

**TOWN BOARD
SPECIAL MEETING**

MONDAY

May 5, 2014

Supervisor Zupan opened the meeting at 5:00 P.M. with three Councilors present. Councilor Driscoll was absent. Councilor Moran was delayed in arriving.

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

Resolution No. 67 presented by Councilor Race, seconded by Councilor Andersen

**SEQR RESOLUTION
ADOPTING SEQR FINDINGS FOR THE TREATMENT AND APPLICATION
OF TRICLOPYR (“RENOVATE OTF[®]”) ON CAZENOVIA LAKE
PHASE IV (2014 TREATMENT)**

WHEREAS, the Town of Cazenovia has considered the possibility of treatment 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 using the chemical Triclopyr, with a brand name of “Renovate OTF[®]” (the “action”), offered the greatest potential for effective control of Eurasian watermilfoil in Cazenovia Lake; and

WHEREAS, the present action represents a fourth phase of treatment to 269± acres of the littoral (nearshore) zone of Cazenovia Lake infested by Eurasian watermilfoil (see map attached); and

WHEREAS, it has been previously determined by the Town Board on January 13, 2014 that the Town of Cazenovia would assume lead agency status for SEQR review 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 of a Draft Supplemental Environmental Impact Statement to address the environmental concerns presented by the proposed action; and

WHEREAS, the project sponsor prepared and filed a Draft Supplemental Environmental Impact Statement (hereinafter referred to as the “Draft SEIS”) in response to said request and the Draft SEIS was distributed in accordance with Volume 6 N.Y.C.R.R. Part 617; and

WHEREAS, the Town Board reviewed the Draft SEIS for completeness and on March 10, 2014, 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 the 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 25, 2014, 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, upon motion of Councilor Race seconded by Councilor Andersen, it is

RESOLVED, that in connection with the proposed action known as the “Treatment and Application of Triclopyr (“Renovate OTF®”) on Cazenovia Lake Phase IV (2014 Treatment),” the Town Board as Lead Agency has fully considered the relevant environmental impacts, facts and conclusions disclosed in the Final SEIS; and it is 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 it is 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 it is further

RESOLVED, that the Town Board hereby determines to undertake the proposed action to treat and apply portions of Cazenovia Lake with the herbicide Renovate as prescribed in the Final SEIS (as a Phase IV 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.

**New York State Environmental Quality Review Act
Findings Statement
For
Town of Cazenovia Treatment of Cazenovia Lake
With the Herbicide Triclopyr (“Renovate OTF[®]”)
(Phase IV)**

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 (treatment) of the herbicide, Triclopyr (“Renovate OTF[®]”) to 269± acres of the littoral (nearshore) zone of Cazenovia Lake for control of the invasive aquatic plant species, Eurasian watermilfoil (*Myriophyllum spicatum*).

Description of Action:

The action involves treatment of Cazenovia Lake through the application of the herbicide Triclopyr (“Renovate OTF[®]”) to 269± acres of the littoral (nearshore) zone of Cazenovia Lake infested by Eurasian watermilfoil. The treatment is designed to address the continued presence of the invasive aquatic plant species Eurasian watermilfoil (*Myriophyllum spicatum*) which has dominated the Lake surface area in recent years. This is the fourth phase of treatment.

There will be multiple treatment areas proposed for this fourth phase application as described in the Final Supplement Environmental Impact Statement.

Project Location:

Town of Cazenovia, New York (Cazenovia Lake -- 269± 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 25, 2014

Project Description:

The project is the fourth application of the aquatic herbicide Triclopyr, trade name Renovate OTF[®], to Cazenovia Lake for the management of nuisance aquatic vegetation and support of desirable plants and animals. This fourth phase of work will be for the year 2014 and is dependent on acquisition of all necessary 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, the current herbicide program will treat approximately 269± acres of the littoral (nearshore) zone of Cazenovia Lake infested by Eurasian watermilfoil in late May/early June, 2014. An additional 234 acres along the eastern and western shorelines and the lake's northern section were successfully treated in 2009; 177 acres were treated in 2010; and 228± acres were treated in 2012, all pursuant to 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, an endangered species of snail (*Novisuccinea chittenangoensis*) is present in the spray zone of Chittenango Falls. There are no data specifically testing the toxicity of triclopyr to aquatic snails. Toxicity tests were completed as part of the second year treatment program.

