

# INDIAN PONDS ASSOCIATION

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July 2001

Newsletter

Vol. 1 No. 1

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**ANNUAL MEETING SET FOR JULY 28, 2001.** A very important Annual Meeting of the Indian Ponds Association (Mystic Lake, Middle Pond, and Hamblin Pond) is planned for 2:00 P.M. on Saturday July 28, 2001 at the home of Ted Elliott at 10 Indian Pond Point, Marstons Mills. The entrance to Indian Pond Point is the first left off Race Lane past the airport and directly opposite Lynx Lane. If you choose to arrive by boat, head for the cove at the northeast end of Mystic Lake and look for the white water slide and pontoon boat which belong to Mr. Elliott. The agenda will include a review of the past year, presentation on the life cycle of our ponds, status of the herring run, and election of officers and directors.

**THE MAIN TOPIC OF THE ANNUAL MEETING** will be the recent decision by the Barnstable Conservation Commission to grant permission to 3 Bays Preservation, Inc. to lower the Middle Pond fish ladder and herring run by 1.6 feet which has the strong potential to adversely affect both the quantity and quality of the water in Middle Pond and Mystic Lake.

**PANEL OF EXPERTS TO ANSWER QUESTIONS AT ANNUAL MEETING.** Contacts are being made with several professional fisheries scientists, geologists with water level/quality expertise, as well as the president of the Wequaquet Lake Protective Association who has had vast experience in organizing the residents there relative to the exact same problem being faced in the Indian Ponds area. These experts will be present at the Annual Meeting to provide information and answer your questions.

**VISIT THE HERRING RUN.** Immediately following the Annual Meeting, members who are interested will be invited to visit the Herring Run and have their questions answered regarding the operation of the fish ladder and the measuring of the water level.

**CONSERVATION COMMISSION APPROVES LOWERING OF MIDDLE POND FISH LADDER.** On May 22 a hearing was held at Barnstable Town Hall to consider a proposed alteration and lowering, by 1.6 ft., of the Middle Pond fish ladder/herring run which could potentially lower the level of the three Indian Ponds by the same amount. About 30 residents attended the meeting and many of these spoke against the proposal. The proposal in question was submitted by the Town of Barnstable Engineering Division and the 3 Bays Preservation. In spite of the expressed opposition to the proposal, it was approved by the Commission at a subsequent meeting.

**WHAT IS 3 BAYS PRESERVATION, INC.?** This is a non-profit organization of land and boat owners who live around or use Cotuit Bay and North and West Bays in Osterville. Water from the Middle Pond herring run flows into the Marstons Mills River which, in turn, flows eventually into Prince Cove (connected to North Bay), and is the means by which alewives migrate up- and downstream between the sea and Middle Pond/Mystic Lake.

**CONCERNED RESIDENTS TO APPEAL CONSERVATION COMMISSION DECISION.** Because of the concern by residents surrounding the Indian Ponds that the proposed lowering of the herring run, and the proposed management plan for the run, could potentially adversely lower the water level in the lakes and be detrimental in a variety of ways to the health and ecology of the lakes, a number of such residents have decided to appeal the Conservation Commission's decision to the Massachusetts Department of Environmental Protection (DEP) as well as to the Natural Heritage Foundation. The appeal to the DEP must be filed within 10 working days of the date of issuance of the Commission's decision (which was July 12).

**ANDERSON TO HEAD APPEAL.** Dr. Emory D. Anderson, a Mystic Lake property owner with a Ph.D. in fisheries science and over 30 years of experience in fish population dynamics, mainly with the U.S. National Marine Fisheries Service in Woods Hole and Washington, DC, is leading the appeal to the Massachusetts DEP.

**CONGRESSMAN DELAHUNT'S OFFICE HELPFUL.** Congressman William Delahunt's office has been very helpful in providing information and assistance in preparation for the appeals to the Massachusetts DEP.

and the Natural Heritage Foundation. Mr. Mark Forest of Mr. Delahunt's Hyannis office has been the specific contact person in this regard.

