

**From:** [ANR - WSMD Lakes](#)  
**To:** [Jensen, Kimberly](#)  
**Subject:** FW: Act 57 ANC Study Committee  
**Date:** Thursday, November 16, 2023 2:34:04 PM

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Thank you,

Kelcie Bean (she/her)

*You may now submit permit applications, compliance reports and fee payments through our online form to expedite its receipt and review: [ANR Online Intake Form](#)*



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**Kelcie Bean (she/her)**, Environmental Technician  
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*The Agency of Natural Resources supports telework, and I work primarily remotely. I am available to connect by phone and email.*

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**From:** Federation of Vermont Lakes and Ponds <vtlakesandponds@gmail.com>  
**Sent:** Thursday, November 16, 2023 1:37 PM  
**To:** ANR - WSMD Lakes <ANR.WSMDLakes@vermont.gov>  
**Subject:** Act 57 ANC Study Committee

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TO: Act 57 ANC Study Committee  
FROM: Federation of Vermont Lakes and Ponds  
[REDACTED], President

## **REGARDING SUGGESTION TO REQUIRE MUNICIPALITIES TO BE CO-APPLICANTS ON HERBICIDE PERMITS**

At recent Act 57 Study Committee meetings, increasing public notification has been

discussed, and one of the suggestions was that a local municipality be a required co-applicant.

Under current statute lakes are public resources managed by the State and protected under the authority of the State from the proliferation of invasive species. Invasive Eurasian watermilfoil control is presently accomplished in partnerships between the Department of Environmental Conservation and aquatic nuisance control permit applicants that are most often lake associations.

While lake associations work closely with their local municipalities on many issues relating to lake health and aquatic invasive species prevention and control, ***the Federation of Vermont Lakes and Ponds opposes the suggestion that municipalities become mandatory co-applicants on a permit to use aquatic herbicide to control invasive Eurasian watermilfoil for the following reasons:***

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- The state has the responsibility to protect its lakes from milfoil proliferation for the benefit of all the people of Vermont. The lakes of the state are public waters and are open to any member of the public to use. This means that the interests of the public are not represented by any particular local municipality. The state itself is
- charged with representing the interests of all users of the state's resources. The State is further charged as the trustee of the state's waters to protect the health of those waters and to take action to prevent, reduce, and where possible eradicate aquatic
- invasive species.
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- Lake associations, while doing the work required to develop an application and raising
- the funds necessary for treatment, do not make decisions regarding the permit issuance. These decisions are placed in the hands of knowledgeable scientists in the Agency of Natural Resources and other state agencies so that such decisions are made based
- on scientific data and evidence rather than on popularity contests which can easily be perverted by the spread of misinformation and blatant falsehoods. Requiring adjoining municipalities to be co-applicants effectively gives them a veto decision which may
- not be scientifically based or in the best interests of all the people of the state nor may it be the best decision regarding protection of lake health.
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- In nearly all cases for herbicide applications, the applicant is a lake association.
- These volunteer organizations bear the burden of preparing the application, procuring herbicide application services, procuring pre- and post-treatment plant surveys, procuring water testing services, notification of adjoining landowners, and placement of
- signage. Although State and municipal funding may partly subsidize these efforts, the greater proportion of the financial burden is borne by the associations. This arrangement serves the State in that these associations do the work and pay for what is mandated
- by statute to control proliferating milfoil, thus protecting the health of the lakes. It serves the lake community, local municipalities, and the state's economic wellbeing by preserving property values, the tax base of the municipalities, and the lake-based
- tourist economy.
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- Requiring that adjoining municipalities be co-applicants amounts to a misplaced delegation
- of the State's responsibility to prevent proliferation of milfoil. In situations where there is a legitimate need for treatment to prevent ecological damage to the aquatic ecosystem and the municipality refuses to co-apply, a public waterbody could be irreparably
- damaged and the state would have abrogated its responsibility under statute to prevent this from occurring. This is more likely when a lake is part of multiple municipalities if the several municipalities are not in agreement. It is also more likely when
- groups outside of these jurisdictions spread misinformation through social media to influence these select boards.
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- Requiring municipalities to be co-applicants also places an unnecessary burden on municipalities.
- While lake health is often mentioned in planning documents, and municipalities have a role in Aquatic Nuisance Control grant applications, municipalities have not typically been on the front lines in protecting lakes. Select board members or local municipal
- staff may not be particularly knowledgeable about the science justifying the use of herbicides when non-chemical means fail to control milfoil proliferation. Such a requirement would include an expectation that a municipality would take

responsibility for

- this work and would therefore need to carry out the necessary research and possibly fund much of the work.
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The protection of the state's precious freshwater resources is of paramount importance. If providing more notice to stakeholders is the goal, notification postings via the applicant's website and social media outlets, and press releases issued by the DEC as has been suggested by the Act 57 Study Committee would be much more effective and would better ensure such notifications would be more widely disseminated.