

**From:** [david fried](#)  
**To:** [Woods, Laura](#)  
**Subject:** berlin pond  
**Date:** Tuesday, May 20, 2014 6:52:44 AM

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dear laura,

please support the petition to protect berlin pond from human use except for good drinking water that is of the highest quality

thankyou

david fried,33 loomis st,montpelier,vt resident and water drinker

**From:** [Tim Jennings](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Wednesday, May 21, 2014 8:04:40 AM

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Please protect Berlin Pond. Even a monkey will not soil its own nest.

Tim Jennings.

**From:** [Mark Fitzsimmons](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Wednesday, May 21, 2014 9:10:24 AM

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To the ANR Hearing Board

As a life long fisherman and outdoors enthusiast, I firmly support efforts to make public lands and waterways accessible to non-intrusive uses. Allowing motors on Berlin Pond does NOT constitute a non-intrusive use. Please pass the full petition submitted by *Citizens To Protect Berlin Pond*.

Thank you for your consideration.

Mark A. Fitzsimmons  
23 Terrace Street  
Montpelier, VT 05602  
802.793.1950

**From:** [LaFlamme, Pete](#)  
**To:** [Welts, Leslie](#); [Warren, Susan](#); [Woods, Laura](#)  
**Subject:** FW: Please return Berlin Pond to full protection  
**Date:** Wednesday, May 21, 2014 9:17:46 AM

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No response required, please just add him to the distribution list

Pete LaFlamme, Director  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522  
802-490-6190 / [Pete.LaFlamme@state.vt.us](mailto:Pete.LaFlamme@state.vt.us)  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

-----Original Message-----

From: Markowitz, Deb  
Sent: Tuesday, May 20, 2014 9:35 AM  
To: Kurt Steinert  
Cc: LaFlamme, Pete  
Subject: Re: Please return Berlin Pond to full protection

Hi Kurt - Thank you for your letter. I am sending it to the Watershed Management Division so that they can include it in the public comments as part of their petition review. Deb

Sent from my iPad

Deb Markowitz  
Secretary, Agency of Natural Resources

Protect, Respect, Enjoy

On May 19, 2014, at 11:28 PM, "Kurt Steinert" <[ksteinert@earthlink.net](mailto:ksteinert@earthlink.net)> wrote:

> Secretary Markowitz,  
>  
> As you know, there will be a public hearing held on May 27 to consider a petition from a local grassroots group, Citizen's to Protect Berlin Pond, to restore the pond to full protection. I strongly urge the ANR to approve this petition.  
>  
> Why? Because Berlin Pond is the drinking water source for the entire city of Montpelier. Every business, restaurant and school, along with many businesses and residents in Berlin (including Central Vermont Hospital) - as many as 25,000 people - rely on this water supply every day.  
>  
> The risks to human health from recreational access to the pond well documented in the petition, including contamination from human waste, increased risk of petroleum spills, both of which challenge the capabilities of the city's water treatment system to deliver quality drinking water.  
>  
> Personally, I am not in any way against the types of recreation that are now allowed on Berlin Pond - I enjoy fishing, kayaking, swimming. But given the risks to the sole drinking water supply for Vermont's capital city, I am perfectly willing to seek other locations to enjoy these activities; there are many dozens of bodies of water nearby where I can enjoy fishing, boating and other water sports.  
>  
> It is not an unusual step for a community to take similar steps to ensure the safety of its water supply. On the Wachusett Reservoir, which is the main water supply for Boston, there are regulations – covering an area far larger than the whole of Berlin Pond - prohibiting boats, ice fishing, wading, swimming, overnight camping, alcoholic beverages, littering, animals, bikes, cars and trucks from the

reservoir and adjacent property. Keep in mind that Wachusett Reservoir is the second largest body of water in Massachusetts, and much more resilient and able to recover from contamination than is Berlin Pond.

>

> A simple question: should we put the drinking water supply relied on by tens of thousands of our fellow Vermont citizens – as well as visitors to our state (which has a reputation as one of the most environmentally friendly in the country), so that people can fish and kayak on one particular pond, when there are so many other options?

> Personally, I don't think it is worth taking that risk.

>

> I also think it is worth considering Vermont's reputation. I know of another state capital a few hundred miles south of here (also with a gold-domed statehouse, by the way) that didn't do a very good job protecting its drinking water supply. Who wants to visit Charleston, West Virginia, these days? Something to think about.

>

> Respectfully,

>

> - Kurt Steinert, Calais

**From:** [LaFlamme, Pete](#)  
**To:** [Welts, Leslie](#); [Warren, Susan](#); [Woods, Laura](#)  
**Subject:** FW: I Have Not Received An Acknowledgement Of This Letter As Of Today. What's the holdup ?  
**Date:** Wednesday, May 21, 2014 10:25:51 AM

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Another one for the distribution list....



VERMONT DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
**WATERSHED**  
MANAGEMENT DIVISION

**Pete LaFlamme, Director**

1 National Life Drive, Main 2  
Montpelier, VT 05620-3522  
802-490-6190 / [Pete.LaFlamme@state.vt.us](mailto:Pete.LaFlamme@state.vt.us)  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

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**From:** Markowitz, Deb  
**Sent:** Wednesday, May 21, 2014 9:58 AM  
**To:** 'Joseph Whelan'  
**Cc:** LaFlamme, Pete  
**Subject:** RE: I Have Not Received An Acknowledgement Of This Letter As Of Today. What's the holdup ?

Hi Joseph – Thank you for this letter, I have sent it to the Watershed Management Program as they are reviewing the petition. It will be treated as a public comment on the petition. Deb



**Deb Markowitz, Secretary**

Agency of Natural Resources  
1 National Life Drive  
Davis 2  
Montpelier, VT 05620-3901

802-828-1294  
[deb.markowitz@state.vt.us](mailto:deb.markowitz@state.vt.us)  
[www.anr.state.vt.us](http://www.anr.state.vt.us)

**Respect. Protect. Enjoy.**

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**From:** Joseph Whelan [<mailto:Joseph.Whelan@myfairpoint.net>]

**Sent:** Tuesday, May 20, 2014 9:15 PM  
**To:** Markowitz, Deb  
**Cc:** [mpperley@AOL.com](mailto:mpperley@AOL.com)  
**Subject:** I Have Not Received An Acknowledgement Of This Letter As Of Today. What's the holdup ?

Please support the petition of the Citizens to Protect Berlin Pond, in its entirety.

I have lived in Montpelier since the late 1970s. We have much to be proud of in our city, including our drinking water supply. One of my three-season pleasures since I've lived here is to visit Berlin Pond whether for a 5-mile-loop cycle on my mountain bike, taking short walks, or just to view the birds from the north end parking area. I consider the Pond a treasure and was very disappointed when the State deemed it an "open access" area two years ago. I am even more disappointed now, having repeatedly wondered, over the two years of "open access," why the Supreme Court made its decision, given the dozens of other fishing and boating access areas in the State, several within a short drive of the Capital Area. Of late, I have learned of the Town of Berlin's eagerness to install a boat launch and boat-wash station at the pond on the property owned by the Town.

I want you to know that I am vehemently against this plan by Berlin. I also want ANR to place a moratorium on any construction pertaining to "open access" at the Pond. And I also want the State to examine the unhealthy connection between Vermont's Department of Fish and Wildlife and Old Towne Canoe, an out-of state enterprise with a profit motive based on the success of Berlin's plan. Without naming any, I have reason to believe that other enterprises specializing in hunting, boating, and fishing gear sales might also be watching with excitement.

