

## **Wheeler, Denise**

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**From:** Hill, Steve  
**Sent:** Thursday, November 30, 2006 1:27 PM  
**To:** Hasen, John; NRB - Comments  
**Cc:** Regan, Ron  
**Subject:** Proposed Amendments to Vermont use of Public Waters Rules

John,

Sorry, It works better when I attach the rule.

The original of the attached letter is enroute to you via pink mail.

Thank you for the opportunity to comment on this proposed rule.

Sincerely,

Steve

Stephen K. Hill  
Vermont Department of Fish and Wildlife  
103 South Main Street, 10 South  
Waterbury, Vermont 05671-0501  
802-241-3817 Voice  
802-241-1002 Fax  
steve.hill@state.vt.us

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November 30, 2006

John Hasen, General Counsel  
Natural Resources Board  
National Life Records Center Building  
Drawer 20  
Montpelier, VT 05620-3201

Re: Vermont Use of Public Waters Rules (2006 Amendments)

Dear Mr. Hasen:

The Vermont Fish and Wildlife Department (F&W) supports the addition of the twelve waters to those public waters closed to aircraft use. Fish and Wildlife does not support and recommends against the removal of Norton Pond from the list of public waters closed to aircraft use.

The removal of Norton Pond from the prohibited list is not in the interest of the public welfare because it will have a detrimental impact on loons, osprey and bald eagles. Caution should be exercised in any action that will adversely impact on these three species

Norton Pond is a manmade body of water of approximately 667 acres in size. It is located in the towns of Warren Gore and Norton. It is approximately 3 miles in length and is generally one quarter to one half mile in width. The main body of the pond is oriented on a northeast- southwest axis. There is a westerly arm on the pond that leads to a large bay, swamp and wetland complex where Hurricane Brook enters Norton Pond.

There are two established loon pairs on Norton Pond. One nests in the southern end of the pond to the south of the F&W Fishing Access Area. The other pair nests on the small island between the western shore and Pences's Island (the narrow island located one third of the way up the pond from the southern end). They use the whole pond to feed. The loons and their chicks have been observed in both southern bays, along both eastern and western shores, and in the main channel of the pond north of the Warren Gore/Norton Town line. Loons were just last year removed from the State Threatened and Endangered Species and while their recovery is progressing, the introduction of factors such as aircraft landings and takeoffs that will adversely impact on their ability to nest and forage for food should be avoided unless absolutely necessary

Bald eagles have been observed on the western arm of the pond and on both the western and eastern shores as far north as the Warren Gore/Norton Town line. This past summer one eagle pair

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was observed on several occasions in the company of two juvenile eagles. The eagles are clearly using Norton Pond as a food source. The Bald Eagle is a state listed Endangered Species and a federally listed Threatened Species. Vermont has an active Bald Eagle Recovery Program and is trying to reestablish breeding pairs in the State. While one pair did nest on the lower Connecticut River last year, it was not successful. The introduction of factors such as aircraft landings and takeoffs that will adversely impact on their ability to forage for food and perhaps establish nesting sites should be avoided unless absolutely necessary.

Ospreys have been observed on Norton Pond. Like the eagles, they use it as a food source. Like the loons, they were removed from Vermont's Threatened and Endangered Species last year, and while their recovery is progressing satisfactorily the introduction of factors such as aircraft landings and takeoffs that will adversely impact on their ability to nest and forage for food should be avoided unless absolutely necessary

The introduction of aircraft onto Norton Pond will adversely impact the recovery of the loons and osprey and the use of the pond by eagles by disrupting feeding and nesting behaviors. Aircraft use has the potential to drive away these three species. By keeping Norton Pond as a water body where the present of loons, osprey and eagles is encouraged, the potential to speed their recovery and re-introduction is maximized.

The protection of Vermont's public waters benefits the resource, our citizens and our guests. By using this opportunity to prevent adverse impact on loons, osprey and bald eagles, everyone benefits and both the water resource and the wildlife resource are managed to benefit the public good.

Sincerely,

Wayne A. Laroche  
Commissioner, Fish and Wildlife