

To: House Committee on the Environment and Energy

Re: Committee meeting on H-31

Hello, My name is Peter Berger and I am a Selectboard member from the Town of Fairlee. I have come to this committee meeting to testify as a representative for the Town and the Lake Morey community about our concerns on H-31 a bill presented by Rep. Seth Bongartz that will, if passed place a yearlong moratorium on the issuance of pesticide / herbicide aquatic nuisance control. These chemicals include herbicides approved by the VT Dept of Health used to control Aquatic Invasive Species (AIS) such as Eurasian milfoil, and alum (aluminum sulfate) used to strip soluble phosphorus from lake water to reduce HAB (hazardous algae blooms, or Cyanobacteria). My hope in being here today is to provide some local background on the impact such a moratorium would have on Lake Morey but also on all of Vermont's waters. I would also hope it will allow the committee to reflect on Rep. Bongartz's desire to take a local issue from his district and impose that across all State waters. If passed there will be economic implications on Vermont's tourism and recreation economies. Additionally, as I have heard from local property owners on the matter of not addressing invasives there is the potential this moratorium will impact Vermont Tax Departments equalization values through the CLA of recreation property values.

Over the past 37 years Lake Morey in partnership with the Vermont's DEC and the has spent millions of dollars in treatments for aquatic nuisance control. On a yearly basis the Town works with the DEC to meet their stringent permit requirement for any application of these herbicides to the Lake. In that period we have experienced no appreciable non-target impacts on the lake. The overall result has been increased water quality, clarity that drives our vibrant recreation community inclusive of the Lake Morey Resort and the Aloha foundations boys and girls camps. Similar to other lakes in Vermont in August and September of last year Lake Morey experienced a cyanobacteria bloom that covered the lake with 2 to 3 inch mats of this bloom. Morey is not the only lake in the State to experience this crisis. The situation needed to be addressed as it forced the closing of the lake to public use.

Working closely with Oliver Pierson DEC Lakes and Ponds to monitor the situation we agreed on a path to remediation that was inclusive of a locally funded feasibility study in November, a report that determined the previous alum treatment from 1986 was past its efficacy limit and

was not effectively inactivating phosphorus on the lake bottom and a new alum treatment will be needed to address future algae blooms. H-31 would curtail Fairlee from addressing this crisis and would impact continued recreation on Morey and other lakes that will undoubtedly experience this situation.

Another concern with the language contained in H-31 is that it will impose limitations on Lake associations and Towns in Vermont that are in agreement on how best to address their local aquatic nuisance control. It will effectively force all water bodies to bend to one Lake associations concerns that the DEC process is flawed. It will also substitute perception for science that has accumulated over years of data gathering within the DEC.

I would urge the Committee to consider the larger picture, place some trust in the current process and oppose this Bill as a step backwards in the current DEC process.

Respectfully submitted,

Peter Berger  
Fairlee Selectboard