

From: lightning3m1@roadrunner.com
To: [Woods, Laura](#)
Subject: Deny the petition to close Berlin Ppond
Date: Friday, May 30, 2014 7:48:22 AM

Ms. Woods,

Please support continued, non-motorized access to Berlin Pond. The petition filed by the antis has no scientific base and is simply an elitist ploy by those landowners who want a public pond kept as their own private reserve. The claimed displacement of loons and other waterfowl is baseless, as loons Thrive on Green River Reservoir and Buck Lake, which is home to VT F&W's Conservation Camp, and has entire flotillas of teenage canoists (my son JCed there 3 years after attending basic & advanced camp). Thank you for yur attention to this matter, and for the great work F&W has been doing for the wildlife and outdoors-folks of VT.

Erik Bailey

"We have four boxes used to guarantee our liberty: the soap box, the ballot box, the jury box and the cartridge box."

-Theodore Roosevelt

From: [Noah Pollock](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 8:17:12 AM

Dear Laura,

I'm writing to express my disapproval of The City of Montpelier and the "Citizens to Protect Berlin pond" effort to ban fishing, canoeing, and kayaking at Berlin Pond. Their arguments regarding toxins released from human contact have little backing. There are many other waterbodies in the state that serve dual purposes as drinking water sources and recreational resources for fishermen and non-motorized boaters. Berlin Pond is an exceptional body of water. The protection of its headwaters is helping to ensure clean water. The effort to limit access appears primarily an attempt to shut down a traditional recreational users to benefit a small group acting only in their own interests, and does not have scientific backing.

Regards,
Noah Pollock
Burlington, VT

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Noah Pollock
(802) 540-0319

From: [Rick Jean](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 8:47:44 AM

I am writing to you to inform you that I support non-motorized access and other traditional recreational uses on Berlin Pond and to deny the petition brought filed by Citizens to Protect Berlin Pond.

Thank you.

Rick Jean
President, CLLTIA
802-652-3441 (w)
802-238-9287 (c)

What's your vision for homeownership? <http://www.vhfa.org/yourvision/>

From: [Patrick Finnie](#)
To: [Woods, Laura](#)
Subject: Berlin Pd.
Date: Friday, May 30, 2014 9:14:54 AM

I hear that the elitist snobs from Montpelier and their all to rich comrades who own land around Berlin Pd. got to the hearing on their petition early enough to stack the allotted time for voicing their opinion Tuesday night. I hope this does not affect the logical outcome the rest of the people in the Central Vermont area have been waiting for low these many years. We need public access to Berlin Pd. It is ours not the City of Montpelier's or those few rich enough to own land around it. Their arguments are about as lame as any halfwit could come up with. I have yet to hear anybody mention that there used to be dairy farms in the drainage systems all around the pond, and that was long before the new water treatment facility. Terrorists ? Really ??? Come on !!!
Most Sincerely, Patrick Finnie

From: [Cyndy Jones](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 9:29:21 AM

I would like to support the recreational use of non-motorized boats at Berlin Pond.

Thank you.

Cyndy Jones

From: [Karen Saudek](#)
To: [Woods, Laura](#)
Cc: [Mears, David](#); [Markowitz, Deb](#)
Subject: Berlin Pond - Do the right thing
Date: Friday, May 30, 2014 9:42:07 AM

Hello Ms. Woods,

Let me at my voice and my concern about Berlin Pond. Berlin Pond is an irreplaceable resource to birds, wildlife and the citizens of Montpelier. Please protect the source of our drinking water. Do the right thing.

Karen Saudek

From: [Shawn Broe](#)
To: [Woods, Laura](#)
Subject: Please support continued non-motorized public access to Berlin Pond!
Date: Friday, May 30, 2014 10:07:14 AM

Please deny the petition to ban public recreational access.

Thank you for your consideration.

Sincerely,

Shawn Broe

From: [VOGA](#)
To: [Woods, Laura](#)
Subject: Please deny the petition filed by Citizens to Protect Berlin Pond
Date: Friday, May 30, 2014 10:09:43 AM

Hi Laura,

In 2012 the Vermont Supreme Court ruled that Berlin Pond is in the public trust and recreational use of the pond cannot be restricted. Since that time, limited use (fishing, canoeing and kayaking) of the pond has occurred.

Should the City of Montpelier have their way, it will set a bad precedent as the first time the state has ruled to prohibit all access to a public water body. Others could follow.

More than half of Vermonter's receive their drinking water from our lakes, ponds and rivers and there is no scientific evidence that recreational use poses public health risks.

Although Montpelier has a state of the art water treatment facility, the petitioners contend that the drinking water supply is in danger due to toxins released from human contact with the water and a possible increase in turbidity from paddlers.

Their arguments lack any scientific backing.

I support continued non-motorized access to Berlin Pond and request that your Department deny the petition filed by Citizens to Protect Berlin Pond.

Thanks,

Graydon Stevens

From: [Mary Murphy](#)
To: [Woods, Laura](#)
Subject: Berlin Pond Restrictions
Date: Friday, May 30, 2014 10:21:21 AM

Hi Laura, I wanted to let you know that I support continued non-motorized access to Berlin Pond and the denial the petition filed by Citizens to Protect Berlin Pond. I am the owner of a wilderness expedition company in central Vermont and believe we should avoid setting a precedent of restricting access to public waters, especially since there is no scientific evidence that the activities in question affect drinking water quality in any way. Thank you.

Blessings of Sun, Wind, Rain, and Stone,
Mary Murphy
Lead Guide at Mountainsong Expeditions
www.mountainsongexpeditions.com
Phone: 802-223-8600

From: [Welts, Leslie](#)
To: [Woods, Laura](#)
Subject: FW: Berlin Pond
Date: Friday, May 30, 2014 11:29:12 AM

From: Linda Workman [mailto:workmanvt@yahoo.com]
Sent: Thursday, May 29, 2014 4:53 PM
To: Welts, Leslie
Subject: Berlin Pond

Hello Leslie:

I totally oppose opening up Berlin Pond for recreation of any sort. This is our drinking supply, which should be as clean as possible, as pollutant and chemical free as possible. Preserving this water for the health and safety of all consumers should be the only consideration for its use. Recreationists can easily go elsewhere, and should.

Linda Workman
17 N Franklin Street #2
Montpelier, VT 05602

From: [Welts, Leslie](#)
To: [Woods, Laura](#)
Subject: FW: In Support of the petition by Citizens to Protect Berlin Pond
Date: Friday, May 30, 2014 11:29:26 AM

From: John Lewis [mailto:jellbelltell@yahoo.com]
Sent: Thursday, May 29, 2014 8:30 PM
To: Markowitz, Deb
Cc: Welts, Leslie
Subject: In Support of the petition by Citizens to Protect Berlin Pond

Dear Secretary Markowitz,

I urge the Agency of Natural Resources to put the health and welfare of the people who drink the water from Berlin Pond first in deliberations on the status of the pond. The safest and most economical, for the ratepayers of Montpelier and Berlin, decision is to prohibit human use of the pond other than as a reservoir. The water treatment facility was predicated on a water source that was protected from human use. Increased recreational use may lead to an increased need for water treatment. This will diminish the quality of the water, and be an added expense for ratepayers. The quality of drink water should be paramount when considering uses for the pond.

I love to kayak and fish with my family. There are plenty of places to do that in Central Vermont that are not drinking water reservoirs.

Sincerely,

John Lewis
1 Waverly Place
Montpelier, VT 05602

From: [George Goodrich](#)
To: [Woods, Laura](#)
Subject: Berlin Pond Access
Date: Friday, May 30, 2014 11:39:13 AM

Dear Ms. Woods, I am writing to you today to share my thoughts on the issue of water access on Berlin Pond. For almost 15 years I have spent time biking and running around the pond and have often felt how unfair it was that this area couldn't be enjoyed by non-motorized boaters and fishermen. So it was with much joy to hear when it was finally opened up for all to enjoy this beautiful resource.

Since that time, I have continued to frequent this area for my particular use and have not found any negative impacts. Whether it be traffic, additional roadside trash or any other unfavorable differences. In fact, many times the pond is vacant of any boats or fisherman. I bike around the pond 4-5 times per week. This time is split between weekdays as well as weekends and the times I go are random as I am self-employed. I point this out to note that my experiences are throughout the week and not specific to just one particular time.

In my opinion, it would be shameful to revoke access to Berlin Pond for non-motorized use. Having this wonderful resource to enjoy, simply adds to the quality of life here in Central Vermont.

Thank you for taking the time to read my thoughts.

George Goodrich III
President
Trans-Video Cable
56 Depot Sq.
Northfield, Vt. 05663
www.trans-video.net

From: [Robbo Holleran](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 2:19:59 PM

Laura,

Since this water body is over 20 acres, it is my understanding that these are "waters of the State of Vermont". Obviously, as a major water supply for Montpelier, it deserves special treatment. But you also know this is not a crystal clear, "drinkable pond". Portions are marshy, and full of weeds, and the water tends to be a bit murky. I'm sure this has to be filtered and treated before drinking, so the whole discussion is not really about water quality, is it?

Non motorized boating and recreational fishing have not been a problem for the water resources here, or at other public water supplies. As far as I know, most of the public water supplies are now open to fishing, and some allow electric trolling motors. As a Vermont resident, I would like to see Berlin Pond managed for its fisheries and recreational resources. This mostly-undeveloped shoreline is a gem for all of us, and I believe it can be used and not abused. Please keep this water body available for the use of Vermonters.

The particulars of the fisheries management should be up to the fisheries folks. I am not opposed to the current regulations, and catch and release for bass is an excellent idea. Pickerel and panfish should be allowed to be taken to manage these populations. (I'm partial to pickerel fishing myself.)

Also, this should be open to waterfowl hunting, with non-toxic shot.

Robbo Holleran, Chester VT.

