

Albert Perry testimony before House Environment & Energy Committee on H 31
3/17/23

Good morning Chair Sheldon and Committee. Thank you for this opportunity to testify on House bill H 31.

I am a lifelong Vermonter, Navy veteran, former member of this House, and a four-generation camper at Lake Carmi.

My comments are organized as follows:

- Review of the bill: What is it, and Why;
- Comments and Concerns about the bill, as introduced;
- Concerns about the impact on impaired Vermont lakes and ponds, and on the remediation of Lake Carmi — A Lake in Crisis;
- Conclusions and recommendations.

Review.

MORATORIUM. This provision stops the use of “pesticides, chemicals used as pesticides, or biological controls”, from January 1, 2023 to December 15, 2023 OR LATER, depending on completion/delivery of the prescribed report. The reason for the Moratorium is not stated. It is not clear how the Moratorium can be imposed on January 1, if the bill has not passed, and the legislature has not yet convened. However, THE BIG QUESTION IS: WHAT IS THE REASON FOR THE MORATORIUM? The provisions for EXCEPTIONS, other than Lampreys, appears to be impractical and intentionally so.

STUDY. This is a very comprehensive order, requiring the administrative, technical, and legal assistance of the Agency of Natural Resources staff, for several months of this year. Again, there is no stated reason or rationale for requiring this study, but the time frame and report deadline suggests some urgent, but unidentified need.

REPORT. This required findings and recommendations, including RECOMMENDATIONS FOR LEGISLATIVE ACTION are interesting, and suggest a presumed need for a finding that would call for legislation.

FURTHER ACTION? THERE IS NOTHING IN THE BILL ABOUT FOLLOWUP ACTION, OTHER THAN REPEALING THE MORATORIUM WHEN THE REPORT IS DELIVERED. VERY ODD.

AJP COMMENTS AND CONCERNS

1. The MORATORIUM is unnecessary, unless you believe that the current permit process is ineffective. It will DELAY necessary scheduled work in 2023 to remediate impaired public waters.
2. There is no apparent reason to require such a comprehensive STUDY at this time, and no stated requirement for followup action, based on the study. The COST of staff time to support this study will adversely impact attention to regular duties, including scheduled remediation of impaired lakes and ponds.
3. Vegetation and Blue Green Algae are increasing AQUATIC NUISANCES in many impaired Vermont waters. Effective remediation requires the combined effort and cooperation of State agencies, Towns, landowners and lake organizations. Progress and momentum are important.

LAKE CARMI: A LAKE IN CRISIS

Lake Carmi, in Franklin on the Canadian border, is one of Vermont's largest impaired lakes, and has been declared a "Lake in Crisis" by this House Committee and the General Assembly. Lake Carmi is in a small watershed and has accumulated lots of phosphorus over the long term. BLUE GREEN ALGAE BLOOMS are a major and increasing AQUATIC NUISANCE in my lifetime, now preventing the safe use of the lake for most of the summer.

ANR, AG, and other state agencies are working with the Town of Franklin, local landowners, the Franklin Watershed Committee, and Lake Carmi Campers Association. This coordinated effort is essential to remediation and is showing positive results in the reduction of phosphate input from the watershed. However, the long-term embedded phosphate remains a major challenge, requiring ALUM treatment. DEC is proceeding with a feasibility study, this year, to be followed by treatment in 2024, if the results are favorable.

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As a camper and user of the lake since the 1940's, I have seen the algae problem change from small bloom for a few days in late Summer, to weeks and months of widespread blooms in recent years. 2022 was one of the worst.

We are making progress with this coordinated effort, but TIME IS OF THE ESSENCE, for Lake Carmi and many other public waters. Lake Carmi, Franklin and the Lake Carmi State Park cannot afford any delay in effective remedial action for our Lake in Crisis

CONCLUSION AND RECOMMENDATIONS

H 31 IS UNWARRANTED AND UNNECESSARY

H 31 WOULD BE COUNTERPRODUCTIVE TO ONGOING
REMEDICATION OF VERMONT IMPAIRED PUBLIC WATERS

NO MORATORIUM AND NO H 31.

Thank you for this opportunity to testify.

Albert J. Perry Middlebury, Vt. 802 989-7567