In the past, it was reported that several households draw water from Cazenovia Lake for potable use. The Town has completed mailings and multiple contacts to riparian households to advise them of the need to use an alternative source of potable water during the treatment period, until the residual concentration of triclopyr falls below a concentration of 0.050 mg/l. As with the Phase I, II and III treatments, the Town is making water available for all purposes to those who request it.

In 2014, the Town is providing public water to two commercial growers who pump water from Chittenango Creek for irrigation of vegetable crops. The alternative water supply will be provided during the period of restriction on use of water for irrigation purposes; in accordance with the label restrictions, water containing Triclopyr ("Renovate OTF[®]") cannot be used for one hundred twenty (120) days or until the residual concentration is equal to or less than 0.001 mg/L by laboratory testing.

Facts and Conclusions Relied on to Support the Decision:

A number of 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. Issues with potentially adverse impacts were raised prior to and during the preparation of the Draft Supplemental Environmental Impact Statement. 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 fourth treatment to Cazenovia Lake, the experiences and results of the

first three (3) treatments offered a unique perspective to the implications of the fourth treatment to the littoral (nearshore) zone of Cazenovia Lake. Additional studies have been conducted and performed and the Supplemental Environmental Impact Statement considered the impacts associated with the first, second and third treatments.

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 and mitigation measures were successfully identified and implemented under the Phase I, II and III treatments.

PART I: INTRODUCTION - PROCEDURAL REVIEW

1. The proposed action (application of Triclopyr - commonly known as Renovate OTF[®] to 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 a Lake Summit was held by the Town of Cazenovia in conjunction with the Cazenovia Lake Association 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 New York State Department of Environmental Conservation and other Lake water experts.

2. As a result of a study of various options available to the Town, it was determined that the Town Board of the Town of Cazenovia would conduct a review of the most promising potential treatment of the Eurasian watermilfoil problem for Cazenovia Lake. Phase I, Phase II and Phase III treatments were undertaken in 2009, 2010 and 2012, respectively, with full SEQR review for each treatment. Therefore on January 12, 2009, October 5, 2009 and December 12, 2011, the Town of Cazenovia Town Board established itself as the appropriate body to act as lead agency under SEQR for Phase I, Phase II and Phase III, respectively. An identical process occurred for Phase IV with the Town Board taking Lead Agency status on January 13, 2014. Notices of intent to take lead agency were again mailed to involved and interested agencies. The involved agencies were the following: New York State Department of Environmental Conservation; New York State Department of Environmental Conservation (Region 7); U.S. Army Corps of Engineers; Village of Cazenovia Board of Trustees and the Town of Cazenovia. The list of interested agencies included the following: 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 Town Board as lead agency, the Town solicited comments for its Scoping Document. Input was received from involved and interested agencies, as well as the public. The Draft Scoping Document was prepared on February 10, 2014.

4. Subsequent to the acceptance of the Final Scoping Document, the Lead Agency caused the preparation of a Draft Supplemental Environmental Impact Statement on March 5, 2014. 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 being provided on March 10, 2014 to April 25, 2014.

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 New York State Department of Environmental Conservation. In addition, the Department of Health was contacted for their input.

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

8. Additional revisions were made to the Draft Supplemental Environmental Impact Statement to be incorporated into the Final version of the document, including potential mitigations for farm uses downstream to the project site.

9. The Final Supplemental Environmental Impact Statement was accepted as complete on April 25, 2014 and notices of completion were transmitted at that time.

PART II: THE ACTION

10. The Town of Cazenovia has made a decision to provide for a fourth application of the herbicide Triclopyr (“Renovate OTF[®]”) to portions of Cazenovia Lake for the purpose of the continuation of managing the nuisance aquatic plant known as Eurasian watermilfoil. As with the Phase I, II and III projects, the use of Triclopyr (“Renovate OTF[®]”) in Cazenovia Lake must first be allowed under a permit from the New York State Department of Environmental Conservation and subject to criteria and conditions contained in such permit.