**CONCERN FOR POSSIBLE 1.6 FOOT DROP IN POND WATER LEVEL.** There is an accepted historical safe level of 44 ft above mean sea level for Middle Pond (as well as Mystic Lake since they are connected) which is stipulated in an authorization/license from the Commonwealth of Massachusetts to the A. D. Makepeace Company of Wareham, signed on February 3, 1969 by Governor Francis W. Sargent, for the purpose of maintaining a flume at the cranberry bogs approximately 400 ft downstream from Middle Pond along the outlet stream leading to the Marstons Mills River to facilitate seasonal flooding of the cranberry bogs. The flume in question is a short distance upstream from the existing herring run/fish ladder. Because of apparent mismanagement, lack of attention, and possible vandalism to the herring run in the last several years, particularly during the summer of 2000, the water level was allowed to drop below the 44-ft minimum. Maintenance of the water level of the lakes at or above the 44-ft level is vital to the health and environmental quality of the lakes for a number of reasons:

- Underwater springs, groundwater, precipitation, runoff from the surrounding watershed, and evaporation, all of which control the level of the lakes, are subject to natural and unpredictable fluctuation.
- Inputs to the lakes from septic tanks, waterfowl excrement, and runoff from lawn, garden and cranberry bog fertilizer and pesticides are detrimental to the water quality of the lakes. As the water level of the lakes drops, these contaminants become more and more concentrated, thus exacerbating an already undesirable and harmful situation. For example, over the past two months while the herring run remained open and the level of the lakes dropped by 7 inches (48 million gallons of water were lost), water clarity in Mystic Lake, as measured by Secchi disk readings, diminished.
- If the water level drops below 44 ft, the flow of water into the outlet stream on Middle Pond leading to the herring run will diminish or stop because of the natural buildup of sand and sediment at the mouth of the stream thus making it difficult or potentially impossible for the alewife young-of-the-year to undertake their downstream migration to the sea in the summer or fall.
- If the water level drops below 44 ft, the shallow water habitat of the endangered mussel species in Mystic Lake runs the risk of drying up.
- If the water level drops below 44 ft, the already shallow channel between Mystic Lake and Middle Pond runs the risk of drying up and potentially trapping alewives in Mystic Lake and preventing them from migrating back to sea through the herring run in the fall.
- If the water level drops below 44 ft, the operators of the adjacent cranberry bogs will be prohibited from diverting any lake water to the bogs, thus adversely impacting their crops.

**RIVER HERRING ONLY A COUSIN TO SEA HERRING.** The fish in question frequently referred to as "herring" is *Alosa pseudoharengus*. Its most common name is alewife, but also has a number of other monikers including "river herring" because of its anadromous characteristic (migrating up rivers to freshwater to spawn and returning to the sea to mature). The alewife is a cousin to the sea herring (*Clupea harengus*) and is distinguishable from the sea herring by the greater depth of its body. Although alewives are edible and many people have favorite recipes for their preparation, they are more commonly used as bait for striped bass, bluefish, cod, and lobsters.

**MINOR FISH KILL NOTED IN HERRING RUN ON TUESDAY JULY 10.** Residents noticed late in the afternoon of Monday July 9 that water flow through the herring run had diminished due to the low level of the lake. Also that same day, Natural Resources staff observed 100-200 adult alewives and many young-of-the-year alewives dead downstream of the run due to insufficient water flow. Natural Resources staff proceeded to close the run the following day (Tuesday July 10) to prevent further loss of water and fish.

**HERRING RUN RE-OPENED ON ORDERS OF CONSERVATION COMMISSION.** Following its July 10 meeting, the Conservation Commission ordered the re-opening of the herring run. This decision appears to have been made based on the recommendation of Mr. Lindsey Counsell, an employee of 3 Bays Preservation,

Inc., who testified to the Commission that the death of the alewives, noted above, was due to the closing of the run by Natural Resources staff. Mr. Counsell's statement was incorrect because, based on a report by Mr. Douglas Kalweit (Natural Resources Supervisor) to Mr. Ted Elliott, a resident on Mystic Lake, dead fish (due to low water flow below the run) were already observed by Natural Resources staff on Monday July 9 before the run was closed the following morning.