As a suggestion, the ANR should initiate a thorough assessment of the ecology of Berlin Pond. Having attended what I consider one of our state's best science educational institutions, I would recommend a research team from Lyndon State College. Other institutions might be considered, of course.

Clean water is the essence of life. Astronomers are elated about the Kepler space probe's recent discovery of an Earth-like planet including the presence of H<sub>2</sub>O. They know that water may indicate life as we know it. Here on Earth, life as we know it should not be threatened by profit seekers, in the name of outdoor recreation.

I do not consider a compromise on the petition of Montpelier City and that of Citizens to Protect Berlin Pond an acceptable solution to the threat posed by contamination of Montpelier's drinking water supply. Having followed this issue closely, I am ready to express my views more widely should the State choose not to overturn the Supreme Court's unfortunate decision of May 2012.

Sincerely yours,

Joseph F. Whelan

Montpelier, Vermont

**From:** [LaFlamme, Pete](#)  
**To:** [Welts, Leslie](#); [Warren, Susan](#); [Woods, Laura](#)  
**Subject:** FW: BERLIN POND  
**Date:** Wednesday, May 21, 2014 9:19:10 AM

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FYI, another letter to Deb. No reply needed, please just add her to the distribution list. Thanks.

Pete LaFlamme, Director  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522  
802-490-6190 / [Pete.LaFlamme@state.vt.us](mailto:Pete.LaFlamme@state.vt.us)  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

-----Original Message-----

From: Markowitz, Deb  
Sent: Tuesday, May 20, 2014 9:58 AM  
To: Susan Sanderson  
Cc: LaFlamme, Pete  
Subject: Re: BERLIN POND

Hi Susan - Thank you for your letter. I have forwarded it to the Watershed Management Division to be included as a public comment as part of their consideration of the petition. Deb

Sent from my iPad

Deb Markowitz  
Secretary, Agency of Natural Resources

Protect, Respect, Enjoy

On May 16, 2014, at 10:03 AM, "Susan Sanderson" <[suesanderson1958@gmail.com](mailto:suesanderson1958@gmail.com)> wrote:

> Good Morning,  
>  
> I am writing to you in regards to the issues regarding Berlin Pond. I am hoping that you will support returning the pond to its previous undisturbed nature before the Supreme Court ruling that opened this special and unique body of water for sports.  
> Having been a daily presence at the pond as a birdwatcher, I have noticed a decline in the population of aquatic and woodland songbirds and other wildlife that until three years ago enjoyed the pristine environment. I also have very grave concerns over the safety of our water supply. Berlin Pond is very shallow, and has deep levels of sediment that if disturbed will not only affect the turbidity of the water, but will create excess expense to the water treated for human consumption. To place this water at risk from petroleum based fuels and the possibility of contamination from other foreign matter is a dangerous prospect. With global warming in effect, I believe that preserving this small body of water from human intrusion will help protect a diminishing water supply and return the wildlife that has been disturbed.  
> Berlin Pond is losing water surface on a yearly level. We need to protect and preserve this body of water for the future generations to enjoy. There are so many other bodies of water that are available to sportsmen, many within 20 miles of central Vermont. I feel it would behoove us to take that initiative to create a wonderful environment that is free from boating, swimming, fishing and hunting. I support the fish and game community, but I also hope that we can take a firm stand and say "not at this pond".  
> I truly appreciate that you have taken the time to read my email, and if you would like to discuss this further, I am always available via email. Thank you so much!  
> Sincerely  
> Susan Sanderson

> 149 Berlin Street  
> Montpelier, VT 05602  
> 802-225-6597  
>

**From:** [Lori Bowman](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Wednesday, May 21, 2014 12:01:21 PM

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Hi,

I'm writing to ask that you please protect our drinking water from Berlin Pond. Pass the full petition, don't allow petroleum on the water or ice. We need to have the cleanest water we can, without toxins that can cause cancer or other health problems.

There's plenty of other places around here that people can boat, swim and fish. Our water already costs way too much in Montpelier. If the water treatment has to be upgraded to filter out more toxins it would just add to that cost. One way or the other we'd pay, either for that, or at the doctor's office.

I've already heard people talking about looking into drilling wells in their yards in Montpelier!!!

Thanks,

Lori Bowman

**From:** [christopher rohan](#)  
**To:** [Woods, Laura](#)  
**Subject:** Pass full protection for Berlin Pond  
**Date:** Wednesday, May 21, 2014 12:50:37 PM

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Hello Laura

Please protect berlin pond from recreational use.

Thanks  
Chris Rohan  
1 Chapman Rd  
Montpelier VT

**From:** [Juliana Westcott](#)  
**To:** [Woods, Laura](#)  
**Subject:** concerns about Berlin Pond  
**Date:** Wednesday, May 21, 2014 5:07:08 PM

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Hello I'm writing to say that I am extremely concerned about the Berlin pond situation and the risk of polluting Montpelier's only water source. It is very important that we close the pond to recreational activities. There are plenty of other options near by for boating, snowmobiling, etc. and we must not risk polluting our water source.

J. W.

**From:** [Jane Dale](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Wednesday, May 21, 2014 6:34:12 PM

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We need to protect our drinking water. There are other bodies of water in central vermont for recreation.

Please pass the full petition submitted to protect Berlin Pond.

Sincerely,

--  
Jane Sakovitz-Dale

19 Clarendon Ave  
Montpelier, VT 05602  
802-223-0709

NEW EMAIL: [jsdalevt@gmail.com](mailto:jsdalevt@gmail.com)

**From:** [Dana Dwinell-Yardley](#)  
**To:** [Woods, Laura](#)  
**Subject:** please pass the Berlin Pond petition!  
**Date:** Wednesday, May 21, 2014 9:09:12 PM

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Hi Laura,

I'm writing to urge you folks at the SNR to please pass the full petition submitted by Citizens To Protect Berlin Pond.

I am concerned about the future of our water quality here in Montpelier, and I strongly believe we need to protect this resource. The water filtration plant can't even detect gas, let alone filter it. There are many other local bodies of water for human and gas-based recreation. Keep the pond safe and pure!

Thanks,  
Dana Dwinell-Yardley  
Elm Street, Montpelier

--  
Dana Dwinell-Yardley  
graphic design & layout  
Montpelier, Vermont  
802-505-6639  
[danadwya@gmail.com](mailto:danadwya@gmail.com)

**From:** [Jessica Rubin](#)  
**To:** [Woods, Laura](#)  
**Subject:** Protect our water source  
**Date:** Wednesday, May 21, 2014 11:49:51 PM

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To whom it may concern,

please pass the full petition submitted by Citizens To Protect Berlin Pond. It is important that we protect our water source and prevent irreversible mistakes.

Thank you for tending to this responsibly.

Jessica Rubin

--  
"In nature nothing exists alone."  
— [Rachel Carson, \*Silent Spring\*](#)

<http://www.rootsandtrails.com/>

**From:** [Pamela Krausz](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Thursday, May 22, 2014 9:18:18 AM

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Dear Laura,

ANR should accept the petition submitted by Citizens to Protect Berlin Pond. There are at least 25 water bodies to use for recreation in a 30 mile radius. There is simply no need to risk people's drinking water in favor of recreational activities.

My husband and I like to kayak and wondered about kayaking on Berlin Pond. We knew it was closed to recreation for as long as we could remember, but then it wasn't. We thought about checking it out for kayaking until we learned it was a water supply for thousands of people. Once we learned what had happen, we were concerned. There is just no reason to jeopardize this water supply.

