

## Nate Biscotti

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**From:** Martin LaLonde  
**Sent:** Friday, March 28, 2025 8:17 AM  
**To:** Nate Biscotti  
**Subject:** Fw: [External] March 25 and 26 testimony on S.45

**Follow Up Flag:** Follow up  
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*Representative, Chittenden 12, South Burlington, VT*  
*Chair, House Judiciary Committee*  
*Chair, House Ethics Panel*  
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**From:** paulette bogan <paulettebogan@yahoo.com>  
**Sent:** Thursday, March 27, 2025 8:32 PM  
**To:** Tom Burditt <TBurditt@leg.state.vt.us>; Martin LaLonde <MLaLonde@leg.state.vt.us>; Kevin Christie <KChristie@leg.state.vt.us>; Angela Arsenaault <AArsenaault@leg.state.vt.us>; Karen N. Dolan <KNDolan@leg.state.vt.us>; Ian Goodnow <igoodnow@leg.state.vt.us>; Kenneth Goslant <KGoslant@leg.state.vt.us>; Zachary Harvey <zharvey@leg.state.vt.us>; Alicia Malay <amalay@leg.state.vt.us>; Thomas Oliver <TOliver@leg.state.vt.us>; Barbara Rachelson <BRachelson@leg.state.vt.us>  
**Subject:** [External] March 25 and 26 testimony on S.45

[External]

Dear Members of the House Judiciary Committee,

I sent you a letter on March 25 explaining my opposition to S 45. I have since watched your committee hearings on S45 on March 25 and 26. I would like to comment on what I heard in those hearings and add information that is important for you to know.

- One of the members of your committee claimed that he thought he could see tile drainage on the Aerie property in a picture that was shown by Merrill Bent. For 25 years, I have walked on the portion of Arnold Bay Road that runs between the Vorsteveld fields and Aerie Point. I saw the tile drainage put into the Vorsteveld fields. It is a project that takes some time. I can say that no tile drainage was installed in the Aerie Point fields in the past 25 years.
- I personally observed the increase in water runoff onto Aerie Point after the Vorstevelds installed tile drainage. In this area we have never had terrible rain events as we have seen in other parts of the state, so the excess water is not from such a storm, but happens regularly with mild rain, ever since the tile drainage was installed. I have taken many photos of the gushing water.
- Gerard Vorsteveld complained that this case has gone on for so long, but that is because the farmers have ignored the judge's requirements for years, and have dragged their heels on any response. A Cornell professor suggested a mitigation that would not require the removal of the tile drains. The farmers have not heeded that advice. Gerard testified that he was suicidal about this on-going litigation. With total respect for people who have mental health issues, I do not believe that Gerard is one of those. He and his brothers have recently filed an application for a "Large Farm Permit Amendment and Construction Permit Application." They want to expand their herd from 3,000 mature cows and youngstock to 3,580, and to construct two new calf barns. Interesting that they have the funds to do this, but not to mitigate the water damage to neighboring properties. (I write "properties" because there was similar damage by Vorsteveld runoff to another Arnold Bay Road property, but the owner, who did not have the funds to sue, sold the property.)
- Julie Moore, VT ANR, wrote a letter on Dec. 9, 2024 to the EPA Region 1, stating:

“The Agency of Natural Resources (VTANR) recognizes that the United States Environmental Protection Agency (EPA) has made definitive findings that indicate that the Vermont Concentrated Animal Feeding Operation (CAFO) program is not currently in compliance with the federal Clean Water Act (CWA). We acknowledge that the findings were based on a thorough review of records and inspections conducted by EPA staff.”

Despite this fact, the Vorstevelds want to expand.

- The Vorstevelds have also asked the Vergennes-Panton Water District Board for permission to run a pipe to discharge their run-off onto the VPWD property, which you saw in a photo, sits right on the shore of Lake Champlain. From the Feb. 18, 2025 minutes of VPWD:

“Hans is here to request an easement for a drainage pipe and culvert for just tile drainage. This is preliminary discussion. The board has requested that Hans discuss with engineers what will need to be done to meet standards and regulations for this type of project. He is to come back to the board with that information and the board will discuss whether that is something that VPWD will approve at that time.”

From March 18, 2025 minutes:

Hans Vorsteveld is present to again discuss the tile drainage request. He has spoken with an engineer regarding how the drainage pipe will be run and where it will empty. He brings in a map showing the tile drainage and the line for the drainage. Jon Deming is still speaking with the State regarding the placement location of where the line would be run next to the Treatment Plant. He is speaking with them about our Source Protection plan and what it will allow. The board directs Hans to get more information prior to next month's meeting and Jon will have more information available for the next meeting so the board can make a decision about whether to allow for the drainage near the plant.

We do not yet know the outcome of this request. But, obviously, they are continuing to make plans about their farm.

- It was mentioned that trees would be a good buffer to prevent water runoff. The Vorstevelds cut down roughly 2,000 trees and shrubs along Arnold Bay and Adams Ferry Roads several years ago, thus removing a large and important buffer to their fields. The town of Ferrisburgh sued them. The town of Panton did not sue, even though they cut down trees in the town's right of way, because they did not have the money to pursue a lawsuit.

- The EPA has found the Vorstevelds in violation of harming wetlands.

- Gerard is correct that they plant cover crops. In no-till farming, a farmer uses a roller-crimper to kill the cover crop and leave the mulch on the soil surface to conserve water, or mixes the cover crop into the soil before planting the main crop to increase the nutrients. NO, the Vorstevelds spray Round-Up over hundreds of acres to kill the cover crop! We all have to close our windows and come inside in order not to breathe in the carcinogen. The soil has been poisoned instead of enhanced!

I don't know how Steven Collier can state that the Vorstevelds run a good operation. If you haven't yet, please just look at the state of the Vorsteveld farms on Jersey Street and Arnold Bay Road! As I wrote in my last letter, “a black eye on farming.”

I could go on – their trucks hauling silage go 60 miles an hour on roads posted 35mph; a dead calf left in a stream; one of their large pieces of equipment snagged a power line and knocked down the transformer which caused a small fire along the road.

You must know that the Vorstevelds are NOT model farmers upon whose testimony you can rely. Thank you for hearing me out.

Sincerely,  
Paulette Bogan  
Panton, Vermont

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