**THE TAISTO RANTA FISH MANAGEMENT PLAN WORKED.** For many years until 1985, the Middle Pond herring run was successfully managed by Mr. Taisto Ranta, an employee of the town. He always kept the herring run closed until the adults started their spring run in mid-to-late April and then kept water running until June 15 when he closed the run to conserve water to facilitate the exit of alewives out the run in the fall. At the appropriate time in the fall, ranging from early September (e.g., Labor Day) to early November (e.g., Veteran's Day), depending on the water level, he would adjust the boards for a sufficient period so that the fry or young fish could leave the lakes and migrate downstream to the sea. Most concerned residents would prefer to see this schedule reimplemented. A very similar plan is currently used for the Wequaquet Lake herring run. If the herring run is left open all summer, there will be insufficient water remaining to accommodate the fall migration of alewives back to the sea.

### **SOME TIPS FROM THE WEQUAQUET LAKE PROTECTIVE ASSOCIATION NEWSLETTER.**

**Lawn fertilizer.** Phosphates and nitrates are serious problems for the lake. Almost all lawn fertilizers contain some of one or both and depending on the rain runoff, most certainly contribute to the lake pollution. We encourage all members with lawns directly on the lake to examine any fertilizer in order to avoid such pollution. There are fertilizers that do not contain such elements and can be used safely to maintain your lawn.

**Don't feed the waterfowl.** *Please do not feed the ducks and geese.* You are not doing them a favor when you give them human food. They are polluters of the lake and feeding them bread and other human edibles merely adds to the problem. Ornithologists will tell you that their digestive systems cannot handle such food properly. Also, such feeding disrupts their natural migration habits and instincts. So, again, we ask, no plead with you – DO NOT FEED THE WATERFOWL.

**VOLUNTEERS NEEDED TO MONITOR THE LEVEL OF THE PONDS.** At the Annual Meeting we will form a committee to monitor the water level of the ponds. If you are interested in helping with this project, please call Geri Anderson at (508) 420-2303.

**JOIN THE INDIAN PONDS ASSOCIATION.** IPA membership is open to all property owners whose land abuts any of the three ponds (Middle Pond, Mystic Lake, and Hamblin Pond) or is close enough to be affected by happenings thereon, but not exceeding one lot depth across the bounding highways (starting at Race Lane east to Route 149, south to Lovells Lane, west to River Road, northwest to Bog Road, north to Old Mill Road, and ending again at Race Lane) from the lake area district. To join the IPA, fill out the application form below and send it with a \$10.00 check made out to Indian Ponds Association to P.O. Box 873 Marstons Mills, MA 02648.

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#### **APPLICATION FORM**

Name\_\_\_\_\_

Home Address\_\_\_\_\_

Mailing Address\_\_\_\_\_

Telephone Number\_\_\_\_\_E-mail Address\_\_\_\_\_

\_\_\_\_ Please find enclosed check for \$10.00 for a one-year family membership in IPA.

\_\_\_\_ I / we will attend the Annual IPA Meeting at 2:00 on Saturday, July 28, 2001.

Signature\_\_\_\_\_

**INDIAN PONDS ASSOCIATION BOARD MEMBERS**

President: Kevin Kavanagh  
Vice President: Ted Elliott  
Secretary-Treasurer: Carolyn Garbutt  
Board of Directors:  
Joe Brown  
Helen Best  
Edward Schwarm  
Bruce McHenry  
Vincent Martin

***INDIAN PONDS ASSOCIATION INCLUDES  
MYSTIC LAKE, MIDDLE POND, AND HAMBLIN POND***

***A Very Important***  
**Indian Ponds Association**  
**Annual Meeting**  
**July 28, 2001**  
**2:00 P.M.**  
***Details Inside***

**Indian Ponds Association**

P.O. Box 873  
Marstons Mills, MA 02648

**First Class**  
**Mail**