While we live in Brookfield and have a well, we frequent Montpelier restaurants and the co-op and have many friends who live in Montpelier. The decision to open Berlin Pond for recreational use needs to be over turned because a clean and safe water supply is of utmost importance for all residents and visitors to the area.

Thank you,

*Pamela Krausz  
Brookfield, VT*

**From:** [Brian Carlson](#)  
**To:** [Woods, Laura](#)  
**Date:** Thursday, May 22, 2014 10:08:28 AM

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Dear Ms. Woods:

I offer my null support to the petition submitted by Citizens To Protect Berlin Pond. Although I am an avid boater and swimmer who loves spending time in and on nearby lakes, I believe Berlin Pond needs to be off-limits to public recreation.

Clean freshwater is an essential resource on which we all depend; therefore, we should not make policies that allow even a potential for declines in water quality. Also, Berlin Pond represents a very unique lake in Vermont since it has not been open for public use for 100 years. This fact has allowed it to become a unique wildlife habitat that should be maintained in a world where our human footprint is always expanding.

Thank you for your consideration of my comments and I hope the ANR will support the petition submitted by Citizens to Protect Berlin Pond.

Sincerely,

**Brian Carlson**  
**8 McKinley St**  
**Montpelier, VT 05602**  
**(802) 279-9303**

**From:** [pilette\\_tds.net](mailto:pilette_tds.net)  
**To:** Woods, Laura  
**Subject:** Berlin Pond  
**Date:** Thursday, May 22, 2014 6:36:21 PM

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The petition to prohibit the recreational use of Berlin Pond does not deserve a second look. This body of water meets all the requirements to belong to the citizens of the State. Not the minority liberal community of Montpelier. There are several bodies of water state wide that provide drinking water while allowing recreational use. Berlin Pond should have been opened for recreational use the day Montpelier's water treatment facility came on line. Now that these are open waters the city of Montpelier has no purpose for the land surrounding the pond and this property worth millions of dollars should be returned to the town of Berlin. The appropriate issue we should be considering is when will the recreational parking and launch area be constructed.

Chuck Pilette  
Northfield, VT

**From:** [vtguns@aol.com](mailto:vtguns@aol.com)  
**To:** Woods, Laura  
**Subject:** Keep the Berlin Pond Open for Public Use  
**Date:** Thursday, May 22, 2014 6:57:43 PM

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The Berlin Pond is an open body of water, owned by all Vermonters.  
The Vermont Supreme Court ruled this to be fact. The Vermont Sportsmen's Bill of Rights was a major factor in the VSC decision.

The Public Trust Doctrine protects the public use of the Berlin Pond.

May 23, 2014

To: Laura Woods  
[Laura.Woods@state.vt.us](mailto:Laura.Woods@state.vt.us)  
Vermont Agency of Natural Resources (ANR)

From: Susan Walter, Montpelier, Vermont

**RE: Support of the Full Petition Submitted by Citizens to Protect Berlin Pond**

Please pass the full petition submitted by *Citizens to Protect Berlin Pond*. Berlin Pond has been a Montpelier and Vermont treasure for many decades. It has been enjoyed from its banks by the homeowners around the pond, and by visitors who come to the pond to admire its beauty and serenity. I strongly believe in protecting Berlin Pond from human intrusion, and hope that the pond can be protected into perpetuity.

The pond and surrounding area are home for nesting birds, reptiles, amphibians, and mammals, which include at least:

- Loon (endangered species)
- Pie-billed Grebe
- Osprey
- American Bittern
- Least Bittern
- Virginia Rail
- Sora Rail
- Common Snapping Turtle
- Wood Turtle
- Midland Painted Turtle
- Northern Water Snake
- Red Spotted Newt
- Northern Dusky Salamander
- Eastern American Toad
- Northern Spring Peeper
- Gray Tree Frog
- Bullfrog
- Green Frog
- Pickerel Frog
- Leopard Frog
- Beaver
- Muskrat
- River Otter
- Moose

Also, fish such as Large and Small Mouth Bass, Chain Pickerel, Brown Bullhead, Yellow Perch and Pumpkinseed live in the pond, and have grown accustomed to life without human intrusion.

I am writing to **strongly** urge the Vermont ANR to pass the petition so that Berlin Pond can be free from human use. This would mean **NO** human use at all- no boating, no swimming, no ice shanties, ... Please see photo below of trash seen at Berlin Pond due to of course the increase in human use.

Let's respect Berlin Pond, as was done by our predecessors, and leave it to our successors in the fine condition it has been for decades.

Thank you for your understanding and utmost consideration.



**From:** [Liane Allen](#)  
**To:** [Woods, Laura](#)  
**Subject:** Please Protect Safe Drinking Water for Berlin & Montpelier  
**Date:** Friday, May 23, 2014 10:40:11 AM

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I am stunned to learn that the ANR is considering allowing boating on Berlin Pond. As clean, safe drinking water becomes increasingly rare, it makes no sense to endanger a source already in use for municipal drinking water. People in other states have learned the hard way that once the water has been contaminated, it's difficult and very expensive to remediate. The town of North Andover, MA had a terrible time after their reservoir became infected with giardia. It's a simple fact: boats occasionally tip over, and that means people fall into the water, creating a serious risk of contamination with attendant risk of illness for people who depend on that water for drinking.

Please protect the water in Berlin Pond. Don't make the mistake that others have made, endangering the health of the thousands of people and businesses who depend on this water.

Liane Allen  
Newbury, VT

**From:** [Tierney, Mike](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Friday, May 23, 2014 11:18:54 AM

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Laura, I am opposed to restricting recreational use(s) on Berlin Pond.  
Mike Tierney

# ERICK E. TITRUD, ESQ.

*Law Office of Erick Titrud, Esq., PLLC*

May 22, 2014

Deborah L. Markowitz, Secretary  
Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901

Re: Citizens to Protect Berlin Pond Petition for Amendment to  
Vermont Use of Public Water Rules

Dear Secretary Markowitz:

I am writing to you on behalf of the Citizens to Protect Berlin Pond concerning their Petition to amend the Vermont Use of Public Water Rules to restore the protected status and prohibit recreational use of the surface water of Berlin Pond. Specifically, the members of Citizens to Protect Berlin Pond wish to express their concerns regarding actions presently being taken by the Agency to facilitate the development of access to and use of the pond even while the Petition is pending and awaiting public comment and review. These actions are contrary to assurances given by you and Agency staff and undermine the integrity of the Agency's independent review of the Petition.

You may recall that certain individuals including Representative Warren Kitzmiller and Melissa Perley, President of Citizens to Protect Berlin Pond, wrote to you several weeks ago expressing concerns that action taken by the Agency to develop access to the Pond while the Petition was pending would prematurely allow degradation of the water quality and make a mockery of the ANR rulemaking and public comment process. These individuals requested that the Agency refrain from actions leading to development of access to the Pond during the administrative process.

Melissa Perley and others were greatly encouraged by your prompt and clear response confirming that there are no plans to build any access to the

Deborah Markowitz

May 22, 2014

Page 2

Pond and none would be made unless and until a decision allowing access is made on the Petition. Your unequivocal statement was followed, on April 30<sup>th</sup>, by an email from Agency staffperson Laura Woods stating that “[t]he Department of Fish and Wildlife will not move forward with access area development on Berlin Pond until after decisions on the petitions are issued, and then only if in accordance with any new rule.” It is reasonable to conclude from these communications that the Agency would take no action to facilitate creating access to the Pond while the Petition remains pending.

