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TESTIMONY ON S.223
SUBMITTED TO THE HOUSE ENVIRONMENT COMMITTEE
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Pat Suozzi, President, Federation of Vermont Lakes and Ponds

My name is Pat Suozzi, I am President of the Federation of Vermont Lakes and Ponds. Thank you for giving me the opportunity to speak to you about S. 223

The Federation is a statewide coalition of volunteer lake associations. Since 1972 we have been dedicated to fostering environmental quality standards and preserving Vermont's lakes, ponds and their watersheds. We represent over 50 lake associations from around the state consisting of hundreds of volunteers, boaters, swimmers, anglers, property owners, and all who love and care about protecting Vermont's lakes.

Like many others who are speaking today, we have been working on the issue of lake reclassification and anti-degradation for years. You have already heard some reasons to support this bill. I would like to add 13 more reasons:

Caspian Lake, Cole Pond (Jamaica), Coles Pond (Walden), Echo Lake (Charleston), Maidstone Lake, Newark Pond, Lake Raponda (Wilmington), Lake Rescue (Ludlow), Seymour Lake (Morgan), Shadow Lake (Glover), South Pond (Eden), Lake Willoughby (Westmore), and Havey's Lake (Barnet).

In 2021 the Agency of Natural Resources determined that these lakes were eligible to be reclassified as A1waters. A1 reclassification would better protect water quality, require earlier state interventions if phosphorus levels rise, and enable priority access to funding for restoration.

Of the 13 I listed, four lake associations with the support of their municipalities, petitioned for reclassification in 2021 and early 2022: Maidstone, Echo, Caspian, and Shadow.

Since 2021, however, these four petitions have remained unresolved because of a set of legislative and administrative barriers. As a result, the other 9 lakes deemed eligible in 2021 declined to file petitions and further work on lake reclassification stalled.

Recent data for 3 of the 4 petitioner lakes show a rising trend in phosphorus levels. Given that phosphorus is a major contributor to cyanobacteria blooms, such rising levels are a serious concern.

Why the delay?

To explain this, it is important to note that if a lake is reclassified to A1, its entire watershed is reclassified. That means all streams and rivers, as well as the lake, in the watershed get extra protection. That is a good thing.

Except, there's a catch. A1 classification comes with some limitations and those apply to the entire watershed. Limitations that were originally meant to protect these A1 waters have actually become an obstacle to their protection

Here is an example.

In 2022, seven property owners on the shores of Caspian Lake worked together to replace their individual failing septic systems with one shared community system. This new system is situated farther from the lake shore – some 300 feet – rather than the 25-30 feet of some of the old residential systems. By replacing outdated and failing systems, this new combined system better protects water quality and ensures that wastewater is not leaking into the lake.

However, due to the size of system, it would not be allowed in an A1 watershed under current regulations.

Why? It is thought that this limitation was created in order to prevent larger developments within A1 watersheds. The problem is, though, that we have these very high quality waters within large watersheds, that in some cases include entire towns. We want to protect these waters while also being able to support these towns to thrive, many of which are in the Northeast Kingdom.

Yet leaving these lakes at B2 level also doesn't make sense. Classified as B2, these watersheds are open to all sorts of activities and development without the guardrails provided by reclassification and consistent anti-degradation rules.

This is already a complicated situation. Another complication to note is that the 13 lakes I mentioned earlier, although deemed eligible as A1 waters, were required to have their local volunteer lake associations file a petition to be reclassified. The petitions are lengthy and must include full research on the state of the lake. Then if the petitions were acted upon (which they have not been to date) ANR procedures would then open a lengthy rulemaking process.

Our amazing clean lakes and streams are an important contributor to the state's economy, as well as being necessary for the health of our environment and our citizens, for providing unparalleled recreational opportunities, and of course, providing drinking water for thousands of Vermonters.

It is critical that we take steps to protect these waters from deteriorating and from such scourges as cyanobacteria blooms. Degradation of these lakes would be an irreparable loss: economically and environmentally

It is possible, though, to resolve this. We can have both protection of high quality waters and thriving towns.

What we need is a thoughtful and coherent policy, a clear set of recommendations, and an implementable plan. To get to that, all the aspects of the issue - legislation, anti-degradation rules, administrative procedures, water quality standards, economics, environmental protections, land use - need to be explored together.

This study group is designed to do just that. It brings together the many perspectives and knowledge bases needed to develop a full understanding of the issues. With everyone in the room and with time to more thoroughly explore these issues than can be done during the legislative session, a solution is possible. Certainly, what we have been doing – or not doing - over the last few years has not worked, so it seems sensible to try a different approach.

We all have the same goal: ensure both the health of the state's freshwater resources and the health of the state's economy. It is time to make some real progress on creating a system that helps us reach that goal.

I urge you to pass S. 223.