



May 28, 2009

Natick Conservation Commission
Natick Town Offices
13 East Central Street
Natick, MA 01760

Re: Withdrawal of RDA for North Pond of Lake Cochituate

Dear Commissioners:

At this time, DCR would like to respectfully withdraw our Request for Determination of Applicability (RDA) filing for work in North Pond of Lake Cochituate. As you know, this is a DCR Partnership Matching Funds Program that was initiated by Wayland and Framingham, acting through the Wayland Surface Water Quality Committee and the Framingham Conservation Commission. The project involves the spot-treatment/management of invasive non-indigenous vegetation within the lake's littoral zone with aquatic herbicides.

As you know, North Pond is primarily within the Towns of Wayland and Framingham and DCR has valid Orders of Conditions from both Towns to conduct the proposed treatment. As you also know, there is a very small portion of the lake that is within the Natick Town boundary (approximately 1% of the entire surface area). We have proposed no application of herbicides to this area and had also established a 200' buffer from the Town boundaries in which no application would take place.

Although the opportunity for public comment was available at both the Framingham and Wayland hearings, we felt it would be an additional benefit to file an RDA in Natick as a courtesy to the Commission and the Natick residents even though there was no work proposed in Natick or within the buffer zone. This filing was submitted on April 21st. Unfortunately, due to Natick Town meetings and the lack of a quorum on one occasion, the regulatory requirement to issue a determination within 21 days has lapsed and the time frame now threatens to jeopardize the project.

Although we are withdrawing this RDA and will proceed with work permitted under our existing Orders in Framingham and Wayland, we would like to work closely with the Natick Conservation Commission to keep you informed of the project. To begin, please accept the information provided below:

Natick Public Water Supply

The Natick Public wells and associated Zone II are located in Middle Pond, well outside of our work area. Additionally, water flow is very strong from south to north in this system. During a dry period sampling event on May 21st, we measured flow under the Route 30 culvert to be over 10 cfs. This "bottleneck" area and flows ensure that no herbicide residue could possibly flow into Middle Pond.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

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Although all work is outside the Zone II, please note that the proposed herbicides are approved for use in a Zone II.

Effects on Aquatic Vegetation within Natick's Jurisdiction

As mentioned previously, we had established a 200-foot buffer from Natick water in which no direct treatment would take place. The herbicide proposed in Framingham and Wayland is Renovate OTF (active ingredient Triclopyr). This is a slow-release flake formulation that cannot be compared to a liquid herbicide. It is placed directly onto the target plant bed. We have collected evidence in the form of underwater video as well as a visual survey of the Wayland Town Beach area, which shows that no plants were affected outside of last year's treatment area. It is a clear delineation between treated and untreated waters. This evidence was submitted to the Natick Conservation Commission on May 27th. The beach treatment involved the same triclopyr formulation, same applicator, and same water body as we are proposing this year. We expect similar results in that plants will not be affected outside of our treatment areas.

Furthermore, we have researched the most recent aquatic plant survey data for North Pond, which clearly shows that the plant community in the Natick portion of North Pond is composed of several *Potamogeton* species. As shown on the product label, Renovate OTF does not control *Potamogeton sp.* In the rare and unexpected event that there were any drift, Natick vegetation would not be affected based on the plant community composition.

Potential Additional Precautions

To further address potential concerns, we are proposing to increase the "no-treatment" buffer to include the entire southern portion of North Pond. Additionally, we will not treat on a day with high winds blowing to the south. We would also like to attempt a pilot DASH project in this untreated North Pond area. We will inform the Commission if we are able to secure a machine and labor to commence this new aspect of the project. We are hopeful that this activity would fall under our existing physical controls Order from Natick.

In closing, we will look forward to working with the Natick Conservation Commission on this project and are hopeful that Natick will be a willing partner in our efforts to restore this valuable resource area. If you have any questions, please feel free to contact us at your convenience.

Sincerely,

Anne Monnelly
Acting Director, Office of Water Resources

Cc:

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