From: [Bruce Shields](#)
To: [Woods, Laura](#)
Subject: Berlin Pond Access issue
Date: Friday, May 30, 2014 3:15:09 PM

Though not a direct user of the pond, I wish to speak in favor of retaining the widest variety of public uses for the pond. I have reviewed the comments of those wishing to restrict access. I do not find any indication of actual public harm rising from public uses of Berlin Pond. The case for restriction is based on fears, extrapolations, and suppositions. Public use tends to increase the number of people who feel a vested interest in the condition of the pond and its surroundings. In other jurisdictions, a wide variety of public users has increased public monitoring of the facility, allowing far more effective enforcement of the quantitative protections. For instance, an ice fisherman would be far more likely to observe and report an oil-spill along the public highways than someone observing the pond from a great distance. My hope would be that factual and enforceable water-quality protections could balance with a wide variety of low-intensity public uses, such as boating, fishing, ice-fishing and so on, to provide the greatest benefit to the widest community of people.

Bruce P. Shields

6405 Garfield Rd
Wolcott VT 05680
(802) 888 5165
bshields@pwshift.com

From: [George Morris](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 4:07:39 PM

Hello Laura, just wanted to drop my name in the hat as one that **supports the use of Berlin pond by canoes, kayaks, etc.**

Please deny the petition brought by Citizens to Protect Berlin Pond trying to take away our rights to use this public resource.

Thanks,

George Morris
Sweet Promotional Products
Tel.802-229-0828

From: [Dave L](#)
To: [Woods, Laura](#)
Subject: BERLIN POND ACCESS
Date: Friday, May 30, 2014 4:11:40 PM

Hi Laura

Just wanted you to add my name to those who are in favor of keeping the pond open to recreation.

Thanks very much,
Dave Landry

From: [Jason Knapp](#)
To: [Woods, Laura](#)
Subject: Berlin pond Access
Date: Friday, May 30, 2014 4:34:51 PM

Hi Laura

I'd just like to take this time to voice my support for keeping recreational access to Berlin pond open to the public. I don't believe there is any threat to the water supply or the pond from its recreational use. I would like to see that motors be kept from the waters, this being my only restriction.

Thank you for your time,

Jason Knapp
Randolph, VT

**Written Public Comment Opposing Citizen's To Protect Berlin Pond Petition
Prohibiting Non-Motorized Boating, Swimming & Fishing Use of the Pond**

To: Laura Woods, Department of Environmental Conservation

From: Steve McLeod, Vermont Traditions Coalition

Date: May 30, 2014

I am Executive Director of Vermont Traditions Coalition (VTC), a statewide coalition of traditional land use groups prominently including boaters and anglers, with many supporters in Washington County. Frank Stanley, VTC Director of Public Policy, is providing the main comment for VTC. This is a supplemental comment.

This Written Public Comment addresses the Petition and the dynamics of the May 27 Public Meeting held on this Petition. Predominantly Montpelier residents constituted the significant majority at this Public Meeting. However, it should be remembered that residents of the Town of Berlin have already spoken clearly and decisively in favor of recreational access at the ballot box during a referendum on recreational use of the pond on Election Day in November 2013. Having spoken definitively at the ballot box, it is highly likely that these residents did not see the point of speaking again at the May 27 Public Hearing. The population sample that went to the polls last November is much larger than the sample of public input related to the Citizen's to Protect Berlin Pond Petition thus far.

Regarding the Citizen's To Protect Berlin Pond Petition, many of the claims in the Petition are directly contradicted by observable conditions surrounding the pond and many of the claims are, to say the least, far fetched.

The Petition's central claims are that the quiet use of the pond by canoeists, kayakers, anglers, duck hunters, and swimmers is going to somehow compromise the drinking water of the City of Montpelier and the general tranquility of Berlin Pond.

Petitioners quote numerous studies of other water bodies in other parts of the country. These water bodies are undoubtedly distinguishable from Berlin Pond in multiple respects due to different inlets and outlets, different spring fed conditions, and other differences. Meanwhile, the Department of Environmental Conservation has a Water Supply Division that measures the water quality of all Vermont drinking water supplies including the City of Montpelier's water supply both before and after public access began occurring on the pond in 2012. In addition, DEC has comparative information on other Vermont drinking water sources that allow recreation and those that do not. This information seems much more reliable than the information in the Petition.

Secondly, the Petition ignores the expertise of the Department of Fish and Wildlife which has concluded that non-motorized access of the kind allowed here does not constitute a threat to Montpelier's drinking water. The Department of Fish & Wildlife conducts recreational impact analysis on Vermont's water bodies on an ongoing basis.

Petitioners speak of the turbidity and germs caused by inconsequential non-motorized use as the tipping point between drinkable water and contaminated water. One need only look at the infinitesimally small parts per billion of any minor disturbance caused by fishing lines, bait, paddling, and boats to know that the impact is inconsequential.

Turbidity caused by windy and/or rainy weather is observably many times greater than the turbidity caused by canoe paddles. Contamination by fish and animal feces, urine, and body contaminants far outweighs any human germ introduction to the pond.

The Petition's credibility suffers from the tendency of the Petitioner's to greatly exaggerate or falsify alleged negative impacts of recreational access. Claims such as non-motorized recreational activities increasing the chance of terrorist attacks are so ludicrous that they call into question the rest of the Petition. Another exaggerated claim is the supposed negative impact non-motorized use creates for wildlife. One need only look to lakes around Vermont ringed by camps and campgrounds to see that loons are not endangered, but are thriving in conditions much more recreationally intensive than what is allowed at Berlin Pond. For example, Green River Reservoir in Hyde Park remains home to an abundance of wildlife despite the opening of popular campsites on the shores surrounding the Reservoir and much more intensive non-motorized boat and fishing use than Berlin Pond sees. The attempt of Petitioners to characterize Berlin Pond as a pristine pond is another exaggeration that flies in the face of the fact that Pond is ringed by roads and nearby Interstate 89 as well as neighboring houses.

Claims that the generally light recreational traffic on Berlin Pond destroys the tranquility for the walkers and birders fly in the face of Vermont's multiple recreational use concepts and the fact that routine observation of the pond demonstrates that boat traffic generally disperses quite nicely due to the large size of the pond. As I testified at the May 27 hearing, last August I entered the water at the same time as 3 other boats, and within an hour, the other three boats were out of sight. Hardly an intrusion for the walkers unless they have a very selfish perspective.

Vermont statutes protect the public trust and the public's right to access as can be found at 10 VSA 1679(e):

*“Rules, standards and criteria adopted by the secretary under subsection (a) of this section for the protection of public water sources shall allow for human activity within the watershed of a public water source, provided such human activity does not constitute a **public health hazard** or **significant public health risk**.” (emphasis added)*

Examination of the inconsequential parts per billion of water disturbance caused by currently allowed activities on Berlin Pond and experience with recreational use of other Vermont water bodies clearly point to the current uses of Berlin Pond not rising to the level of “public health hazard” or “significant public health risk.”

Accordingly, the Petition of the Citizen's to Protect Berlin Pond should be denied.

From: obsesiveracer@aol.com
To: [Woods, Laura](#)
Cc: [Welts, Leslie](#); louis.porter@state.us.vt; sbmcvt@aol.com; frankjstanley@wildblue.net; vtguns@aol.com
Date: Friday, May 30, 2014 5:11:28 PM

To Whom it May Concern,

I attended Tuesday nights hearing in regards to access to Berlin pond. Some things that stuck out to me with glaring clarity were the difference in the level of decorum between those opposed to access and those supporting access. At the beginning of the meeting we were asked not to applaud. While those supporting access adhered to this request with respectful silence, those opposed to access frequently ignored the request with raucous outbursts of applause. I believe this shows a fundamental difference in the levels of respect in the two groups and I hope when listening to the recordings of the proceedings you won't mistake respect for absence. I was also somewhat bothered by the amount of time utilized by the petitioner in reading her petition. I believe this time could of been better spent with further testimony. For my own part, I was only able to address about one third of the issues I intended in the time allotted. Lastly, I was somewhat dismayed at the showboating done by representative Kitzmiller. I felt it very unprofessional for him to claim to speak for thousands in hopes of leveraging your decision. He may speak for many when he is on the hill, but for him to lay claim to that in a public hearing is presumptive and arrogant in my opinion. I believe Mr. Kitzmiller is mistaking the noisy gear for the only cog in the machine. I trust that your agency will not make that same mistake.

One thing that stuck out to me in testimony was the groaning of those opposed to access when I mentioned Montpelier's sewage overflow issues. It is the height of hypocrisy that those so concerned with their own water supply want to ignore the fact that they regularly pollute the water of all who are down stream of them. Lake Champlain was held up as an example of how bad things can get, however, Montpelier is reasonably to be considered a major contributor to that degradation. The city of Montpelier started this fight by restricting a right they had no basis to attack. Based on the Boston Herald anecdote that was shared in testimony, pride, not science was the initial impetus for attempting to stop recreation on the pond. That cannot stand. Nor can we ignore the virtual foot stomping that is the city's earlier petition against ice fishermen. It was stated that the city refused to put their land into a trust so that they could retain the option to sell parcels at later dates for revenue. One gentleman stated a concern that access could spur development. If that is a concern, then the city's true interest lies not in protection, but in control. If that is not the case and the city truly cares about protecting the watershed, then the gentleman's concern becomes moot.

There are agricultural areas and a massive swamp upstream of the pond and wildlife abound throughout the watershed. Some, such as the thousands of geese which pass through annually, have the capacity to create turbidity and sully the water to a much greater degree than the unmotored boating upon the pond. We cannot pretend that paddlers and fishermen degrade water quality to a greater degree than agricultural runoff or wildlife use of the pond, it's simply not true. Sportsmen and women are the quintessence of conservationists, and are stewards to the land, not detractors from it. The last 100 years of wildlife improvements showcase that fact.

In the interest of time I am going to summarily ignore the lunacy of terrorism as an excuse for this petition. We all know this is a red herring which those opposed to access are clinging to for leverage. We heard of a dirty dipper floating in the water. to presume that this was left by persons accessing the pond is sure conjecture.

We heard about invasive species. We also heard they are already in the pond. The argument was made that recreation could spread them within the pond, but as you all know the very nature of invasive species is to spread and they will do so regardless of activity on the pond. In fact there is a good chance that the invasive species living in the pond were brought there by water fowl as they were there before recreational use began.