11. This decision to take the action is made in consideration of several social and economic considerations along with the potential environmental impact to the Lake, plant, fish and related aquatic life communities. From a social perspective, the presence of Eurasian watermilfoil at nuisance levels, presents conflicts with the recreational uses of the Lake, including swimming, diving, waterskiing, general boating, sailing, jet skiing and access to land from near shore areas. Under some conditions, the density of Eurasian watermilfoil creates a hazard to swimmers. Documentation of these conditions, impairing and preventing use of the Lake for recreation, are contained in numerous letters and comments offered by the effected public as part of the SEQR Scoping process and at the Town’s original public hearings on the Supplemental Environmental Impact Statement. Other individuals had noted that the value of their property has been negatively affected by their inability to carry-out recreational activities expected at a Lake setting. The results from the Phase I, II and III treatments show positive results to this problem.

12. Triclopyr (“Renovate OTF[®]”) usage in aquatic environments in New York State has been previously approved and was evaluated under the Environmental Impact Statement process by the New York State Department of Environmental Conservation. Potential impacts were addressed in a Supplemental Environmental Impact Statement prepared on behalf of the New York State Department of Environmental Conservation. Through evaluation of the scientific literature of the application of Triclopyr (“Renovate OTF[®]”) to lakes, it is expected that, with time, native aquatic plants will repopulate the Lake. With the significant reduction in Eurasian

watermilfoil, it is expected that the Lake plant community after treatment will dominantly consist of native plants. It is not expected that fish communities or the composition of lake fish populations will change, and to date, they have not. No impacts on the plant or fish community were noted.

PART III: ANALYSIS OF IMPACTS

13. The use of Triclopyr (“Renovate OTF[®]”) in the proposed treatment of Cazenovia Lake has the potential to affect Chittenango Creek and related downstream waters. Downstream impacts were analyzed in the Final Supplemental Environmental Impact Statement for the Phase II and Phase III treatments and the current proposed Phase IV treatment and are discussed below.

14. The 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, all comments submitted thereon and 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 third treatment of portions of Cazenovia Lake with the herbicide Triclopyr (“Renovate OTF[®]”). In particular, a review of the 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 was undertaken and included in the Draft Supplemental Environmental Impact Statement, comments received on that information and responses to that commentary were included in the Final Supplemental Environmental Impact Statement, which responses the Lead Agency has carefully and thoroughly reviewed and determined to be adequate. In addition, the Supplemental Environmental Impact Statement includes post-Phase I, II and III treatments studies and impacts unique to the proposed 2014 treatment.

15. During the Phase I SEQR review period, 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 the assistance of contractors retained by the Town, the various impacts of, alternatives to and potential mitigative measures for the proposed action. The same was true for Phase II and Phase III and now Phase IV. The Lead Agency recognizes that qualified experts on any topic may differ in their conclusions and, in particular, may differ in the judgments employed during analysis. The Lead Agency acknowledges that the review of this proposed action and the debate over the various benefits and impacts of the proposed action could go on infinitely. Nevertheless, the Lead Agency has carefully reviewed many hundreds of pages of documentation on the various issues that have been submitted to and prepared by the Lead Agency, other experts, the Department and general public that reflects hundreds of hours of examination of the proposed action. It has also taken into consideration the results and impacts of the Phase I, II and III treatments of the Lake. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of 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 Triclopyr (“Renovate OTF[®]”) as a Phase IV treatment.

16. SEQR was 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 the 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 from the Phase I, II and III treatments could only be performed in a conceptual manner and project modifications have been implemented to allow for later review of subsequent treatments, all of which would require additional permits at a later time. This analysis has now occurred. Any additional permitting process (beyond this Phase IV) would also undergo its own SEQR review. The Lead Agency and other agencies will seek to work closely together with the involved agencies as set forth herein to ensure that all appropriate steps are taken to minimize any risks to public health or the environment that might arise from the proposed action.

Specific findings are reported in the sections that follow.

IX. Water Resources - It has been determined that the use of Triclopyr (“Renovate OTF[®]”) 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. Triclopyr (“Renovate OTF[®]”) 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 three New York lakes treated with Triclopyr (“Renovate OTF[®]”) in 2008, Saratoga Lake, Waneta Lake, and Lamoka Lake, confirm this conclusion. Results from the Phase I, II and III treatments of Cazenovia Lake have confirmed this. While there was a temporary spike in the presence of some algal blooms after the Phase II and Phase III treatments, they did not present beyond a temporary nuisance.