In spite of these assurances, however, the Agency, through its Department of Fish and Wildlife, has been actively involved in planning for developing access to the pond. Mike Wichrowski, Facility and Lands Administrator for the Fish & Wildlife Department, attended meetings of the Town of Berlin Selectboard on April 21<sup>st</sup> and May 5<sup>th</sup> to discuss development of access to the pond. Mr. Wichrowski made several statements revealing the Agency’s intentions concerning developing access that not only conflict with your assurances but which also appear to reflect a premature judgment by the Agency to allow access. This conduct calls into question the integrity of the Agency rulemaking process.

Mr. Wichrowski stated explicitly that the Fish and Wildlife Department is “pushing for” access for canoes and kayaks for hunting and fishing and other activities. He also expressed that the Agency will move forward and share costs with the Town of Berlin and work towards developing access, that the “[d]epartment feels that access won’t be denied[,]” and that the Department expects preparatory work to be completed “by the time the petitions have gone through the process.” These Selectboard meetings were videotaped by Onion River Community Access Media (ORCAMedia) and recordings of these meetings are available at the ORCAMedia website: <http://www.orcamedia.net> (scroll to “Berlin Selectboard;” then to “Berlin Selectboard: May 5, 2014” and “Berlin Selectboard: April 21, 2014”). Mr. Wichrowski made these statements at the May 5<sup>th</sup> meeting at the times on the recording as noted:

- 24:15      Fish and Wildlife is pushing for carry-on access
- 24:42      [seeking access] to park cars and allow people to drag canoe or kayak for hunting and fishing
- 25:46      Secretary told us we will continue working with the Town to survey, complete design and determine whether permits are needed
- 27:08      Memorandum of Understanding to be revised allowing F&W to move forward and share costs with Berlin and work

- towards developing access
- 28:15      department feels access won't be denied
- 32:21      [regarding MOU,] State seeks to have something on paper that says 'okay, we are going to move forward'; process has been very long already and so we'd like a definitive answer for budgeting purposes, for planning out project, etc.
- 34:08      there are many water bodies serving as public water supplies and allowing for recreational uses is the norm

These statements reveal the true intent of the Agency to move forward with preliminary measures to develop access not only prior to a determination on the Petition but at a time when the Agency is seeking public comment on the Petition. Additionally, the draft Memorandum of Understanding proposed to be entered into between the Town of Berlin and the Fish and Wildlife Department underscores this intent.

With all appropriate respect, this is directly contrary to the representations made by you in your email messages and the correspondence from Laura Woods. Of greatest concern, however, is that the Agency's actions and statements signify a premature determination regarding access to the Pond prior to completion of the rulemaking process on the Petition. The paramount goal of governmental decision-making should be to maintain public confidence in the soundness of government. This goal is irretrievably compromised in this matter.

The Citizens to Protect Berlin Pond group has greatly appreciated the assistance and advice of the staff of the Lakes & Ponds Management and Protection Program of the Agency's Watershed Management Division and also is grateful for the attention and consideration given by Agency staff in coordinating the public comment process. The Berlin Pond Citizens group nevertheless is compelled to express these genuine and deeply-felt concerns regarding what appears to be an erosion of the integrity of the Agency decision-making process.

For the reasons outlined in this letter and to restore public confidence in the soundness of government and the integrity of this rulemaking process, the Citizens to Protect Berlin Pond request that the Agency suspend all activities, including the completion of preparatory steps, to facilitate the development of access to the Pond until final resolution of the Petition and then only if a determination is made allowing public access to the Pond. We also request that the Agency address the concerns expressed regarding what appears to be a premature judgment and to undertake to restore the integrity

Deborah Markowitz

May 22, 2014

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of the rulemaking process. Finally, please include this letter as part of the record of public comments on the Petition filed by the Citizens to Protect Berlin Pond as well as the Petition filed by the City of Montpelier.

Thank you very much for your attention and consideration to these issues. Please feel free to contact me if you have any questions or if you would like to discuss this matter.

Sincerely,



Erick Titrud

cc (as pdf, via email only):

Melissa Perley, Citizens to Protect Berlin Pond

Louis P. Porter, Commissioner, Fish and Wildlife Dept.

David K. Mears, Commissioner, Dept. of Environmental Conservation

Leslie A. Welts, Esq., Dept. of Environmental Conservation

Laura Woods, Dept. of Environmental Conservation

Rep. Warren F. Kitzmiller

Hon. John H. Hollar, Mayor, City of Montpelier

William J. Fraser, City Manager, City of Montpelier

Stephen A. Reynes, Esq.

**From:** [suzdun82@comcast.net](mailto:suzdun82@comcast.net)  
**To:** Woods, Laura  
**Subject:** Berlin Pond  
**Date:** Friday, May 23, 2014 12:25:24 PM

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We're emailing you regarding the issue of protecting Berlin Pond from recreational use. Both my husband and I will not be able to attend the meeting on May 27 due to a prior commitment so we want to add our voices to the issue in this email to you. If we could have attended we would have.

Both of us strongly urge ANR to reconsider any actions that would continue recreational usage of Berlin Pond. As Montpelier residents we are opposed to recreational use of the pond as it is our drinking water source. There are many, many ponds and lakes in Vermont for recreational use. We do not want to see more chemicals added to our drinking water to deal with contaminants from recreational usage of the pond.

Being a native Vermonter I have spent many hours enjoying birding and wildlife while walking the road around the pond. My husband has also. It has been such a joy to see otters, beaver, moose, waterfowl, eagle, deer, and the numerous types of other birds living out their lives undisturbed by boaters. While my husband and I are avid canoeists we always commented that it was great that there was a protected pond where animals and fowl could be undisturbed. We didn't ever want to canoe on Berlin Pond nor would we now that we could as it is a people's water supply. To us, a water supply truly does trump recreational use and as I said above, there are many wonderful ponds to canoe all over the state and this area of the state.

So, again we urge ANR to do whatever is in it's power to protect our water supply and this area for future generations by not allowing recreational use.

Thank you for your time.

Sincerely,

Susan and Duncan Wilkie, Ph.D.  
30 Colonial Drive  
Montpelier, Vermont 05602

**From:** [Robin Gorges](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Saturday, May 24, 2014 8:51:03 AM

---

Please ask ANR to accept the Citizens to Protect Berlin Pond petition as submitted. A clean drinking water source for Montpelier is of prime importance. There are plenty of water bodies available to use for recreation without compromising Montpelier's source.

Thank you,  
Robin Gorges

**From:** [Heather Pipino](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Saturday, May 24, 2014 12:34:55 PM

---

Dear Ms. Woods -- As a resident of Barre, with little nearby access to water recreation, I have thoroughly enjoyed many pleasant days kayaking on Berlin Pond. I have gone there morning, noon, and afternoon, and have never once seen a motor boat or anyone with "gasoline" or "petroleum" on the water. The only thing I've seen is people paddling around in kayaks and canoes, fishing, relaxing, and enjoying nature's beauty.

The hyperbole of those against recreational access is ridiculous. Please keep Berlin Pond open for all to enjoy.

Thank you for your consideration,  
-- heather pipino  
Barre, VT

**From:** [Christine Terry](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Saturday, May 24, 2014 2:36:08 PM

---

Please do what you can to keep everyone off of Berlin Pond. We have so much chlorine in the water now that I can smell it when I'm taking a shower.