One resident of the pond who opposes use has often referred to it as "our pond". She is correct, but it is "all of our pond", not the sole prerogative of the few immediate residents. She mentioned damage to the bank on Mirror Lake Road. To me this is further reason to move forward with the proposed access point. This would give people a safer, easier access and reduce foot traffic on the six feet of bank being affected. The proposed access would also reduce turbidity concerns as boaters would be putting

in downstream of the intake.

As mentioned, there is an extensive watershed flowing into the pond. That, the roads surrounding it, and the human activity all around it, make the idea that the pond is untouched by humans other than those engaged in recreation upon it simply laughable. Another point in regards to recreation is the idea that different recreational uses are somehow mutually exclusive. I am not offended by a walker, jogger, cyclist, or bird watcher. For them to be offended by my use of the area is arrogant and elitist.

Lastly we got the ever present "for the children". When a group has no viable science or statistics to back their position they almost invariably fall back on the children. If we are going to bring the children into this, I would propose a different idea "for the children". As a child I always looked longingly at Berlin pond wishing I could see what mysteries it held. I want my progeny to be able to enjoy it with the wonder only a child can see.

It seems to me that the departments resources would be better spent sanctioning the city of Montpelier for regularly contributing to the degradation of others water sources and essentially accepting the Winooski as their secondary septic system.

Many water supplies in this state are also enjoyed recreationally, most notably Lake Champlain. By virtue of complaints listed in this petition, your department should be busy closing recreation on all water sources. We all know this isn't viable or reasonable, nor is it reasonable to take the position that this resource we have in Berlin Pond should be summarily taken from the residents of Vermont. In light of that it is my opinion that these petitions against access are nearly frivolous.

A friend who attended later said to me, "I think, I think, I think. All I heard from the petitioners was, 'I think'. That's the problem. They think a lot, but they don't know anything. Where is their fact?" I submit to you that if you find in support of this petition there will be a large number of people, myself among them, who will want to KNOW why you chose to take this resource from the citizens of the state of Vermont.

As previously noted, this conversation has been about control, not protection. A small group wishes to keep this resource from their fellow Vermonters and it must not stand. The community has spoken. Berlin, as you well know, voted overwhelmingly in support of access to this resource, the Supreme Court has upheld this right, The Department of Fish and Wildlife, a division of the ANR, supports access; and I trust that you too will support the access of your constituents to this bountiful resource. Thank you for your time.

Sincerely,

Michael Covey -Williamstown

From: [Qua, Bob](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 5:23:02 PM

The recent filing of a petition by the group Citizens To Protect Berlin Pond to restrict public access to the pond is full of false claims. There is no scientific evidence to support their claims.

I'd hate to think that the way to environmental conservation is restricting access.

Robert Qua

Robert V. Qua
Lindberg & Ripple
29 South Main Street, Suite 215
West Hartford, CT 06107
860-767-9790 860-761-9791(Fax)

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If you wish to initiate a transaction, please contact Robert Qua at 802-524-1379 to discuss your transaction. Please do not send transaction instructions via email, fax or leave them on voice mail as these instructions can not be honored.

From: vtguns@aol.com
To: [Woods, Laura](#)
Subject: Keep Public Access on the Berlin Pond
Date: Friday, May 30, 2014 6:47:29 PM

Laura Woods,

I was at the public hearing on Tuesday night. There was no justification presented based on valid science or sound public policy to overturn the Public Trust Doctrine. Therefore, ANR must maintain public access and reject the petition in review.

Sincerely,

Evan Hughes
Barre, Vermont

From: [Shawn Bryan](#)
To: [Woods, Laura](#)
Subject: Berlin Pond access
Date: Friday, May 30, 2014 6:52:59 PM

As a resident of the Town of Berlin I support continued access to the pond by non-motorized vessels and by persons wishing to fish. I see no threat to the pond or the water supply by such access and I have noted that the number of people actually availing themselves of access has stabilized at a relatively low level now that the novelty has worn off.

Many other municipalities draw their water from similar sources that are open to both motorized and non-motorized vessels and seem to manage perfectly well. There is probably more risk to the water supply from livestock that graze immediately above the pond.

Sincerely,

Shawn

Shawn Bryan
sbryan@vtbryans.com
Berlin, VT

From: jester882@comcast.net
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 7:04:04 PM

I Support continued non-motorized public access to Berlin Pond!"
and to deny the petition to ban public recreational access.

Sincerely,
Justin White
Barre, VT

Sent from my iPhone

From: [Martin Romeo](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 5:23:17 PM

Laura

I support continued access to Berlin Pond for fishing and non-motorized recreation.

Thank you

Martin Romeo
Barre, VT

Sent from my iPhone

From: vtgreek@aol.com
To: [Woods, Laura](#)
Subject: (no subject)
Date: Friday, May 30, 2014 7:17:58 PM

**I support non-motorized access and to deny the petition brought/ filed
by Citizens to Protect Berlin Pond.
PAULPOULOS**

From: [Robert Lefebvre](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 7:41:13 PM

Why would you want to close public access to this pond. Last night I was at a dinner in Burlington and took a sip of water, that water is terrible but I don't hear anything about even looking for another access for the public water system in that city. As far as I know the Berlin Pond is a lot cleaner and residents are willing to use it wisely. Robert Lefebvre

From: [Ed Lasell](#)
To: [Woods, Laura](#)
Subject: Berlin pond
Date: Friday, May 30, 2014 7:06:11 PM

To whom it may concern:

I am against closing Berlin Pond for recreational use, not allowing internal combustion engine is understandable due to the use of the pond for potable water, but people enjoying the natural resources available to them on self powered crafts, or from shore can not be anymore contaminating than the run off from the interstate being so close to the pond. My understanding is that the State of Vermont controls the water resources in the state there for I would be of the understanding that the recourses belong to all the people in the state to use.

Sincerely;

Ed Lasell

Williamstown Vt

Sent from my iPhone

From: [William Mayo](#)
To: [Woods, Laura](#)
Subject: Continue access for recreational use of Berlin Pon
Date: Friday, May 30, 2014 8:25:42 PM

Dear Laura Woods:

It is my desire and opinion that continued use on Berlin Pond be allowed and the petition to disallow this use be rejected.

Sincerely,

William P. Mayo
60 Noridge Drive
Northfield, VT 05663

From: myashmonster@yahoo.com
To: [Woods, Laura](#)
Subject: Berlin pond
Date: Friday, May 30, 2014 8:59:29 PM

Im emailing this due to Facebook post about it being closed to public recreational use. I am opposed to closing this pond, & would like it to remain useable for recreation.
Andrew Haskell

Sent from my iPhone

From: impactvt@comcast.net
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Friday, May 30, 2014 7:45:50 PM

Please note that my husband and I support non-motorized access and deny the petition filed by Citizens to protect Berlin Pond.
John and Marion Clegg
Hyde Park, Vermont

From: rdb290@comcast.net
To: [Woods, Laura](#)
Date: Saturday, May 31, 2014 12:02:56 AM

Dear Madam, I ask that you continue to support non motorized use of Berlin Pond.

Sincerely and thank you!!

Richard L Bryan

Montpelier

From: [John Claussen](#)
To: [Woods, Laura](#)
Subject: Berlin Pond Petition
Date: Saturday, May 31, 2014 5:27:07 AM

I am in favor of continued recreational use and access to Berlin Pond such as fishing, canoes, kayaks and row boats. I am not opposed to banning internal combustion engines, swimming and ice fishing shanties.

These limited recreational activities should have no adverse impact on the environment or public health.

I hope your decision will be based on fact and not influenced by the raucous intimidating behavior and political grandstanding displayed at the May 27 hearing.

John Claussen
Northfield, Vermont

From: [Ken Roberts](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Saturday, May 31, 2014 6:01:30 AM

I am in favor of paddler rights to USE a State's body of waters especially non motorized ones.

Ken "Bert" Roberts

From: [Paul Frascoia](#)
To: [Woods, Laura](#)
Subject: Keep Berlin Pond accessible
Date: Saturday, May 31, 2014 6:29:36 AM

Laura

I support continued non motorized access to Berlin Pond

Thank you

Paul Frascoia
President
Critical Process Systems Group

www.cpsgrp.com
www.compositesusa.com
www.dfsolution.com
www.fabtechinc.com
www.nehp.com

From: [Jennifer Stanley](#)
To: [Woods, Laura](#)
Subject: Berlin Pond Petition. Do not support!
Date: Friday, May 30, 2014 9:19:13 PM

VT Department of Environmental Conservation
Attn: Laura Woods

I am writing to you to urge the Department to deny the petition by the Citizens to Protect Berlin Pond to prohibit non-motorized recreation on the pond. I have scanned over the long petition and find their arguments lacking credibility and scientific support. Many of their arguments are based on anecdotal evidence and some are simply ludicrous. Nothing in their petition supports that the drinking water supply would be jeopardized. Vermont has a proud history of providing recreational access and I hope the Department and the ANR will continue to support such access. It appears to me that this issue is more political than anything. The Department should base their decision on science, acting in the best interest of the general public and not cater to the political maneuvering of a minority group.

Thank you for your consideration.

Jen Stanley

Monkton, VT
802-238-2615

From: [Wheeler, Larry](#)
To: [Woods, Laura](#)
Subject: Berlin Pond Access
Date: Saturday, May 31, 2014 6:54:50 AM

"Support continued non-motorized public access to Berlin Pond!"
and to deny the petition to ban public recreational.

This communication and any attachments are intended only for the use of the individual or entity named as the addressee. It may contain information which is privileged and/or confidential under applicable law. If you are not the intended recipient or such recipient's employee or agent, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited and to notify the sender immediately.

From: [John Meyer](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Saturday, May 31, 2014 6:44:33 AM

Dear Laura,

While traveling in Maine a few years ago I was asked by a local fellow where I was from. When I replied Montpelier, he commented, "I visited there once. Worst water in the world!" Berlin Pond, the only source of this water, is now embroiled in controversy, and the underlying issue is simple: Should a few people have the right to use the pond as a playground, or should should a city of c. 8,000 have the right to enjoy safe, clean water? The answer is a no-brainer. I'm sure you will make the right decision.

