

FF#1. The Commission has determined that the project, as proposed in the Notice of Intent and supplemental information, meets the requirements and preconditions of an Ecological Restoration Limited Project per 310 CMR 10.11, 310 CMR 10.12 and 310 CMR 10.53(4)(e).

Special Conditions:

SC#20. Except as noted in this order, all work shall be done in accordance with all approved plans and information on file with the conservation commission, all special conditions and supporting documentation submitted to the commission as revised in this order or at the public hearing, and any commitments made by the applicant, owner or their representatives at the public hearing or in writing.

SC#21. It is the responsibility of the applicant/owner to procure all other applicable federal, state, and local permits and approvals associated with this project.

SC#22. All correspondence to the Commission(s) on this project shall reference the DEP file number and be copied to the Western Regional Office of MA DEP.

SC#23. This order shall be made part of any contract documents for the project and shall be furnished to all contractors and sub-contractors. This Order shall apply to, and be binding upon; the applicant/owner, their employees, vendors, contractors, sub-contractors, and all successors and assigns in interest and control of the property.

SC#24. Any changes, additions, or omissions in the approved project shall be submitted in writing to the Commission(s) for prior approval and determination of whether an amendment or new notice of intent is required. A copy of such request shall be sent to the Western Regional Office of MA DEP.

SC#25. Renewal, extension or amendment of the order of conditions: upon filing for any renewal, extension, or amendment of the orders of conditions, the applicant shall similarly file with the Massachusetts Division of Fisheries & Wildlife.

SC#26. This order shall expire five years from its date of issuance, and shall not be granted an extension permit, unless NHESP grants written authority to seek and obtain an extension permit, and the permittee provides a copied notice of such written authority to MassDEP. This Order shall expire five years from its date of issuance, and shall not be granted an extension permit, unless a comprehensive revised Lake Management Plan is submitted to the Commission(s) that incorporates a long-term management methods to improve water quality and vegetation management.

SC#27. All NHESP conditions listed below to avoid effects to the Resource Area Habitats and to avoid a prohibited Take of state-listed species, the following condition(s) must be met:

1. **Submit Annual Herbicide Treatment Plan.** The Applicant must submit a written annual treatment plan to the Division for review and approval at least sixty (60) days prior to each year's proposed treatments. The treatment plan shall include, at a minimum, a detailed map of the proposed treatment area and methods, calculated treatment acres by method, proposed date(s) of

treatment(s), proposed herbicide product names and formulations, active ingredients, active ingredient target concentrations and calculated treatment concentrations.

2. **Monitoring and Mapping.** The project shall comply with the submitted monitoring plans for each activity as described in the filing, Attachment B.
3. **Herbicides.** The Applicant must ensure that treatments remain below the following concentrations, for each application, for each product (Product, Threshold): · Florpyrauxifen-benzyl (ProcellaCOR EC, EPA #67690-80), less than 10 ppb · Sonar Q (fluridone; EPA #: 67690-21), Less than or equal to 25 ppb · ClearCast (Imazamox; EPA# 241-437-67690), MA label rate · Surfactant MON 0818, if applicable, less than 25 ppb
4. **2 Foot Annual Winter Drawdown.** The drawdown shall comply with GEIR's Drawdown Performance Standards (Section 4.2.6.3, pdf page 332, summarized below, Mattson et al 2004): a. Commence drawdown after the beginning of November. b. Achieve the target drawdown depth by the beginning of December. c. Achieve full lake refill level by the beginning of April. d. Keep outflow during drawdown below a discharge equivalent to 4 cfs per square mile of watershed. Once the target water level is achieved, match outflow to inflow to the greatest extent possible, maintaining a stable water level. e. Keep outflow during refill above a discharge equivalent to 0.5 cfs per square mile of watershed.
5. **Authorization.** With a Division-approved annual treatment plan (Condition 1) submitted and approved, herbicide application and the 2-foot drawdown, may occur in 2024, 2025, 2026, 2027, and 2028. Thereafter, the Applicant must refile with the Division pursuant to the MESA.
6. **2025 Annual Work Plan (Appendix B, page 7).** The proposed 2025 plan is approved provide it complies with these conditions and those required by the Conservation Commission.

SC#28. The use of herbicides approved by this order shall be applied by a licensed applicator (in the aquatic weed category) by the Massachusetts Department of Agricultural Resources (DAR), pesticide bureau. Only herbicide's authorized are those identified in the Notice of Intent application are to be used. Applications shall follow all product label instructions and recommendations.

SC#29. Public notice via media and physical signs posted prior to the first application advising the public and abutters that herbicides listed in the Notice of Intent will be in use beginning on (date to be specified) and will be present in the water supply until (date to be specified). A contact telephone number must be provided on signage.

SC#30. The use of the mechanical weed harvester is limited to 150 yards from the shoreline with an estimated area involved of approximately 45 acres.

SC#31. Refueling, servicing and repair of any machinery associated with the lake surveys and treatments shall take place outside the buffer zone. Equipment operators shall be prepared to immediately respond to and contain accidental release of fuel, motor oil, or aquatic herbicides. If an accidental release of fuel, motor oil, lubricating oils, etc occurs, MassDEPs Emergency Response and the Commission(s) shall be notified immediately.

SC#32. Prior to the initiation of any drawdown after six months from the date of issuance permitted herein, the permittee shall obtain, install, and maintain staff gauge, graduated in inches and feet, upon an appropriate vertical component of Richmond Pond dam for the use of authorized personnel. Upon the staff gauge, the permittee shall distinctively demarcate and clearly label the full pool elevation and the target drawdown elevation. Upon installation send photos to the Commissions and MassDEP.

SC#33. The applicant shall submit an end of the year report including a vegetation survey on the successes and/or failures of that years treatment plan uses of herbicides, weed harvesting and drawdown. The end of the year report shall include a vegetation survey, summary of treatment methods used for that year (herbicide type, application equipment, application rate), summary of herbicide effectiveness, successes and failures of treatments when compared to goals outlined in pretreatment management plan, and any recommendations.

SC#34. All post treatment reporting shall be submitted to the Commission(s) no later than October 31st of each year.

SC#35. The commission reserves the right to impose additional conditions on portions of this project that mitigate any notable ecological decline (including significant aquatic habitats) resulting from the pond treatments.