



PO Box 52, Wells, VT 05774

Sent by e-mail

March 31, 2021

Misha Cetner
Lake & Shoreline Permit Analyst
Department of Environment Conservation
Vermont Agency of Natural Resources
Watershed Management Division, Lakes & Ponds Program
National Life Drive, Davis 3
Montpelier, VT 05620

Dear Mr. Cetner:

I am writing today, on behalf of the Board of Directors of the Lake St Catherine Conservation Fund (LSCCF or the Fund), to inform you that the Fund's Board has decided not to appeal your March 9, 2021 decision to deny our application (Lake Encroachment Other Application Number 2971) to install a full-lake laminar flow aeration (LFA) system in Little Lake St. Catherine.

After having obtained the advice of a leading Vermont law firm active in environmental cases, we recognize that prospects for success for an appeal are very low. The odds of success are clearly heavily stacked in favor of the State, and a small non-profit like the LSCCF, which is staffed entirely by volunteer members from the local community, simply does not have the financial resources or the personnel bandwidth to engage in such an arduous and expensive effort.

Please understand that our decision in no way indicates acceptance of the State's position that the installation of a LFA system in Little Lake, coupled with the use of bio-augmentation in the form of bio-chemical enzymes (subject to a separate permit application which the LSCCF hereby abandons), is inappropriate for the conditions present in Little Lake. We remain thoroughly convinced that these interventions, which have been safely and effectively utilized in hundreds, if not thousands, of lakes throughout the United States are the proper tool for dealing with the two pressing issues that are affecting Little Lake, namely, a buildup of organic sediment (muck) and excess invasive and native plant growth, most notably Eurasian water milfoil (EWM).

As you know, the LSCCF is moving ahead right now, in partnership with the Lake St. Catherine Association (LSCA), to raise funds for a three-year herbicide use plan to tackle the EWM problem in Little Lake. Like all residents and visitors to Little Lake, we want this program to succeed, and we pledge to do everything we can to ensure its success. At the same time, we have questions about its impacts, beyond the hoped-for rapid elimination of EWM. Will the EWM regrow quickly, given the relative shallow nature of Little Lake, leaving us no better off without resorting to the annual application of chemicals? Will the rapid knocking down of the EWM flood the bottom of Little Lake with even more organic material, resulting in depleted oxygen levels and unexpected fish kills? Can we avoid experiencing dreaded blue-green algae blooms in Little Lake? The LSCCF looks forward to working with the Vermont Department of Environmental Conservation (DEC) and the LSCA to monitor the lake carefully for these kinds of warning signs of a lake in crisis.

The plain fact, however, is that the people who live here in Wells, Vermont see Little Lake as already in crisis. Not the type of crisis that results in newspaper headlines and breathless TV reports, but rather a slow developing set of problems resulting in a lake featuring a bottom filled in with huge amounts of disgusting flocculant organic material and incredible amounts of excess vegetation. There are still many people who live around or visit Little Lake who remember fondly the 1960's when they could swim across this small lake or water ski off a dock. To attempt either now would be to take your life into your hands.

No doubt, these vexing developments were compounded by the steady transformation of the shoreline around Little Lake from untouched woodlands, to the occasional fishing camp, to more permanent structures where many people now live year-round. These factors were dramatically exacerbated by the arrival of EWM in the late 1990's. All the more reason to attempt again to deal with the EWM through newly-developed herbicides (the last attempt in 2009-2010 failed miserably). It is essential to note,

however, that the problems of muck and excess vegetation are likely to remain, and may well worsen. If that turns out to be true, the crisis will intensify as the ability of residents and visitors alike to use and enjoy Little Lake further diminishes. The economic consequences for a small town like Wells in one of Vermont's less-prosperous counties cannot not be overstated.

Over the next few years, the LSCCF and the Wells community will be watching carefully to see how this long-running saga unfolds. The Fund will be working hard to document any adverse changes and will be consulting with lake management experts across the country to build a case for the use of aeration and bio-augmentation. With time, we anticipate that the scientific literature on this subject will catch up with the practical steps people are currently taking outside of Vermont. We trust that the DEC will be willing to consider new approaches, if the crisis we see unfolding in Little Lake continues to deepen.

Please note that we have attached letters of support from two local officials who are charged directly with protecting the rights and welfare of Vermonters in the Little Lake community - State Senator Brian Collamore and State Representative Sally Achey. We ask that you read their letters with care.

Most tellingly, in his letter, Senator Collamore wrote

"If the State has people ready and willing to try to help at no cost to the State and with no demonstrable evidence that any harm has come from their efforts to date, I am at a point where it just makes no sense not to agree to let the LSCCF continue and expand their efforts with aeration.

I am hopeful that the LSCCF and the DEC will reach a point where agreement can be found to work together to improve the ability of citizens to swim, fish and boat on the Little Lake. I place the responsibility for that squarely on the State of Vermont."

In her letter, Representative Achey wrote

"As the State Representative for the Rutland-Benning District, which includes Wells and four other surrounding towns, I know that the dollars that are spent in my district by the people who come to the Little Lake are a key part of the economy. That includes people who may stop at the Lake for an hour, a day, a week, or the whole summer.

As a Lister for the neighboring town of Middletown Springs, I am also aware of the impact a failing lake might have on the property values in Wells. Since Middletown Springs and Wells form the Wells Spring School district, that impact would also have a negative impact on my town as well."

On behalf of the Wells Select Board, Chair Don Preuss provided the following

"We as the town of Wells Select Board feel very strongly about the efforts of the LSCCF to not only improve the Little Lake, but save it. Having been in the area for 71 years and on lake side property for most of that time, I see the changes. Something must be done!"

The LSCCF Board is under no illusions that this letter and the letters of support that accompany it are going to cause an immediate change of heart within the DEC. Nonetheless, we hope you and other DEC officials will keep these views in mind as we all continue to work for the best possible outcome in Little Lake St. Catherine.

Sincerely,

Michael W. Marine
LSCCF Interim President
(202) 997-2796 | marinemw2@hotmail.com

CC: VT Governor Phil Scott
VT Agency of Natural Resources Secretary Julie Moore
VT DEC Commissioner Peter Walke
VT DEC's Lakes and Ponds Management and Protection Program
Manager Oliver Pierson
VT State Senator (Rutland District) Brian Collamore
VT State Representative (Rutland-Bennington District)
Sally Achev
Wells VT Select Board Chair Don Preuss