John Meyer
Montpelier, VT

Sent from my iPhone

From: [Tom Schmidt](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Saturday, May 31, 2014 8:46:01 AM

Dear Laura,

Thank you for your time and I'm troubled to gather that some fear and "less than certain science" could lead to policy that restricts Berlin Pond. In my opinion this is a bad foundation for any public policy. Especially when can set such a negative statewide precedent. As you know, fishing is a really amazing, year round, winner for this state. Recreation, family time and anglers are a massive proponent towards sound science and improvement of water ecology. Revenues from anglers pay for accesses and improvements as I understand. Restricting anglers is like punishing those who really pitch in for the good of all.

Next, on principal, another huge winner in Vermont is policy that stands for personal freedom and civil liberty. Across the board, regardless of party affiliation, policy that wins for personal freedom in VT is most appreciated by all. Policy that tries to ban, restrict or limit personal freedom falls suspect.

At this stage, I really believe it takes dishonesty to pass policy by Vermonters that removes freedom and liberty. That is why I think access should remain open to anglers and other user groups at Berlin Pond. It's ghastly that anyone should think otherwise. And not in keeping with Vermont at all.

Sincere thanks,

Tom Schmidt
Westford

From: [Gale Rome](#)
To: [Woods, Laura](#)
Cc: [Markowitz, Deb](#); [Mears, David](#)
Subject: Berlin pond
Date: Saturday, May 31, 2014 7:47:01 AM

Dear Ms. Woods,

I am very concerned about maintaining the cleanest possible water for our capital city and urge you to pass in full the Citizens to Protect Berlin Pond Petition. It is simply not worth the risk of poorer quality water to allow recreational access to this relatively small body of water-----not worth the risk of compromised water quality and not worth the risk to the taxpayers to remedy any problems resulting from that access.

Thank you.

Gale Rome

From: [Paul H. Gross, III](#)
To: [Woods, Laura](#)
Subject: Vermont Waterways
Date: Saturday, May 31, 2014 9:08:30 AM

Ms. Woods:

There are factions in Vermont that are PRESERVATIONIST in their approach to our Natural Resources. I firmly believe in the CONSERVATIONIST approach. Preservationists support the non-use of a resource , whereas Conservations support the wise use of a resource -- be that woods or waters.

I believe that NON-use of any waterway, in the pursuit of "pristine preservation," serves only to further reduce the number of young people who have an interest in the outdoors (instead of video games and such). With no connection to the wild , these young people have no sensitivity to the important environmental issues we face today , and that we will continue to face tomorrow.

Paul H. Gross, III
12 Lafayette Drive
Jericho, Vermont 05465
Home 802-899-4816
Cell 802-363-0719

From: [Bert Desrochers](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Saturday, May 31, 2014 9:06:35 AM

I would urge the VT DES to **continue allowing** the use of Berlin Pond and any similar ponds to non-motorized use & fishing. The sky is not falling! The alarmist tactics being used to force a specific agenda are not realistic, every drinking water source is open to these same threats. Public use of public waters should not be controlled by some unreasonable fears, but by realistic regulations.

Bert Desrochers
1781 West Side Lake Road
Maidstone VT
05905

From: [Clark Amadon](#)
To: [Woods, Laura](#)
Subject: Berlin Pond Petition
Date: Saturday, May 31, 2014 9:17:42 AM

Dear Ms. Woods,

I'm writing as a reminder that the public of the State of Vermont has a long established and constitutional right to use the waters of Berlin Pond. The State of Vermont Supreme Court has upheld this right. This fact seems to thump in my mind the somewhat illogical and farfetched thinking of those who wish to lock up a valuable central Vermont recreational resource.

I would urge you and others within the Agency to take a couple of hours off from your desks and other duties, away from your field work, load your car with a kayak or canoe and take a paddle on Berlin Pond. This is what you are likely to see, I hope. There may be an osprey looming over the water, quickly flapping its large wings before plunging in for a meal. An eagle could be in a tree nearby ready to rob the osprey of its hard won fish. A loon will probably call along the shore. Your kayak will glide quietly along and your paddle will shine with a sheen of water. There may be, I hope, a few fishers around. Maybe me. They'll be sending a line out seeking a plentiful perch and bass hot spot. Then probably releasing the quarry back into the water. The shoreline you'll find is in pristine shape, a natural filter for the water and protecting the land from erosion due it's thick shrubs and trees. The bottom of this pond is tight with natural Vermont water plants, helping to filter the clear water, provide cover and food for fish and anchor sediments to the bottom. You'll also hear the interstate when you paddle the west shore and hear quiet while on the east shore. There may be no one else on the pond or there maybe less then 6. The most I've seen I think is 5 at one time. Each and every person you'll meet will marvel at this lovely area. This pond is a very satisfying, quiet, clean and productive place all within minutes of most populated towns in this area. You probably live near Berlin Pond, too.

The petitioners have provided a pretty impressive document. I would also suggest they are guilty of a very vast overreach when describing the consequences of the activity from recreational users of Berlin Pond. I understand their concern and desire for clean drinking water. It seems like Montpelier has a very adequate water filtration system with which to treat the Berlin Pond water. I am quite dumbfounded a request is being made to shut of this body of water from recreational use. If Berlin Pond, why not Lake Champlain or Lake Erie, the source for the City of Buffalo, NY and thousands of other water bodies across the country.

Please let reason and, of course, the Vermont Constitution be your guide. This petition, though well meaning, is without merit.

Thanks for listening and thanks very much for your hard work and dedication to Vermont's environment.

If, for some reason, you have questions or comments, please let me know.

Fish On!

Clark

Clark Amadon
1719 Rt. 100B
Moretown, VT
05660
802-496-7971
clark@amadononline.net

"The river prevails. All rivers prevail in one way or another; no matter the manipulation and the abuse. And to claim ownership or complete control of a river; or even to take one for granted...is an absurdity and an insult". The River is Us. Bill Stokes

~><(((0>

From: [Ivan St. George](#)
To: [Woods, Laura](#)
Date: Saturday, May 31, 2014 9:30:47 AM

I recently learned that a group of self proclaimed environmentalists and the city of montpelier have filed a petition with your agency to prohibit recreational use of berlin pond, this in spite of the 2012 supreme court ruling that declared the pond a public trust.

While I do not live in the area, I am an avid boater, outdoorsman and fish many bodies of water.

Should Berlin pond be closed to recreational use the rule will have a widespread negative effect on practically every body of water in the state.

and that is unacceptable.

I urge you to roundly deny the petition.

Best,

Ivan St george
Vergennes VT

From: [ronald whitcomb](#)
To: [Woods, Laura](#); [eddie](#)
Subject: Berlin Pond
Date: Saturday, May 31, 2014 9:48:19 AM

Hi Laura,

Some of these "tree huggers" need to be reminded that if you "hug" something too hard, you can kill it.

If Berlin Pond is public water, and I believe that it is, then it needs to be shared in a responsible manner. That of course is your responsibility to find that balance.

thank you,

Ron Whitcomb
Woodbury

--

TERM LIMITS FOR ALL CONGRESS MEMBERS

RONBO

From: [Clay Lasher](#)
To: [Woods, Laura](#)
Subject: Berlin pond
Date: Saturday, May 31, 2014 9:51:56 AM

As a member of the "public" I expect to have access to my "public" lands and waters. This is how it should be. Denying access is un acceptable. Thank you for voting on my behalf.

, Clay

From: [Roy Kilburn](#)
To: [Woods, Laura](#); [Frank Stanley](#)
Subject: Berlin Pond
Date: Saturday, May 31, 2014 5:22:51 PM

Dear Laura

In 1965, when I was 10 years old, my Mother and Father built a house in the 4 Corners of Berlin, 1 mile from Berlin Pond.

Back then all the kids up here fished and swam in the pond, hoping we wouldn't get run off by someone from the City. A few of us

even built a plywood boat and would take it out on the Pond until one of our parents caught us. I hope there is a statute of limitation

on my confession, I don't want to go to jail. I had a choice which High School I could go to. Here in the Corners everyone went to

Montpelier High. In my senior year, we had a civics class where you could run for an elected office. I ran for Montpelier Water

Commissioner and won. For one day, I got to ride around Berlin Pond, the one I couldn't swim or fish, in the City Truck and visit the

old Water Treatment Plant and was shown how it worked. Scary, they didn't do too much to the water back then. The area around

pond looked very nice with the ducks, geese, loons, you might have called it Pristine, and the people that lived there had the Pond

all to themselves. Back then I worked at Howard Johnsons on the Barre Montpelier Road and would have to walk up Benjamin Falls

Hill. That's the brook that runs out of the pond. I could fish and swim it that. Things were different back then, but I couldn't

understand why everyone couldn't enjoy The Pond. I hoped that one day things would change.

Well, things started to change. First it was the Hospital. I could catch rides to the top of the hill after that. Then the Interstate.

I could get to VTC where I went to collage in 20 minutes. After collage I sold kitchens to allot of the new houses you can't see

that are around the Pond. Everything has changed, just look. That old water treatment plant changed also. My family moved back

to that house I helped build. I walk around the Pond and I still have to "go" in the woods, like allot of so many other people do. The

little brooks that went into the Pond have more water in them and there are more of

them. I guess it's because of the run off from the

interstate and those septic systems. There are more cars that go by me and I worry my dog will get hit. She "goes" in the woods

too. I still see the ducks and geese and loons that "go" in the water. There are the dead fish I used to see but there are more of

them. They will settle to the bottom and decay anyway. The Pond still looks pristine.

There is one thing that hasn't changed. I still can't fish and swim and paddle my boat on the Pond. But now I know I'm supposed to

be able to, but I still can't. I want to be able to enjoy the Pond and so do allot of other people too. Please let us!

Roy Kilburn

54 Birchwood Drive

Berlin resident and tax payer.

From: Dwlmjl@aol.com
To: [Woods, Laura](#)
Subject: Berlin Pond petition
Date: Saturday, May 31, 2014 10:16:58 AM

Laura:

I would like you to know that I support continued access to Berlin Pond for non-motorized vehicles and fishing and reject the petition by citizens to protect Berlin Pond to close off this valuable asset.

thank you
David Lewis
South Royalton, Vermont

From: [Collin O'Neil](#)
To: [Woods, Laura](#)
Subject: Berlin Pond access issue
Date: Saturday, May 31, 2014 8:15:22 PM

Dear Laura,

I have worked in recreation management for three decades and I have one overarching issue with recreation in this Country, the carbon footprint of recreation. It is a well known goal for there to be a walking / hiking trail within 5 miles of most citizens, and there's a burgeoning movement to change the recreation environment in residential areas to include and incorporate my access to recreation close to home and / or work. The pond's location is convenient to tens of thousands of Central Vermonters who should be encouraged to find as much of their recreation as close to home as possible.