Chris Terry  
Montpelier, Vermont

**From:** [Nancy Schulz](#)  
**To:** [Woods, Laura](#); [Markowitz, Deb](#); [Mears, David](#); [Welts, Leslie](#); [EXE - Webmail](#)  
**Subject:** Montpelier Resident Requests Protection for Berlin Pond  
**Date:** Saturday, May 24, 2014 3:47:03 PM

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I'm a registered voter, a resident of Montpelier, and I am very concerned about protecting the city's water supply. Although my spouse and I are kayaking enthusiasts and have paddled in almost all the ponds in central and northern Vermont, I don't think it's appropriate or wise to open Berlin Pond for recreational use. There are dozens of places to paddle, fish, and swim within a relatively short distance from Montpelier but our city has only one water source. There is no compelling reason to risk contamination of this precious resource.

Every year on Green Up Day, I pick up styrofoam worm containers and lids on Montpelier's riverbanks, left behind by anglers. I also find fishline, empty bear cans, plastic bags, bottles, and fast food receptacles. While it would be nice to believe that everyone who gains access to Berlin Pond will treat it responsibly, experience shows us that that will not happen.

I hope you will take the long view and keep Berlin Pond protected.

Thank you for considering my comments.

Nancy Schulz  
27 North Franklin St.  
Montpelier, VT 05602  
(802) 223-7035

**From:** [Rob McIntyre](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Saturday, May 24, 2014 4:51:07 PM

---

Dear Laura,

We are writing to urge you to prohibit recreation on Berlin Pond. As you know, it is the source of drinking water for Montpelier and part of Berlin. Prohibiting recreation on the pond is a public health concern.

Sincerely,

Rob and Elaine McIntyre  
14 North Park Drive  
Montpelier, VT 05602

**From:** [Ellen Powell](#)  
**To:** [Woods, Laura](#)  
**Subject:** Statement about Berlin Pond  
**Date:** Sunday, May 25, 2014 9:58:05 AM

---

As human access on Berlin Pond increases, chlorine levels continue rising- until your system goes out of compliance with the EPA DBP rule. If that happens, the next level of disinfectant becomes Chloramine.

Chloramine is a chemical made out of chlorine and ammonia. Take a look at a bottle of Clorox sometime and you can see a dire warning on the label about mixing chlorine and ammonia in the same cleaning bucket.

The Champlain Water District (CWD), where I live, is the only Vermont water district that has switched to chloramine. I developed skin, respiratory and digestive symptoms shortly after the switch in 2006. I cannot touch my tap water.

I and other sufferers co-founded a citizens group to get chloramine removed. No go. Between 2006 and 2009, we documented hundreds of people in the CWD who'd developed these symptoms, life threatening to some. We've learned this is happening everywhere in the U.S. where chloramine is used, regardless of whether it's been used for many years or just replaced chlorine.

People continue suffering here. Half of my music students residing in the CWD have developed these very symptoms. A fellow at my dog groomer's developed a nasty rash after recently moving to the CWD from a chlorinated system. My niece visited me this past Christmas (from well water at home) and got a full body rash after one shower. Everyone's symptoms disappear when they stop the chloramine exposure.

No research exists for these symptoms to chloramine exposure in tap water, hence, doctors are no help whatsoever.

Chloramine is persistent and extremely toxic to fish/amphibians in much lower doses than in tap water, causing major kills in waterways due to water main breaks. Even Canada has deemed chloramine toxic to the environment after a water main broke, leaked into a waterway, and killed "many thousands of salmonids and several thousand invertebrates" (Priority Substances List Assessment Report for Inorganic Chloramines). Unlike, chlorine, chloramine doesn't dissipate- it just keeps on killing.

Keeping Berlin Pond pristine is not a NIMBY issue or any kind of issue other than keeping one's tap water as clean as possible. Allowing human access to it is utter folly.

Sincerely,

Ellen Powell  
911 Dorset St. #31  
S. Burlington VT 05403

**From:** [Mahima Poreddy](#)  
**To:** [Woods, Laura](#)  
**Subject:** Protecting Berlin Pond  
**Date:** Sunday, May 25, 2014 10:18:14 AM

---

Please pass the full petition submitted by Citizens To Protect Berlin Pond. It is the city's only source for drinking water and is susceptible to pollution especially when people are allowed recreational access to the pond. There are other areas where people can get the recreation they would find in Berlin Pond.

**From:** [susanne.c](#)  
**To:** [Woods, Laura](#)  
**Subject:** Virtue  
**Date:** Sunday, May 25, 2014 2:41:23 PM

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Aristotle makes unambiguously clear the crucial importance of the moral exemplar.

I urge you to accept as submitted the Citizens to Protect Berlin Pond petition. This set a precedent for other cities and towns nationwide to protect safe, clean drinking water, which trumps recreation every time. Vermont and the nation will notice whether Vermont's Agency of Natural Resources protects its capital city's only drinking water source.

Thank you,  
Susanne Claxton

**From:** [Beatrice David](#)  
**To:** [Woods, Laura](#)  
**Subject:** Protect Berlin Pond  
**Date:** Sunday, May 25, 2014 2:57:55 PM

---

Hello,

I am sending you this e-mail to support the ban on any recreational activity in the Berlin Pond.

I have been reading about this issue since it first came up in 2012.

I am really concerned about the increase of chemical needed in order to treat the only drinking water supply for Montpelier.

There are plenty of ponds around here where we can enjoy recreational activities without affecting the health of thousand residents like me who do not want more chemicals in their drinking water, but refuse to buy bottle water for both sustainability and economic reason - we got enough plastic bottles and gallon containers in our recycling!

Water is the most fragile and precious resource for human beings, now and in the future; we must be wise and protect Berlin Pond now.

Sincerely,

Béatrice David

Montpelier Resident

**From:** [Sheryl Rapée-Adams at Massage Vermont](#)  
**To:** [Woods, Laura](#)  
**Cc:** [Markowitz, Deb](#)  
**Subject:** Protect Berlin Pond -- accept CTPBP petition  
**Date:** Monday, May 26, 2014 7:37:56 AM

---

Dear Ms. Woods,

I ask the Agency of Natural Resources to accept the Citizens to Protect Berlin Pond petition as submitted. We are relying on you to protect our only possible drinking water source.

When my husband and I heard Berlin Pond had opened for recreation, we thought we'd head over with our kayaks. Then we learned Berlin Pond is the only possible drinking water source for Montpelier and part of Berlin, including the hospital. Berlin Pond's turbidity is now so high that divers were recently unable to locate our capital city's drinking water intake only 17' down.

Montpelier's water treatment plant designer says the plant was designed to process water untouched by humans. Now the water has increasing human coliform (fecal) bacteria, which humans shed while swimming and even trailing a hand in the water, which threatens humans more than the bacteria of other animals who use the pond. As the bacteria count rises, EPA requirements will mean increasing levels of chlorine and other dangerous disinfectants chemicals. As for winter activities, Montpelier's water treatment plant cannot eliminate or even detect petroleum.

Canoes and plastic kayaks import invasive species, even with a boat wash. With 25 water bodies within 30 miles, my husband and I will skip playing in people's drinking water. It's not worth the risk.

With such a dire threat to Montpelier's drinking water, my husband and I now wish that when we were moving to Montpelier last fall, we'd chosen a home with a reliable well instead of making ourselves dependent on Montpelier's public water supply. This saddens us terribly.

We could never have imagined that Vermont, an environmental leader, would place recreation above safe, clean drinking water. It is unthinkable to us that ANR's own Fish & Wildlife Department is pushing to build a boat ramp into our only possible drinking water source instead of fighting to protect Berlin Pond's use as a safe, clean drinking water source and a quiet place to walk and reflect. Imagine what The Daily Show would make of Vermont's environmental nosedive. Imagine how leadership in states lacking Vermont's environmental values will feel justified throwing unreplaceable natural resources under the bus for recreation and other revenue-generating development. "If green Vermont says it's okay..."

