

Commonwealth of Massachusetts  
Department of Fish and Game

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**Management Measure Governing  
the Use of State Boat Ramps in the Hoosic and Housatonic Watersheds  
to Reduce the Risk of Transport of Zebra and Quagga Mussels**

Since the discovery of zebra mussels in Laurel Lake in early July, 2009, I have established several emergency management measures pursuant to my authority as the Director of the Office of Fishing and Boating Access (“OFBA”) in the Department of Fish and Game (“DFG”) under the OFBA Regulations at 320 CMR 2.02(4). As summarized below, such emergency management measures temporarily closed the state boat ramp at Laurel Lake in Lee and Lenox, MA and authorized local managers of other state boat ramps in Berkshire County to prevent the use of the ramp by boats that have been on Laurel Lake within the last 30 days, unless such boat has since been subject to the cleaning and disinfection measures specified therein. Under the OFBA regulations, an emergency management measure cannot extend beyond 45 days without public notice and an opportunity for the public to comment.

In a separate management measure that I issued for public comment on August 12, 2009, I am proposing to extend the temporary closure of Laurel Lake through October 15, 2009, the practical end of the 2009 boating season.

For the reasons stated below, I am also hereby establishing a long term management measure pursuant to my authority under 320 CMR 2.02(2) that applies to the use of state boat ramps in the Hoosic and Housatonic watersheds. As described in detail below, this management measure encompasses and expands on the requirements in my July 10<sup>th</sup> and 23<sup>rd</sup> 2009 emergency management measures, consistent with the new *Interim Zebra Mussel Action Plan* developed by DFG and the Department of Conservation and Recreation (“DCR”).

**Background**

On July 8, 2009 I closed the state boat ramp at Laurel Lake on an emergency basis pursuant to my authority under the OFBA regulations at 320 CMR 2.02(4). The emergency closure of the state boat ramp at Laurel Lake was in response to confirmation by DCR that zebra mussels, an aquatic invasive species, are present in Laurel Lake. It was the first time they have been definitively documented in a MA water body. Zebra

mussels, which may significantly alter the lake ecology and cause other adverse impacts on fish and wildlife and boats, can be unknowingly transported from one lake to another by boaters and other lake users.

Once Zebra Mussels occupy a lake, there is no proven method of eradicating them; therefore, the focus is on preventing their spread to other water bodies. In furtherance of this objective, I authorized two further emergency management measures on July 10<sup>th</sup> and July 23<sup>rd</sup> 2009 applicable to state public boat ramps located in Berkshire County. The July 10<sup>th</sup> emergency management measure allows local managers of such ramps to prohibit the use of the ramp by boats that have been on Laurel Lake within the prior 30 days, unless such boat has since been subject to the specified cleaning and disinfection measures. The July 23<sup>rd</sup> emergency management measure, which superseded and expanded upon the use restrictions imposed in the July 10, 2009 management measure, authorized the municipal or local manager to prohibit a boat from using the state boat ramp if it has been on Laurel Lake or on any other water body with zebra or quagga mussels within the last 30 days, unless the boat has been properly decontaminated, or if the manager observes visible evidence of an aquatic invasive species on the boat.

Furthermore, since my establishment of the above described emergency management measures, DFG and DCR have developed an *Interim Zebra Mussel Action Plan (August, 2009)*, which will be issued by the agencies on or before the establishment of this management measure. This interim plan, which is targeted to Hoosic and Housatonic watersheds, contains a comprehensive set of mandatory requirements and outreach activities to prevent the spread of zebra and quagga mussels to water bodies other than Laurel Lake. A core component of this interim plan that goes beyond my July 23, 2009 emergency management measure is to require certification by every user that their boat has not been on Laurel Lake or on other specified out-of-state water bodies known to contain zebra or quagga mussels, or if it has, that the boat has been properly decontaminated as required by the *Interim Zebra Mussel Action Plan*.

### **The Management Measure**

Pursuant to my authority as the Director of OFBA under 320 CMR 2.02(2), I may establish a broad range of management measures governing the use and operation of state boat ramps under OFBA jurisdiction, subject to the public notice and public comment requirements in 320 CMR 2.02(3) of the regulations. My management authority under 320 CMR 2.02(2) includes, but is not limited to, regulating the manner and type of use of a state boat ramp as well as prohibiting access to the ramp.

The purpose of this management measure is to reduce the risk that the boats that have been on Laurel Lake or on other specified out-of-state water bodies known to contain zebra or quagga mussels may transport zebra or quagga mussels to surrounding water bodies in the Hoosic and Housatonic watersheds. DCR has determined that water bodies in the Hoosic and Housatonic watersheds are highly susceptible to colonization by

zebra mussels based on their water chemistry. In furtherance of the above objective, this management measure provides as follows:

1. DFG/OFBA personnel and their agents (which includes authorized DCR personnel) as well as the municipal or local manager of a state boat ramp shall, consistent with the *Interim Zebra Mussel Action Plan*, have the authority to require boaters seeking to use state boat ramps located on water bodies in the Hoosic and Housatonic watersheds to first complete, to the satisfaction of the above authorized personnel, the *Clean Boat Certification* contained in the interim plan and attached hereto. **Attachment A.**
2. The above authorized personnel may also, when other aquatic invasive species (“AIS”) are visible on any watercraft, prohibit use of the boat ramp by such watercraft until such AIS has been completely removed to the satisfaction of the DFG/OFBA authorized personnel.
3. This management measure does *not* authorize the local managers of the above state boat ramps or other municipal officials or members of the public to close, gate or otherwise obstruct the public’s access to the above state boat ramps. Access may only be denied by DFG/OFBA authorized personnel in accordance with the conditions set forth in No. 1 and No. 2 above.
4. A violation of this management measure is subject to the penalties set forth in 320 CMR 2.05, which includes a \$100 fine, a prohibition on the future application for or issuance of a special or general permit to use the boat ramp, and the removal at the owner’s cost of any vehicle, trailer or watercraft that is in violation of the OFBA regulations or an applicable management measure established thereunder.

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John P. Sheppard  
Director

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Date