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Herbicide foes take up fight

Two years after a state plan to use herbicides to kill invasive weeds in Lake Cochituate sparked a bitter debate among lake lovers, a court-like appeal by opponents of the chemicals will start this week.

The non-native weed, Eurasian milfoil, has spread rapidly since being identified in 2002 (or earlier, depending on who you ask) in the state-run Lake Cochituate. It has pushed plants, fish and people out of its way.

"It's just a furry thing, like a French feather duster," said Framingham's Bill Frantzen, who wants to keep the menace out of the beloved lake behind his house with herbicides.

While the Cochituate State Park Advisory Committee and others want the state to start applying the herbicides -- so they can fully enjoy the lake again -- a group of two dozen area residents has mounted a legal battle against the chemicals.

Represented by Boston attorney Martin Levin, the residents will face their opponents -- the state Department of Environmental Protection and state Department of Conservation and Recreation -- before the state Division of Administrative Law Appeals on Wednesday. The procedural hearing will hammer out details such as witness lists and testimony dates for upcoming hearings.

Levin argues the 2003 herbicide plan by the Department of Environmental Management (the precursor to the DCR) would endanger Natick's drinking water and throw the habitat of the lake that also flows through Framingham and Wayland out of whack.

The plan, OK'd with conditions by the Natick Conservation Commission in 2003, calls for the application of herbicides Reward and Aquathol-K in two of the lake's connected ponds -- South and Middle ponds in Natick.

DCR spokesman Joe Ferson refused to say which ponds now contain milfoil. Mark Bellaud, senior biologist with lake management company Aquatic Control Technology, told the Daily News last year milfoil was in North, Middle and South ponds.

Natick's Springvale wells that provide water to Natick's public water supply are on a peninsula bordered by South, Middle and Carling ponds.

"I think everybody is worried about risking the town's drinking water because if in fact the risk becomes reality, that's going to be an extremely difficult problem and an expensive problem to address," Levin said.

Residents fighting the herbicides, including Ann Karnofsky, could not be reached for comment. Levin said all but one of them live in Natick.

Levin said evidence exists that the herbicides would kill lake plants that compete with the milfoil, making it easier for the milfoil to grow back and throwing the lake into a cycle of milfoil reinfestation and herbicide reapplication.

He argues the herbicides pose risks to the environment and public health that are protected by the Wetlands Protection Act.

Citing the ongoing litigation, DCR's Ferson said he could share little about the case. His office is confident its proposed herbicide plan is safe and far exceeds state and federal standards, he said.

"These appellars have no basis and are operating on nothing but fear," said Frantzen, who started the Save our Shores group to fight Levin's clients' appeal. "They're costing the taxpayers money and ruining our resources and making the problem worse."

Because no herbicides have been used yet, the milfoil continues to spread, said Sandra Brennan, chairman of the Cochituate State Park Advisory Committee. Last summer, nets were strung along the southern border of North Pond -- which falls in Framingham and Wayland -- to control the northward spread of milfoil.

In addition to nets, people have tried to deal with the milfoil through hand pulling, a Weed Watcher program, a public boat ramp monitor, mats in the water and public brochures and signs, Brennan said.

After the herbicide plan was OK'd by the state and the Natick Conservation Commission in 2003, Levin's clients appealed to the DEP. When the DEP denied the appeal last year, the residents appealed the DEP's decision -- bringing them to where they are now.

Frantzen said he plans to spread the word about a milfoil-infested lake in New Hampshire where herbicides were used and water sources were not harmed.

"Anyone hears 'herbicide' and they throw up their arms," Frantzen said.

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