The Agency of Natural Resources has an opportunity to lead, and it has never been needed more. Please bolster Vermont's reputation as a model state for preserving the environment that sustains human life. Accept the Citizens to Protect Berlin Pond petition as submitted and set a positive precedent for the rest of Vermont and the nation, protecting a small measure of the worldwide dwindling resource of safe, clean

drinking water.

Sincerely,

Sheryl Rapée-Adams  
485 Elm Street, Montpelier, VT 05602  
(802) 353-7286 - cell  
(802) 229-5400 - office

**From:** [Chris Adams](#)  
**To:** [Woods, Laura](#)  
**Cc:** [Markowitz, Deb](#)  
**Date:** Monday, May 26, 2014 8:50:36 AM

---

Dear Ms. Woods,

I ask the Agency of Natural Resources to accept the Citizens to Protect Berlin Pond petition as submitted. We are relying on you to protect our only possible drinking water source.

When my wife and I like to Kayak, but we wouldn't consider kayaking in Berlin Pond knowing that it threatens the drinking water of thousands of people.

Montpelier's water treatment plant designer says the plant was designed to process water untouched by humans. Now the water has increasing human coliform (fecal) bacteria, which humans shed while swimming and even trailing a hand in the water, which threatens humans more than the bacteria of other animals who use the pond. As the bacteria count rises, EPA requirements will mean increasing levels of chlorine and other dangerous disinfectants chemicals. As for winter activities, Montpelier's water treatment plant cannot eliminate or even detect petroleum.

Canoes and plastic kayaks import invasive species, even with a boat wash. With 25 water bodies within 30 miles, my wife and I will skip playing in people's drinking water. It's not worth the risk.

With such a dire threat to Montpelier's drinking water, my wife and I now wish that when we were moving to Montpelier last fall, we'd chosen a home with a reliable well instead of making ourselves dependent on Montpelier's public water supply. This saddens us terribly.

We could never have imagined that Vermont, an environmental leader, would place recreation above safe, clean drinking water. It is unthinkable to us that ANR's own Fish & Wildlife Department is pushing to build a boat ramp into our

only possible drinking water source instead of fighting to protect Berlin Pond's use as a safe, clean drinking water source and a quiet place to walk and reflect. Imagine what The Daily Show would make of Vermont's environmental nosedive. Imagine how leadership in states lacking Vermont's environmental values will feel justified throwing unreplaceable natural resources under the bus for recreation and other revenue-generating development. "If green Vermont says it's okay..."

The Agency of Natural Resources has an opportunity to lead, and it has never been needed more. Please bolster Vermont's reputation as a model state for preserving the environment that sustains human life. Accept the Citizens to Protect Berlin Pond petition as submitted and set a positive precedent for the rest of Vermont and the nation, protecting a small measure of the worldwide dwindling resource of safe, clean drinking water.

Sincerely,

Chris Adams  
485 Elm St.  
Montpelier, VT 05602  
802-683-1687 cell  
802-229-5400 office

**From:** [Teal Church](#)  
**To:** [Woods, Laura](#); [Markowitz, Deb](#)  
**Subject:** Berlin Pond  
**Date:** Monday, May 26, 2014 9:59:09 AM

---

Hi-

Please know that many people in this area feel safe, clean drinking water trumps recreation. There are 30 water bodies in 25 miles of Berlin Pond for paddling, swimming, and other recreation. I urge you to accept the Citizens to Protect Berlin Pond petition as submitted, and as supported by the Montpelier City Council and the Montpelier & Berlin Conservation Commissions Berlin. It's not worth the risk to the only possible drinking water source for Montpelier and part of Berlin.

--

Thank you,

Teal Church  
Good Karma Rescue a Private Non-Profit 501(c)(3) Animal Rescue  
Montpelier, VT  
802-595-5110  
[www.goodkarmarescue.org](http://www.goodkarmarescue.org)

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Only 1 out of 10 dogs born in the U.S. each year finds a home.  
800 dogs and cats are euthanized every hour.  
Prevention is wiser than destruction.  
Please neuter your companion animals; and ADOPT!

**From:** [Carol Kendrick](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Monday, May 26, 2014 10:07:11 AM

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I am a resident of Montpelier and would like to comment on the recreational use of Berlin Pond. I am appauled at the Supreme Court's decision to allow public use on what is our main source of drinking water here in Montpelier. I have lived in several states over my lifetime and have never seen public recreation allowed on reservoirs. It seems to me that there had to have been some underlying influence that caused the Supreme Court to make this decision. I am totally against it and hope that your agency can bring an intelligent ruling not to allow our drinking water to be compromised in this way.

Thank you very much.

Carol Kendrick  
Harrison Ave.  
Montpelier

**From:** [Page Guertin](#)  
**To:** [Woods, Laura](#); [Markowitz, Deb](#); [Mears, David](#); [Welts, Leslie](#); [EXE - Webmail](#)  
**Subject:** Berlin Pond should be protected as Montpelier's water supply  
**Date:** Monday, May 26, 2014 10:41:59 AM  
**Attachments:** [letter\\_to\\_anr.pdf](#)  
[letter\\_to\\_anr.docx](#)

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I am a resident of Montpelier and an outdoor enthusiast, hiker, boater, birder and grandparent. I have attached a letter requesting that ANR close Berlin Pond to recreation and protect the pond as Montpelier's water supply source. There are two copies, one a Word document and one a pdf.

Page Guertin  
Montpelier

**From:** [Jerry Dunbar](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Monday, May 26, 2014 8:00:31 PM

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PLEASE keep Berlin Pond open for Public Use. I want my grandson to be able to enjoy this wonderful resource that is so close to our homes. Thank you.

Jerry Dunbar  
Barre, VT

**From:** [Jeannette \(Jae\) Ehrich](#)  
**To:** [Woods, Laura](#)  
**Subject:** Water  
**Date:** Monday, May 26, 2014 9:32:11 PM

---

Dear Laura,

Safe, clean drinking water trumps recreation. There are 30 water bodies in 25 miles of Berlin Pond for paddling, swimming, and other recreation. I urge you to accept the Citizens to Protect Berlin Pond petition as submitted, and as supported by the Montpelier City Council and the Montpelier & Berlin Conservation Commissions Berlin. It's not worth the risk to the only possible drinking water source for Montpelier and part of Berlin.

Sincerely, Jae Ehrich

RiverSide Chiropractic  
Jae Ehrich, DC  
136 Main Street, Carriage House  
Montpelier, VT 05602  
802-262-6097  
[JaeEhrich@gmail.com](mailto:JaeEhrich@gmail.com)  
<http://www.RiverSideChiropracticVT.com>

**From:** [Alisa Dworsky](#)  
**To:** [Woods, Laura](#)  
**Cc:** [debmakowitz@state.vt.us](#); [Welts, Leslie](#); [governor@state.vt.us](#)  
**Subject:** Limit Human use on Berlin pond- protect water safety  
**Date:** Monday, May 26, 2014 9:45:29 PM

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Dear Laura,

I have been a Montpelier resident and homeowner here for over ten years. I Have two children in the school system. We use town water all the time to drink. I am very concerned about the changes that have taken place in the last few years allowing more human access and use of Berlin Pond and I am alarmed of the possibility that a boat launch may be constructed at Berlin Pond. I ask the Department of Natural Resources and the state to limit human use of Berlin Pond and protect the safety of our water supply.

While I appreciate that there is pressure for recreational use- this social need cannot outweigh the needs of a community for something as fundamental as safe drinking water.