X. Impact on Potable Water Supply and Human Health – Some property owners abutting Cazenovia Lake were reported to use of lake water as a source of drinking water, as well as for cooking and bathing. Notification to the homeowners through multiple channels has been undertaken and will continue, as done through the Phase I, II and III treatments program. Specific mitigation measures have been offered to provide an alternative potable water supply to residents during and subsequent to the treatment program. It was determined that the groundwater aquifer supplying water to the Oweria Point public water supply is not influenced by Cazenovia Lake. This public water supply well was sampled for triclopyr after the chemical was applied and the results were negative. With respect to the Phase IV program (as with the Phase II and III treatments), no riparian owners expressed any objections to the action due to concerns of impacts of drinking water and domestic usages.

XI. Impact on Terrestrial Flora - Water treated with Triclopyr (“Renovate OTF[®]”) should not be applied to lawns and gardens, with the exception of established lawns. Riparian homeowners have been advised of this restriction for past applications and will be notified for the 2014 application. Alternative water sources such as rain barrels and on-site wells shall be used. A small number of local farmers reported that they have drawn water from Chittenango Creek to apply to their crop lands during dry periods of the Summer. A letter of understanding outlining the potential mitigative measures in the form of an alternative water supply has been tendered to those affected parcel owners. This mitigation was successfully used for the Phase III treatment. Therefore this potential impact is mitigated. There were no reports of harmful or negative impacts reported from the Phase I, II or Phase III treatments and it is anticipated that there will be no such impacts with Phase IV.

XII. Impact on Aquatic Flora - As described in the Supplemental Environmental Impact Statement (SEIS) for New York State (ENSR 2007), Triclopyr (“Renovate OTF[®]”) is a systemic herbicide that kills susceptible plants including the roots. The chemical is taken up by plants and kills them by mimicking the plant growth hormone auxin (indole acetic acid) and when administered at effective doses, causes uncontrolled and disorganized plant growth that leads to plant death. The auxin-like action of triclopyr controls broad-leaf plants (dicots) while grasses (monocots) are tolerant. The application to Cazenovia Lake will target the dense beds of Eurasian watermilfoil. The relative susceptibility of the macrophyte species present in Cazenovia Lake was assessed and the conclusion was reached that the treatment program will target the invasive species Eurasian watermilfoil while not adversely affecting the native submerged aquatic vegetative community. This was confirmed with post-treatment testing for Phase I, Phase II and Phase III.

XIII. Impact on Aquatic Fauna - The application of Triclopyr (“Renovate OTF[®]”) to Cazenovia Lake will not have a direct impact on the lake’s warmwater fish community due to toxicity. The concentration proposed for application, which ranges from 1.0 to 2.5 mg/l (ppm) falls well below levels of potential harm to the lake’s fish community. According to published toxicological data, EPA considers Triclopyr (“Renovate OTF[®]”) to be practically non-toxic, with a 96-hour LC₅₀ greater than 240 ppm for all fish species tested (range is 240 – 947 ppm). LC₅₀ is defined as the concentration of a substance that is toxic to 50% of a test population within a defined time period (in this case, 96 hours). There have been no verified cases of toxicity to fish when Triclopyr (“Renovate OTF[®]”) is used at the maximum rate of 2.5 ppm (Washington State Department of Ecology 2004). In fact, narrative accounts from anglers and frequent lake users from the post-Phase I, II and III treatments have indicated no impact on fish communities.

The application of Triclopyr (“Renovate OTF[®]”) will not harm the aquatic biota on which the lake fish community feeds including water column and benthic macroinvertebrates. Triclopyr (“Renovate OTF[®]”) is water soluble and does not accumulate in the tissue or muscle of fish. Reduction in and eventual eradication of Eurasian watermilfoil and the resulting potential for expansion of native macrophyte species will enhance the habitat of the warmwater fish community, particularly for spawning and nursery areas.

