

Summary of Potential Non-Compliance with Order of Conditions

DEP File Number: 208-0873

Applicant: Les Smith, Lake Shirley Improvement Corporation

The following items, by reference number, in the attachment to the Order of Conditions (OoC) require discussion and or evidence of compliance:

Note: only items that the Conservation Commission does not have clear indication of compliance are identified below, but the applicant is encouraged to review all 19 items in the OoC and evidence of compliance should be brought to the Conservation Commission hearing.

Item 3: Algal population (cell count) and water clarity are to be taken weekly beginning no later than mid-June. Samples are required from each of the three basins.

Item 4: Although not required, application or at least discussion of a copper sulfate treatment is expected when clarity approaches 4.5 feet, blue green algae cell counts exceed 25,000- 50,000 per ml or more, blue-green algae clumps are observed.

Item 6: Application dosage will not exceed 0.1 ppm as metallic copper

Item 8: The vegetation treatment plan should identify the needs criteria that was used for the proposed treatment. Four categories are defined in the OoC.

Item 9: There will be no treatment within a 5 foot wildlife habitat preservation zone around the lake

Item 13: Testing of two wells in close proximity of the lake is required. The selected wells will be approved by the Conservation Commission

Item 14: Herbicide/algaecide application shall be applied at concentrations no higher than as described in the Notice of Intent

Item 17: In late July of each year an annual lake vegetation survey will be conducted by a qualified third party contractor.

Item 18: An annual project completion report shall be provided to the Conservation Commission on or before November 30. In addition to other specified content, the annual report "must also contain information on strategies, plans and actions to pursue alternate methods of nuisance plant control and watershed nutrient source reduction"

Note that per Item 19: "Application in future years is dependent on whether the conditions of the Order of Conditions are met"