

Madam Chair,

The question before you is not whether fishing has *any* impact at all—it's whether it is a meaningful threat to drinking water when viewed in the context of the entire watershed. The fact that the city has allowed fishing further illustrates their underlying understanding that access is not a meaningful threat to the water source. Their recent protestations to the contrary are at odds with their own earlier policies and further establish the current posture as symbolic and controlling rather than necessary and meaningful.

Dix Reservoir receives runoff from 5000-6000 acres, conservatively, **most of which is outside city ownership or control**. The pond is one part of a much larger system that includes agricultural land, roadway crossings, and multiple upstream tributaries.

When we look at water quality risk using the same framework utilities and regulators use, **recreational fishing is a very minor contributor compared to land use, stormwater runoff, and upstream activities**.

Risk is driven by watershed-scale inputs, not small, localized recreational activities.

People are right to care deeply about protecting drinking water. **The responsible approach is to focus on where actions will actually reduce risk**, not just where they are easiest to regulate.

The Agency of Natural Resources has the authority, knowledge, and duty of care to account for any contamination concerns without municipal oversight, and we contend that they take this seriously. Therefore, were there any legitimate reason to refrain from approving the permit, they would have done so.

Utilities are not expected to eliminate *all* activity near source water—they are expected to prioritize risk.

EPA Source Water Protection guidance emphasizes:

- Identifying **major contaminant sources**
- Focusing on **land use and hydrologic pathways**
- Applying **risk-based management, not blanket prohibitions**

Recreational fishing is typically classified as:

- **Low risk**
- **Episodic**
- **Easily mitigated with existing management practices**

Source Water Protection Practices. U.S. Environmental Protection Agency. <https://www.epa.gov/sourcewaterprotection/source-water-protection-practices>

Those delivering drinking water know all this is true.

By contrast, agriculture, roads, and uncontrolled tributaries are high-risk, continuous sources. this speaks to my point in earlier testimony that **if this plant can't manage the real concerns, it needs upgrades**, and the manufactured outrage over fishing seems to have exposed this. There is undue concern about a handful of anglers on the ice being expressed by the authorities charged with supplying potable water to their voters. It begs the question of how, or even if, they are able to mitigate larger threats. It would be a missed opportunity if these responsible parties didn't take this conversation as a moment to address the need for upgrades with their customers, because if fishing is a threat, then the constant traffic and other unmanageable inputs to the water source should be terrifying.

I was disappointed to hear the same tired fear-mongering about shanties and illnesses, illnesses that are likely carried by the wildlife that naturally exist in the lake. Just like in the Berlin Pond discussion, Giardia and Cryptosporidium were the big bad wolf. This line of thinking ignores the fact that humans pick up these two organisms through consumption of untreated surface waters and any responsible water supply is guarding against them. Furthermore, rehashing the concept that people are defecating into the water in their shanties is ludicrous. Would you want to fish through a hole you had done that in? **These arguments hold no more water than they did a decade ago.**

Common considerations for source water protection. U.S. Environmental Protection Agency. <https://www.epa.gov/sourcewaterprotection/common-considerations>

Drinking water protection assumes **layers of defense**:

1. Source water protection (watershed)
2. Natural attenuation (**distance, dilution, settling**)
3. Treatment (filtration, disinfection)
4. Monitoring

In this case, fishing occurs upstream of all four barriers **and does not bypass treatment.** EPA's recreational water quality criteria recognize recreational activities as pathways for human exposure to contaminants, but prioritize watershed stressors like stormwater and runoff which affect overall water quality and human health risk.

Across the U.S., utilities commonly:

- Allow fishing on reservoirs and ponds
- Restrict boats, fuel, or fish cleaning
- Manage shoreline access

- Focus enforcement on septic systems, agriculture, and stormwater

Outright bans are usually reserved for:

- Very small, closed systems
- Direct intake reservoirs
- Systems with no treatment buffer

The system at issue, and driving this entire conversation, does **not** fit those profiles.

Drinking Water Risk Ranking (Qualitative)

Activity / Source	Likelihood of Impact	Magnitude of Impact	Overall Risk
Agricultural runoff (nutrients, pesticides)	High	High	High
Roadway runoff & spills	Moderate–High	High	High
Upstream tributaries on private land	High	Moderate–High	High
Streambank erosion & sediment	Moderate	Moderate	Medium
Wildlife inputs	Moderate	Low–Moderate	Medium
Recreational fishing	Low	Low	Low

If the goal is to reduce risk, the data shows that effort belongs upstream and across the watershed—not on low-impact recreational uses. EPA’s Water Quality Standards Handbook notes that recreational uses such as fishing are typically secondary contact recreation, not primary contact risk categories, and they are subject to guidance rather than strict prohibition in most cases.

Allowing fishing on the pond with common-sense protections such as those the Department of Environmental Conservation has already implemented and maintaining water quality monitoring-while prioritizing investment and partnerships that address runoff and upstream land management-would be a far better approach than the heavy-handed track being taken by the town manager and this bill.

This:

- Protects the water supply
- Respects public access
- Aligns with existing expectations and law
- Aligns with regulatory norms
- Avoids false confidence from symbolic restrictions

If fishing were removed tomorrow, measurable risk to the drinking water supply would remain unchanged, because the dominant risk drivers are upstream land use and runoff.

When we analyze the current language in the context of these realities, along with past and ongoing practices statewide, it becomes not only unsupported of questionable utility. Derbies have operated well statewide without conflict from time immemorial, and this attempt to mollify, through legislative action, a single individual who simply seems offended they were not asked permission, is a poor use of the state's resources.

Finally, while I understand the consideration of potential costs to municipalities, we don't see historic issues that support the concern despite the common annual proliferation of derbies statewide. All the costs that are being discussed around this idea are costs that the City of Barre is proclaiming exist as another red herring to assert control over a public water, control that they certainly shouldn't, and demonstrably don't have. The Barre Fish and Game Club holds an annual derby on Gunners Brook in Barre, and has since 1928. I have not heard the City mention any additive costs as a result of this derby, but if that is a real concern, the last hundred years must've been expensive.

An important quality of leadership is being able to recognize when one has overreacted and step back from it. This is a great opportunity for the City of Barre to do just that. They would be better served expanding outdoor recreation activities around the reservoir than maintaining this unnecessary posture of defiance and control. For example, the city of Hanover has hiking trails and promotes hunting on the drainage around their reservoir. During deer hunting season, they close the hiking trails to all but hunters. This is a far better use of public resources.

Some criticisms of my earlier testimony seemed to miss the point. **Non-motorized, recreational access is a minor inconvenience at best to a properly equipped water supply, and if it raises this much alarm that the impact from these low-risk activities can't be mitigated, then how can the recipients of this water trust that the real threats are being addressed?** The problem with a red herring is that if you leave it out in the light long enough, it starts to stink.

Fishing derbies do not need further oversight, Section 9 remains a non-starter, and we would urge committee members to either remove Section 9 or oppose the bill entirely.

Sincerely,

Mike

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