

BERKSHIRE REGIONAL PLANNING COMMISSION

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Executive Director

September 17, 2009

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Massachusetts Interim Zebra Mussel Action Plan

Dear Secretary Bowles:

The Berkshire Regional Planning Commission (BRPC) is pleased to submit comments on the Massachusetts Interim Zebra Mussel Action Plan on behalf of the undersigned parties. We appreciate and support the efforts of both the Department of Conservation and Recreation and the Department of Fish and Game to control the spread of zebra mussels. We trust that these comments will be taken into consideration and incorporated when developing a final action plan.

It is critical that a final action plan:

- Represents a single management focus across the various governmental agencies;
- Applies to all water bodies and all watercrafts and is not limited to state boat ramps under the control of the Office of Fishing and Boating Access;
- Includes clear and consistent decontamination procedures;
- Addresses the need for funding an expanded boat ramp monitoring program; and
- Includes enhancement and expansion of the current education program.

We understand that the plan will be evaluated and a final plan will be developed by DCR and DFG in cooperation with the Massachusetts AIS Working Group in the Winter of 2009/2010. We would like to be involved in the development of the final plan and hope that you will consider working with us during this process.

Sincerely,

Nathaniel W. Karns, AICP
BRPC Executive Director

Aimee Thayer
BRPC Regional Issues Committee Chair

John P. Hickey
LAPA-West President

James McGrath
City of Pittsfield Harbor Master

Lee Hauge
President Friends of Pontoosuc Lake Watershed

Robert W. Race
President Lake Onota Preservation Association

Dennis C. Regan
Berkshire Program Director
Housatonic Valley Association

Comments on the Massachusetts Interim Zebra Mussel Action Plan

1.2 Species Ecology on page 6 includes the following:

“People are not the only way zebra mussels can be transported. Pets and aquatic wildlife such as waterfowl, turtles, crayfish, beaver, muskrats, and otter are also potential vectors for this species.”

Wildlife should be included within the plan as a potential vector for the spread of zebra mussels only if there is sound, scientific data to support such claims. We are not aware of any scientific data that supports the claim that wildlife is a potential vector for the spread of zebra mussels.

4.2 Educational Materials on page 12 mentions two brochures. BRPC and LAPA-West were directly involved in developing a zebra mussel brochure and are highly supportive of continuing to utilize the brochure as part of an educational program. However, we recommend a far more robust educational program beyond the brochures mentioned in the interim plan. The education effort should be expanded consistent with the recommendations of the *Zebra & Quagga Mussel Education, Monitoring, and Outreach Phase II Final Report* (BRPC, 2009) in the following ways:

- Develop a professional marketing program.
- Purchase customized “Zebra Mussel Watch” cards at \$0.08 per card.
- Produce a public service message for residents to be shown on public access television.

4.3 Decontamination Procedures on page 14 includes the following note:

“Professional washing or use of a commercial wash is a decontamination option if a boater is unable to follow the basic steps of clean, drain and dry (especially during wet weather when it is difficult to ensure that a boat is completely dry). However, based on the Boat Wash Station Feasibility Study funded by DCR for Otis Reservoir in 2002, DCR does not consider the construction of new boat wash stations at public access points to water bodies practical due to site constraints, wash water disposal, and other issues.”

BRPC prepared the Boat Wash Station Feasibility Study funded by DCR for Otis Reservoir in 2002. The study determined that a boat wash station was not feasible at Otis Reservoir at that time. However, it seems premature to rule out boat wash stations at all public access points based on a study specific to Otis Reservoir. If boat wash stations at public access points are deemed to be infeasible, boat wash stations should still be considered at other sites/locations. The feasibility of establishing regional or sub-regional decontamination stations that are certified to adequately decontaminate boats should be evaluated.

4.4 Boat Ramp Monitoring on page 14 mentions the current boat ramp monitoring program. This section makes no mention of a boat ramp monitoring program in the future. A final action plan should include a plan for a fully funded, comprehensive boat ramp monitoring program for future years.

Boat ramp monitors should collect data about when boats are launched and where they have been. Such data could be used to make informed decisions about how to deploy monitors to most effectively prevent the spread of zebra mussels with a limited resource. The forms used by the monitors should be simple to use in the field and should be reviewed and revised as necessary.

5.2 Further Regulatory Actions and Enforcement on page 16 includes the following:

“Violations of the OFBA regulations, including any management measure established by the Director, are 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.”

We acknowledge that the \$100 fine is consistent with 320 CMR 2.05. However, a \$100 fine is inadequate and DCR and DFG should explore potential avenues for instituting higher fines.

Page 17 includes the following:

“Finally, because the OFBA regulations apply only to the use and operation of state boat ramps under OFBA control (which are not the only vectors for the spread of zebra mussels), DFG/DCR are also evaluating whether additional state legislation or state regulations are needed to comprehensively address the long term management of zebra mussels in Massachusetts.”

It is critical that a final action plan include measures that apply to all water bodies and are not limited to state boat ramps under OFBA control. A final action plan should consider the potential for spread of zebra mussels to rivers as well as lakes and ponds. Additional state legislation or state regulations are needed to comprehensively address the long term management of zebra mussels in Massachusetts.

5.5 Partnerships on page 17 includes the following:

“DCR and DFG, the state agencies with lead roles in implementing this Interim Action Plan, will continue to work with our local partners...”

