

LETTER OF NOTIFICATION

Date: **March 14, 2018**

Re: **DEC Permit for the Application of Aquatic Pesticides Aquathol K (endothall), Navigate (2,4-D), and Renovate 3 (triclopyr) to Target Areas of Chautauqua Lake**

From: **The Towns of Busti, Ellery, Ellicott, and North Harmony and Village of Celoron**

The Towns of Busti, Ellery, Ellicott, and North Harmony and Village of Celoron, based on the draft supplemental environmental impact statement (DSEIS) issued by the Town of Ellery Town Board on February 8, 2018, have applied to the New York State Department of Environmental Conservation for permits to use the aquatic herbicides Aquathol K (endothall), Navigate (2,4-D), and Renovate 3 (triclopyr) in the spring of 2018 to control Eurasian watermilfoil and curlyleaf pondweed in areas of Chautauqua Lake that border each Towns' and Villages' respective jurisdictions.

By submitting the permit application, the Towns and Village have not resolved to undertake the application of herbicides to the areas that border their respective jurisdictions and will not reach a conclusion on whether to issue such resolution until a final SEIS is issued and each Town and Village issued findings concluding that such resolution should be passed.

Should any Town or Village resolve to undertake the application of herbicides consistent with a permit from the NYSDEC and should the NYSDEC issue such permit, notification of the application of the treatment will be posted at public access points on the day of the application. At this time the Towns and Village anticipate that applications would take place on weekdays in May 2018. Proposed dates are between May 1 and 25, 2018. Dates of actual treatment will be posted in the *Post-Journal*.

Water use restrictions would be in effect in certain areas of the Lake for the duration of the treatment PLUS the timeframes indicated in the table on the following page. The areas of the Lake to which each restriction applies are shown in the attached map.

Water Use Restrictions:

Product	Swimming/ Bathing	Fishing	Animal Consumption	Drinking, culinary or food processing purposes	Irrigation
Aquathol K	The Day After	No Restriction	No Restriction	Until Aquathol K concentration levels equal < 50 ppb*	No Restriction
Navigate	24 Hours	24 Hours	24 Hours	Until Navigate concentration levels equal < 50 ppb*	21 days or an assay indicating concentrations <100 ppb †
Renovate 3	During treatment and 3 hours after	No Restriction	No Restriction	<50 ppb	120 days or***
	Extent of Lake to Which Each Restriction Applies				
	Swimming/ Bathing	Fishing	Animal Consumption	Drinking, culinary or food processing purposes	Irrigation
	See maps for affected areas	See maps for affected areas	See maps for affected areas	See maps for affected areas	Entire Lake and areas shown on map

The timeframes start as soon as the treatment has ended. Information on water use restrictions, including when those restrictions are lifted, will be posted on the website of each Town and Village that undertakes the application of herbicides. In addition, signs will be posted around the Lake notifying users of the water use restrictions. When the swimming/bathing, fishing, animal consumption, and potable use water restrictions are lifted, posted signs will be modified to reflect

* Potable uses will be restricted for at least ten days after the application, and will not be lifted until lab results indicate the concentration is less than 50 ppb at the water intake. For those residents who rely on lake water for drinking water and who need to be in residence during the water use restriction period (anticipated to be 1 -2 weeks), it is necessary to notify Rebecca Haines at ellerytc@windstream.net

† If treated water is intended to be used to irrigate or mix sprays for plants grown in commercial nurseries and greenhouses; and other plants or crops that are not labeled for direct treatment with 2,4-D, the water must not be used unless one of the following restrictions has been observed: (i) a setback distance from functional water intake(s) of greater than or equal to 2400 feet was used for the application, or, (ii) a waiting period of 21 days from the time of application has elapsed, or, (iii) an approved assay indicates that the 2,4-D concentration is 100 ppb (0.1 ppm) or less at the water intake.

*** Water treated with Renovate may not be used for irrigation purposes for 120 days after application or until residues levels of Renovate 3 are determined by laboratory analysis, or other appropriate means of analysis to be 1 ppb or less.

that only the irrigation restriction remains in place. After the treatment is applied, information on the status of the irrigation restriction may be obtained on each applicable Town's or Village's website or by contacting the Town or Village clerks at the numbers below.

As a riparian owner or user, you have the right to consent or object to the restrictions on water use that would be in place should the Town or Village Board undertake the application of herbicides consistent with a permit from the NYSDEC. You have twenty-one (21) days to respond to this notice. If you would like to object to the proposed application(s), you must file a written document stating your objection to the proposed application. Your objection must demonstrate that your use of the water body will be significantly adversely affected.

If you do not respond to this notice, your lack of response will be considered to be consent to the proposed application. If you have any questions on the permitting process or wish to object to the proposed application, please contact the NYSDEC representative listed on the following page:

Michael Nierenberg
Pesticide Control Specialist
NYSDEC, Region 9
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7220

If you wish further information about the proposed management program, please contact:

Town of Ellery

Rebecca Haines, Ellery Town Clerk, (716) 386-3465 ext. 200, ellertyc@windstream.net, Monday through Friday, between 8:30am and noon or between 1:00pm and 4:30pm.

Town of Busti

Darlene H. Nygren, Busti Town Clerk, (716) 763-8561, Monday through Friday, between 8:30am and 5:00pm.

Town of Ellicott

Mike Erlandson, Ellicott Town Clerk, (716) 665-5317 ext. 202, Monday through Friday, between 8:00am and 4:00pm.

