

Exhibit A



**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Acting Commissioner

March 14, 2025

Honorable Jesse Robbins
Supervisor of the Town of Busti
125 Chautauqua Avenue
Lakewood, New York 14750

Dear Supervisor Robbins:

The New York State Department of Environmental Conservation (“Department”) has reviewed your application submitted to the Department requesting a permit to apply the aquatic herbicide Clearcast, EPA reg. no. 241-437-67690, to control curly-leaf pondweed within seven areas along the Town’s shoreline. The Department has identified the following issues that need to be addressed to move forward with the issuance of the permit.

Under the newly adopted freshwater wetlands regulations that went into effect on January 1, 2025, the Department has made a positive jurisdictional determination regarding these proposed treatment areas. Therefore, a Freshwater Wetlands Permit under Article 24 of the Environmental Conservation Law will be required for this project. Please submit an application for a freshwater wetlands permit as described on the DEC website ([Getting An Environmental Permit - NYSDEC](http://www.dec.ny.gov/permits/6222.html)), including a completed Joint Application for Permit form, short Environmental Assessment Form (EAF) Part 1, and a check or money order payable to NYSDEC for the \$100 application fee. You can obtain the Joint Application and short EAF forms online (<http://www.dec.ny.gov/permits/6222.html>, scroll down about a dozen lines). The completed application should then be sent to the DEC’s Division of Environmental Permits office via email to DEP.R9@dec.ny.gov.

Also, the Department has identified a concern regarding a previously identified state-listed threatened species, Hill’s pondweed (*Potamogeton hillii*). There are Natural Heritage occurrences of Hill’s Pondweed identified in or close to your proposed treatment areas. The Department is considering timing and application rate limits to mitigate any potential risk to this species.

Honorable Jesse Robbins
March 14, 2025
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The Department will continue to review and prepare the requested Article 15 aquatic vegetation permit. Please contact our Permits Administrator at (716) 851-7168 or dep.r9@dec.ny.gov if you have any questions regarding the Article 24 application.

Sincerely,

Robert Freese Digitally signed by Robert Freese
Date: 2025.03.14 15:44:25 -04'00'

Robert Freese
Pesticide Control Specialist II

RF/slr

ec: Julie Barrett-O'Neill, Regional Director, NYSDEC Region 9
Chad Staniszewski, Assistant Regional Director, NYSDEC Region 9
Terri Mucha, Regional Attorney, NYSDEC Region 9
Lisa Czechowicz, Regional Permit Administrator, NYSDEC Region 9
Jenny Landry, Natural Resources Supervisor, NYSDEC Region 9
James Markham, Fisheries Manager, NYSDEC Region 9
Charles Rosenburg, Habitat Protection Manager, NYSDEC Region 9
Damianos Skaros, Regional Water Engineer, NYSDEC Region 9
Christopher Wainwright, WNY Pesticides Section Supervisor, NYSDEC Region 8
Glenn Sullivan, Project Manager, Ready Scout LLC
Alita J. Giuda, Esq., Couch White



**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Acting Commissioner

March 14, 2025

Honorable Larry Anderson
Supervisor of the Town of Ellery
PO Box 429
Bemus Point, New York 14712

Dear Supervisor Anderson:

The New York State Department of Environmental Conservation (“Department”) has reviewed your application submitted to the Department requesting a permit to apply the aquatic herbicide Clearcast, EPA reg. no. 241-437-67690, to control curly-leaf pondweed within seven areas along the Town’s shoreline. The Department has identified the following issues that need to be addressed in order to move forward with the issuance of the permit.

Under the newly adopted freshwater wetlands regulations that went into effect on January 1, 2025, the Department has made a positive jurisdictional determination regarding these proposed treatment areas. Therefore, a Freshwater Wetlands Permit under Article 24 of the Environmental Conservation Law will be required for this project. Please submit an application for a freshwater wetlands permit as described on the DEC website ([Getting An Environmental Permit - NYSDEC](http://www.dec.ny.gov/permits/6222.html)), including a completed Joint Application for Permit form, short Environmental Assessment Form (EAF) Part 1, and a check or money order payable to NYSDEC for the \$100 application fee. You can obtain the Joint Application and short EAF forms online (<http://www.dec.ny.gov/permits/6222.html>, scroll down about a dozen lines). The completed application should then be sent to the DEC’s Division of Environmental Permits office via email to DEP.R9@dec.ny.gov.

Also, the Department has identified a concern regarding a previously identified state-listed threatened species, Hill’s pondweed (*Potamogeton hillii*). There are Natural Heritage occurrences of Hill’s Pondweed identified in five of the seven proposed treatment areas. It was also previously identified in a 2019 vegetation survey in TA4. Therefore, to mitigate any potential risk to this species, the Department is considering a limit to the application rate of Clearcast at no more than 100 ppb in each treatment area. Please provide an explanation as to why some treatment areas require application rates of 150 and 200 ppb.

Honorable Larry Anderson
March 14, 2025
Page 2

The Department will continue to review and prepare the requested Article 15 aquatic vegetation permit. Please contact our Permits Administrator at (716) 851-7168 or email at dep.r9@dec.ny.gov , if you have any questions regarding the Article 24 application.

Sincerely,

Robert Freese Digitally signed by Robert Freese
Date: 2025.03.14 15:45:53 -04'00'

Robert Freese
Pesticide Control Specialist II

RF/slr

ec: Julie Barrett-O'Neill, Regional Director, NYSDEC Region 9
Chad Staniszewski, Assistant Regional Director, NYSDEC Region 9
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Christopher Wainwright, WNY Pesticides Section Supervisor, NYSDEC Region 8
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**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Acting Commissioner

March 14, 2025

Honorable Janet Bowman
Supervisor, Town of Ellicott
21 South Work Street
Falconer, New York 14733

Dear Supervisor Bowman:

The New York State Department of Environmental Conservation (“Department”) has reviewed your application submitted to the Department requesting a permit to apply the aquatic herbicide Clearcast, EPA reg. no. 241-437-67690, to control curly-leaf pondweed within seven areas along the Town’s shoreline. The Department has identified the following issues that need to be addressed to move forward with the issuance of the permit.

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Honorable Janet Bowman
March 14, 2025
Page 2

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Sincerely,

Robert Freese Digitally signed by Robert Freese
Date: 2025.03.14 15:47:02 -04'00'

Robert Freese
Pesticide Control Specialist II

RF/slr

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