The role that local partners play should be clearly established including their role in developing the final action plan. The partners listed on page 17 should be included as participants in the Massachusetts Aquatic Invasive Species (AIS) Working Group. We urge that a subcommittee of the AIS be formed to specifically address the many issues with zebra mussels.

5.6 AIS Working Group Coordinating Function on page 18 includes the following:

“The AIS Working Group will continue to serve as an interagency coordinating body for zebra mussel efforts as appropriate, and interim plan to meet in mid-September, 2009 to discuss state agency actions up to that point, as well as long-term strategy. In addition, the AIS Working Group will continue to facilitate discussions with the Northeast Aquatic Nuisance Species Panel and other partners as necessary for input and guidance on future actions.”

The makeup of the AIS Working Group is unclear. We acknowledge that each state agency and division has its own mission and sphere of authority. For this reason, it is critical that the AIS Working Group includes representation from all of the appropriate state agencies and divisions. We recommend that, as Secretary of Energy and Environmental Affairs, you provide a clear directive to the various state agencies and divisions to work together and create balance with regard to this important issue. Otherwise, we fear that this poses a serious if not fatal barrier to addressing our water resources as a whole.

It is also unclear how other partners will provide input and guidance on future actions. We recommend that the group utilize a public / private partnership approach. As noted above, the partners listed on page 17 should be included as participants in the Massachusetts Aquatic Invasive Species (AIS) Working Group. We would like to take this opportunity to offer to become involved in the development of the final plan.

Attachment D Decontamination Procedures Table 1 on page 24 includes errors in which the plan is not consistent about the number of days or hours required for air drying and the temperature needed for washing. The measurements used in decontamination procedures should be clear and consistent using appropriate layman’s terms. The decontamination procedures included within the interim plan are not consistent with the procedures developed under the *Zebra & Quagga Mussel Education, Monitoring, and Outreach Phase II Project*. Under that project, decontamination procedures were identified that were both conservative (ensured decontamination) and easy to understand. The procedures should be revisited

to insure that they are both effective and clear and easy to follow. Final decontamination procedures should be consistently promoted within the final action plan, zebra mussel brochure, and the clean boat certification form.

Attachment E Clean Boat Certification Form

Question A. on page 26 includes a list of six water bodies. The list should be expanded to be a more complete list of infected waters in close proximity to Massachusetts. Lakes that should be added are as follows:

- | | |
|--------------------|-------------------------|
| Ballston Lake (NY) | Saratoga Lake (NY) |
| Lake Bomoseen (VT) | St, Lawrence River (NY) |
| Mohawk River (NY) | The Finger Lakes (NY) |

Question B1. on page 27 includes yes and no answers for cleaning a vessel, draining water, and drying a vessel. Since all three steps are necessary for self-certification, the certification could be simplified by utilizing a single yes or no at the end of the list.

Bob Race comments submitted earlier;

COMMENTS ON THE Proposed Long Term Management Measure AND THE Interim Zebra Mussel Action Plan

Management Measure

- 1.) Re Laurel Lake closing (pg 1) -- I would recommend that the ramp "closure" be maintained thru the end of the year unless there is a compelling reason to open it up on October 15th.
- 2.) On page 3, paragraph 1 -- I recommend addition of "and their agents" for the municipal or local manager as was done for DFG/OFPD personnel.

Management Measure Attachment A. (Clean Boat Certification)

- 1.) Front Side Right Half -- I would recommend making item A a single question leaving it basically as worded but replacing the six individual water body questions with a more complete list of infected waters similar to the list Pittsfield is currently using (including a couple of blank lines for future additional water bodies) and then a big YES or NO at the end Pittsfield's list is:

- | | |
|-----------------------|-------------------------|
| Laurel Lake (Lee, MA) | Lake George (NY) |
| Lake Champlain (VT) | Saratoga Lake (NY) |
| Lake Bomoseen (VT) | Ballston Lake (NY) |
| East Twin Lakes (CT) | St, Lawrence River (NY) |
| Hudson River (NY) | _____ |
| Mohawk River (NY) | _____ |
| The Finger Lakes (NY) | _____ |

This recommended change will accomplish two things. First, it is a more complete listing of infected waters that visiting boaters might have used. Secondly, it will significantly simplify the self-certification process with a single YES or NO.

- 2.) Back Side Left Half -- Again, why ask three questions when one will do. To certify requires meeting all conditions so I recommend stating the conditions and then asking one YES or NO question. I also believe the requirements should be the same as the new DCR brochure we have all

been distributing (e.g. up to 4 weeks drying in cool/wet weather vs the new 18 days) unless we've learned something new! Also I find the washing instructions very confusing. I thought high pressure hot (140F) water was adequate to kill them and that the bleach or vinegar option was for situations where 140F water was not available. And somehow I can't picture a boat and trailer in a salt bath. **I believe this section needs a serious technical/managerial review before finalizing and promulgating this form.**

Interim Zebra Mussel Action Plan

- 1.) Pg 11 item 3.4 -- It would be very helpful to list the launch ramp managing authority by title and name for each of these involved lakes.
- 2.) Pg 14 item 4.4 --Completely ignores the significant volunteer augmentation of the limited DCR monitor effort by several communities.
- 3.) Pg 16 item 5.2 -- I believe the \$100 fine is probably too low to have much impact. However towing the vehicles without certification should really get their attention!
- 4.) Pg 18 item 5.6 -- I would like to strongly recommend that your "partners" listed in item 5.5 be included in the September and future "strategy reviews" if you truly believe we have anything to contribute!

Respectfully submitted,

Robert W. Race

25 August 2009