

From: [ANR - WSMD Lakes](#)
To: [Jensen, Kimberly](#)
Subject: FW: ACT 57 Study Committee
Date: Friday, December 15, 2023 12:55:55 PM

Thank you,

Kelcie Bean (she/her)

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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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Sent: Friday, December 15, 2023 11:52 AM
To: ANR - WSMD Lakes <ANR.WSMDLakes@vermont.gov>
Subject: ACT 57 Study Committee

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Dear Members,

To start off, I would like to thank all of you for the time that you have taken to research and assemble the Report of the Aquatic Nuisance Control Study Committee. I am aware all of you have different jobs and roles and to take the time to dig deeply into the past and current practices of the DEC and other agencies in the role of aquatic permitting is appreciated. I do however have a few comments on the final report.

On page 7 of the report it states, "Other factors are also considered that include the

availability of contractors or consultants to complete the work in Vermont,...". I have heard the argument before from Lake Associations who support chemical applications that finding DASH contractors is hard. The way lake management practices have been headed; it is not surprising that finding contractors is a challenge. It is apparent that more and more Lake Associations are looking towards chemical use as a primary tool for managing "weeds". What started out in the late 90's and early 2000's as a few lakes using chemicals has turned into 11 lakes being treated with ProcellaCor. ProcellaCor is being marketed as a "wonder chemical" and appears to be very favorable to the DEC for use in managing milfoil as we have seen countless documents and heard testimony from DEC about how good of a tool it is. As a business owner, I can see the hesitance in anyone who may want to start a DASH business or hand pulling business. The majority of the literature put out by the DEC and even this report paints chemicals as being the best option. With this information being put out, it is no wonder that the Lake Associations lean towards chemical use. Should DASH and other methods be marketed by the DEC literature as much as ProcellaCor currently is, perhaps it might entice a business owner to invest a little money to get started in offering nonchemical methods. If the DEC created a policy in which milfoil mitigation focused more on areas around docks and swimming areas and didn't allow for mitigation along undeveloped shorelines and open water areas, there is the possibility more associations and homeowners would look to non-chemical methods. I believe you would find that if the DEC advertised a little less for ProcellaCor, and a little more for other methods, perhaps you would find more contractors interested. By "advertise", I mean put out volumes and volumes of documents doting how effective ProcellaCor is. Very rarely do I see anything from the DEC giving credit to DASH or any other methods.

On page 8 of the final report, it reads "DEC does not actively manage AIS infestations, except for Water chestnut due to the sheer amount of personal time, required effort, and exponential cost attribute to successfully manage existing and new infestations." I completely understand the lack of funding and the lack of staff, but the current process doesn't sit right with me. Giving a lake association, or currently one individual, who may or may not have any knowledge of any sort of science, ecology, history of the lake, etc, the ability to make decisions that affect all lake users is not acceptable. While the DEC requires plant surveys, these are often done by a lake management company. One thing that needs to be kept in mind is that sometimes, the lake management companies, like Solitude Lake Management, are also the companies hired to do the chemical treatments. To me, this isn't right. How can you have a for profit company do a lake study, provide the lake associations with the advice that chemical use is its best option, and then get paid to do the chemical application. So, at the end of the day what we have is a lake association, hiring an out of state for profit company to determine what needs to be done to our Vermont lakes, and then making a significant amount of money off the projects that they directed the associations were needed. It is no secret that chemical use is the easiest way to treat large amounts of water. It is also the least labor intensive. So, to me as a business owner, it is no surprise that a lake management company would sell a project that they can make the most profit on. At the end of the day, these are companies, companies that owners are looking to make a profit. These are not nonprofit management companies or employees of the state, they are employees of a

company designed to make money. At the minimum, the people doing the surveys should be state employees. If the lake associations can afford to spend upwards of \$20,000 on a survey from an independent corporation, it would seem that they could offer some support to the state. I can see what argument will be used against this thought. It's the states lake why should we pay them to manage it. The flip side to that is it's the states lake why are these lake associations paying private companies and not the state to manage it. So basically, its ok for us to spend our money to outsource the management of our lake, but not to spend it with the agency who is directed to manage our lake.