My understanding is that our water treatment plant can not detect or treat petroleum products in the water. I gather that ice fisherman have been out on the pond this past winter with vehicles and kerosene heaters- if there were a fuel spill this will compromise the safety of the water. Furthermore, human use will also cause more turbid water and may lead to increased costs for Montpelier residents due to the need for upgrades to our water filtration plant. Foreign Plant species may be introduced through human use which can also increase problems with filtration.

I support the petition from the citizens to protect Berlin Pond. The state needs to take action to reassert the limitations of human use of Berlin Pond that existed for decades and were reasonably established to protect an essential resource that is used by thousands of people.

Sincerely,

Alisa Dworsky

31 First Ave  
Montpelier, Vt 05602  
802-223-2029

**From:** [Heidi Groff](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin pond restricted access  
**Date:** Tuesday, May 27, 2014 6:32:38 AM

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Hello:

We are writing in support of the movement to completely restrict recreation on Berlin Pond. This was submitted by Citizens to Protect Berlin Pond. There are countless reasons to restrict access to a fragile drinking water source, so we write in support of restricting access of Berlin pond. This is our drinking water, and little seems more important than protecting this fragile resource. We chose Montpelier carefully (before kids), and we now have two children (ages 4 &8) and live in Montpelier and value the safe drinking water the city provides. We are on city water up on parkside drive. This is very very important to us. If something threatened our water, we would likely consider moving away from Montpelier, a place we love dearly. Thank you for your consideration.

Heidi & David Groff  
14 Parkside Drive  
Montpelier VT 05602  
groff@bfslaw.com

**From:** [Ellen Cheney](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Tuesday, May 27, 2014 7:03:37 AM

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Hello Ms. Woods,

I cannot attend the meeting tonight, but would like you to know I am in full support of keeping Montpelier's water source pristine. Yes, the Pond is a beautiful place full of wildlife many of us adamantly want preserved. It is also THE source of water for the our town. This souce is important enough to send our head of police, Tony Facos, diving with a crew looking for blockages and garbage in the Pond just two weeks ago. What would we, Montpelier, do if it became polluted? Please protect Berlin Pond.

Thank you, Ellen Cheney  
49 N. Franklin St.  
Montpelier, VT

**From:** [Carol Hausner](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Tuesday, May 27, 2014 8:27:47 AM

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*To the Agency of Natural Resources,  
Attention Laura Woods:*

*I am writing to express my support for and to ask the ANR to please pass the full petition submitted by Citizens To Protect Berlin Pond.*

*We have a rare opportunity here to protect the future of our water and health, and there is plenty of water for recreation in our state.*

*Thank you for your consideration.*

*Sincerely,*

*Carol Sucher  
Montpelier*

**From:** [Wilcox, David](#)  
**To:** [Woods, Laura](#)  
**Subject:** Opposed to Berlin Pond Petition  
**Date:** Tuesday, May 27, 2014 8:34:00 AM

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Hi Laura. I was forwarded the below Press Release regarding Berlin Pond. I do not support the petition to prohibit recreational use of Berlin Pond. I think that the public water supply is safe due to the water treatment facility built several years ago, and will not be in jeopardy because of this use. To think that the recreational use of the pond puts the water at any more risk than the thousands of cars and trucks that drive over it weekly carrying who knows what is a poor argument. I think the current regulations are reasonable. People should be able to enjoy the resource and have better physical access to it. Please count me as one vote opposed to the petition. I would like to be at the meeting, but I am doing a workshop tonight in Montpelier and cant make it.

Thanks for your time,

Dave Wilcox

**VERMONT AGENCY OF NATURAL RESOURCES  
PRESS RELEASE**

**Public Meeting to Discuss Berlin Pond to be Held Tuesday May 27**

**May 22, 2014**

MONTPELIER – The Vermont Department of Environmental Conservation will hold a public meeting Tuesday evening, May 27 at the Berlin Elementary School to take public comment on a petition to prohibit recreational use of the surface water of Berlin Pond. The petition seeks to prohibit recreational use of the surface water of Berlin Pond, including fishing, boating and swimming.

The petition was presented to the department by the Citizens to Protect Berlin Pond as a request to amend the Vermont Use of Public Waters Rules specific to Berlin Pond.

The meeting will be held on the 27th at Berlin Elementary School, 372 Paine Turnpike North, Berlin, VT from 6:00 to 8:00 p.m.

The petition and supplemental materials are available for review at the Vermont Department of Environmental Conservation in Montpelier and on the department's website at <http://www.watershedmanagement.vt.gov/rulemaking/htm/petitions.htm>. The Vermont Use of Public Waters Rules can also be found on the website at <http://www.watershedmanagement.vt.gov/rulemaking/htm/rules.htm>

This is a separate petition from the one submitted last July by the City of Montpelier which requested that some activities be prohibited, primarily the use of internal combustion engines, including ice augers, on Berlin Pond (motorboats are already prohibited). A public meeting was held for the Montpelier petition on August 20, 2013.

Written comments on the Citizens to Protect Berlin Pond petition may be sent to the address below until the close of the public comment period on June 3, 2014. Comments may also be faxed to (802) 828-1544 or e-mailed to [Laura.Woods@state.vt.us](mailto:Laura.Woods@state.vt.us)

Laura Woods  
Department of Environmental Conservation  
One National Life Drive, Main 2  
Montpelier, VT 05620-3522

For Further Information please contact:

**Susan Warren** at **802-490-6134** or email to [susan.warren@state.vt.us](mailto:susan.warren@state.vt.us)

Berlin Pond has been Montpelier's water supply source for 130 years, and during most of that time it has been protected from human use and therefore a relatively pure water supply. Now that history has been turned on its head, and Montpelier's water supply is seriously threatened by human recreation. I am concerned that the state is even considering allowing that situation to stand, ignoring 100+ years of history, the potential degradation of the water quality and the cost to the residents of Montpelier, parts of Berlin, Central Vermont Medical Center, and the roughly 20,000 people who populate Montpelier by day.

What research does ANR have that proves that human recreation will have no adverse impact on the quality of Montpelier's water supply? Did you take any baseline measurements on the pond before fishing, swimming and boating began? Did you do an analysis of coliform and turbidity levels, or take an inventory of fish, wildlife and invasives? Do you have plans for ongoing monitoring of the water quality and invasive species? Do you plan to fund the upgrade of our water treatment system that will be required when petroleum is spilled into the water or silt is stirred up by paddles and waders and clogs the filters? Or are you simply bowing to pressure from those who mistakenly believe their rights to recreate wherever they want are more important than the absolute human requirement for clean water?

It was very clear in the Supreme Court decision of 2012 that the court recognized the significance of Berlin Pond as the water source for Montpelier. It was also clear that the court handed ANR two options for protecting that source: limit the use of Berlin Pond while still remaining within the bounds of the public trust - a public water supply should easily fall within that definition - or delegate authority over the pond to Montpelier. Either of these actions would be a reasonable and responsible position for ANR to take. Keeping the pond open to boating, fishing and swimming is simply irresponsible in these times of declining fresh water sources, increasing pollutants, multiplying invasives and greater understanding of the hazards of pathogens and petrochemical contamination.

