

Lake Champlain Basin Program
Steering Committee Meeting
Wednesday, October 31, 2007
Club de Golf Baie Missisquoi, Venise-en-Quebec

SC Members Present: Erik Beck, Gina Campoli, Judy Doerner, Larry Forcier, Buzz Hoerr, David Lane, Steve Lanthier, Daniel LeBlanc (chair), Pierre Leduc, Betsy Lowe, Kenny Miller, Real Pelletier, John Sayles, Marilyn Stephenson, Dave Tilton, and Mary Watzin. **Legislative Staff:** Bob Paquin (for Senator Leahy) **Staff:** Nicole Ballinger, Jim Brangan, Colleen Hickey, Bill Howland, Kris Joppe-Mercure, Molly Michaud, Martin Mimeault, Meg Modley, Art Stemp, and Michaela Stickney **Guests:** Mayor Maille, Tom Berry, Therese Lacombe, Steve Mahoney, and Rich Wagner

Welcome and introductions

Daniel LeBlanc, chair, opened the meeting at 9:30 AM with introductions. The group was welcomed to Venise-en-Quebec by the Mayor, Mr. Maille. He described how important improved lake protection is for the local community.

***Action Item:** A motion to approve the July 25, 2007 Steering Committee Meeting minutes was made by Buzz and seconded by Marilyn. Martin noted the need to change page 2 for the Quebec bullet (from 20% to 22%, 1990 to 1979 and to specify 9 tons/year.) The motion was approved by unanimous consent.*

Public Comments:

Steve Mahoney of CWICNY distributed information on “10 points of tile drainage” that described advantages of using this agricultural technique. He suggested the SC look at the 2nd page that addressed operations and maintenance and noted that the aesthetics of the pipes into the Lake should be addressed better during construction. He noted that farmers are concerned about possible regulation of tiling, and that they feel that tile drainage is essential to the profitability of agriculture. Steve also pointed out that the SWCD Clinton Co. newsletter highlighted the LCBP farm award given to a Clinton County farm in 2007.

Buzz Hoerr asked why there is a move to regulate tiling if there are no environmental downsides to tiling. Steve said there have been a few pollution incidents in other regions, but not here. To force regulation of everyone for a few incidents is not useful. He would rather see any complaints addressed individually. Buzz also asked about the effect of tiling on stream hydrology: does it increase the spikes or does it manage flows better? Steve commented that tiling actually increases infiltration, which is good, as pipe volume (discharge) is small compared to surface runoff.

US Legislative Update:

Bob Paquin noted a couple of draft budget numbers to be corrected in the July minutes. The House Agriculture Committee passed the 2007 Farm Bill last week and it will likely be considered by the Senate next week. The Bill includes increased regional equity provisions that will help small states like Vermont; renewable energy titles to create energy on farms using manure; and organic titles to include funding for farms to make the transition to organics. The

milk price income/loss program has also been improved, which will help farmers if prices drop again. All appropriations for LCBP programs are still awaiting passage. The numbers are strong, but appropriations are possibly headed for a showdown between the Administration and Congress. A temporary funding bill through November 16th will be extended and will likely end in December. For reference in budgeting, the Leahy funding for LCBP is projected to be \$2.7 million, while the line in President's budget is about \$958,000.

Review of Timelines for Major LCBP Tasks:

Bill handed out a timeline spreadsheet to the Steering Committee and described the scheduling of three major tasks.

1. State of the Lake/Ecosystem Indicators – To be completed by June 2008
2. OFA Revision – Signing July 2009
3. Champlain Valley NHP Plan (CHAP) – July 2009

The Steering Committee discussed these tasks and the need to avoid overtaxing advisory committee members with the schedule. Dave Tilton noted that as a representative for the Department of Interior (DOI) he may not be able to adequately represent all DOI concerns, especially those of the National Park Service, as the LCBP goes through the National Heritage area planning and the quadricentennial. Bill responded that we have developed a good working relationship with Rolf Diamant of NPS and his team, and that we should discuss the committee composition when the National Park Service funds are established. Bob Paquin suggested that Rolf would be a good addition to the committee, as well as someone from Quebec Parks.

