

**TOWN OF CAZENOVIA
TOWN BOARD SEQR RESOLUTION
(LEAD AGENCY DESIGNATION)**

December 11, 2023

**CHEMICAL TREATMENT OF EURASIAN
WATERMILFOIL IN CAZENOVIA LAKE
(Potential 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 has considered the possibility of treatment of Cazenovia Lake to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*; and

WHEREAS, the Town has also previously 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, culture heritage, and economic interests; and

WHEREAS, it has been recognized that 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, for decades the Cazenovia Lake Association has attempted to manage the symptoms of excessive weed growth through harvesting and other measures with only limited success; and

WHEREAS, a Cazenovia Lake Summit was held on November 15, 2008 to bring together experts in effective control measures for Eurasian watermilfoil in lakes, including a senior representative of Lakes Division of the New York State Department of Environmental Conservation (hereafter "NYSDEC"); and

WHEREAS, after impartial evaluation of all viable alternatives, a chemical treatment program using the chemical Triclopyr, with a brand name of “Renovate,” appeared to offer the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake; and

WHEREAS, the chemical Triclopyr 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, a Generic Supplemental Environmental Impact Statement was accepted by the NYSDEC with regard to Renovate; and

WHEREAS, representatives of the Leadership Group of the Cazenovia Lake Summit met with the members of the Cazenovia Lake Watershed Council on November 19, 2008 to review the findings of the Cazenovia Lake Summit and reach consensus on an integrated strategy for control of Eurasian watermilfoil in Cazenovia Lake; and

WHEREAS, consensus was reached to pursue an application to NYSDEC for a chemical treatment program using Triclopyr as part of an integrated long-term control strategy of Eurasian watermilfoil; and

WHEREAS, on December 8, 2008, the Town of Cazenovia accepted the recommendation of the Cazenovia Lake Watershed Council and authorized the Cazenovia Town Board to join the Cazenovia Village Trustees as Applicants for a pesticide application permit to the NYSDEC for chemical treatment of a portion of Cazenovia Lake using the chemical Triclopyr; and

WHEREAS, in the early Summer of 2009, the Town received a permit from the NYSDEC to apply the herbicide Triclopyr for certain portions of the Lake (Northern); and

WHEREAS, the treatment occurring pursuant to the Summer 2009 application was deemed to have been successful such that the Town Board undertook a second treatment for the Central and Southern portions of Cazenovia Lake in 2010, a third treatment in 2012, a fourth treatment in 2014, a

fifth treatment occurred in 2017, a sixth treatment occurred in 2019 and a seventh treatment occurred in 2020; and

WHEREAS, the treatments were deemed to be successful for certain portions of the Lake; and

WHEREAS, the above-referenced seven (7) previous treatments, while highly successful for many areas of the Lake, were deemed to have certain limitations, including some residual requirements in areas which were otherwise untreated or treated at lower levels such that regrowth and repopulation of Eurasian watermilfoil has occurred at levels which should be addressed; and

WHEREAS, in 2020, after discussions with recognized experts in the subject field, consultation with the NYSDEC and conversations with other stakeholders concerning the Lake's health, it was determined that continued treatment of the Lake could be beneficial and it was further determined to utilize an alternate 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 NYSDEC in such instances; and

WHEREAS, on November 2, 2020, the Town Board authorized an application for permission to utilize *ProcellaCOR EC* for treatment of the Lake for the invasive species; and

WHEREAS, thereafter the NYSDEC issued a permit for the use of *ProcellaCOR EC* for such treatment and the treatment was deemed successful with no negative impacts; and

WHEREAS, it appears the *ProcellaCOR EC* application has provided a beneficial alternative to Triclopyr with no known harmful effects to the environment; and

WHEREAS, the Town Board now desires to undertake an additional treatment and application of Cazenovia Lake with *ProcellaCOR EC* in the Spring of 2024 for certain portions of the Lake evidencing increased presence and proliferation of Eurasian watermilfoil, subject to the granting of approval, licenses and permits from the NYSDEC as may be necessary; and

WHEREAS, this action will require a separate and additional review under SEQRA; 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Cazenovia hereby determines that:

