

Vermont Federation of Sportsmen's Clubs
Testimony on S.224
Senate Natural Resources and Energy

My name is Chris Bradley, and I have the honor of serving as President and Executive Director of the Vermont Federation of Sportsmen's Club (VTFSC). For the record, the Federation is an umbrella organization that represents the interests of 42 member clubs and their 14,000 members across the great state of Vermont, not counting those member's families.

The VTFSC has serious concerns about Section 1 and Section 8 of the bill as introduced, however we understand that Chair Watson has committed to removing Section 1 completely, and so I direct this testimony to the one section we have concerns about, which is Section 8.

We believe we fully understand the serious concerns expressed by the City of Barre regarding their desire and need to protect the Dix Reservoir, which is the source of Barre's drinking water system.

From our understanding, a primary impetus for this bill is that a Fishing Derby was approved for the Dix Reservoir by Fish & Wildlife through their permitting process, but there was no notice given to the City of Barre or the operators of the Barre Water System that this event was to occur.

We do not take the stance that there is zero risk to the Dix Reservoir when a fishing derby is held on that body of water. However: It would be our observation that history has shown that the risk is minimal to non-existent, given that the Fish & Wildlife Department, through the Fish & Wildlife Board, have the ability to regulate things like the use of live bait, the use of motorized watercraft and bag limits.

It is our hope that all of us can see that the real threat to water systems such as the Dix Reservoir is NOT as a by-product of the responsible use of these waters by anglers, either as individuals or as participants in a fishing derby. Just as with many other activities such as hunting, the vast majority of people who participate care a great deal about the environment, they have a vested interest in minimizing any the impact they could have on it, and are therefore very conscientious about things like litter and/or actions that have the potential to cause harm.

This would be even more true during an event like a fishing derby, where there would be more people around that would see and then report or even intercede, bad actors or bad actions.

The more sinister threat to a water source such as Berlin Pond or the Dix Reservoir IS NOT public use. It is the potential for bad actors and those with evil intent to consciously take actions which would, and should, amount to pure terrorist activity. From this perspective, the VTFSC worries that pushing a law such as this, or the previous effort to restrict the use of Berlin Pond, serves to give bad people bad ideas.

Our concern with Section 8 is the same concern we had with Section 1, as both Sections implicate the Public Trust Doctrine, the Vermont Constitution and 24 VSA 2295 (a statute known as Vermont's pre-emption statute).

Specifically, Section (a)(2) allows a municipality to "control" fishing by being able to deny a fishing derby, something that is specifically disallowed under 24 VSA 2295. Beyond that: There is no requirement that the legislative body of a municipality must act on approval by approving or denying; such a request could be tabled indefinitely.

In listening to testimony, it seemed clear to us that the crux of the problem was not that history has shown that fishing tournaments create significant exposure to water quality, this primary issue was a failure to communicate: Barre officials were not given any notice of the proposed activity.

To address the communication failure, as well as staying true to 24 VSA 2295, could it not be acceptable that the sponsor of a fishing derby or tournament is required to notify the municipality as part of the Permit process without giving the municipality the specific ability to stop it (I.E. "control")? Such notification would alert the municipality of the planned event, thereby allowing them to be more proactive and observant.

The other section which we see problems with is (D)(2). Per the current wording of this section, the Commissioner is put into a position that he/she is responsible for forcing a tournament applicant to reimburse the municipality for any costs the municipality incurs in ensuring that the drinking water source is not contaminated.

Our first concern here is that the Commissioner and the Fish & Wildlife Departments current responsibility begin and ends with the consideration of whether to approve a permit

or not, shouldering all the responsibility to ensure that the proposed event would not adversely affect fishing or specific species of fish.

Our second concern here is that it is somewhat nebulous as to what “*the costs the municipality incurs in ensuring that the drinking water is not contaminated.*” Does the City of Barre have records of the nature of the costs that they have incurred to date as a result of any tournaments that have been held on Dix Reservoir?

We believe that, if a municipality incurs any costs related to a fishing tournament, the responsibility on insuring a safe and “clean” fishing tournament rests upon the tournament sponsor to correct, not the Department of Fish & Wildlife. As a result of the new requirement that a sponsor MUST contact the municipality of the intent to run a fishing tournament, the municipality would know who to contact as far as potentially incurred costs.

If there has been documented significant costs associated with the operation of fishing tournaments on public waters in Vermont, it would help us all better understand the scope of this possible problem, but we believe it has been proven that safe drinking water and fishing, either individually or as a tournament, do not present significant risks to quality drinking water.

We believe that the real threat to drinking water supplies is from terrorist acts and the purposeful contamination of public drinking water with agents that the water system was not and is not designed to manage. Those potential threats will remain until such time as an investment is made to manage them, which we know to be exceptionally expensive.

Those threats, however, have little to do with fishing or fishing tournaments by the public who wish to recreate as well as to enjoy more food security, and history supports this.

Please consider changing sections (a)(2) to require that a sponsor notify a municipality of a pending tournament as part of the permitting process and remove the ability of a municipality to deny a permit for fishing.

Please also consider changing (d)(2) to remove any responsibility of the Commissioner or the Department of Fish & Wildlife to handle cost reimbursement to a municipality from a sponsor for costs incurred – that should be between the sponsor and the municipality – knowing beforehand that history appears to show negligible impact on water quality for tournaments.