Betsy encouraged incorporating the public input components of the planning and plan update tasks into the regularly scheduled public CAC meetings for the sake of efficiency. She suggested writing joint NY/VT news releases about the plan update during the process to inform the public about meetings. Bob underscored the need to be sensitive with the language used, that we are marking progress, and refining the plan, not starting some kind of new planning process. The LCBP needs to point out milestones met.

Updating OFA for Release in July, 2009

Bill introduced the process for breakout sections of Steering Committee members. Members self-selected into workgroups for action areas with two purposes: (A) to identify areas of the existing plan that require adjustments or revision (but *not* to try to design or finalize those revisions at this stage - that will be done later, with the assistance of advisory committees); and (B) to list progress made on existing actions. Notes for each breakout session were recorded on flip charts. The Steering Committee later met as a whole to hear the reports of breakout groups.

Managing Nonnative Aquatic Nuisance Plants and Animals

Dave gave an overview of the discussion. He reported that we need to adopt a more holistic ecosystem approach to actions by incorporating the ANS, Fish and Wildlife, and (other) sections into a single section. Other issues that need to be addressed in the plan include: biological diversity, how we should control and adapt to climate change, and how to respond rapidly to new ANS invasions. Ways of measuring success also need to be highlighted. Some of the actions need to be consolidated and the number of priority categories (highest, high, etc.) should be reduced to make the focus of the plan clear. Specific changes recommended include:

- 1) Water Chestnut: we need to be more aggressive, perhaps the goal should be eradication instead of control.
- 2) Sea Lamprey: this issue should be updated to reflect the jurisdictional issues and the need for comprehensive coordinated implementation.
- 3) Alewife: the LC Fish and Wildlife Cooperative may be the most effective vehicle for dealing with the issue. The plan could better identify the Cooperative as the lead group.
- 4) Overall: The “control and spread” actions should be consolidated.

Reducing Phosphorus Pollution

Mary Watzin gave an overview of the breakout session. The chapter needs significant overhauling, but the basic content remains pertinent. Specific changes recommended include:

- 1) Reference the TMDL in the Objectives section.
- 2) Make Action #1 (Develop and Assess Options to Achieve the Remaining Targeted Phosphorus Loading Reductions Needed to Achieve the In-Lake Phosphorus Standard) more focused by listing a number of specific tasks to accomplish.
- 3) De-emphasize the funding of Point Source reductions (Action #2) in favor of emphasis on non-point source reductions (Action #4)
- 4) A much better phosphorus accounting system is needed, particularly for non-point sources and for management practices.
- 5) Include the new technologies and innovations in actions specified in the plan, for example the construction of wetlands for treating wastewater.
- 6) Discourage land use conversion, especially the development of forested lands.

Mary noted that more discussion is needed to identify other initiatives.

Buzz noted that these are big subjects and that we may need to rethink parts of this and discuss them more, and specifically the role of the LCBP, including getting information into the community. John Sayles suggested that the Plan tighten up priorities by consolidating them, so people can focus more on the highest priorities, for example, focus on the top 3-5 priorities in each section. Larry agreed and would like to build more accountability into the plan, so that agencies and organizations will take responsibility for implementing specific parts of the plan. Mary encouraged not spending too much time on what’s been done; rather to focus on what needs to be done. Dave agreed with Larry on the need to get officials to take responsibility for action items in the plan. John Sayles also agreed, and cited the Clean and Clear Action Plan is a good example. Tom Berry responded that the accountability is there when the governors and EPA sign the plan, and when the Steering Committee members (who represent various agencies) sign the plan. They just need to be reminded that they agreed to it. Bob noted that it needs to be more apparent that this is a comprehensive plan and that we are all working together to implement it. Judy was concerned that many of the phosphorus actions are not really measurable and thus don’t really address objectives; she suggested reducing each section so that it has 4-5 achievable goals.

Following lunch, the Steering Committee again formed breakout groups to review sections of the plan, and then met as a whole to hear the reports of breakout groups.

Protecting Human Health

John Sayles reported for the group that the overall structure of the chapter is okay as is.

