

August 8, 2007

To: Christmas Lake Homeowners Association – President

From: Dick Osgood
OSGOOD CONSULTING

RE: Letter of Understanding Following July 16 Meeting with MN DNR Staff

- Page 1 -

Harley Feldman, President of the Christmas Lake Homeowners Association and I (representing the CLHA) met with Lee Pfannmuller, Steve Hirsch and Chip Welling on July 16th to discuss matters relating to the completion of a Lake Vegetation Management Plan for Christmas Lake. This letter summarizes our understanding from that meeting.

Background

Christmas Lake has had Eurasian watermilfoil since 1992. About five years ago, EWM had become problematic and interfered with recreational use, so the CLHA began a harvesting program. More recently, it has become known that native plants in Christmas Lake were declining in frequency, an indication that EWM may be causing ecological damage. About a year ago, the CLHA retained me to help them prepare an LVMP to consider a more comprehensive program to mitigate ecological damage caused by EWM.

Status of the LVMP

Following the annual meeting of the CLHA on May 8, 2007, work on the LVMP was suspended due to a lack of consensus regarding the nature of the EWM problem and conflicts regarding the proposed use of herbicides to mitigate the impacts of EWM. In the meantime, EWM continues to be problematic – so much so, many residents have become more vocal regarding a better solution than the harvesting. As well, the CLHA has commissioned another aquatic plant inventory, to be conducted this summer.

Issues Leading up to the Meeting

1. EWM is a recreational nuisance and is causing ecological harm.

The LVMP planning committee, which has included MN DNR representation, has agreed:

“Eurasian watermilfoil has reached the point in Christmas Lake where it interferes with some people’s recreational use and enjoyment and it has had a demonstrable negative impact on native submersed aquatic vegetation. As well, the frequency and abundance of water lilies appear to have been diminished. There appears to have been a decline in lake water quality, although this has not been associated with the Eurasian watermilfoil infestation.”

2. There is consensus regarding management goals.

The LVMP planning committee, which has included MN DNR representation, has agreed:

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- Page 2 -

“The overall management goal of the Christmas Lake Homeowners’ Association in this Plan is to Minimize or control the ecological impacts and recreational nuisances of Eurasian watermilfoil in Christmas Lake while preserving and protecting water quality and lake health.”

Furthermore, this is consistent with the CLHA’s goals in its lake management plan:

The Christmas Lake Homeowners’ Association prepared a lake management plan in 1996 that included these goals:

- Restore the lake condition as closely as possible to its natural chemical make-up, and promote a diverse native plant and animal community.
- Educate citizens about the lake’s ecology and lake management techniques.
- Encourage a monitoring program to help evaluate the lake over time.

3. There was lack of consensus/agreement regarding specific remedies to accomplish this goal.

- After reviewing all feasible alternatives, I have advised that a whole-lake or whole-littoral zone selective herbicide was the best, most effective management tool that would accomplish the stated management goals.
- In a discussion with Chip and Wendy on January 16, 2007, the following conclusion was reached "Because of concerns with protecting water lilies, fluridone was preferable compared to triclopyr or 2,4-D." However, in a later communiqué, MN DNR (Welling March 20, 2007 memo) indicated the MN DNR would not likely support such treatments, specifically fluridone, and offered an alternative: "... to consider treating large areas with an auxin-like herbicide..."
- In response, I have advised (March 22, 2007 memo) that auxin-herbicides may be feasible, but the scope of the treated area was important – the application area must large enough for comprehensive, selective EWM control. In follow-up conversations with Chip, it appeared we had different ideas of what constituted “large areas.”
- There are some among the CLHA who oppose the use of herbicides.

4. Proposed Resolution

Until our meeting, there appeared to be a three-way impasse between the CLHA, Osgood Consulting and the MN DNR. To address this, Harley Feldman offered to meet with representatives of the MN DNR to

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- Page 3 -

clarify the technical and political issues as the first step to resolve the impasse and move forward with completing the LVMP.

July 16, 2007 Meeting with MN DNR

Harley Feldman and Dick Osgood met with Lee Pfannmuller, Steve Hirsch and Chip Welling to discuss the situation, as outlined above, and seek agreement regarding how to proceed with completing the LVMP. The following are areas of agreement for proceeding with the LVMP:

1. EWM, if unchecked, will likely continue damaging native aquatic plants, perhaps irreversibly. In earlier meetings with MN DNR staff as well as at this meeting, all were in agreement that the decrease in native plant frequencies would likely continue, lacking an effective and comprehensive control program for EWM. Furthermore, this loss of native plants represented a tangible ecological impact.
2. Christmas Lake, being mesotrophic and retaining a good diversity of native plants, fits MN DNR's profile for a good candidate lake for a whole-lake fluridone treatment or a triclopyr large area-treatment. MN DNR also considers social factors when reviewing candidate lakes for fluridone or triclopyr treatments and will require strong support from lakeshore owners before approving.
3. Both treatment options should be presented to CLHA members for their direction. MN DNR will support this as part of the LVMP process.
4. Either treatment – fluridone or triclopyr – will require follow-up monitoring and spot treatments, which should be provided for in the LVMP. To address this, the LVMP should include these aspects:
 - An annual monitoring plan that assesses treatment effectiveness relative to agree-upon benchmarks.
 - Follow-up treatments – three years minimum.
 - Subsequent year treatments as guided by agreed-upon contingencies.
5. There is a shared objective between the MN DNR and the CLHA as detailed in management objectives contained in the LVMP. The recommended treatment options, above, will be jointly presented to the CLHA membership.