If there is no science that clearly shows a correlation to paddling and a degradation of water quality then by all means paddling on Berlin pond should be banned. But in the absence of this evidence the benefits of allowing recreation close to where people live outweighs Montpelier's desire to exert control over the activities on the pond. Montpelier should embrace and utilize the pond for all that it has to offer (as long as those activities don't negatively affect the drinking water).

Given the location of this body of water along the interstate, circled by dirt and paved roads, driveways, lawns, gardens, and commercial structures and the accompanying parking lots, well it seems unlikely that some people paddling on the placid water will be the deciding factor that makes the water unsafe to drink.

This is a residential and commercial area, no paddling ban will change the impact of its surroundings.

Sincerely,

Collin O'Neil
Manager, Wrightsville Beach Recreation District

From: [dennis](#)
To: [Woods, Laura](#)
Cc: [Frank j Stanley](#)
Subject: Berlin Pond access
Date: Sunday, June 01, 2014 7:33:50 AM

Good Morning,

I won't go thru the process of telling you what is wrong with the petition against public access to Berlin Pond , You already know.

Please don't let a group of extremists deny the public the opportunity to enjoy the natural splendors of this pond.

Thank You,
Dennis K. Allen
Reading, Vt.

From: [Al Becker](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Sunday, June 01, 2014 9:00:53 AM

Laura

I would like to go on record as supporting the continues access to Berlin Pond in Vt.

Big Al

From: [Dennis Fournier](#)
To: [Woods, Laura](#)
Subject: Fwd: Petition against recreational use of Berlin Pond
Date: Sunday, June 01, 2014 9:06:31 AM

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

Subject: Petition against recreational use of Berlin Pond

Date: Sun, 01 Jun 2014 08:48:25 -0400

From: ranchvalley@myfairpoint.net

To: LauraWoods@state.vt.us

Dear Laura,

I'm writing this letter in support of limited recreational use { non-motorized boating, fishing, etc. } and to deny the petition set forth by the Citizens to Protect Berlin Pond.

The petitioners on Weds 5/28/14 night felt that the added human contact by recreation was going to adversely impact the pollution of Berlin Pond. They believed that Berlin Pond was an unique and pristine setting

First point: I believe the existing roads, I-89, and the gravel roads that surround the pond are going to add more damaging pollutants over the course of time to the pond more than non-motorized boating, etc. Just the salt used in the winter that makes its way into the tributaries with the spring run-off must be damaging. Then there is the residents that live in and around the pond. There has to be some chloride contamination from leach fields which has been stated in studies by experts. Just the idea of I-89, the existing gravel roads, area residents, etc. doesn't relate to me the appearance of an unique and pristine setting.

Second point: It was mentioned that human pathogens were going to be introduced to the silt in the pond and that the turbidity would be increased due to the added non-motorized boat traffic. Certainly E. coli bacteria is going to be more prevalent from animal { wildlife } fecal matter. It's been stated that livestock and wildlife carry human pathogens which lead to zoonotic diseases which are diseases that are communicable from animals to humans. Being that the inlet pipe is located within the deepest area of the pond { 50-60 ft. } it would take an extremely long kayak paddle to stir the bottom of the pond up. Fecal contamination from wildlife poses more of a problem than human contamination.

Third point : The petitioners didn't present any sanitary survey's conducted by any molecular source tracking tools that prove to the public the increase in pollution caused by non-motorized boating in the two years the pond has been opened to boating. I don't think the Dept. of Fish & Gme would have agreed to provide a small carry-top boat access for the pond if they felt it was going to be detrimental to the water quality. I believe the Dept. of Environmental Conservation should allow recreational access to this State of Vermont body of water.

Sincerely,

Dennis Fournier

From: [Michele Herring](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Sunday, June 01, 2014 10:14:17 AM

I support access and do not support the petition to close the pond to recreation.

From: bchenette@aol.com
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Sunday, June 01, 2014 10:46:14 AM

Laura - I'm an environmental engineer, resident of Berlin and I drink the treated water from Berlin Pond. Please deny the petition brought by the Citizens to Protect Berlin Pond. I see no reason not to continue to allow restricted, low impacted uses of the Pond. No motors, no power augers and if Montpelier is concerned about the water intake structure, signs restricting access to the immediate area around the intake should be installed to keep people & boats away.

Thanks for your consideration.

Bernie

Bernard X. Chenette, Jr., P.E.
Chenette Associates, PC
69 Plateau Dr. - Berlin
Barre, VT 05641
(802)476-6406
mobile (802)793-9686
bchenette@aol.com

From: [Tami Calliope](#)
To: [Woods, Laura](#)
Cc: [Mears, David](#)
Subject: PUBLIC COMMENT ON MAINTAINING THE PURITY OF BERLIN POND
Date: Sunday, June 01, 2014 12:54:32 PM

Dear Ms. Woods,

I am deeply distressed that the Agency for Natural Resources would even consider opening Berlin Pond to further recreational use, and thus, degradation of this very shallow body of water. I was frankly shocked when it was opened to recreational activity in 2012.

This small pond is of paramount importance to the lives and health of over 20,000 human beings. It is the SOLE SOURCE OF PURE DRINKING WATER for every citizen of Montpelier. Water is life. We cannot live without it. Pure water is the most precious, scarce, and endangered element in the world today. It is increasingly becoming known as "Blue Gold."

There is a variety of inevitable and irreversible degradations to the pond water consequent to the kind of "recreation" sportsmen would like to engage in here: from invasives and milfoil to silt in the filters to gasoline slicks to human bacteria and debris to trash. The level of chlorine used to combat some of these will perforce rise until it, alone, can no longer contain the degradation. We heard at the meeting of the toxic effects consequent to adding yet another antidote to the chlorine. One way or another our water will cease to be potable.

We do not live in a desert ecology here in Central Vermont. Our land is rich in water. There are over THREE DOZEN bodies of water within 20 to 30 minutes from town, all open to recreation of all kinds. Why, then, this fixation on being able to "recreate" on the one small pond that is off-limits for the safety and health of many thousands of people?

The "sportsmen" who are so eager to play in our drinking water frankly remind me of spoiled children in a temper tantrum, whining, " I know I have all THOSE toys, but I want THIS ONE, TOO!"

Please don't give in to this need for unlimited gratification. Berlin Pond has been protected for more than 100 years. Please keep protecting it. After all, it's YOUR drinking water, too.

Respectfully,
Tami Calliope
58 Barre Street Apt. 306
Montpelier, VT 05602

From: [T.Prindiville](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Sunday, June 01, 2014 4:41:41 PM

Dear Ms Woods:

I live in Barre Town and I support limited access to Berlin Pond. I believe the water quality would not be significantly compromised by allowing limited access to the pond. By limited access I mean fishing, canoeing, and Kayaking. I suggest no swimming, or gasoline powered boats.

Thank you for your consideration.

thomas Prindiville
12 east balsam drive
Barre, Vermont 05641
476-6775

From: [bernice.vogel](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Sunday, June 01, 2014 6:32:59 PM

Berlin Pond is our drinking water. It is a fragile ecosystem and the water is still relatively pure. Human access will degrade the water and require increased chlorine, a carcinogen. Invasive species will cause problems for the intake and filtration systems.

I am concerned about the long-term effects if the recreational access continues. I urge you to stand up for the cleanest possible water and pass in full the Citizens To Protect Berlin Pond Petition.

Bernice Vogel
1 Mechanic St
Montpelier, VT

From: [Warren Kitzmiller](#)
To: [Woods, Laura](#); [Markowitz, Deb](#); [Mears, David](#); [Porter, Louis](#)
Subject: Citizens to Protect Berlin Pond petition comments
Date: Sunday, June 01, 2014 8:30:15 PM

Dear Laura, Deb, David & Louis,

Please accept this message as my written comments concerning the petition from the Citizens to Protect Berlin Pond.

To my way of thinking, this entire matter boils down to "want" on one side and "need" on the other. The opponents of this petition want to use Berlin Pond for recreation; the petitioners cite the need to protect the drinking water for Montpelier, the hospital, and other users of the system. I'll side with "need" over "want" any day! The cleanliness and safety of drinking water easily trumps the desire for yet another place to play.

We have a plethora of choices for every kind of water-based recreation in our region, and the beautiful places to enjoy canoeing and kayaking are many, including Wrightsville Reservoir, Green River Reservoir, Mollys Falls Pond and many others. For fishing, we have not only a great number of lakes and ponds, but countless rivers and streams, as well. In contrast, the City of Montpelier has only one source of clean water.

When I spoke at the hearing, I pointed out that human interaction in the water of Berlin Pond simply cannot IMPROVE the water; it inevitably degrades it. If every user was responsible, the threat might well be minimal; but we all know the reality. Trash, litter, floating soiled diapers, swimmers who will do what they do in the water, paddlers who stir up the murky shallows . . . every form of human interaction disturbs and degrades water quality. Human beings, at times, are pretty messy creatures! Little by little, over time, the damage to water purity becomes substantial. That even degraded water can be rendered "safe" by the use of otherwise toxic chemicals is no reason to allow it to be polluted.

It is not just about drinking water, either. It's about the whole environment. Thousands of people, for years upon years, have been using the pond without entering it, walking the surrounding roads, viewing the wildlife, bird watching, bicycling, running, and basking in the natural beauty of these surroundings while gaining healthy exercise. I'm certain that the number of people who use the pond in this manner greatly outweigh the number of those who wish to fish there. Opponents of the petition have said that the pond is less than pristine because one can hear cars or trucks or dogs or lawnmowers. None of those are unusual sounds anywhere in Vermont, and none diminish what people so highly appreciate there.

Invasive species come into bodies of water not just by way of motorboats, but on kayaks and canoes, as well. We all have seen what that can do to a pristine pond or lake very quickly. The cost of remediation would be substantial. Will the State cover that cost, or will you force it to fall on the taxpayers of Montpelier alone?