Specific changes recommended include:

- 1) Improve risk communication to include problems with combined sewer overflows, sewer line breaks, such as happened in the Winooski River, and failed septic tank issues. The Spill Response Agreement update is almost ready for signatures.
- 2) Action #2 concerning pathogens should include septic issues, problems with bacterial testing, and the timeliness of beach closures. Testing and notification presently takes too long. This sections should underscore the need to keep animal wastes out of the water, such as that from dogs, call for the fencing of cows and other farm animals out of waterways, and seek to reduce pathogens from farm operations.
- 3) Action #3 concerning blue-green algae is outdated because we are now able to identify algae well enough; rather we should be finding out what (beyond phosphorous concentrations) causes blue-green algae blooms and we need to be able to determine toxicity better. Better information needs to be available to camp owners who withdraw water.
- 4) Action #4 concerning the Safe Drinking Water Act is accomplished and no longer needs to be in the plan.
- 5) Action #5 concerning fish consumption should reflect the great deal of work already done on mercury, and focus on common language for advisories. This action should be moved to number one status.
- 6) Action #6 concerning small water systems has been accomplished. The programs are mature in the states and no longer need to be a plan priority.

Preventing Pollution from Toxins

Mary reported for the toxic substances group. Specific changes recommended include:

- 1) Regarding Action #1, the management strategy should focus on aggressive pollution prevention, as indicated in action items B (low-cost low-technology solutions) C (pollution prevention incentive programs) and G (continued coordination of spill-response among jurisdictions.).
- 2) Actions # 2, #3, and #4) can be removed. Brownfields actions could be included in Action #5.
- 3) Regarding Action #5, keep this action and focus it on public education programs
- 4) Regarding Action #6, keep this action but refocus it on new generation toxins, not PCBs and mercury. Also mention the need for periodic toxic screening in the Lake.
- 5) Regarding Action #7, fold it into Action #1.
- 6) Action #8, is no longer needed as priority in the plan

Managing Recreation

Betsy Lowe reported for the group. The group noted a number of specific accomplishments, under the existing plan, including bikeways, paddler's trails, the bikeways clearinghouse, and a number of new or improved Lake access points. Specific changes recommended include:

- 1) Action #1, concerning sustainable recreation would benefit from new input from Chambers of Commerce on needs. The plan should support more web-based information such as provided by Local-Motion. Not all places, such as a local town beach, want advertising because it can impact

the recreational experience for local users, so the plan should note the importance of carrying capacity. The plan should encourage low-impact, quiet forms of recreation.

2) Regarding Action #2 and carrying capacity, the plan should consider the carrying capacity of the Lake for fishing tournaments and pleasure boating in general. Encouraging boat engines that are more fuel efficient would be appropriate.

3) Regarding Action #3, the South Lake needs more access points and places that are more energy efficient to access. Additional transient boating sites are still needed in many locations.

4) Action #5, regarding funding alternatives remains important, and the plan should continue to encourage local grants for public access.

6) Action #6 concerning local recreation management plans can now be deleted.

The discussion concerning human health and toxins noted the overlap between the two chapters. The Steering Committee felt that there seem to be too many objectives listed and they should be consolidated. While PCBs and mercury still are still critical issues, they do largely arise outside the Basin. The revised plan needs to address the more alarming trends in “new-generation toxins” that are now being introduced to the Lake more locally. John felt it may make sense to combine Human Health and Toxics chapters together since we have cut them down so much. Mary reminded the group of the need to make sure that toxic effects on the ecosystem are addressed. Larry asked if warming climate may have effect on human health as it pertains to the Lake. Tom Berry asked if pathogens of concern to ecosystem (like bird botulism) are considered in the plan.

Concerning recreation priorities, Larry suggested that sound pollution may be something that the Steering Committee may wish to explore. Dave Tilton questioned if we could really promote this if there is no law, and whether the Steering Committee should address this contentious issue; it may best be addressed at the local level. Bob Manning at UVM is doing research about carrying capacity for paddlers and their lake experience.

Entered Executive Session

The Steering Committee entered Executive Session to consider candidate nominations to LCBP committees.

Returned to Open Session.

***Action Item:** Larry moved and Dave seconded a motion to appoint Tom Berry and John Erickson to the Technical Advisory Committee. The motion was approved by unanimous vote.*

***Action Item:** Buzz moved and Larry seconded a motion that the Steering Committee nominate Mayor Kiss of Burlington and Mayor Kasprzak of Plattsburgh for membership on the Steering Committee, and send these nominations to the respective Governors of Vermont and New York. The motion passed by unanimous approval.*

Other Business: None

The Meeting adjourned at 3:30 pm.