

From: Keith Gazaille [KGazaille@aquaticcontroltech.com]
Sent: Monday, April 26, 2010 3:45 PM
To: rd.holman@verizon.net; rholman@emadcorp.com
Subject: Oldham and Furnace Ponds Notice of Intent (NOI)

Ray:

As we discussed this morning, NHESP has raised some questions and requested additional information about the proposed peroxide algaecide, Phycomycin. Some of the information that they are looking for is beyond what I have access to in many of the summary documents that are available. As a result, I have requested the information from our local technical rep. from the product manufacturer (Applied Biochemists), but have not gotten anything back yet. I certainly think that pursuing approval for the use of Phycomycin at Oldham Pond is an important and worthwhile endeavor, particularly considering the amount of time and money the Association has already invested (if we abandoned the effort now we would have to potentially repeat the whole process over again in the future). I do believe that the NHESP will ultimately approve the use of Phycomycin, but because this is a new product they are moving very methodically through the process. At this point my fear is that because the management of both Oldham and Furnace are tied to this one NOI filing that the delays with Oldham could prevent the Association from moving forward with any treatment at Furnace despite that there are no rare species issues there.

In light of this fact today I contacted the Hanson Conservation Commission to continue the public hearing until the end of October, as the Hanson Commission has no jurisdiction over the work at Furnace Pond because it is wholly in Pembroke. I also contacted the Pembroke Conservation Agent, Robert Clarke today and asked him if the Commission would entertain issuing an approved permit with the condition that no work could be done on Oldham Pond until official approval from NHESP has been received. Mr. Clarke said that he did not foresee a problem with this approach. So I have scheduled the public hearing for May 10th @ 8:15 PM. We should at that hearing be able to complete the permitting process, at least for Furnace Pond, and be able to continue to pursue approval from NHESP for work on Oldham at the same time.

In essence this should split the two ponds from a permitting standpoint without losing the investment that you already have in Oldham Pond. Also it will enable you to implement a program at Furnace Pond this year if you desire. I think it is the best approach, all things considered. If you have any questions or need anything further from me please give me a call.

Regards,

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