



The Federation of Vermont Lakes and Ponds, Inc. P.O. Box 766, Montpelier, VT 05601

To: **Ms. Julie Moore**
Secretary, Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602

November 2, 2017

Subject: Implementation of Act 67

The Board of Directors of the Federation of Vermont Lakes and Ponds (FOVLAP) are concerned about the very lenient position of the Fish and Wildlife Department on the implementation of Act 67 as articulated by George Scribner, its Deputy Chief, Law Enforcement, in a panel discussion at our Directors' meeting in Montpelier on Wednesday, September 20, 2017. Deputy Chief Scribner was joined on the panel by Mike Wichrowski, Land and Facilities Manager, Fish & Wildlife Department, and Josh Mulhollem, Environmental Scientist, DEC Lakes and Ponds Management and Protection Program. The purpose of this letter is to express our views and offer suggestions for improvement so that our lake and pond water quality, biotic communities and habitats do not deteriorate; our expectation is that all parties understand the risks of Aquatic Invasive Species (AIS) and perform due diligence by following the laws that address water quality and AIS spread prevention.

FOVLAP is a non-profit, state-wide organization founded 20 years ago which advocates for Vermont clean water in partnership with the Department of Environmental Conservation (DEC). Our membership currently includes 32 Vermont lake and pond associations, 38 individual members and business members. There are other individuals and lake associations we network with as well as various state agencies and non-profits to advocate for best management practices. We are committed to collaborating with Fish and Wildlife (F&W) to resolve our differences.

The state legislature passed a bill, signed into law in 1980, which prohibits transport of invasive species. This law was enhanced in 2003-4 and again in 2010 to allow fines of up to \$1,000 per violation. Act 67 (HR75), signed on June 8, 2017, further strengthened the law by requiring the removal of drain plugs, bailers, valves, and all other devices designed to control drainage of water from the vessel while it is being transported. Additionally, it calls for decontamination where a state-authorized hot water wash station and trained operator are present. Deputy Chief Scribner said, "We don't fine people during the first year to give them time to understand the law." In our view, warnings are not enough when the law is 37 years old, and a stiff penalty has been in effect since 2004.

Furthermore, instead of making a fine mandatory, Deputy Chief Scribner insisted that game wardens must be allowed discretion when encountering a violation, and that only "egregious

violations" warrant a fine. The problem there is that even a sprig of milfoil can lead to a lake infestation. Please see an example in Attachment 1. Our concern is that F&W does not appear willing to hold violators accountable for potentially contaminating a waterbody by carrying invasive species on their boats and trailers. With this letter, we've included an example of such an experience from Sunrise-Sunset Lake-Perch Pond in Attachment 2. There are 51 different aquatic species impacting Vermont waters, with many new species on the horizon, including hydrilla which is the most invasive submergent aquatic plant in the United States. It has been identified in New York, Connecticut, Massachusetts, and Maine, and could find its way to Vermont if we're not vigilant.

Currently, many of our lakes are battling Eurasian Watermilfoil which once introduced, spreads rapidly, endangering the ecosystem and lakefront property values. Milfoil establishes new sites mainly by vegetative fragments which are produced by wind, wave action, and boating and other recreational activities. Dense canopies are created that provide poor habitat for aquatic species, shade out native vegetation and create high biomass. As the high biomass of plant matter decomposes it can result in decreased dissolved oxygen in the aquatic habitat and can also lead to increased phosphorus and nitrogen in the water column. Left uncontrolled, milfoil can hasten eutrophication.

Lake associations, private property owners, other local organizations, and municipalities carry most of the financial burden for controlling or eradicating invasive species once they are introduced or established in a waterbody. Millions of dollars have been spent in Vermont to control milfoil. In the last 20 years, hundreds of thousands of hours have been invested by volunteers such as Access Greeters and Vermont Invasive Patrollers to check for aquatic invasives on boats and in water bodies. For example: Lake St. Catherine spends \$100,000 annually; Lake Iroquois, where milfoil was first detected by the DEC in 1990, spent \$11,000 in one week last year (2016) to create a 20'x200' channel at its fishing access (Attachment 3); Lake Hortonia spends in excess of \$120,000 when the entire lake is treated and greater than \$32,000 per year for partial treatment. If the existing laws are not enforced, the need for such spending and volunteer hours will only grow exponentially. The FOVLAP Directors want to see F&W step up its actions to eliminate the risk and spread of these threats.

It seems that Fish & Wildlife personnel do not grasp the severity of AIS infestations. Several, including F&W Commissioner Louis Porter and Eric Palmer, F&W Director of Fisheries, testified against key components of HR 75 (Act 67) before the 2017 legislative session. According to a FOVLAP director who attended the hearings in March and April, the Department of F & W personnel were more inclined to ensure convenience for fishermen than protect our lakes and ponds. In the same way, Deputy Chief Scribner testified fines would range only from \$125 to \$250, rather than upwards of \$1,000 as provided by the law. If the enforcers are serious about upholding VT Act 67 (or laws) to protect aquatic habitats and issue tickets instead of just warnings, the public will understand that F&W is committed to protecting and saving Vermont waters from the spread of AIS.

Below are actions we urge to be taken before the Spring of 2018:

- Educate Fish & Wildlife personnel so that they appreciate the damage a single invasive can cause.
- Enforce fines to the fullest extent of the law.
- Public education outreach:
 - Produce more public service announcements on the risks associated with AIS.
 - Increase state educational signage at F&W kiosks, as well as kiosks of other state agencies at / or near waterbodies.

- Add a check box on fishing licenses and motorboat registration applications next to a statement that the applicant has read and understands the AIS transport law and violation penalties.
- Include an AIS transport law notice on printed fishing licenses and boat registrations.
- Help fund AIS spread prevention and control efforts using revenue from mandatory boat stickers. VT has no law, while Maine has a required lakes and rivers protection IAS sticker and monies from that go to Maine's DEP IAS program and IF&W)
- Write up an AIS transport law press release 'one size fits all' for individual lake associations to submit to their respective local newspapers in Spring of 2018. (Also, as a partner with F&W and DEC, FOVLAP could support and collaborate in any way possible to promote, develop and disseminate IAS educational materials, etc.)
- Include a large AIS transport law and associated penalty notice as a full page in the F&W Fishing Guide rather than the small notice on page 26.
- Add a similar page in the VT State Police Marine Division Handbook of VT Boating Laws.
- Add a link on the F&W web page to the transport law (Act 67).
- Print AIS transport law cards for greeters to hand out to the public.
- Publicly list all decontamination locations.

Julie, we are unlikely to eradicate AIS from all water bodies in VT. But in order to slow the spread of AIS in VT and to minimize or eliminate the risk of AIS taking over Vermont waterbodies, we call upon F&W to issue tickets as opposed to warnings. We stand ready to work together to better manage AIS infestation through education and enforcement.

We would be happy to meet with you and all responsible parties to make possible clean water throughout Vermont.

Sincerely,

The Officers & Directors of FOVLAP

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