

Fact Sheet on Berlin Pond and the Department of Environmental Conservation's Decisions on the City of Montpelier Petition and Citizens to Protect Berlin Pond Petition

Is there a threat to drinking water quality from bacterial or pathogen contamination caused by people canoeing or swimming in Berlin pond?

No. The Montpelier Water Treatment Facility is able to appropriately filter and clean the water from Berlin Pond even with the addition of recreational use. Note that under state and federal law, a surface water source such as Berlin Pond cannot be used for drinking water purposes unless there is filtration and disinfection of the water. Due to the abundance of wildlife in the area, bacterial and viral contamination already exists in Berlin Pond. Recreational uses such as boating, fishing and swimming on the Pond would cause a negligible increase in these contaminants at most.

Are there other surface drinking water sources that allow surface use in Vermont?

Yes, two examples are Lake Champlain, which provides the water that the Champlain Water District (CWD) treats and then supplies to the City of Burlington and other connected municipalities, and Inman Pond which provides Fair Haven with its water.

Is there a threat to drinking water quality from petroleum contamination from ice augers, vehicles or snowmobiles on ice during winter?

Possibly. The Montpelier Water Treatment Facility already uses a carbon activated powder treatment unit with state of the art filters that is capable of removing volatile organic compounds that may be present in the water. However, the unit was not designed with the express intent of removing petroleum products from the raw water. Because of the potential for petroleum contamination, the Department determined that the use and presence of internal combustion motors on Berlin Pond be prohibited.

Is there a threat to the drinking water source from terrorism if pond is more publicly accessible?

No. The Department of Environmental Conservation does not find there is evidence that the recreational use of the pond increases the possibility that the pond will be the target of a terrorist attack.

What kind of surface uses are available in the area?

It is State policy to provide for multiple uses of its navigable waters in a manner that provides for the best interests of the citizens of the State. The Use of Public Waters Rules requires that public waters are managed to provide "an appropriate mix of water-based recreational opportunities on a regional and statewide basis." Berlin Pond is one two large lakes, with a relatively undeveloped shore, within a 20 mile radius of Montpelier that provides non-motorized use only (the other lake is Kettle Pond in Groton State Forest). A small section of Berlin Pond is visible from Interstate 89, but the majority of the pond provides an attractive, scenic refuge for quiet relaxation, wildlife habitat, and non-motorized recreation that is relatively rare in the area. Berlin Pond's undeveloped shoreline and adjacent wetlands also provide good opportunities for fish and wildlife habitat and wildlife observation, and aesthetic value.

Does the recreational use of Berlin Pond pose a risk from invasive species introduction?

Certainly recreational use can result in the inadvertent introduction of new or invasive species. A prohibition on public use, however, does not guarantee freedom from invasive species. Berlin Pond is itself an example on this, having had a population of Eurasian watermilfoil since 1986, at a time when Pond recreation was prohibited. The Department of Environmental Conservation supports public access to public waters and does not support limiting public access as an invasive species spread prevention strategy. Other less restrictive methods can help to limit or prevent the spread of new invasive species into Berlin Pond. These include access area greeters, signage, and education efforts. The Department will make itself available to work with any user groups to ensure an adequate prevention program is in place at Berlin Pond.

Will the recreational use of Berlin Pond harm the fish and wildlife that live there?

No. The Department of Environmental Conservation recognizes that Berlin Pond and its surrounding wetlands are important natural resources. However, the Department does not find that a complete ban on recreational use is necessary to achieve environmental conservation and preservation. The Use of Public Waters Rules require the Department to manage “use conflicts [using] the least restrictive approach practicable.” The Commissioner of the Department of Fish & Wildlife is able to place appropriate fishing limits on the species of fish in Berlin Pond. Additionally, the Agency of Natural Resources (Agency) has declared a “Test Water Designation” of Berlin Pond. This designation allows the Agency to limit takings of fish and gives the Agency time to learn about the existing population in Berlin Pond and determine the best way to manage and sustain the fish populations.

Concern about the loons has been raised. State laws currently protect loons from harassment. Local groups across Vermont participate in loon monitoring, posting of signs and other outreach to make users aware of the need to protect this species and avoid disturbing them. In addition, successful loon nesting pairs are commonly found on lakes throughout Vermont where motorboats, canoes and kayaks are allowed.

Litter and other enforcement issues

The Department recognizes that enforcement of statutes and rules is the preferred way to prevent littering without unnecessarily prohibiting a normal use of the pond.