Fresh water supplies worldwide are dwindling due to overuse, industrial pollution, population increase and climate change. Here in Vermont we are fortunate to have abundant fresh water, but we cannot afford to abuse it or take its quality for granted. Vermont's water quality policy (VSA 10, §1250) begins with "(1) protect and enhance the quality, character and usefulness of its surface waters and to assure the public health; (2) maintain the purity of drinking water...." It goes on to state, "It is further the policy of the state to seek over the long term to upgrade the quality of waters and to reduce existing risks to water quality." Allowing recreation on Berlin Pond flies in the face of that policy. Additionally, the water rules which say boating, fishing and swimming are compatible with drinking water supplies are frankly out of date given our current level of knowledge about pathogens, invasives, the hazards of petroleum in our water, and the rising expense of purification. The original Board of Health rule protecting the pond was written to prohibit "activities judged to potentially pollute a source of water," according to the Supreme Court opinion. ANR chose not to adopt that rule when authority over the waters transferred from the Department of Health. The rules can be changed, however, and you are in a position to do that. Massachusetts, for example, has an exception to its public trust doctrine which protects drinking water supplies. We could do that in Vermont.

Prevention is always more effective and less expensive than remediation. You have the power to make real positive change for the public health in Vermont by upgrading the rules to protect public water sources. This clearly fits the definition of the public trust, and complies with Vermont's own rules and anti-degradation policy. Or you can delegate authority over the pond to Montpelier, which relies on Berlin Pond for its water supply.

Page Guertin  
Montpelier

**From:** [Joanne Greenberg](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Tuesday, May 27, 2014 10:51:21 AM

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Please protect this resource! There are plenty of local, accessible waters for recreational purposes. We don't need to potentially contaminate our water source merely to create another one.

Joanne Greenberg  
12 First Ave.  
Montpelier, VT 05602

**From:** [LaFlamme, Pete](#)  
**To:** [Woods, Laura](#); [Warren, Susan](#); [Welts, Leslie](#)  
**Subject:** FW: Protecting Berlin Pond  
**Date:** Tuesday, May 27, 2014 10:59:41 AM

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More Berlin Pond comments....

Pete LaFlamme, Director  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522  
802-490-6190 / [Pete.LaFlamme@state.vt.us](mailto:Pete.LaFlamme@state.vt.us)  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

-----Original Message-----

From: Mears, David  
Sent: Monday, May 26, 2014 10:53 PM  
To: Welts, Leslie; LaFlamme, Pete  
Subject: FW: Protecting Berlin Pond

-----Original Message-----

From: Alice Colwell [<mailto:alice.a.colwell@gmail.com>]  
Sent: Monday, May 26, 2014 10:03 PM  
To: Mears, David  
Subject: Protecting Berlin Pond

Dear Mr. Mears,

I'm writing to register my concern about the threat to Berlin Pond posed by its recent opening to recreation. Besides possibly affecting the quality of Montpelier's drinking water, such access would certainly degrade the habitat the pond provides to countless species of birds and other wildlife. While kayakers and canoers currently have any number of waterways open to them throughout the state, the amount of undisturbed nesting area in the region is constantly dwindling.

In February the Citizens to Protect Berlin Pond submitted a comprehensive petition to the VT Agency of Natural Resources to restore full protection to Berlin Pond, as was in place prior to May 2012. I strongly urge the ANR to pass this petition in its entirety.

Thanks much,  
Alice Colwell

**From:** [Patrick Cashman](#)  
**To:** [Woods, Laura](#)  
**Subject:** In support of continued responsible recreation on Berlin Pond  
**Date:** Tuesday, May 27, 2014 11:40:43 AM

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Ms. Woods,

I will be unable to attend the public hearing tonight on Berlin Pond but wanted to register my strong belief in continued access for responsible recreation on the Pond. Not only is reasonable recreational access to the Pond in concert with our rights as Vermonters as laid out in our Constitution, but I believe this issue is an important one in regards to the management of all public commons. Montpelier has contrived a situation in which they first gained approval to dip into our commonly held resource for their water, and are now attempting to prioritize their access over the interests of all other Vermonters. I find that a dangerous precedent.

Thank you  
Patrick Cashman

**From:** [Yvonne Brunot](#)  
**To:** [Woods, Laura](#); [Markowitz, Deb](#)  
**Subject:** Protect the State Capital's Drinking Water Source  
**Date:** Tuesday, May 27, 2014 12:26:09 PM

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I urge you to accept as submitted the Citizens to Protect Berlin Pond petition. This set a precedent for other cities and towns nationwide to protect safe, clean drinking water, which should take precedence over recreation as a state wide priority. Vermont and the nation will notice whether Vermont's Agency of Natural Resources protects its capital city's only drinking water source.

Thank you,

Yvonne Brunot  
Rutland, VT resident

**From:** [Beth Garbitelli](#)  
**To:** [Warren, Susan](#)  
**Cc:** [Woods, Laura](#)  
**Subject:** Re: Berlin Pond  
**Date:** Tuesday, May 27, 2014 2:24:07 PM

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Hi Susan,

Wonderful, let's shoot for 1:30pm tomorrow.

Looking forward to chatting with you.

Thanks,

Beth

Sent from my iPhone

On May 27, 2014, at 2:14 PM, "Warren, Susan" <[Susan.Warren@state.vt.us](mailto:Susan.Warren@state.vt.us)> wrote:

Hi Beth,

I see you contacted Laura about speaking with someone about the Berlin Pond petitions. I can speak with you on Wednesday. We will work on getting the comments received posted, but am not sure when that will happen. I can talk in the early afternoon, but am in a meeting all morning. Will that work? Thanks, Susan

Susan Warren  
Lakes and Ponds Program Manager  
Watershed Management Division  
VT Dept. of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522

802-490-6134

[www.watershedmanagement.vt.gov/lakes.htm](http://www.watershedmanagement.vt.gov/lakes.htm)

**From:** [chip\\_stone](#)  
**To:** [Woods, Laura](#)  
**Subject:** Berlin Pond  
**Date:** Tuesday, May 27, 2014 2:38:29 PM

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Good afternoon Laura Wood,

I am unable to make it to the public hearing this evening regarding Berlin Pond and wanted to express my support for the petition to restrict/prohibit recreational use of the pond (fishing, swimming, boating etc). Protecting Montpelier's water supply is critical. If you drink Montpelier water you will note that its pretty sketchy to start with and adding to that the potential pollution resulting from recreational use is not a good idea. We are fortunate to have many ponds and lakes in the central Vermont region which can be and are actively used for recreational purposes. Adding one more is not critical.

Thank you,

Charles (Chip Stone), County Rd., Montpelier, VT 05602

**From:** [Woods, Laura](#)  
**To:** [Woods, Laura](#)  
**Subject:** FW: Protecting Our dunking water/Berlin Pond  
**Date:** Tuesday, May 27, 2014 3:20:51 PM

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**Laura Woods, Environmental Technician**  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522  
P: 802-490-6100 | [Laura.Woods@state.vt.us](mailto:Laura.Woods@state.vt.us)  
[www.watershedmanagement.vt.gov](http://www.watershedmanagement.vt.gov)

*Written communication to and from state officials is considered public record and is subject to public review.*

**From:** Celia Cerulli-Johnson [mailto:[plumlovelycreates@gmail.com](mailto:plumlovelycreates@gmail.com)]  
**Sent:** Monday, May 26, 2014 9:14 AM  
**To:** Markowitz, Deb  
**Subject:** Protecting Our dunking water/Berlin Pond

Dear Representative,

Safe, clean drinking water trumps recreation. There are 30 water bodies within 25 miles of Berlin Pond for paddling, swimming, and other recreation. I urge you to accept the Citizens to Protect Berlin Pond petition as submitted, and as supported by the Montpelier City Council and the Montpelier & Berlin Conservation Commissions Berlin. It's not worth the risk to the only possible drinking water source for Montpelier and part of Berlin.

Thank you for your attention.  
Sincerely, Celia Cerulli-Johnson