In politics, there is always the temptation to "split the baby", and find a middle ground that gives something to each side, such as in this case banning motorboats but allowing canoes, kayaks, swimming, and fishing. To my mind, in this situation that would be a 100% loss to the water quality, biologic integrity, and unspoiled

nature of the pond. No "middle ground" at all. Your decision will either protect or damage our drinking water. I believe your responsibility is clear!

In a very real sense, the eyes of the nation will take note of your decision. I do not want word to go out that we required the labeling of GMO modified foods, but didn't care enough to protect the drinking water in our Capitol City.

I represent the interests of 8,000 good people of the City of Montpelier. Their feeling on protecting Berlin Pond is unequivocal and near-unanimous. They do not want you to cave in to the vocal demands of a group that cares less about protecting the water and the environment than having one more place among many to use for pleasure.

My constituents, and I, ask you to SAVE.THIS.POND!

Sincerely,
Rep Warren Kitzmiller
138 North Street
Montpelier, VT 05602
warren@kitzmiller.com
229-0878 home
249-0158 cell

From: [Rick Barnett](#)
To: [Woods, Laura](#)
Cc: natesmead@gmail.com
Subject: Berlin Pond Petitions
Date: Sunday, June 01, 2014 8:49:06 PM

To Whom It May Concern,

Hello. I am writing in opposition of the petitions filed by both the City of Montpelier and the Citizens To Protect Berlin Pond. The following supports my choice to oppose these petitions.

Berlin Pond has been off limits to recreational uses since the early 1900's following 2 court cases involving recreational activities on Berlin Pond. State vs Morse and State vs Quattropani. Each of these cases were litigated by the Vermont Department of Health, the agency overseeing public waters at that time. Both cases went to the Vermont Supreme Court, where in each case, the Court upheld the prohibition of recreational uses. In both of the cases, the Vermont Supreme Court ruling clearly stated that recreational activities should be prohibited, however went on to further state, " until such time that the City of Montpelier has a functioning water treatment and filtration facility". The point to this is that even in the early 1900's public recreational activities were allowed and acceptable uses, provided that a water treatment and filtration facility was in place and functioning. The prohibition of recreational activities was never intended to be a long term or permanent order, in fact a temporary protection.

The Vermont Constitution, section 67 states that, " Vermont shall have the right, in seasonable times, to fish and fowl all lands and waters not private or otherwise enclosed." Understandably, this right does not supersede the health and welfare of the public.

VSA Title 10, Chapter 56§ 1679. Public water source protection areas

(a) The secretary shall, after review by the groundwater coordinating committee established in subsection 1392(c) of this title, adopt rules for the protection of public water source protection areas. Rules adopted under this section may include but are not limited to:

Followed by Subsection (e) of the same Title and Chapter;

(e) Rules, standards and criteria adopted by the secretary under subsection (a) of this section for the protection of public water sources shall allow for human activity within the watershed of a public water source, provided that such human activity does not constitute a public health hazard or a significant public health risk.

Both the City of Montpelier and the Citizens To Protect Berlin Pond, fail to demonstrate either a significant health risk or public health hazard, as defined in 18 V.S.A. § 2. Definitions

(9) "Public health hazard" means the potential harm to the public health by virtue of any condition or any biological, chemical, or physical agent. In determining whether a health hazard is public or private, the commissioner

shall consider at least the following factors:

(A) the number of persons at risk;

(B) the characteristics of the person or persons at risk;

(C) the characteristics of the condition or agent which is the source of potential harm;

(D) the availability of private remedies;

(E) the geographical area and characteristics thereof where the condition or agent which is the source of the potential harm or the receptors exist; and

(F) department policy as established by rule or agency procedure.

(12) "Significant public health risk" means a public health risk of such magnitude that the commissioner or a local health officer has reason to believe that it must be mitigated. The magnitude of the risk is a factor of the characteristics of the public health hazard and the degree and the circumstances of exposure to such public health hazard.

The Vermont Agency of Natural Resources has classified Berlin Pond, as well as every other public water supply, excluding Lake Champlain, as A 2 waters. Consistent within this classification, Vermont Water Quality Standards, Section 3-03, A. Management Objectives, "Water managed for public water supply purposes to achieve and maintain waters with a uniformly excellent character and a level of water quality that is compatible with the following designated uses:

4. Boating, Fishing, and Other Recreational Uses - suitable for good quality boating, fishing, and other recreational uses.

In conclusion, everything in Vermont Law, the Vermont Constitution, and policies and procedures created by Vermont Agency of Natural Resources, promote public recreation on public water supplies. I respectfully request that you deny these petitions in whole. I thank you for your time and consideration.

Respectfully submitted on this 1st day of June, 2014,

Rick Barnett

Grafixx2014@yahoo.com

Sent from my iPhone

From: [Pat Archbold](#)
To: [Woods, Laura](#)
Cc: [Mears, David](#); [Markowitz, Deb](#)
Subject: Berlin Pond
Date: Sunday, June 01, 2014 10:48:07 AM

Thank you for eliciting public input regarding recreational uses of Berlin Pond. As a nurse and Montpelier resident, I am concerned about the negative health effects of compromised water in our town if recreational access to Berlin Pond is permitted to continue. Please act to protect the pond and our water supply from unnecessary human-created contamination.

Thank you,

Pat Archbold
16 Summer St.
Montpelier, VT

--

Pat Archbold
pat.archbold@gmail.com

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2 June 2014

“The Pond” is not the 7th wonder of Berlin, nor is it even the first.

I attended the public hearing at the Berlin elementary school on the evening of 27 May. It was difficult for me not to rise up and speak. But then I quickly realized that the house was stacked. As far as I could tell, this was like a Town Meeting. Folks don't attend to listen to both sides of an argument in order to make an educated decision. They attend because it is entertainment or they want to hear themselves speak and receive accolades from their friends.

Prior to continuing, it is only fair that I disclose my own interests in the outcome of this discussion. I am not advocating one way or the other. I simply wish to elaborate on some facts and augment some of the statements made. First, I moved to Montpelier from Rutland in 1969. I was a resident for thirty years, prior to moving to South Hero. My initial employment was as a Vermont Assistant Attorney General in the Environmental Division. Two of my “clients” were the Department of Health and the Department of Water Resources (the Agency that is now ANR was not created until the early 1970's). Together, those departments advocated for the State and the protection of its waters. The Water Resources Board was responsible for classifying the waters. Class A was for drinking water and other uses were restricted. Class B was for swimming and other recreational uses. There were other classes for uses that were safe for neither drinking nor swimming, etc. Some bodies of water (such as Lake Champlain) could not be classified as Class A even though it was the drinking water source for Burlington and other municipalities. The commercial use of the Lake prevented a change in classification.

Berlin Pond was special. One hundred years ago, someone built a dam in a stream and created a pond to be used as a drinking water source for Montpelier. The water was certainly cleaner than the Winooski, the Worcester Branch, The Dog, or the Stevens Branch, all flowing through the City.

After leaving the AG's office, I was elected to the Montpelier City council. I remember clearly a particular Council meeting when someone from the Health Department spoke to the Council and encouraged Montpelier to design and build a water treatment facility to protect its citizens from

the potential horror that could be caused by some sinister activity in Berlin, such as someone dumping poison, chemicals, or worse in the water supply. The result was the existing water treatment facility, also located in the town of Berlin. The new plant was built to protect the citizens from any and all dangers, or so we were told. During the same period of time, the City upgraded its sewage treatment facility to a state of the art tertiary level, meaning that the discharge from the plant, after final chlorination, aeration downstream and dilution, was safe to drink.

Having provided a bit of history, I would like to respond to, or simply comment, on statements that were made by both sides during the hearing. The group advocating for drinking water safety are not addressing the real issue for limiting the use of the pond. The pond will be in no more or less danger no matter how the water is classified. Complete protection can only be obtained with physical security. That is not anticipated nor is it feasible. Recreational use will not prevent continuing treatment and clean drinking water. Animals defecating, dying and decomposing, as well as pesticides and herbicides will continue to get to the treatment facility. The quality of the water is further diminished by the decomposing plants along the water's edge. That facility purifies the water through filtration, chlorination and an extended contact time before it is sent down the line to the City. Today's plants may use better systems such as ultraviolet light or osmosis but the thirty plus year old plant is what we have. Non gasoline powered boating and fishing will do nothing to change the quality of the water and for that reason there is no continuing need to maintain an A classification.

One or two witnesses spoke of the threat of increased treatment because of recreation, resulting in the need of more chlorine or the addition of other chlorine based chemicals. I would argue that the amount of chlorine discharged into the Winooski river from the sewage treatment plant far exceeds that which is used in water treatment plant of the City water supply. And given the fact that Northfield, Barre, and Waterbury treatment plants also discharge into the Winooski, there is still decent fishing and swimming downstream in that River notwithstanding the tremendous amount of chlorination.

One or two witnesses argued that boating would result in milfoil and zebra mussel invasions. That is no different than the fear of those invasions in any other body of water in Vermont that has not yet suffered from such an invasion. It should be pointed out that Lake Champlain has been invaded by zebra mussels. (I now reside on the shore of Lake Champlain). Yes, the zebra mussels hurt one's feet when stepping on them barefooted but the water quality in the lake has improved as a result and steps have been taken to successfully keep the mussels out of water intakes. The zebra mussels survive on food that damages the water quality of the lake.

Others advocated that the surrounding wetlands serve as habitat for wildlife and recreational use would disrupt that habitat. I would submit that other man mad impoundments have the same issues and also have wildlife habitats that are being used for recreational purposes. Peacham Pond and the Green River reservoir come to mind.

On the other side of the argument, there were those few individuals advocating unlimited recreational use of the pond because its use is already degraded as a result of the noise on local roads and the fast food wrappers found along the side of the roads, hardly a rationale for unlimited use. To simply state that the area is not treated with respect is not any more of a reason to worsen the situation than the group opposing any use under any circumstances. The alleged fragility of the area should prevent unlimited and uncontrolled use resulting in a Coney Island atmosphere.

