

**TOWN BOARD
SPECIAL MEETING**

MONDAY

March 5, 2014

Supervisor Zupan opened the meeting at 8:00 P.M. with all Councilors present.

The meeting was properly noticed.

Resolution No. 31 presented by Supervisor Zupan, seconded by Councilor Race

**SEQR RESOLUTION
(ADOPTING FINAL SCOPING DOCUMENT)**

**Treatment and Application of Triclopyr ("Renovate OTF®")
on Cazenovia Lake (2014 Treatment)**

WHEREAS, after impartial evaluation of all viable alternatives in 2009, 2010 and 2012, the Town of Cazenovia treated portions of Cazenovia Lake with an aquatic herbicide to address the identified presence of invasive aquatic macrophyte *Myriophyllum spicatum*, commonly known as Eurasian watermilfoil; and

WHEREAS, the chemical treatment program using the chemical Triclopyr, with a brand name of "Renovate OTF®," 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 of the Lake subject to a New York State Department of Environmental Conservation Permit; 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 New York State Department of Conservation with regard to Renovate OTF®; and

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

WHEREAS, the Town Board now desires to undertake an additional (2014) treatment and application of Cazenovia Lake with Renovate OTF® in an area up to 269± acres of the littoral (nearshore) zone 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 January 13, 2014, that:

- 1) This action will require a separate and additional review under SEQR.
- 2) The following are involved and/or interested agencies in connection with the SEQRA review: New York State Department of Environmental Conservation (including Region 7); U.S. Army Corps of Engineers; Village of Cazenovia Board of Trustees; Madison County Health Department; New York State Office of Parks, Recreation and Historic Preservation; and the New York State Thruway Authority and Canal Corp.
- 3) The action is a Type I action.
- 4) The Town of Cazenovia Town Board will assume lead agency status for SEQR review purposes; and

WHEREAS, notices of the Town's intent to take Lead Agency status were transmitted on or about January 15, 2014 and no objections were received, the Town Board affirmed its Lead Agency status; and

WHEREAS, as part of the three (3) previous treatments of those portions of Cazenovia Lake and as part of the process for the granting of the three (3) previous permits to treat Cazenovia Lake with the herbicide Triclopyr, the Town Board caused to be prepared a Draft Environmental Impact Statement and subsequently thereto a Final Environmental Impact Statement in 2009, a Supplemental Environmental Impact Statement in 2010 and a Supplemental Environmental Impact Statement in 2012, which Environmental Impact Statements were subject to rigorous revisions and study; and

WHEREAS, the Board on February 10, 2014 approved a Positive Declaration which would require the preparation of a third Supplemental Environmental Impact Statement ("SEIS") to evaluate the potential negative environmental impacts of this action; and

WHEREAS, on February 10, 2014, the Town Board, as Lead Agency, adopted a Draft Scoping Document for this action, supplied copies of said Draft Scoping Document to all involved and interested agencies for review and comment, and requested comments and input on the Draft Scoping Document by March 3, 2014; and

WHEREAS, no written comment has been received by the Lead Agency with respect to the Draft Scoping Document; and

WHEREAS, the Lead Agency has taken any comments into consideration of the Scoping Document and has, on this day, presented for consideration a Final Scope for the Supplemental Environmental Impact Statement.

NOW, THEREFORE, BE IT RESOLVED, upon motion of Supervisor Zupan, seconded by Councilor Race, that the Town Board of the Town of Cazenovia, as Lead Agency, hereby adopts the Final Scope for the treatment of portions of Cazenovia lake (up to 269± acres of the littoral (nearshore) zone of Cazenovia Lake), in the Town of Cazenovia, Madison County, New York as the Final Scoping Document for purposes of State Environmental Quality Review; and it is further

RESOLVED, that the Lead Agency shall prepare or cause to be prepared a Supplemental Environmental Impact Statement consistent with the terms of said Final Scoping Document.

