ATLAS
GOVERNMENT AFFAIRS

February 6, 2026

Response to Vermont Traditions Coalition Testimony on S.224

Chair Watson and Members of the Senate Committee on Natural Resources & Energy,

I am writing to respond to the testimony offered on February 5 by Vermont Traditions Coalition opposing Sections 1 and 8 of S.224, and to correct several factual misstatements and characterizations in that testimony that misrepresent both the bill and the City of Barre's actions and responsibilities. Testifying against a bill is of course fair and legitimate. What is unacceptable is misstating what the bill actually does while getting Barre-specific facts wrong and disparaging the professionalism and good faith of Barre City staff.

First, the witness repeatedly asserted that Barre does not own or control all of the land surrounding the Dix Reservoir, citing rights of way, upstream drainage, and privately owned land beyond municipal control. That claim was offered as evidence that the bill is flawed as applied to Barre. But the new language in Section 1 is explicitly conditional. Delegation occurs only if a municipality owns or controls all surrounding land. If the witness is correct about Barre's land ownership or control (which he is not), then the bill simply would not apply to the Dix Reservoir, full stop. The witness cannot logically argue both that Barre fails to meet the statutory threshold and that the bill dangerously empowers Barre. That internal contradiction reflects a lack of basic review. And a simple examination of a tax map before testifying would have clarified whether this provision is triggered (it is) and would have avoided extended testimony built on a faulty premise.

Second, the testimony repeatedly framed the bill as relitigating settled public access law and overriding the public trust doctrine. That is simply inaccurate. Section 1 does not redefine access rights, privatize public waters, or adjudicate where access exists. It creates a narrow delegation mechanism allowing regulation of use on a public water only when specific statutory conditions are met, through a municipal ordinance approved by the Secretary, subject to state drinking water standards, and appealable to the Environmental Division. Throughout the testimony, regulation of use was treated as synonymous with elimination of access. That equivalence does not exist now and is not created by this bill.

Third, the witness argued that DEC already has authority and that municipal delegation constitutes regulatory overreach. This ignores the gap the bill is designed to address. Under current law, DEC regulates use of public waters, but municipalities operating drinking water systems lack the authority to adopt enforceable use rules for the water source they are responsible for protecting, even when impacts are local. S.224 does not remove DEC authority.

Fourth, the testimony warned of dangerous statewide precedent and privatization of public waters. That argument disregards the statutory thresholds. The delegation applies only to municipally operated drinking water sources where the municipality owns or controls all surrounding land, adopts an ordinance, secures Secretary approval, and it remains subject to state standards and judicial review. Private landowners cannot meet these conditions. Most municipalities cannot even meet them. The narrow scope is a feature of the bill.

With respect to Section 8, the witness objected to municipal involvement in fishing tournament permitting. It is important to be precise about what is new in this proposal. The state permit requirement already exists. The new provision applies only when a tournament is proposed on a municipal drinking water source and the municipality owns or controls all surrounding land. In that limited circumstance, the Department must confirm that the municipal legislative body approved the event before issuing the permit. This does not create a new permitting regime, does not regulate casual fishing, and does not impose new fees beyond existing state permit fees. It simply recognizes that municipalities bearing drinking water risk should have a say before a large event occurs on their drinking water source.

Finally, I want to address the tone and implications of the testimony as it related to Barre City and its public servants. Throughout the testimony, the witness suggested or implied that Barre's concerns could and should be resolved solely through upgrades to its treatment plant, that seeking regulatory clarity reflects a deficiency in the system and its management, and that concerns about water quality risks were overstated or unfounded. The testimony also minimized the responsibilities borne by city staff and law enforcement, characterizing enforcement and preventative action as inappropriate rather than as part of responsible municipal stewardship.

Taken together, these statements and implications belittle the judgment and good faith of Barre's hard working city employees and law enforcement officials. These are people charged with protecting public health and safety under real-world constraints of infrastructure and cost. Barre City did not manufacture this conflict. Seeking legislative action in response to a threat is not incompetence or overreach, but responsible governance by those tasked with protecting their communities.

Thank you for the opportunity to correct the record.

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