Under the Phase I treatment SEQR review, it had been determined that the herbicide Triclopyr (“Renovate OTF[®]”) would not likely have any ecotoxicological impact on the Chittenango amber ovate snail. The Phase II treatment reviewed potential impacts to the snails. While no gastropod species had been tested for the toxicity of the chemical during the registration process, the compound is classified as “practically non-toxic”. Triclopyr (“Renovate OTF[®]”) has been tested on a range of aquatic and terrestrial species as part of the registration process. The most sensitive mollusk species tested is the Eastern oyster, with a 96 hour EC₅₀ of 58 mg/l. This concentration is orders of magnitude above the expected concentration to which in-lake or downstream mollusks would be exposed. In the Fall of 2009, the Lead Agency commissioned an ecotoxicological evaluation of the effect of this chemical on the Chittenango Ovate Amber Snail (by way of a similar species). This study concluded that application of Triclopyr (“Renovate OTF[®]”) in Cazenovia Lake will have no adverse impact on the mollusk community in-lake or downstream. The evaluation was through a 96-hour toxicity test of the effect of Triclopyr (“Renovate OTF[®]”) on an aquatic snail. Similar results were obtained for the Phase III application. The results of this testing confirmed that there will not be any expected environmental impacts to the snail, nor to its habitat.

XIV. Impact on Avian Fauna - Triclopyr (“Renovate OTF[®]”) is classified as “practically non-toxic” to avian species, the lowest ecotoxicological category. Water fowl are potentially at greatest risk due to the multiple exposure pathways as the birds swim in, feed in, and drink lake water. The factors mitigating the potential risk of harm to waterfowl include: low toxicity to avian species, the lack of bioaccumulation of triclopyr in other food web organisms, and the rapid breakdown and dilution of triclopyr in lake water. Because the application proposed for Cazenovia Lake is at an initial concentration (1-2 mg/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.

XV. Impact on Recreational Pursuits and Economic Stability - As with the Phase I, II and III treatments, swimming in the lake water will be restricted for a period of three (3) hours following completion of the Triclopyr (“Renovate OTF[®]”) application. In addition, boating will be restricted during the actual application in order to minimize interference with the planned application route. Public notices will be posted to inform the recreational users of the lake of the Triclopyr (“Renovate OTF[®]”) treatment program. The Supplemental Environmental Impact Statement describes specifically the various notices to be provided, including improvements to this process from the 2009, 2010 and 2012 notices. The application will be completed during a period of low recreational usage. Any impact is temporary in nature and no impact is 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.

XVI. 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 Phase I, II and III treatments within a few months of application. Dozens of letters from lake users expressing support for the Phase II and III treatments had been received prior to their implementation and similar support exists for the proposed Phase IV treatment.

XVII. 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 has had a mechanical harvesting program in place for decades. With consideration of the continued use of chemical treatments, the Lead Agency has recently reconsidered the controlled use of mechanical harvesting in certain areas of the Lake. The Town is exploring the use of mechanical harvesting from a holistic approach to plant management of the Lake, while avoiding the potential negative consequences of mechanical harvesting.
- C. Biological controls - As discussed in the Supplemental Environmental Impact Statement for NY (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. Recently, in 2013, the Town conducted a Pilot Program to supply benthic mats to waterfront owners. This Program has met with some success and the Lead Agency considered the continued use of benthic mats to be a compatible program with other methods of addressing the proliferation of invasive aquatic species in the Lake.
- F. Alternative chemical treatment programs - There are five (5) other aquatic pesticides (herbicides) currently approved by EPA and registered for use in New York State in addition to triclopyr: diquat, 2,4-D, endothall, glyphosate, and fluridone. None of these alternative chemicals offer the specificity to 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 proliferate the growth of weeds in the Lake. In 2012 and 2013, the Town has undertaken a comprehensive plan to identify and address unchecked erosion and siltation into the Lake. 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 conjunction with the Madison County Soil & Water Department) are currently active and financial resources have been budgeted to support them. These actions will complement the proposed action.

XVIII. Special Considerations of the Phase I, II and III Treatments - The Lead Agency has taken advantage of the lessons from the post-Phase I, II and III treatments by way of additional studies and in physical observations of the impacts of the 2009, 2010 and 2012 applications.

- A. 2009, 2010 and 2012 program review and results – The Final Supplemental Environmental Impact Statement addresses in great detail the 2009 program review and results with particular emphasis on post-application analysis and studies, including the 2009 testing of the Oweria 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 New York State Department of Environmental Conservation issued herbicide application permit); the Racine-Johnson Aquatic Ecologists, October 2009, Cazenovia Lake Plant Community Response to the 2009 Application of the Herbicide Triclopyr to Control Eurasian Watermilfoil: Abundance - All Plant Species (confirming no negative impact on native plant species due to the Phase I treatments); Aquatic Vegetation Control Report, 2009, prepared by Allied Biological, Inc. Results from the 2009 application of the pesticide (Phase I) are consistent with a successful treatment with no unanticipated negative environmental impacts. These successes are expected to be replicated with a second application as outlined in the Supplemental Environmental Impact Statement.

