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**Testimony On H. 517**  
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CLF is supportive of the process the Department of Environmental Conservation has undertaken in formulating the basis of H. 517. We appreciate the number of stakeholder meetings that Neil and his team have engaged in.

My comments and questions today are focused on seeking greater clarification around possible outcomes of independently classifying uses.

1. Managing waters can be challenging because some uses are in conflict with one another. An example of uses coming into conflict is at the Ball Mountain dam. Flood control dams at Ball Mountain have long provided whitewater release for recreational boaters. However, fisheries, aquatic habitat, and aesthetics are stressed due to habitat alteration, turbidity, and sedimentation resulting from this periodic flooding.<sup>1</sup> The West River below the Ball Mountain dam is also impaired for temperature.

While DEC is required to bring all uses up to the floor of water quality standards the idea remains that some uses degrade others. In particular, ecological uses and recreational one are sometimes in conflict.

In the case where two uses are in conflict, particularly uses that are more subjectively determined such as aesthetics or boating, it would be helpful to understand how DEC intends to reclassify these uses.

The Secretary has the discretion to reclassify one or more uses of all or any portion of water. Therefore, the Secretary may reclassify aesthetics or boating from B(2) to B(1), but, in the case where these uses are in conflict, both cannot be upgraded to a higher classification. CLF is seeking greater clarification on how these decisions of reclassification will be determined.

2. In the more recent tactical basin plans, Chapter 3 outlines the management goals for waters in the particular basin. Included are candidate waters for reclassification. Does DEC envision all uses in these candidate waters being reclassified or only certain ones?

CLF doesn't expect a case-by-case analysis of each body of water, but rather, we would like to better understand the possible outcomes from this change in statutory language. It is important to understand how many bodies of water will have recreational uses prioritized at B(1) over ecological uses set at B(2) classifications.

We recognize that Vermont's water quality standards are intended to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The statute states that "[t]hrough the process of basin planning, the Secretary shall determine what degree of water quality and classification *should* be obtained and maintained." This would allow for the Secretary to be aspirational in reclassifying uses. In addition to wanting to know where the Secretary's priorities lie, CLF proposes the Agency prioritize ecological uses over recreational ones. A possible solution would be setting a statewide cap on how many water bodies have recreational uses managed to a higher quality than ecological uses.

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<sup>1</sup> West, Williams, Saxtons Rivers Tactical Basin Plan pg 23