1. The action is subject to SEQR.
2. The following are involved and/or interested agencies in connection with the SEQRA review:

| INVOLVED | INTERESTED |
|--|---|
| New York State Department of Environmental Conservation 50 Wolf Road Albany, New York 12233-0001 | Commissioner of Health Madison County Health Department P.O. Box 605/ 138 North Court St. Wampsville, New York 13163 |
| New York State Department of Environmental Conservation Region 7 615 Erie Blvd. West Syracuse, New York 13204-2400 | NYS Office of Parks, Recreation and Historic Preservation Peebles Island Resource Center P.O. Box 189 Waterford, New York 12188-0189 |
| U.S. Army Corps of Engineers Jacob K. Javits Federal Building 26 Federal Plaza, Room 2109 New York, New York 10278-0090 | New York State Canal Corporation 30 South Pearl Street Albany, New York 12207 |
| U.S. Army Corps of Engineers Auburn Field Office 7413 County House Road Auburn, New York 13021 | NYS Canal Corporation - Syracuse Division 149 Northern Concourse, Suite 400 North Syracuse, New York 13212 |
| Village of Cazenovia Board of Trustees c/o Katherine A. Burns, Clerk 90 Albany Street Cazenovia, New York 13035 | |

3. The action is an Unlisted action;
4. The Town of Cazenovia Town Board will assume lead agency status for SEQR review purposes and undertake a coordinated review;
5. Lead Agency notices will be sent out to the involved and/or interested agencies; and
6. The action will require the submission of a Short Environmental Assessment Form to provide information with regard to the environmental issues pertinent therein; and it is further

RESOLVED, that the Town Board of the Town of Cazenovia hereby shall notify all agencies, interested/involved, that it shall be lead agency for this action unless it receives written objection to this determination within thirty (30) days from the date of mailing of such notice.

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

| | | | |
|----------------------|-------------------|--------------|------------|
| Kelli Johnson | Councilor | Voted | Yes |
| Kyle Reger | Councilor | Voted | Yes |
| Jimmy Golub | Councilor | Voted | Yes |
| Patrick Race | Councilor | Voted | Yes |
| William Zupan | Supervisor | Voted | Yes |

The foregoing resolution was thereupon declared duly adopted.

DATED: December 11, 2023

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 December 11, 2023.

s/CONNIE SUNDERMAN
Town Clerk

(SEAL)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 – Project and Sponsor Information | | | |
|--|--|---|--|
| Name of Action or Project: Aquatic herbicide treatment of Cazenovia Lake | | | |
| Project Location (describe, and attach a location map): Cazenovia Lake, Town of Cazenovia, Madison County NY | | | |
| Brief Description of Proposed Action: The proposed action will apply an approved aquatic herbicide, floryprauxifen-benzyl (trade name ProcellaCOR®), to selected areas of the littoral (nearshore) zone of Cazenovia Lake for control of the invasive macrophyte Myriophyllum spicatum (common name Eurasian watermilfoil). The herbicide is registered by New York State Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency (EPA) for this use. The 2024 treatment program will treat up to 190 acres of the lake's littoral zone where Eurasian watermilfoil is most abundant, as documented in the August 2023 annual macrophyte survey completed by the Upstate Freshwater Institute. Cazenovia Lake was last treated with ProcellaCOR in 2021. The 2024 proposed treatment represents the eighth phase of the Town of Cazenovia's long-term program to manage invasive species and ensure continued recreational enjoyment of Cazenovia Lake. The treatment program will be completed by a certified applicator in late spring, 2024. | | | |
| Name of Applicant or Sponsor: Town of Cazenovia | | Telephone: 315-655-9213 E-Mail: connie.sunderman@townofcazenovia.org | |
| Address: 7 Albany St. | | | |
| City/PO: Cazenovia | | State: NY | Zip Code: 13035 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | | YES <input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | up to 190 acres | |
| b. Total acreage to be physically disturbed? | | up to 190 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 1,164 acres | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): recreation | | | |
| <input checked="" type="checkbox"/> Parkland | | | |

| | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan? | NO | YES | N/A |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Cazenovia Lake Ont 66-11-P26-37-P153 If Yes, identify: _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Nuisance invasive aquatic macrophytes will be treated in (up to 190 acres) of littoral areas of Cazenovia Lake. Treatment will avoid the NYS-designated wetlands located in the lake's northern basin. _____ _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

| | | |
|---|---|--|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO <input type="checkbox"/> | YES <input checked="" type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: | <input type="checkbox"/> | <input type="checkbox"/> |
| _____ | | |
| _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| _____ | | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| _____ | | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| _____ | | |
| <p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Willam Zupan, Town of Cazenovia</u> Date: <u>December 11, 2023</u></p> <p>Signature: <u></u> Title: <u>Town Supervisor</u></p> | | |