

Lincoln Conservation Commission
Meeting Minutes – March 14, 2018

Start – 7:00 pm
End – 10:00 pm

Commissioners present – Peter von Mertens, Richard Selden, Jim Henderson, Christine Dugan, Ron Chester, Ari Kurtz

Staff present – Tom Gumbart, Jennifer Curtin

WETLANDS

7:00 p.m. – Aquatic Herbicide Policy Discussion

Attendees: Gretchen Covino, Will Winchell, Fred Winchell, Sam Newell, Kara Sliwoski, Scott Fisher, Steven Perlmutter, Terry Perlmutter, Harold McAleer, Buzz Constable, Stephanie Smoot, Patrik Muzila

Peter von Mertens opened the meeting and gave a brief summary of the purpose of the meeting. Richard Selden described how the Commission came to get involved with this discussion and the literature review that was submitted by Dr. Wendy Heiger-Bernays, from Boston University, which looked into the most recent data on six active ingredients used in commercially available herbicides. There are four with which the Commission has serious concerns (Diquat, Glyphosate, Flumioxazin, and Fluridone) regarding their potential adverse effects on human and animal health. The scientific literature review showed no evidence of toxicity for Endothall and Copper Sulfate Pentahydrate. Peter von Mertens stated that this information has led to the consideration of a plan to ban the use of the four hazardous chemicals in Lincoln’s aquatic environments. The Commission recapped how they got to this point and talked about how other towns have done similar things to reduce/stop use of aquatic herbicides. Dr. Selden listed a number of towns that were contacted but noted that the majority of discussion was with Wellesley regarding their methods used at Morses Pond.

The attendees raised questions because the levels of these compounds used for testing in the literature are much higher than the levels used in the ponds and that concentrations should be taken into account before making sweeping policy changes. Dr. Selden stated that the concern here is because not much is known about long-term exposure to lower doses, and that the herbicides have the potential to get into drinking water. Kara Sliwoski of Solitude asked if the Commission was aware that the state of New York uses Fluridone in their drinking water for all of New York City. Dr. Selden said that he was aware however that the Commission does not want to take the least restrictive uses of these chemicals as the benchmark because if they did then everything would have to be allowed. The Town cannot fund a longitudinal study into this and the Commission would like to err on the side of caution with regard to these chemicals because there is evidence of potential harm. Attendees also raised concerns that there are few viable non-chemical alternatives for eradicating some types of invasive aquatic plants such as

Cabomba, which cannot be frozen or eliminated with phosphorus removal. The Commission strongly disagreed and indicated that there are many non-chemical alternatives.

Scott Fisher from SWCA expressed that they have looked into alternatives and explained that in their Pond Management Plans and feel that a ban takes a tool from their toolbox when dealing with invasive aquatic plants and some plants can only be truly controlled with herbicides. He also said that the State and Federal Government regulate what is safe and not safe for use with regard to chemicals and the Town does not have the authority to decide that. Dr. Selden said that the permits that the Commission grants do give them authority to allow or disallow projects. He also asked if phosphorus reduction paired with other methods could work as a “one-two punch” to eliminate or control these difficult invasives. Mr. Fisher said that that is an option for some ponds and some invasive species but that taking a tool from their toolbox eliminates their ability to utilize multiple methods. He also said that harvesting, a non-chemical alternative, has been shown to be effective against water chestnuts, but can cause fragmentation and other problems. Mr. von Mertens said that the Commission wants to bring alternatives to the forefront and show to the applicants that they are against these four chemicals being used. Sam Newell asked if the Commission is talking about introducing more skepticism about these chemicals or a blanket ban of them. Mr. von Mertens said that the Commission would like a blanket rule against them being used regularly unless there were some extreme reasons that they must be used.

Mr. Newell said that dose does matter as almost everything is toxic at some level. He believes that the concentrations that are used in the ponds are not problematic and that the study shown does not look into concentrations. Dr. Selden responded that this information is all that is available to be considered. Mr. Newell said that the Commission does not have a basis to take action without taking into account concentration. Dr. Selden said that high concentration over a short period of time can mirror low concentration over a long period of time. Mr. von Mertens said that the interaction between chemicals is also being considered as there is little information about that. Mr. Muzila said that the Commission cannot make policy decisions based on “lack of information” and that there has been billions of dollars spent studying these chemicals worldwide so a literature review is not enough. He said that there should be a framework put in place that lays out reasonable alternatives.

Another attendee said that he believed that there is a burden of proof on local boards to prove evidence of harm. Dr. Selden disagreed and said that the burden is on the industry to show evidence of no harm. Mr. Muzila reiterated that these chemicals have been studied worldwide such as in the Netherlands and Europe. Dr. Selden said that Europe has banned Glyphosate as a carcinogen. He reiterated that the studies showing these chemicals are safe are from the 1980s but if there is more data out there that is more recent showing they are safe then the commission will consider it. Mr. Muzila said that in this situation the residents do not have the resources to look at the data themselves and feel like it's them against the Commission. Dr. Selden said that he believed that the Commission is on the side of the residents.