FINAL SCOPE - TOWN OF CAZENOVIA LEAD AGENCY

**TREATMENT OF PORTIONS OF CAZENOVIA LAKE WITH THE
HERBICIDE RENOVATE OTF[®] (PHASE IV - UP TO 269± ACRES
OF THE LITTORAL (NEARSHORE) ZONE OF CAZENOVIA LAKE)
TOWN OF CAZENOVIA, MADISON COUNTY, NEW YORK
(2014 TREATMENT)**

**SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (SEIS)
FINAL SCOPE OF ISSUES TO BE ADDRESSED**

Name of Project: Application (treatment) of herbicide Renovate OTF[®] to portions of Cazenovia Lake for control of the invasive aquatic plant Eurasian watermilfoil (*Myriophyllum spicatum*).

Project Location: Town of Cazenovia, New York
(Cazenovia Lake -- 1,164± surface acres)/(See attached map)
(2014 Treatment Area is up to 269± acres of the littoral (nearshore) zone of Cazenovia Lake)

SEQRA Classification: Type I Action

Lead Agency: Town of Cazenovia Town Board
7 Albany Street
Cazenovia, New York 13035

Contact: Hon. William Zupan, Town Supervisor
Town of Cazenovia
7 Albany Street
Cazenovia, NY 13035
Telephone Number: (315) 655-9213

Public Comments on Draft Scope: March 3, 2014

ORGANIZATION OF THE SEIS SCOPE

* The EIS may draw conclusions, where appropriate, from the environmental data and analysis contained in the original (2009) Environmental Impact Statement and the 2010 and 2012 Supplemental Environmental Impact Statements prepared by the Town of Cazenovia. In addition, the 2014 EIS will incorporate by reference the 2007 document "Supplemental Environmental Impact Statement: Use of the Aquatic Herbicide Triclopyr Renovate OTF[®] In the State of New York" prepared for NYSDEC by ENSR/AECOM.

* Incorporation of original and Supplemental Final Environmental Impact Statements (2009, 2010 and 2012) by reference.

Section

Description of the Proposed Action

Potential Significant Adverse Impacts (impact on water quality; impact on drinking water supply and water contact recreation; impact on aquatic plant and animal life; impact on terrestrial vegetation; impact on wetlands; impact on recreational opportunities)

General Guidelines

I. Front Material

- A. Cover Sheet
- B. List of Consultants Involved With the Project
- C. Table of Contents

II. Summary

- A. Brief Description of the Proposed Action
- B. List of Involved Agencies and Required Approvals/Permits
- C. Anticipated Impacts and Proposed Mitigation Measures (impact on water quality; impact on drinking water supply and bathing water; impact on aquatic plant and animal life; impact on wetlands; impact on recreational opportunities; impact on irrigation)
- D. Project Alternatives

III. Description of Proposed Action

- A. Project Overview
- B. Approvals
- C. Site Description
- D. Surrounding Uses and Facilities
- E. Detailed Description of Proposed Action
- F. Project Purpose, Needs and Benefits

IV. Environmental Analyses (Existing Conditions, Potential Impacts and Mitigation Measures)

- A. Water Resources - It has been determined that the lead agency should evaluate the potential impacts of the proposed use of Renovate OTF[®] on the general water quality of Cazenovia Lake.
- B. Impact on Potable Water Supply and Human Health - Property owners abutting Cazenovia Lake are reported to use - lake water as a source of drinking water, as well as for cooking and bathing. The supplemental environmental impact statement should address the potential negative impacts and mitigation measures

associated with the introduction of Renovate to the drinking water supply and any potential impacts on human health. In addition, residences along the northern portion of the lake shoreline are served by a community groundwater supply (known as Oweria Point). The SEIS will consider the potential impacts of the application of Renovate to the groundwater and any necessary mitigation and mitigation. The SEIS "Use of the Aquatic Herbicide Triclopyr Renovate OTF® in the State of New York" dated August 2007 will serve as an important reference document regarding the potential impacts on potable water supply and human health.

