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Department of Fish and Game

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John P. Sheppard, Director

**Extension of Closure of the State Boat Ramp
at Laurel Lake in Lee and Lenox, MA**

On July 8, 2009, I temporarily closed the state public boat ramp at Laurel Lake in Lee and Lenox, MA, on an emergency basis 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 explained in my emergency closure notice on file with the Secretary of State, the closure of Lake Lake cannot extend beyond 45 days without compliance with the public notice and an opportunity for public comment requirements in 320 CMR 2.02(3). For the reasons stated below, I am hereby establishing a management measure that extends the temporary closure of Laurel Lake through October 15, 2009.

Background

The emergency closure of the state boat ramp at Laurel Lake was in response to confirmation by the Department of Conservation and Recreation (“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 animals and boats, can be unknowingly transported from one lake to another by boaters and other lake users.

Closing the state boat ramp at Laurel Lake on an emergency basis has given DCR and DFG time to determine more definitively the scope and severity of the zebra mussel occurrence in Laurel Lake, the risk of transport of zebra mussels to other MA water bodies, and the appropriate management measures for the Lake on a going forward basis.

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 10th and July 23rd 2009 applicable to state public boat ramps located in Berkshire County determined by DCR to have calcium concentrations and other chemical and physical characteristics to support breeding populations of zebra mussels. The July 10th 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

23rd emergency management measure, which superseded and expanded upon the use restrictions imposed in the July 10, 2009 management measure, included authorizing the municipal or local manager to prohibit a boat from using the state boat ramp if the manager observes evidence of an invasive species on the boat.

Furthermore, since OFBA's emergency closure of Laurel Lake, DFG and DCR have developed an *Interim Zebra Mussel Action Plan*, 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. Finally, later this month I intend to establish an additional long term management measure applicable to all other state boat ramps on water bodies located in the Hoosic and Housatonic watersheds that, consistent with the *Interim Zebra Mussel Action Plan*, will impose mandatory actions on users of state boat ramps, including requiring certification by every user that their boat has not been on a water body where there has been an occurrence of zebra mussels, or if it has, that the boat has been properly decontaminated as required by the *Interim Zebra Mussel Action Plan*. Violation of the self certification requirement or any other provision of this upcoming OFBA management measure is subject to the fine and penalties specified in the OFBA regulations.

Extending the Closure of the State Boat Ramp at Laurel Lake

Pursuant to my authority as the Director of OFBA under 320 CMR 2.02(2), I may establish a broad range of long term management measures governing the use and operation of its boat ramps, subject to the public notice and public comment requirements in 320 CMR 2.02(3) of the regulations. Such authority includes prohibiting the use of a public access facility under 320 CMR 2.02(2)(c).

As of the date of this management measure, Laurel Lake is the only MA water body determined to have an occurrence of zebra mussels. The above referenced *Interim Zebra Mussel Action Plan* actions and the upcoming OFBA long term management measures will continue to further the objective of preventing the spread of zebra mussels to other MA water bodies once they are fully implemented. Consequently, I have determined that extending the closure of the state boat ramp at Laurel Lake through October 15, 2009, the practical end of the 2009 boating season, is needed to provide sufficient time for DFG and DCR, as well as municipalities and other interested parties, to fully implement the range of actions called for in the *Interim Zebra Mussel Action Plan*.

John P. Sheppard
Director

Date