Town of North Harmony




Nancy Thomas, North Harmony Town Clerk, (716) 789-3445 ext. 2,
townclerk@townofnorthharmony.com, Monday, Tuesday, Thursday and Friday between 9:30am
and 3:30pm and Thursday between 4:00pm and 6:00pm.

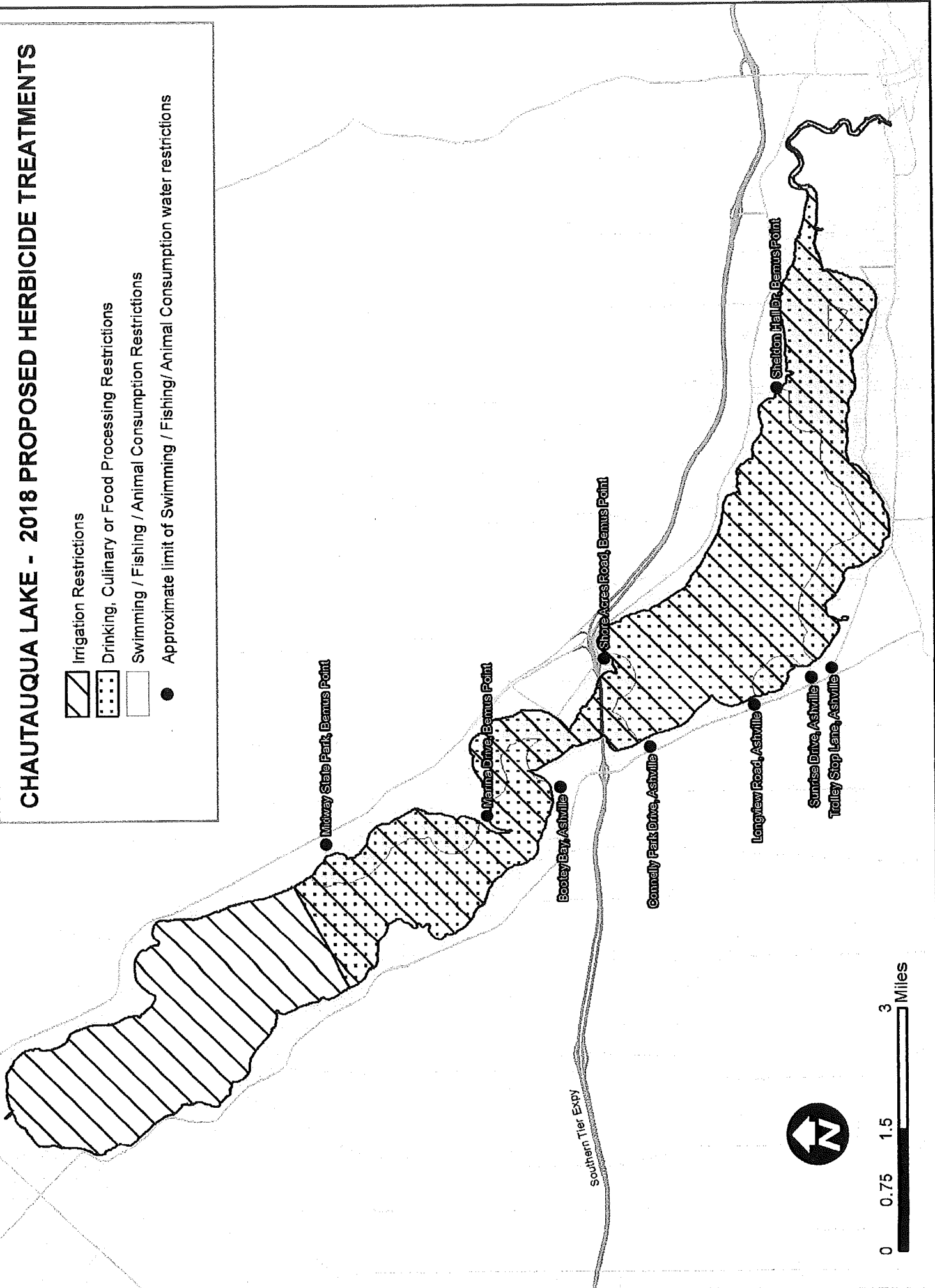
Village of Celoron

Shirley Sanfilippo, Celoron Village Clerk, (716) 487-4175, celoron@netsync.net, Monday,
Tuesday, Thursday, and Friday between 9:00am and 5:00pm.

Information on the products to be applied, including product labels, may be obtained from
SOLitude Lake Management at 888-480-LAKE (5253). Product labels can also be viewed online
at <http://www.solitudelakemanagement.com/product-labels-new-york> .




CHAUTAQUA LAKE - 2018 PROPOSED HERBICIDE TREATMENTS

-  Irrigation Restrictions
-  Drinking, Culinary or Food Processing Restrictions
-  Swimming / Fishing / Animal Consumption Restrictions
- Approximate limit of Swimming / Fishing / Animal Consumption water restrictions



**CHAUTAQUA LAKE
2018 PROPOSED HERBICIDE TREATMENTS**

Water Use Restrictions for Outlet Stream

-  Irrigation / Drinking or Food Processing / Swimming / Fishing / Animal Consumption Restrictions
-  Irrigation / Drinking or Food Processing Restrictions
-  Reference locations for water use restrictions

Southern Tier Expy

Stone Rd, Falconer

West Everett St, Falconer

Main St, Frewsburg

Riverside Rd, Frewsburg

Old Fentville Rd, Frewsburg



NEW YORK

PENNSYLVANIA

Limit of all water use restrictions