

## LAKES AND PONDS HERBICIDE TREATMENT SUBMISSIONS

### LIMITED PROJECTS:

Per the requirements of Limited Projects under the Wetlands Protection Act, 310 CMR 10.53(4), the Applicant must (*place a check mark next to information that has been submitted*):

- Demonstrate that the project will improve the natural capacity of a resource area(s) to protect some or all of the interests of the Wetlands Protection Act.

**To meet this test**, a project must improve the natural ability of a resource area:

To protect:

- Public or private water supply;
- Ground water;
- Fisheries,
- Wildlife habitat, or

To provide:

- Flood control,
- Storm damage prevention, and/or
- To prevent pollution.

- Describe efforts proposed for **long-term management** of the lake/pond and how applicant will move away from exclusive use of short-term management methods.
- Provide the following details:**
  - Erosion controls;
  - Site access;
  - Staging areas;
  - Timetables for work and/or application of chemicals;
  - Name of supervisor or person on call who takes responsibility for work; and
  - Any other important construction considerations that might result in a resource area impact.

### Fisheries:

- Identify fisheries** present in the project area.
- The proposed project has been reviewed and approved by the MA Department of Fish and Game.
- Describe how the existing aquatic vegetation serves as fish habitat in terms of:
  - Breeding habitat;
  - Food resources; and
  - Escape cover.
- This pond is stocked.
- This pond is not stocked.
- Describe how potential impacts to existing fisheries habitat been minimized, or enhanced.
- Discuss the positive and negative impacts of the project on the fisheries, including:
  - Potential fish kills;
  - Significant modification of benthic habitat; or
  - Impact to cold-water fisheries.
- Discuss how fisheries habitat will be protected, including:
  - Preservation of high quality aquatic beds;
  - Creation of more edge effect;
  - Improved balance in ratio of forage fish to game fish; or
  - Other (describe):

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### DRAWDOWN PROJECTS:

#### Fisheries:

- Consult the Department of Fish and Game for potential fisheries impacts (prior to filing NOI).
- Provide estimated upstream and downstream flow rates during drawdown and refill.

#### Wildlife Habitat:

- Include a **discussion on how impacts to wildlife habitat will be minimized** by coordinating the timing of the drawdown (versus presence of amphibian eggs, the start of hibernation periods, reductions in emergent vegetation preferred by wildlife species, etc.).

#### Dam or Other Outlet Control Structures:

- Describe what **type of structure** is to be used to accomplish the drawdown.
- Project the rate of drawdown (inches/day), duration of, and contingency plan for closure if the structure is stuck in the open position.

#### Water Quality:

- Describe potential impacts from the project to:
  - Productivity;
  - Nutrient cycling;
  - Sediment inputs; and
  - Potential for algal blooms.
- Describe the following:
  - Erosion and sedimentation controls;
  - Removal of accumulated sediments prior to drawdown; or
  - Other appropriate measures to minimize the potential for flushing nutrients, sediments, and other pollutants to downstream lakes and ponds.

### HERBICIDE/ALGICIDE PROJECTS - Additional Information Required:

#### Water Quality:

- An Application to Apply Herbicide(s) (BRP WM 04) has been submitted to the DEP Office of Watershed Management.
  - If a copy of the BRP WM 04 license is not included in the Notice of Intent, then a condition will be included in the Order of Conditions requiring that a copy of the approved BRP WM 04 license be submitted to the Conservation Commission prior to the commencement of work.
  - Application of herbicides has the potential to result in fish kills** due to low dissolved oxygen under the following circumstances (for which avoidance or limited application of herbicides will be required):
    - High water temperature;
    - High plant biomass to be controlled;
    - Shallow nutrient-rich water;
    - High percentage of the lake to be treated; or
    - Closed or non-flowing system.
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### WILDLIFE HABITAT:

The DEP presumes that non-indigenous aquatic plants within lakes ponds are not “significant to the protection of wildlife habitat”, either in whole or as a component of a larger plant community.

As such, the control or elimination of **non-indigenous aquatic hydrophytes** within lakes or ponds will not exceed any threshold established at 310 CMR 10.56(4)(a)4 or 310 CMR 10.60, providing that work is designed and carried out using the best practical measures (BMPs).

*310 CMR 10.56(4)(a)4. The capacity of said land to provide important wildlife habitat functions*

Best Management Practices (BMPs) should include measures to control the following:

- Erosion;
- Suspension or transport of pollutants;
- Increases to turbidity;
- The smothering of bottom organisms;
- The accumulation of pollutants by organisms; and
- The destruction of fisheries habitat.

Land Under Water and Bordering Land Subject to Flooding (BLSF):

As required by the Wetlands Protection Act’s performance standards for land under water and bordering land subject to flooding, applicants should discuss the potential impacts on wildlife habitat and **the issuing authority *may condition the project to protect wildlife*** (310 CMR 10.60).

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## ACHIEVING COMPLIANCE WITH “WILDLIFE HABITAT EVALUATIONS”

### SAFE ZONES:

The following safe zones (to remain free of herbicide applications) have been established around the perimeter of all lakes and ponds and all other important habitat features listed below:

- Within five feet (5’) of:
  - The perimeter of the lake/pond measured from the Mean Average Low Water Line (MALWL) horizontally into the lake/pond;
  - Any stand of indigenous emergent hydrophytes of sufficient density to provide escape shelter from predators, and/or nesting habitat for indigenous vertebrate wildlife; or
  - Any stand of rooted, floating and/or submerged indigenous aquatic plants that has the potential to provide egg attachment or deposition sites for amphibians, and/or serves as a food source, either directly, or indirectly, to any species of vertebrate wildlife.
- Within forty feet (40’) of:
  - Any muskrat house or feeding shelter;
  - Any rock outcropping which projects above the elevation of the MALWL that can serve as a basking site, roost, perch, or “haul-out” for indigenous vertebrate wildlife;
  - Trunks, root systems, stumps, and limbs which project above the elevation of the MALWL, and that can serve as a cavity nest, rookery, basking site, roost, or “haul-out” for indigenous vertebrate wildlife.

Plant management activities within safe zones should be limited to the following BMPs:

- Direct application of herbicides to non-indigenous species that occur within areas inhabited by indigenous hydrophytes; and/or
- Eradication of non-indigenous species using methods described in Section IX - Pioneer Infestations.