- C. Impact on Terrestrial Flora The SEIS should address potential adverse impacts if lake water treated with Renovate is applied to lawns and gardens and food crops.
- D. Impact on Aquatic Flora - The SEIS should address potential negative impacts on non-targeted plant species, which may be incidentally affected by treatment of the Lake water with Renovate.
- E. Impact on Aquatic Fauna - The SEIS should address potential negative impacts on aquatic fauna, in and around Cazenovia Lake. Cazenovia Lake maintains a diverse community of fish and reptile species, as well as water fowl. The SEIS should analyze the potential impact of the treatment of the Lake with Renovate on all aquatic fauna, especially the fish community.
- F. Impact on Wetlands - The site contains both federally protected and state protected wetlands. The current proposal appears to place portions of the treatment on or within 100 feet of certain wetland areas. The SEIS will provide details in the form of a written discussion on the potential impact on the wetlands and proposed mitigative measures for same.
- G. Impact on Recreational Pursuits and Economic Stability - It is recognized that Cazenovia Lake is a source of recreational opportunities for residents of the Town, as well as visitors. The SEIS should review the potential impacts of treatment of the Lake with Renovate OTF® on recreational pursuits, as well as economic aspects of the treatment, including impacts on rentals, property values, etc.
- H. 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 have some effect on its visual quality. Additionally, residents may hold opinions relating to the treatment of lake water with any chemical substance. The SEIS should address these potential impacts.

- V. Reasonable Alternatives to be Considered
 - A. No action alternative
 - B. Harvesting
 - C. Biological controls using grass carp, weevils, and/or aquatic moths
 - D. Suction dredging to remove plant material
 - E. Benthic barriers
 - F. Integrated macrophyte management approach incorporating multiple control measures
- VI. Adverse Impacts That Cannot Be Avoided if the Proposed Action is Implemented
- VII. Sources and Bibliography
- VIII. Appendices
 - A. SEQRA Documentation
 - B. Official Correspondence
 - C. Technical Studies
- IX. SEIS - Supplemental Areas of Analysis for EIS

The following additional areas of concern will be addressed in the SEIS:

- A. Original (2009), 2010 and 2012 (Supplemental) Program Review and Results
- B. Annual Macrophyte Surveys (2008 - 2013)
- C. Triclopyr Toxicity testing for pulmonate snails
- D. Residual Monitoring in lake and downstream waters
- E. Discussion of Lake Management Plan's Implications to the Project
- F. Chemical Application Summary: 2009, 2010 and 2012
- G. Discussion of proposed 2014 Treatment Areas
- H. Posting and Notices to Landowner's and Lake Users

GENERAL GUIDELINES

This scoping document relates to the process by which the lead agency has identified the potentially significant adverse impacts related to the proposed action that are to be addressed in the Supplemental Environmental Impact Statement, including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of non-relevant issues. Scoping provides a Project Sponsor with guidance on matters which must be considered and provides an opportunity for early participation by involved agencies and the public in the review of the proposed action. The primary goals of scoping are to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant.

The SEIS for the development shall cover all items in this Scope of Issues document. Each impact issue can be presented in a separate subsection which includes a discussion of existing conditions, significant impacts associated with the proposed action, and mitigation measures designed to minimize the identified impacts.

Narrative discussions shall be accompanied by appropriate tables, charts, graphs, and figures whenever possible. If a particular subject can be most effectively described in a graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. All plans and maps showing the site shall include adjacent homes, other neighboring uses and structures, including but not limited to wells and subsurface sanitary sewage disposal systems, roads and water bodies within a distance of not less than fifty (50') feet from the property line of the proposed action based upon existing available data sources.

Information shall be presented in a manner that can be readily understood by the public.

Roll call:

Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Yes
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 31 adopted.

Motion by Councilor Moran, seconded by Councilor Andersen to adjourn this meeting. The motion was unanimously approved.

Supervisor Zupan will declared this meeting adjourned.