

**AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE, MAIN 2
MONTPELIER, VT 05620-3522**

SUMMARY OF ORAL COMMENTS/QUESTIONS

The following is a summary of oral comments received during a public informational meeting in consideration of a petition submitted by the Shadow Lake Association (SLA), under Subsection 4.1(d) of the Vermont Use of Public Water Rules (VUPWR), to establish a one (1) acre temporary no boating or swimming zone to minimize the spread and enhance the control of aquatic nuisance species Eurasian watermilfoil (EWM), *Myriophyllum spicatum*, in Shadow Lake (in “Danforth Cove”). The petition was placed on public notice from July 23, 2014 through August 22, 2014. A public informational meeting was held at 7:00 pm on Tuesday, August 12, 2014 at the Glover Town Hall. A legal notice was placed in the *The Barton Chronicle* on July 23rd posted in the Glover Municipal Office, and sent to interested persons. In response to an oversight in not clearly notifying the adjacent landowners nearest to the proposed closure area, an extension of the public notice period was granted for additional two weeks, until September 5th. During which time additional oral and written comments were submitted by the SLA as well as from a number of local residents, including landowners adjacent to the closure area.

COMMENTS/QUESTIONS:

1. If aquatic invasive species boat inspections and washing are not mandatory, why close a portion of the lake when EWM or other AIS could be transported into Shadow Lake?
2. I am concerned about how equitable the impacts of the closure are across Shadow Lake. It only directly affects property owners adjacent to the closure area.
3. The SLA petition insinuates only users of the lake nearest to the closure area have been swimming in the buoyed area.
4. Many users of the lake are renters of property (transient users), who are not made aware of the EWM control efforts or currently buoyed control area.
5. I am concerned about the closure’s impact on businesses, loss of income, and image of closed area on renters and patrons.
6. The implementation of VUPWR appears to be an overreach of the Department’s regulatory authority.
7. Actual observations of “violations” of demarcated area are limited
8. I acknowledge the concerted, ardent EWM control efforts from SLA, other volunteers and hired contractors. On the whole, the EWM control efforts from SLA have been heroic.
9. There is a lack of sufficient control of EWM spread in Shadow Lake currently.
10. As was done in the past, I suggest a water level drawdown over the winter to control all nuisance aquatic plants.
11. I don’t understand the harm in boating or swimming through the proposed closure area?
12. The Department suggested the SLA file the petition under the UPWR for the closure area, so why is it taking so long to make a decision?

13. The closure will help the ongoing EWM control efforts.
14. Uncontrolled EWM will adversely affect property values.
15. Many non-residents swim in Danforth Cove. Therefore, the closure will inhibit to “public access.”
16. The navigation route around closure area nearest to shore is rather shallow (3 ½ feet deep), ideal for neither swimming nor boating.
17. Danforth Cove is a “natural catch all” of drifting material, what efforts are underway to prevent the re-establishment of EWM after the closure and ongoing control efforts.
18. Improve EWM awareness needs to be improved across lake.
19. Why weren’t adjacent property owners notified directly by mail? The short notification period (2 days prior to the meeting seems underhanded.
20. The residents of the Danforth Cove have not been told about the nature and reason for the closure; certainly not to the same extent as the SLA. The adjacent landowners to the closure area have not had this petition nor the process explained to them sufficiently.
21. What does swimming and other recreational uses mean?
22. I am concerned about the state not handling and communicating the closure well, especially once it goes into effect.
23. What about enforcement? What entities are responsible to enforce the closure? How effective will it be without enforcement?
24. On balance will the closure adversely affect the adjacent landowner’s (property value & recreational uses) more than the EWM infestation itself?
25. Why ban self-propelled boats or swimming, what harm will they do to the ongoing control efforts and spread of EWM?
26. While EWM necessitates control, how will the closure actually improve the existing control efforts?
27. Business in the cove, including camp rentals, will be the most adversely affected. What restitution do they have to mitigate the loss of business?
28. When will the decision go into effect?
29. Why not reach out to camp owners in the cove to see what can be done voluntarily first, versus using a regulatory approach?
30. What are the control efforts ongoing now?
31. This is an opportunity to eradicate EWM from Shadow Lake that must be seized. Eradication is possible using the UPWR.

32. The SLA has confirmed the buoy depth is more than 5 feet at all locations.
33. EWM has been identified in other locations around the lake and immediately outside the closure area.
34. EWM control is critical to maintaining access and use, and property values
35. The initial response from the Department to control EWM upon first detection was insufficient. The closure should have occurred at that point, not now.
36. Boats traveling through area in Danforth Cove were likely contributors to spread throughout lake.
37. EWM spread and proliferation is much worse than temporary closure. I acknowledge swimming and other uses will be difficult in Danforth Cove with the closure in effect, but no worse than a thick, unnavigable mat of EWM. The prospect of a closure is scary especially to those who live in Danforth Cove, but on balance, living with uncontrolled EWM will be much worse.
38. EWM infestation would adversely affect public use, wildlife, and become more expensive to control.
39. I have confidence in the Department's (Ann Bove) assessment of situation. The SLA should follow the state's advice.
40. The delay in notifying the SLA members about closure was due to the lack of communication from the State.
41. The SLA did not want to exacerbate the situation by notifying every one of the possible closure without clear support.
42. How deep do swimmers and kayakers go? Do they actually spread the EWM and adversely affect the associated control efforts? Why not limit closure to just boats (vessels), and not include swimming (persons)?
43. Why not make the boat wash mandatory?
44. If/when the closure goes into effect, who is responsible for the implementation of the order?
45. Who administers the day-to-day operation of the closure?
46. Can the closure area be moved to accommodate changes in the proliferation or movement in the location of EWM infestation? If not, how can the closure area be moved? Could the closed off area be expanded? If so, what is the process for doing so?
47. What exactly does an area not to exceed 10 percent of the surface area of the lake mean? How is the size of the area determined? Will the administrative order allow for the closure of a one acre area or an area not to exceed 10 percent of the surface area of the lake?
48. Is ice fishing and other winter activities still allowed in the closure area?
49. I suggest reviewing closure area monthly (and not in accordance with the UPWR). Why not conducted assessments at most appropriate time of the year (e.g. late spring and late summer)?

50. The “brown blob” on the closure map is not clear. It appears larger than one acre. How is the area to be closed going to be clearly referenced in the permit? The specific area of the closure is not clear.
51. Can the comment period be extended to allow for more time to review the petition and UPWR?
52. I suggest the adjacent landowners within Danforth Cove support the intent of the petition, not the petition itself.
53. Is it possible that activity on/around the bottom barriers/benthic mats is better than no activity at all?
54. Is it possible to put a navigation channel through the middle of the closure area? If yes, why not put a channel through the center of the closure area to improve/allow for swimming and navigation?
55. How near to the demarcation buoys can travel occur without violating the closure? What if EWM is immediately outside the buoyed closure area and I travel through it?
56. Why not have more informative meetings to educate people about EWM identification and control efforts?
57. The divers have stated that there is no more EWM under the mats. What is the point of closing this area off if the EWM is gone?
58. I am concerned about the duration of the closure. Once a closure in place, it could potentially be closed off longer than anticipated.