On page 9 of the final report, "Pesticides, when used in conjunction with non-chemical methods, have proven to reduce nuisance populations to levels in which non-chemical control methods may be utilized as the sole tool in controlling these populations.". While I believe this could be the case, is that current practice in Vermont? Lakes like Lake Saint Catherine and Lake Hortonia have been treated since the early 2000's. Since 2004, Lake Saint Catherine has had chemical treatments including spot treatments and a whole lake treatment, and yet only 2 years were missed, 2005 and 2023. If the pesticides can reduce populations to be managed non chemically, then why are we still permitting its use in lakes that have had 20 years of treatment? It's also my understanding that Lake Iroquois was found to be milfoil free, but this past year was found to have milfoil again. I also believe that I read somewhere that they are in talks of using ProcellaCor again. According to the Lake Iriquois Monitor newsletter from October 2023, a small amount of milfoil was detected in the Spring of 2023. Was that small amount removed with DASH or hand pulling? [LIA Newsletter Fall 2023 Final Reviewed.pub \(lakeiroquois.org\)](#) The way the paper reads, DASH was not performed until September of 2023, at which point it appears the small amount from the spring spread to other areas of the lake. Would it not have been appropriate to hand pull the small amount detected in the spring and use DASH July 1 when allowed? It would seem to me that if chemical use will allow for future nonchemical management techniques to be used as the sole tool in controlling the populations, 20 years of treatment should be adequate. How many years do we allow treatment before non-chemical is the only technique used, 25 years, 30 years, 50 years? With the discussion of cost, is it possible that the associations aren't willing to put the funding into nonchemical methods because they know that they will just be able to use the cheaper chemicals to no end?

There continues to be talk about the 40/60 agreement with the Fish and Wildlife department over how much can be treated. While it's true that only 40% of the littoral zone can be treated, it's not mentioned in the report that this is per year. Within 3 years 100% of the littoral zone could be treated. From my participation in the ANC rulemaking study group, it was mentioned that this procedure may have been misunderstood by the DEC. If any talks between DEC and Fish and Wildlife to clarify this have taken place, I am unaware. The 40% number was given so that the fish population will still have plenty of available cover. However, the fact that 100% can be done over 3 years does not leave enough cover. The vegetation in the areas treated cannot grow back to an amount to provide adequate cover in such a short period of time should large amounts of milfoil be removed if that is what the fish were relying on for cover. In my opinion, if you want to stick with the 40/60, then the only

logical thing to do would be for the lake association to pick 40% of the littoral zone for milfoil mitigation and that is it. Not yearly, but total. Pick 40% of the littoral zone and those are the only areas that you are allowed to do milfoil mitigation in period.

On page 14 of the final report, "The specialist observes the pesticide application to the body of water and takes a sample from the tank mix, as needed, to determine compliance with the pesticide rates on the product's label." I am a little confused on this statement. It would appear that the statement made claims that the AG department watches the application of the product. Is this done from the boat launch, as that would be impossible in many cases due to the application being out of sight. Does an employee from the AG department ride in the boat with the applicator? How many times in the past 25 ProcellaCor applications has this happened? Is there really anyone there monitoring application rates?

On page 18 of the final report, "The use of Milfoil weevils as a biological control factor has shown promise in Vermont, but a substantial amount of research still needs to be done before DEC can report that this is an effective and practical method for controlling Eurasian watermilfoil." Is the DEC currently working on any research regarding weevils? Is the DEC soliciting colleges like UVM to do research on weevils? It would seem to me that if we have a management technique that shows promise, here in Vermont, that doesn't involve using chemicals in our public waterbodies, that resources should be spent investigating the technique. I believe there were some studies done in the mid 90's regarding weevils in Lake Bomoseen that showed promise. Being almost 30 years ago, has the DEC expanded on those studies at all? What extent of studies have we done in the past 30 years on weevils? If they have shown promise 30 years ago, then it is certain we should know more now.

On page 27 of the final report, "A variety of aquatic species surveys shall be completed including, a quantitative survey in the year prior to a treatment, a qualitative density survey the year of treatment, a post treatment quantitative survey the year of treatment, and a quantitative survey the year following treatment. I am uncertain as to why a qualitative survey is acceptable prior to treatment, when quantitative surveys are required for every other survey. A quantitative survey prior to treatment would give a much better understanding as to the density of the milfoil, versus a couple of guys looking of the side of a boat in what are often unfavorable conditions and calling it a qualitative survey. The DEC has put out multiple publications stating it only allows for use of chemicals in dense areas of milfoil. If you look at some of the quantitative studies from let's, say Lake Saint Catherine for example, some of the quantitative studies from the fall prior show milfoil amounts in areas to be trace to sparse, or moderate in some areas, and yet the qualitative studies supposedly show those same areas dense with milfoil early the next year and chemical treatments occurring in those areas shortly after. Did the milfoil go from trace to dense over the winter and through spring, or are the qualitative studies unreliable in determining the actual density of milfoil vs native vegetation?

Again, thank you for the time you all have spent on this report. These comments are just some of the takeaways I got from the report.

