



ANNUAL REPORT TO TOWN
February 2018

To: The Honorable Select Board and the Residents of the Town of Stockbridge

For years the Stockbridge Bowl Association has been seeking to implement a Lake Restoration Plan which would control the invasive Eurasian Water Milfoil proliferating in shallow water around the lake and dredge some of the accumulated sediment behind the Island and down the outlet before those areas become a bog. With advice from outside experts, we had reason to believe that we could achieve those goals without disturbing the habitat of a snail which the Commonwealth of Massachusetts has designated as "rare and endangered." It now appears that we shall have to turn to Plan B.

Background

For decades users and admirers of Stockbridge Bowl have watched as milfoil weeds spread completely around the perimeter of the lake, perhaps first deposited in the lake by fish tank hobbyists. For years the Town tried to control the milfoil by means of a mechanical harvester, but the weeds always grew back. Meanwhile, the lake, which used to drain and clean itself regularly became dammed by a Town sewer line and three natural gas pipelines transecting the outlet to the Bowl. The impeded flow deposited eight to ten feet of sediment behind the Island and down the outlet. If not addressed, the accumulated sediment threatened to turn those areas into a bog.

Five years ago, the Stockbridge Bowl Association formed a committee to investigate alternative methods of controlling the nuisance weeds proliferating in Stockbridge Bowl. Six neighboring lakes and seven methods of weed control were studied as well as practices generally employed elsewhere in the State. The committee reported its findings and conclusions to the 2015 annual meeting held at Edith Wharton's, the Mount, and described seven possible solutions for controlling Eurasian Milfoil including: *hand pulling, benthic barriers, mechanical harvesting, hydro-raking, bio-controls, herbicides and a partial winter drawdown.*

The existing lake management plan called for dredging a channel from the diversion drain to the main body of the lake just beyond the Island out to a depth of seven feet to reduce the sediment that had been accumulating for over half a century behind the Island and down the outlet. The committee endorsed the idea of using a partial winter drawdown as an economical method of controlling milfoil to freeze the plant roots. This method would also have the salutary effect of placating some people who were reluctant to apply herbicides to our lake even though modern herbicides are the most common, time-tested and economical manner to safely control milfoil.

Present

At the last annual meeting of the Stockbridge Bowl Association, we discussed the fact that we needed to meet with the State's Natural Heritage Endangered Species Program (NHESP) to learn whether our proposal to dredge and drawdown would be acceptable or whether NHESP would rule that either of those techniques endangered part of the habitat of a rare mollusk, *Marstonia lustrica*, which lives in Stockbridge Bowl.

We had been eager since fall 2016 to meet with NHESP to present our case; but the agency would not meet with us until GZA - the Town's engineering consultants - had submitted their fall 2016 snail survey, which GZA delayed doing until the last day in June 2017. We were finally able to confer with NHESP at its Westborough headquarters just before the end of 2017. We were assisted at the meeting by GZA and their snail expert, Professor Thomas Coote.

By the end of the two-hour meeting, NHESP announced their firm belief that the proposed dredging behind the Island would dry out and impermissibly kill snails living behind the Island and down the first third of the outlet; and moreover, that a subsequent 5.5 winter drawdown would be a "taking" of snail habitat out to the 5.5 foot depth. Furthermore, an application to proceed would have had to demonstrate that there was no less damaging way to control milfoil. But, according to NHESP's aquatic experts, herbicides - which have been safely used in their present formulation in hundreds of Massachusetts lakes for over a quarter of a century - are a preferable alternative to control milfoil without endangering the snails, humans or other aquatic life. Relying on herbicides would have the added advantage of controlling the invasive weeds out to their maximum depth (about 15 feet) not just to a 5.5 foot depth of the previously proposed winter drawdown. In light of this information, the NHESP regulators announced that they found it "hard to see a clear path to a permit" for either dredging or drawdown.

We then shared with NHESP staff the fact that the Stockbridge Conservation Commission had unanimously sought to prohibit the use of herbicides in the Bowl. NHESP immediately responded that such action by a town government plainly violated Massachusetts law under which state regulation of herbicides preempts any local control. The staff cited a ruling by the highest court in the Commonwealth, which outside counsel to the SBA has confirmed.

Plan B

The Stockbridge Bowl Association will be conferring with the Town and lake management experts to determine how to proceed using a combination - we expect - of herbicides, hydro-raking and limited dredging of the outlet in areas not inhabited by *Marstonia lustrica*.

Respectfully submitted,

Stockbridge Bowl Association

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