Neither side, however, was very convincing with respect to their representations about the current condition of the “wetlands” or the lack thereof. Nor was there any credible representation about the danger to the shoreline resulting from any access. Neither side seemed to offer any credible rationale for amending the relating to the restrictions already in effect for Berlin Pond. See *Vermont Use of Public Water Rules, Appendix A, effective December 30, 2011*

Is this not simply a battle between two municipalities? It reminds me of the ongoing dispute over the future location of the Air Force F-35's. They would be located in South Burlington, a municipality that does not want them but favored by Burlington, the City that owns the airport. Is this not similar? I am reminded of how judges admonish parties to a lawsuit. A court decision usually results in neither side being satisfied with the result. Parties are encouraged to settle their differences by themselves. If there is truly no health reason to prevent limited use of the pond, should the two municipalities work out an arrangement that is somewhat palatable to both. If the pond is so valuable to the City, then the land surrounding it must have some substantial value that should add to the Town's Grand List. Would not the residents of both municipalities gain from some limited use of this resource? I would not bet the ranch in this instance.

George E. Rice

From: [Geoffrey A. Farrell](#)
To: [Woods, Laura](#)
Subject: Support for recreational access to Berlin Pond
Date: Sunday, June 01, 2014 10:10:33 PM

Ma'am,

I am a resident of the Town of Berlin with property that views Berlin Pond. My family and I fully support non-motorized recreational access to Berlin Pond. Thank you.

Sincerely,
Geoffrey Farrell

From: [Justin](#)
To: [Woods, Laura](#)
Subject: Berlin pond access
Date: Sunday, June 01, 2014 10:16:48 PM

To whom it may concern,

I am writing to state my opinion on the issues that surround the use of Berlin pond. I am concerned that my right to use this body of water will once again be taken away. We have the right to use this natural resource. The org of Montpelier has no rights to limit the use of this land.

With very little research you will find that the city of Montpelier Stole this land from the town of Berlin to begin with. And as far as the transplants that currently live surrounding this water body what right do they have to say I can't use this land. It creates more traffic and noise? I was born in Berlin and I have lived here ever since. I love the state this state for the wonderful natural resources that we have. I also love my rights to use them. No one should be able to take these freedoms from us!

The city has a multi million dollar treatment plant that can eliminate "health issues" that they seem to think will arise from the use of the pond. Plus if the city owns the land how can they tell the tax payers that they can't use this land they pay for?

Any way all I am saying is the use of Berlin pond by law should stay open for use. It is time to put an end to the out of state yuppies that think they can come here and steal our rights so there is less traffic on the road they live on.

Sincerely,
Justin Stacey

Sent from my iPhone
Sent from my iPhone

From: [Adam Sargent](#)
To: [Woods, Laura](#)
Cc: [Mears, David](#); [Markowitz, Deb](#)
Subject: Berlin Pond
Date: Monday, June 02, 2014 6:24:12 AM

Dear Ms. Woods,

I live in Montpelier with my wife and two young daughters. The quality of our drinking water is of the utmost importance to us. I'm deeply concerned about potential contamination to Berlin Pond from tools powered by internal combustion engines as well as space heaters used to warm fishing shanties. I urge you to pass in full the Citizens to Protect Berlin Pond Petition.

Sincerely,

Adam Sargent
612 Elm St.
Montpelier, VT

From: [zeb.martin](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Monday, June 02, 2014 6:58:09 AM

Hello,

I am emailing to let the State know that I am opposed to closing Berlin Pond to public access. I am concerned that, in this case, policy is being dictated by the few, instead of the many. Berlin Pond is owned by the tax payers, not just those neighboring the pond.

Thank you for your time,

Zebulan W. Martin
(802) 355-9526

From: [Seth M. Hopkins](#)
To: [Woods, Laura](#)
Subject: Regarding Berlin Pond
Date: Monday, June 02, 2014 7:05:44 AM

Dear Ms. Wood,

I support continued public access to Berlin Pond and oppose the petition seeking to restrict recreational use. The petitioners are ill-informed, and validating their misinformation will not serve the public good.

Sincerely,
Seth M. Hopkins
52 Park Street
Brandon, Vermont
05733

From: [Bradley Lockwood](#)
To: [Woods, Laura](#)
Subject: Petition on Berlin Pond
Date: Monday, June 02, 2014 7:49:53 AM

Laura,

We are residents of Berlin and live adjacent to and overlooking Berlin Pond. We **do not support the petition** brought by the Citizens to protect Berlin Pond. I attended the most recent hearing also and was very disturbed by how the hearing was conducted. Public servants speaking on "behalf of the people" and the presentation of the petition by the person that wrote it were the two biggest things that upset me regarding the process. It is the first such hearing I have ever attended and it is very disturbing to see how it was conducted.

I have seen or heard no concrete evidence of reduced water quality from the pond in the two years since the pond was "opened to public use". What is the water quality now vs. prior? What are the facts regarding turbidity, erosion, wildlife disturbances and invasive species and pollution? If the water quality is compromised by "recreational use" at the pond then I would be in support of the ban. I have not seen or heard of this being the case. I trust the board will look at the facts and only the facts regarding the pond in making this decision. Thank you.

Brad and Lori Lockwood

From: [Jeff Glosser](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Monday, June 02, 2014 8:08:35 AM

Good morning. I am writing to support the continued non-motorized use of Berlin Pond. The arguments to the contrary are purely emotional as all objective data show no adverse negative effects on the health of the water. ----the area residents have a vested interest in precluding the use by others which are selfish and somewhat elitist.

-the area septic tanks pose more of a water quality threat than do people in non-motorized boats

-the highway poses greater risk of pollution both in terms of noise and run-off

-the mayor of Montpelier opposes any use of the pond. However he, ***to his credit*** was instrumental in making miles of mountain bike trails on Irish Hill. The pond is the water shed for that hill and the erosion that results from the trail being cut in the forest will have much greater negative effects than any non-motorized use of the water.

- attempts to restrict use are plainly self-serving. I have spoken to one area resident and he told me, straight out that " the reason they don't want people on the pond is because they just don't want or like seeing them '.

-non-motorized use does not effect the treatment plants ability to treat the water

- if anybody wanted to intentionally harm the water they will go on it anyway! Does anybody really think that a "terrorist" bent on poisoning the Capitol's water supply cares if it is posted or not?

Thank you, Jeffrey W Glosser

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From: [Jon Barlow](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Monday, June 02, 2014 9:08:02 AM

Good morning Laura, my name is Jon Barlow and I am sending you this email to show my support in keeping Berlin Pond open to public access. My family and I have enjoyed several days fishing and relaxation on that body of water since it was open to the public and look forward to creating more enjoyable memories in the future. Thank you for your time

From: rlarchery@aol.com
To: [Woods, Laura](#)
Subject: comments - Berlin Pond Petition
Date: Monday, June 02, 2014 9:17:51 AM

Laura -

The following are my comments on the petition to close Berlin Pond to all recreational uses.

First and foremost - deny the petition because it is without merit, and move forward with construction of a fishing access, and maintain the current status for the recreational uses of swimming, fishing, boating, and hunting.

I write longer than I talk, and I have a lot to “say” so this is going to be a long one. The first 2 pages are pretty much the executive summary, the main points I wanted to get in, rest of document is the details.

The petitioners have 3 main thrusts in their argument to close the pond; a) potential health threats related to fishing, swimming and boating and b) adverse impacts to the wildlife in the area caused by boaters and fishermen, and c) to lesser extent that boaters and fishermen can go elsewhere because they ruin the view and the ambiance of a wild and pristine place.

Health Threats -

If the currently allowed recreational uses (swimming, fishing, hunting, and boating) posed a health threat to the drinking water supply or the treatment plant then there would have been a prompt and immediate action taken in 2012 by the “elephant in the room” - the United State Environmental Protection Agency. To date there has not. Prior to the Supreme Court ruling the USEPA had been silent on recreational use of the pond. Being that they are the ultimate authority mandated with protecting public drinking water supplies and making sure that safe water is provided to the public from the treatment plants, I gather this is viewed as a non-issue by the USEPA.

Likewise our own DEC Water Supply Division has State oversight over drinking supplies and the quality of the water exiting the treatment plant. If there was some aspect of pond related recreation that would cause the treatment plant to fail, pretty sure appropriate actions to restrict recreational activities on the pond would have occurred immediately after the Supreme Court ruling. In fact Commissioner Mears is on record as supporting the proposed Fish and Wildlife boat access efforts on the pond.

There goes argument number 1.

Wildlife -

And that brings us to the perceived negative or harmful impacts on the wildlife in the vicinity of and on the pond itself. The easy response to this is that the Vermont Fish and Wildlife

Division, charged with managing all wildlife in the state, has proposed a boat access on Berlin Pond. This effort was strongly promoted by former Commissioner Berry. They are our taxpayer paid experts in the realm of wildlife and would be recalcitrant in their duties to undertake actions that had a negative impact on the pond basin wildlife. Representatives from the F & W Division have testified several times before the Berlin Select Board that the sounds of human activity can have an impact on wildlife as much as 2 miles away and that the wildlife in the basin has been exposed to humans and their noises for a very long period of time.

And I have yet to figure out how the sounds of talking, laughing, children and dogs when coming from those who like to walk, jog, and bike around the pond (and the sounds of the motor vehicles that they come and go in) or people who walk and bike on woods trails do not disturb the wildlife but the same sounds come from those fishing the shore line or are out on the water in boats adversely effects the wildlife and has caused many of them to move on to quieter environs.

And when it comes to fishing, which is regulated by the Fish and Wild Life Department, I believe that there is not a single body of water in the state that is closed to fishing. We should not be starting now to fragment our resources. Nor should we be trampling on the Vermont Constitution which very clearly gives us the right to fish on all boatable waters (now navigable waters) subject to season and limit as set by the General Assembly (now the Fish and Wild Life Department).

There goes argument number 2.

NIMBY -

And as for the boaters and fishermen not being welcome, there is a core group of folks (many who live on the south end of the pond) who view the pond as “theirs”, and they do not want to see boats on the water. This stance was very clearly stated during a public meeting held at the Berlin Elementary School in 2012, between the Berlin Select Board and the Montpelier City Council where some testimony was taken regarding providing access to the pond. In fact they referred to boaters/fishermen on the pond as “a bunch of beer drinkers from Barre”. I am not sure they meant that as a compliment, but I think it was nice of them to notice me in the crowd.