Mr. Newell said that there are no equivalent substitutes that have no downsides which mean that concentrations must be taken into consideration and that not all chemicals bio accumulate. Dr. Selden said that Morses pond is an example of where herbicides have been banned yet they are controlling their invasives with other methods. Another attendee asked what invasives they had. Buzz Constable said that at Morses pond they had lead, mercury, and paints so they may not have had large amounts of alien vegetation which makes it a poor example in comparison to ponds in Lincoln. Mr. Constable continued that only France has completely banned Glyphosate and it has been reauthorized for five years by the European Union. He says has used Roundup and was a licensed insecticide applicator and that his information clearly indicated that Glyphosate was safe. He said that he was concerned that the Commission was being arbitrary and capricious in their decisions and he expressed concern about the qualifications of the Commissioners. He believes that the Commissions should listen to the attendees and take their comments into consideration.

Many attendees also said that there have been no observed impacts from past herbicide applications in the ponds. Mr. McAleer said the fish in Farrar pond are big and healthy and that the people and dogs that have used the pond are for years are all healthy. He says the level of dilution of the water is immeasurable. One of the attendees noted that he had a close family member suffering from cancer and would never consider using these herbicides if he believed they might be unsafe. Dr. Selden said that a lack of observed impacts is not enough to prove that these chemicals are not harmful—it would take years, perhaps decades, to prove or disprove the impact of these chemicals on Lincoln residents and those in other communities. The peer-reviewed scientific literature is replete with data that suggests that these chemicals are toxic to humans and wildlife. Dr. Selden continued that the commission is not looking for things with zero risk, but is looking to create a comprehensive plan using different methods for each pond. Mr. Newell agreed that is a good idea to minimize chemicals but that is different than a blanket ban. Mr. von Mertens said that the goal of the Commission is to eliminate the use of these chemicals and only use them in limited situations. Mr. Constable wants to know what alternatives there are to tackle difficult plants like Cabomba. Dr. Selden said that the Commission does not want to advocate for certain approaches and that the pond groups should do their own research and look into different pond management companies.

Many attendees expressed that the Commission should do more to direct the pond associations and the pond management companies as they feel that they have done their due diligence with regard to exploring alternatives. The Commission believes that most of the burden should be on the pond associations and applicants to show proof of alternatives being thoroughly explored before it considers the use of herbicides. In addition, as every pond is unique, the applicants need to evaluate alternatives that best meet the conditions of their own ponds. The Commission believes that if these chemicals are to be used, all other options should be exhausted first. This drew criticism from attendees, including Mr. Muzila who said that waiting until the invasive plants are established will require the use of a larger amount of herbicides to control the invasives at future dates due to their explosive annual growth. Mr. von Mertens said that this was a good point that they would take into consideration.

The Commission acknowledged that perhaps instead of an outright ban, it may be appropriate to have a warning in place for those seeking permits and renewals that these four chemicals are not likely to be approved for aquatic use. An applicant would have to demonstrate that there are no feasible alternatives for aquatic plant management before the Commission would consider the use of one of these four herbicides. Even then, the use would have to be the smallest dose possible and the use would have to be part of a fully comprehensive management plan, not simply the continued annual or regular use of chemicals. The attendees seemed agreeable to this approach and the Commission agreed to reconvene on this issue at the next meeting to discuss a draft policy but made it clear that no final decision has been made. This draft policy will be distributed for review to the meeting attendees and it will be brought up at a future public meeting for further review and adoption.

DISCUSSION ITEMS

CIVICO Oriole Landing Project Update

There are some issues that the neighbors have; no compensation for neighborhood to mitigate impact. There have been suggestions made that there would be a walkway or connection to conservation. There are issues with getting a trail connection because the only connections run over private property.

Complete Streets Update – Path from Lincoln Station to Codman Community Farms

Jennifer Burney would like to make connections between Lincoln Station to Codman Community Farms. One option is continuing sidewalk in front of Doherty's; the other is a more natural path behind Doherty's across a piece of Town land. The paved sidewalk would add missing connections; however there is a lot of traffic going in and out of the Doherty's parking lot which could cause issues with more pedestrian traffic there. The Commission decided that the more natural, unpaved path running behind Doherty's would be better and safer for pedestrians. Also, only the path running along the inside of the stone wall along Lincoln Road should be improved, mowed trails already exist for accessing the main farm area.

School Building Committee Update

Jim Henderson attended the last two SBC meetings. The committee has shortened the list of possible school designs/prices down to 6 different ones. Each ranging in energy efficiency, however, each one can get to net zero with solar. All will see an increase in taxes for the townspeople. Some residents do not want to see any changes in the school. At Town Meeting there will be a presentation to the Town by the SBC showing the different options and the planning process. A special Town Meeting to decide on a plan will occur on June 9th.

SUB-COMMITTEE & LIAISON REPORTS

Agricultural licensing information has been sent out to farmers for the next five year period. Meetings will be set up with all the farmers. There are two farmers, Ellery Kimball of Blue

Heron Organic Farm, and Erik Jacobs, of Plough and Stars, who have decided to discontinue farming in Lincoln. The farm stand by Ellery's farm is being considered for a community farm stand selling a variety of Lincoln agricultural products for the upcoming farm season.

OTHER REPORTS & ANNOUNCEMENTS

Conservation staff has been working on field edges and are working to clear fallen trees on Conservation lands from the past storms. This work will continue for many weeks due to the vast amount of down wood.

Bicycle trail regulations discussions will continue after Town Meeting.

ACTION ITEMS

- Order of Conditions issued for 176 Bedford Road (113-67-0) for a replacement septic system
 - **Voted 6-0 to issue**
- Meeting minutes from January 24rd and February 13th approved
- Bills paid & payroll signed

Respectfully submitted,

Jennifer Curtin
Conservation Assistant