Similarly, the 2010 and 2012 treatment programs were considered to be successful in reducing the standing crop of Eurasian watermilfoil, while protecting the native macrophyte species. Robert Johnson returned to Cazenovia Lake in September 2010 to re-survey the lake's macrophyte community, returning to the network of sampling locations established in 2008. The results of this macrophyte survey confirmed the effectiveness of the 2010 triclopyr application in controlling the Eurasian watermilfoil population in Cazenovia Lake. While the species richness remained high, 32 unique species were recorded, Eurasian watermilfoil declined precipitously. About 14% of the sampling locations had this plant, and in only 1% of the sites was the density reported at moderate or dense. Johnson has conducted similar testing in 2011, 2012 and 2013 to determine the status of the macrophyte community on the Lake. These results support the treatment for 2014.

Additional Permits and Approvals Needed

There are a number of review and approval processes that will be required subsequent to the SEQRA process, should the Action be approved. As with the 2009, 2010 and 2012 treatments, the project requires the issuance of an aquatic pesticide permit from the New York State Department of Environmental Conservation.

SEQRA REVIEW

The Town of Cazenovia Town Board, on January 13, 2014, 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 10, 2014, with a public comment period extended to April 25, 2014. The Town Board accepted the Final Supplemental Environmental Impact Statement on April 25, 2014, concluding the SEQR process with the instant Findings Statement. This insures 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

_____ Signature of Responsible Official	_____ Hon. William Zupan Name of Responsible Official
_____ Supervisor Title of Responsible Official	_____ May 5, 2014 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.

Roll call:	
Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Absent
Councilor Driscoll	Absent
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 67 adopted.

At 5:0 p.m., Councilor Moran joined the meeting.

Resolution No. 68 presented by Councilor Race, seconded by Councilor Andersen to approve the following 2014 budget transfer:

General Fund B

To create budget for principal payment on installment purchase (municipal lease) for weed harvester and shore conveyor.

To: B9785.6 Principal on Installment Purchase	\$11,844.00
From: B8740.4 Watershed Protection CE	(11,844.00)

Roll call:	
Councilor Andersen	Yes
Councilor Race	Yes
Councilor Moran	Yes
Councilor Driscoll	Absent
Supervisor Zupan	Yes

Supervisor Zupan declared Resolution No. 68 adopted.

John Langey reported he received a call from Oweria Vineyards regarding their concerns with the special events permit. Several members of the Town Board confirmed they also received calls from the Muserlians (owners of Oweria Vineyards) and each of the members in their individual conversations with the Muserlians encouraged them to come to the public hearing when the special events law is addressed to voice their concerns.

He further reported on the status of the sewer consolidation project and commented on the excellent work generated by his consultant, Linda Mather. He was optimistic about the project and said it could possibly be done as early as the end of summer. Lastly, he reported on the \$10,000 bequest to the Town of Cazenovia made from a lady who had ties to the Cazenovia area. He said the bequest was to the Town of Cazenovia to be used for the Village Trees for Beautification Program. He said he has been talking with the Village attorney regarding the bequest and Jim Stokes has suggested half of the funds be used for the Town-owned "Green" and the other half for the general tree fund.

Councilor Moran stated she prepared the wetland permit application to harvest in the north end of Cazenovia Lake and a \$ 50.00 fee must accompany the application.

Resolution No. 69 presented by Councilor Race, seconded by Councilor Andersen to authorize the disbursement of \$ 50.00 to the Department of Environmental Conservation to pay for the wetland permit.

Roll call:

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

Supervisor Zupan declared Resolution No. 69 adopted.

John Langey also reported a license agreement is being prepared between the Town and a few property owners to allow the weed harvester operator to unload weeds at 4 or 5 various locations. He stated when the harvester is loaded with weeds it only travels at approximately 1 m.p.h.

Motion by Councilor Andersen, seconded by Councilor Raceto adjourn this meeting.

Supervisor Zupan declared this meeting adjourned.

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