In their petition they state that thousands of people walk, jog, and bike around the pond every year, compared to a few hundred pond users. Thus the pond users must yield the entire area (pond and watershed) to the road users. After all we have other ponds in Vermont to recreate on - they want just this one for themselves. A majority rules kind of thing I guess. Not sure that is the intent of the Public Trust Doctrine. This majority rules argument blatantly ignores the will of the residents of Berlin who voted overwhelmingly in a town wide referendum to have the Town’s 85’ of pond frontage opened for pond access and to have a boat access developed.

So this elitist argument also goes down in flames.

In the end what is really important is that the Public Trust Doctrine and all the various State statutes which state that public recreation “shall or will” be provided for, be followed and recreational uses of the pond be continued. I believe the VUPW Rules, Section 2.2 sums up

the outcome quite nicely.

And a final cautionary note - neither the VUPW nor any other state agency should ever go down the road of fragmenting the uses of our natural resources to appease special interest groups. The publicly owned/held resources are there for all of us to use with as few encumbrances as possible.

So no to the petition and yes to continued fishing and boating on Berlin Pond. And a proper boat access allowing an easy and safe way to get on and off the water, as well providing adequate, safe and controlled parking would be very desirable amenity to the pond.

And now as they say - the rest of the story;

Drinking Water Supply -

We are all cognizant that Berlin Pond is Montpelier's drinking water supply, but that doesn't mean the pond has to be closed to non-motorized recreational activities. The State through probably what was then the Water Resources Board took action decades ago to place the following restrictions on the pond - a) no vessels with internal combustion engines, b) no personal water craft (jet skis), c) 5 mph speed limit, d) and aircraft can't land there in the summer. No one is asking to restore any of these conditions, nor should we.

Trash -

There is certainly trash dumped around the pond and quite most likely some of it comes from the fishermen/ boaters, and I bet there is some from the walkers as well. There are certain members of our society who have no respect for the environment and are slobs wherever they go. Fortunately there are those of us who pick up after them.

When we were in Superior Court in 2010, the City Engineer testified that members of the water department patrolled the roads around the pond and picked up trash. He stated they normally get between 2 and 3 pick-up loads per year. Things like tires, furniture, jugs of used motor oil, diapers, cans, bottles, and paper goods. Well this was prior to public access to the pond, so we can't blame it on the fishermen. Fast forward to today and those same folks are most likely still dumping stuff along the roads.

Pristine Water Quality -

The petitioners keep referring to the pond water as pristine. I disagree. The pond is fed by numerous stream and brooks, has 5 miles of shoreline, and the basin and pond are home to a variety of wildlife. The deer, bear, moose, and beaver leave us "presents" either directly in the waters or on shore where they get washed into the water. These contain bacteria and pathogens that can do amazingly nasty things to our digestive tracts. And there are water fowl - ducks, geese, and loons - that leave us droppings that are not human friendly. And of course the fish. We all know what they can do to an aquarium, well as you read this letter, 10's of thousands of fish are doing that in Berlin Pond. Let's top the mixture off with some

rotting vegetation.

This would why the USEPA mandated 15 years ago that Montpelier construct a proper water treatment facility, to remove these and other contaminants as well from the drinking water. Included on this list would be the removal/treatment of turbidity. And they provided millions of dollars to pay for the treatment facility.

Turbidity -

Berlin Pond is primarily man made pond located in an upland basin. It has a soft “muddy” bottom, as evidenced by the many wet lands surrounding it. A muddy bottom leads to high levels of turbidity (suspended solids) - which would be fine soil particles, decayed vegetation, wild life excrement, etc. I would bet there was a turbidity issue before the treatment plant was built, when it was built, ever since it was built and will be going into future. The particles are constantly being stirred up due to currents from the many streams that feed the pond (which also bring in more fines to add to the turbidity), wave action caused by wind impacting 5 miles of shoreline, wave turbulence in the shallower water, and there are bound to be some springs. And lastly a current through the lake that moves from south to north (towards the treatment plant inlet). There are millions of gallons of water per day that exit the pond (treatment plant and natural outlet) on the north end, so there must be millions moving through the pond to replenish.

Against this back drop the petitioners would have us believe that boats and shore fishing should be banned because of increased turbidity that will overwhelm the treatment plant. Really? Most canoes and kayaks have a very shallow draft (less than a foot). and paddles and oars operate well with in the top 2’ of the surface. The top water is not where the bulk of the turbidity is - it would be in the lower extremes. We can’t play submarine with the canoes and kayaks so we will never disturb the heavy turbidity layer. And the amount of water disturbed by a boat pales compared to the natural forces on the pond.

The amount of disturbance a kayak makes on a more or less 300 acre body of water, containing in excess of 1.5 billion gallons water is negligible at best.

Paddle Boats -

Our canoes, kayaks, and row boats do NOT represent a source of pollution to the pond. My kayak is made from polyethylene, the same material a milk jug is made from. The other primary make-ups of boats are fiber glass and aluminum, nothing there to contaminate the water with.

A Special Place -

Without a doubt Berlin Pond and its basin provide an easy to get to place to recreate. It provides a relatively quiet and seemingly remote place to relax, enjoy the views and the setting, and observe wild life. All within a few miles of the citified Barre/Montpelier area. In central Vermont, it is a convenient place to go to for all; walkers, joggers, bikers, fishermen and boaters. But it is not a pristine and undisturbed area for wildlife that will negatively be impacted by the addition of shore fishermen and paddle boats. They only bother those who

already use it and want to keep it exclusive.

There are roads that go completely around the pond, have been for centuries. These bring the motor vehicles and their accompanying sounds. Houses, camps and agricultural activities are located throughout the basin and adjacent to the pond... The interstate, I-89, crosses the pond on the south end, and the Knapp Airport is also located just south of the pond.

Mention was made of the extensive Class 2 wetlands to the south of the pond and how boaters would somehow have a negative impact on the wildlife sanctuary that the wetlands provide. When standing at the end of pond it kind of seems as though the wetlands go forever into an undisturbed area. But alas, Paine Turnpike South which later becomes Berlin Pond Road runs the full length, parallel and immediately adjacent to these wetlands. I-89 also runs the length of the valley, just at a higher elevation. The wetlands are not remote and are already very much impacted by human activity and noise.

Immediately to the east of the pond is Irish Hill which is also a current recreational destination. There are several walking/hiking trails and numerous mountain bike trails located there. I believe this would be right in the heartland of where much of the wildlife lives. Surely they are impacted by human activity.

Against this back drop of human disturbance, the petitioners are asking you to ban shore line fishing, the boat access, and boating on the pond, because it will negatively impact the wild life. Surely they jest.

Normal Uses -

One of the items the petitioners brought up was the notion that the pond use should be returned the "normal uses" that were in place prior to the Supreme Court ruling. This of course would prohibit recreational uses. These uses weren't allowed prior to that because of Montpelier's aggressive and unwavering stance that they owned and controlled Berlin Pond. It took the Supreme Court to reaffirm that Berlin Pond belongs to the State of Vermont and that the public has right to use the pond. So no we are not going down that road.

And that is it

Thanks for listening (reading)

Once again - please deny the petition in its entirety, keeping swimming, fishing, boating, and hunting allowed uses, and let's move forward with the boat access construction.

Cedric R. Sanborn
106 Lyman Road
Barre, VT 05641

Rick Sanborn
R&L Archery
70 Smith St
Barre, VT 05641

802-479-9151

802-476-1377 (fax)

www.RandLArchery.com

From: [Gary D. Parker](#)
To: [Woods, Laura](#)
Subject: Berlin Pond
Date: Monday, June 02, 2014 9:29:11 AM

Laura,

I understand that comments on the Berlin Pond issue can be addressed to you.

I am a resident of Berlin and a Vermont native. The natural beauty of Vermont has been a principal consideration in my remaining in Vermont. I fish and kayak and generally spend a lot of time out of doors.

Berlin Pond is a fantastic natural resource, and I am conflicted somewhat about its fate. I live about 3 miles from the Pond. It's precisely the kind of water that I love to kayak on.

But in the wake of opening it up to public use, I see trash accumulation near the parking area that the Pond users frequent and toilet paper collecting in the woods. Beyond that, I see what's happened to other lakes and ponds over my seventy years, and I'm saddened by the net effect of human overuse and abuse.

Yet the 3-mile nearness of the Pond would make it incredibly convenient for kayaking. So though I will be a frequent user if open season on the Pond becomes the policy, I would happily give up paddling the Pond and instead continue to walk and bicycle around the Pond, as I have for 25 years. I am in favor of maintaining one of the few nearly pristine ponds that remain in Vermont and in favor of Berlin being a good neighbor to Montpelier. Staying off the Pond is our best course to preserving this unique natural resource.

Gary Parker
Berlin, Vt

From: [Chris Shepard](#)
To: [Woods, Laura](#)
Cc: [Mears, David](#); [Markowitz, Deb](#)
Subject: Berlin Pond
Date: Monday, June 02, 2014 10:22:44 AM

Dear Ms Woods,

As a Montpelier property owner and tax payer, I have been following the Berlin Pond controversy with interest and dismay. It strikes me as colossally short-sighted to allow recreational access to a body of water that is also used as a reservoir. Surely there are enough other places for boating, swimming and fishing in the area; why take the chance that something could pollute the city's water source?

I ask you to pass in full the Citizens to Protect Berlin Pond Petition.

Chris Shepard
owner, 22 Terrace Street

From: [John Nolet](#)
To: [Woods, Laura](#)
Subject: Open Access to Berlin Pond
Date: Monday, June 02, 2014 10:57:29 AM

Dear Ms. Woods:

I am strongly in favor of opening up Berlin Pond to fishing, swimming, and non-motorized water craft. This is a beautiful natural resource that the public should be allowed to use for low impact outdoor recreation.

As a boy growing up in Barre and a member of Boy Scout Troop 8, I would do day hikes with friends around Berlin Pond. This was before route 89 went through. I remember those times when I drive by and see the pond from the interstate.

Please consider my comments as this decision to allow open access to the public for Berlin Pond.

Thank you,

John Nolet
8080 Main Road
Huntington, VT
jnolet@aol.com
802-881-9785