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Representative David L. Deen, Chair
House Committee on Fish, Wildlife and Water Resources
Montpelier, Vermont

Dear Chair Deen and members of the Committee:

I am writing in opposition to bill H.33 as introduced. Please accept this letter as an alternative to testifying in person.

Let me introduce myself, I am the chair of the Berlin Select Board and in the past three years have spent considerable time around the Berlin Pond. I work in the City of Montpelier and I live in the area covered by the old Berlin Fire District #1 so I receive my drinking water from the Berlin Pond both at home and at work. I am not a fisherman, canoeist or kayaker.

I have to admit when the Supreme Court ruling was issued I thought the worst of the situation. But then I started spending a lot of time going around the pond both on foot and on bicycle and quickly discovered that the concerns about the pond were greatly over exaggerated. The complaints of beer cans and dirty diapers just did not pan out. The Berlin Pond is just as beautiful, safe and pristine today as before the Supreme Court ruling.

I have two major concerns with this bill. The first is the bill itself. While framed as addressing all waters in the state this bill, in reality, only deals with one body of water, the Berlin Pond. It is bad public policy to introduce such a broad bill with its statewide implications to deal only with this one issue. There are better ways to accomplish this (for instance approving a City of Montpelier charter change). But even these alternatives not needed. Also, your committee has spent a lot of time this session with Lake Champlain's water quality, but this bill specifically exempts the Lake. If Bill H.33 is about protecting drinking water, why would it specifically exclude the State's largest source of drinking water?

My second concern with this bill is the need to "protect" the Berlin Pond. Like I said, I have been following this situation since the Supreme Court decision in 2012. I have spent a lot of time walking along Mirror Lake Road (where the fishermen park) and Brookfield Road (where the joggers/bicyclists park). There is very little trash along Mirror Lake Road; in fact I would say it is one of the cleanest roads in the state. The same cannot be said for the Brookfield Road parking area, there are regularly water bottles, food wrappers and other trash left on the side of the road. Clearly the current limited and responsible recreational uses of the pond are not the problem. In reality, there is no problem. This is a bill that is looking for a problem. There currently are sufficient safe guards in place to protect the Berlin Pond as Montpelier's drinking water supply. The source protection guidelines, and recreational

restrictions (for instance no motor boats) provide all that is needed to protect Montpelier's (and my) drinking water.

The Town of Berlin has looked at issues concerning the pond several times, including a town-wide vote in November 2012 to develop a public access point on a parcel of land the Town owns. This passed overwhelmingly with a vote of 793 in favor or access to 441 against. Due to wetlands on this property, an access point was not feasible; however the Select Board did remove the no-trespassing signs on this property with no negative consequences.

The Select Board has repeatedly looked at parking issues on Mirror Lake Road, but determined that parking restrictions were not needed.

The Select Board has signed a Memorandum of Understanding with the Department of Fish and Wildlife to obtain a property survey on the area near Paine Turnpike and Brookfield Roads (near where the current joggers park) to determine ownership of that land in anticipation of constructing the access point there (for non-motorized use). This survey is currently in progress awaiting warmer temperatures to complete the field work.

As I am sure you are aware last year there were two petitions filed with the Department of Environmental Conservation to further restrict, and/or, completely ban recreational use of the Berlin Pond. I am going to spare you the arguments with those petitions, but remember the experts with the Agency of Natural Resources examined the science and the and determined (with one minor addition) the protections in place adequately serve the needs of Montpelier's water customers.

In closing, I have found that it is possible to have reasonable and limited recreational use of the Berlin Pond while at the same time protecting Montpelier's water supply, and the wildlife and environment around the pond. This is a very emotional issue but the facts show that the current protections put in place by Vermont State agencies more than adequately assures the safety of this important drinking water supply. While I generally support measures that give more authority to the towns, the Vermont State government is the proper place for drinking water safety to rest, not with the towns.

Thank you for your time today, and please feel free to contact me with any questions.

Sincerely,

Ture Nelson
Chair, Berlin Select Board