



Vermont Department of Environmental Conservation
Watershed Management Division
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Agency of Natural Resources

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Linda Gilman, President
Shadow Lake Association
PO Box 51
Glover, VT 05839

[Via email to: Linda Gilman, lindagilman@myfairpoint.net
Christine Cano, mermaid@myfairpoint.net]

RE: Petition for temporary closure area of a portion of Shadow Lake under Section 4 of the Vermont Use of Public Waters Rules

Dear Mrs. Gilman:

On April 22, 2014 the Shadow Lake Association (SLA) submitted a petition to the Department of Environmental Conservation (the Department) under Section 4 of the Vermont Use of Public Waters Rules (VUPWR), requesting temporary closure of an approximately 1 acre portion of Shadow Lake in "Danforth Cove" due to an infestation of the aquatic nuisance species Eurasian watermilfoil (*Myriophyllum spicatum*). Where deemed necessary, Subsection 4.1b of the VUPWR allows for the temporary closure of a designated area to prevent, control, or contain the spread of an aquatic nuisance infestation provided that:

1. The total area closed constitutes not more than 10 percent of the surface area or 50 acres, whichever is less, of the lake, pond or reservoir;
2. The total area adjacent to the shoreline closed constitutes not more than 10 percent of the shoreline of the lake, pond or reservoir;
3. Every reasonable effort has been made to configure the area closed to minimize the impact on the use of any public access area and to provide access to the body of water for all shoreline property owners; and
4. Such action will enhance the efficacy of an active program designed and implemented to prevent, control or contain the spread of an aquatic nuisance infestation.

Upon receipt of the SLA's petition (a formal request), a thorough review was conducted by Agency of Natural Resources staff. The petition was placed on public notice for 30 days, starting July 21st. A well-attended public informational meeting was held at the Glover Town Hall on August 12, 2014. At which time the public notice period was extended two additional weeks, ending on September 5th, to accommodate for the considerable interest.

Owing to the notable success of the SLA's vigilant work throughout Shadow Lake to control Eurasian watermilfoil, the presence and future proliferation of this aquatic nuisance plant has been considerably reduced and appears to be under substantial control. The Department apologizes for not having rendered a decision in sufficient time to be relevant during the 2014 season. Nonetheless, the Department strongly encourages the SLA to continue its survey and assessment work to not only confirm the effectiveness of the recently removed bottom barriers from Danforth Cove (authorized under Aquatic Nuisance Control Permit #2011-B05) but also to determine if additional efforts, including those authorized under Aquatic Nuisance Control Permit #2013-H02 for suction harvesting, will sufficiently prevent the proliferation of any remaining Eurasian watermilfoil throughout Shadow Lake.

Because the Department cannot make affirmative findings under the provisions of the VUPWR (outlined above) at this time, the SLA's formal request to temporarily close a portion of Danforth Cove under the VUPWR is denied. However, given the ever-changing circumstances inherent to controlling aquatic nuisance infestations and upon consideration of the most current information available, the Department has prepared to more rapidly consider a new petition if the SLA believes it would advance its Eurasian watermilfoil control efforts in the future.

Please contact Matthew Probasco at 802-490-6133 or via email at matthew.probasco@state.vt.us if you have any questions regarding this decision.

Best regards,

Peter LaFlamme, Director
Watershed Management Division