *Connie J. Sunderman*
Connie J. Sunderman, Town Clerk