

Lake Champlain Basin Program Steering Committee Meeting

Wednesday June 19th 2013
The Grand Isle Lake House, Grand Isle, VT

Approved Final Minutes

Meeting Begins – *Pete LaFlamme, Chair for David Mears*

Members: Pete LaFlamme (for David Mears), Rich Wagner (for Bob Stegemann), Martin Mimeault (for Daniel Leblanc), Mike Winslow, John Krueger, James Ehlers, Dave Tilton, Bob Brower (for Mike Latham), Lynn Hamjian, Mario Paula (on phone) Jan Surface (on phone for Don Pettit), Christina Marts (on phone), Laura DiPietro (for Chuck Ross), Ron Jackson

Staff: Bill, Kathy, Jim, Colleen, Ryan, Elizabeth, Eric, Meg, Stephanie, Michaela, Clair Ryan, Jeanne Voorhees

Guests: Eric Perkins, Tom Berry, David Borthwick-Leslie

Draft Meeting Agenda review

ACTION ITEM: February, 2013 meeting minutes approval

Mike said that in the final budget discussion the tasks were not listed. Bill said they can be attached to minutes or accompany the minutes. Mike asked if rather than going down the list of tasks, FY13 budget questions would be brought back to the Steering Committee for further deliberation. Bill answered no, as he has the list of priorities and would work out with funding agencies an agreement that is based on that priority list. He had no sense that the Steering Committee wished to have additional deliberations on the FY13 budget. However, if funds beyond the prioritized list were available, Bill would not add support for tasks (at the bottom of the priority list) that the Steering Committee had declined to fund. Pete Laflamme also recalled that those tasks were not intended to be funded. So, if further FY2013 funding is made available, the Steering Committee will have an opportunity to deliberate on additional tasks to be funded. ***John made motion to approve the minutes with changes, Mike seconded the motion; the motion passed with unanimous agreement.***

Brief Updates

NYSDEC – Rich highlighted some items and a handout was circulated. Recent grant activities that Governor has supported include: Hazard Mitigation grants for \$500M and Round 3 of Regional Economic Development grants for \$760M state-wide. The Governor also announced grants to help farms for \$12.2M state-wide. NYS has purchased 2 tracts of land in the Basin. The Lake George Park Commission released draft AIS management plan for public comment.

VT DEC– Pete reported that LiDAR is to be completed for Otter Creek basin; VT is seeking partners in federal or state agencies to get the entire state covered. A legislative committee has been formed to develop improved shoreline protection regulations; it will be holding public meetings through the summer. Laura added that VT has been talking with New Zealand where TMDL and water quality standards are being developed at the same time – this is providing useful experience. Also, other piece, VT has an Ag workgroup that is developing a draft ***certainty program*** for the state of Vermont.

Quebec – Martin circulated a written handout and reported that a sampling campaign on pesticides including TFM, is to take place this summer in Bedford. New LiDAR field surveys were done for ground control on the South-East Monteregie Region, including Missisquoi Bay Basin. There is a

new Prime-Vert program with funding of \$173M over five years, province-wide, to encourage agriculture producers to continue going green. Planning for additional regulations in respect to municipal wastewater treatment works is underway, and there is a focus on increased enforcement of the regulations now in place. Committee meeting will be held on June 20th.

Federal Partners – Partners are discussing a project intended to convey to the public what the federal agencies are doing together in the Lake Champlain Basin. This may be developing a kiosk or a short film. Dave added there was also discussion about the proposed Champlain Hudson power line. Bill reported that the Federal Partners' MOU is still circulating for signature lacking only Corps of Engineers.

Jurisdictions

NYCAC – Ron circulated a handout. The CAC is looking to find a place to get more effective outreach and visibility on the NY side of the lake, about what LCBP does. CAC may be able to be catalyst in getting this forwarded. One member, Bill Wellman has been closely involved with Lake Champlain/Hudson River power line in Lake Champlain. A meeting may take place in July to ask questions and provide information on this topic. James asked what was Vermont's position on the powerline and Pete said there would be 401 certifications which includes neighboring jurisdictions. Rich said the project will be permitted in the NYSDEC central office since it is in so many jurisdictions. James encouraged that a meeting be held as there are a lot of concerned citizens. Dave added that USFWS in Cortland, NY has reviewed the NEPA document. The original path went down the NY side of Lake Champlain and so it has been primarily a NYS jurisdictional issue. Pete suggested an update on the project be included in a future Steering Committee agenda. Bill noted that this is not an LCBP issue at present, and that for us right now, questions should be referred to a NYSDEC information officer in Albany. Mario added that the NY district of the Corps will be involved in regulatory reviews. Tom asked if there could be a role to post links on the LCBP website that would have official information – Bill noted that will not be a problem, provided the information is made available. There will be some other projects that will be of interest like the VT Gas proposal for a gas line underground.

VT CAC – James circulated a handout. He thanked Bill Howland for working well with the VT CAC in the attempt to revise the committee's authorizing language. Dee Smith has been appointed to replace Buzz Hoerr on committee. The VT CAC may include the gas pipeline on its next agenda as James is getting many questions. Bill said that he thinks the gas line and other electrical line have not evolved enough yet to include as a Steering Committee agenda item. Bill said one obstacle that comes to mind in the planning of the gas pipeline is that many of the waterways run north/south and most easements that NRCS has with farmers in the valley also prohibit an underground line of this sort from going in without both NRCS and the property owner's approval to change the easements – so there is no prospect of eminent domain takings of those lands.

QC CAC – Martin reported that the Annual Meeting will be tomorrow night. One new project is the watershed BMP support on Morpion Stream, supported through the gov't of Canada, for farmers implementing wind breaks and conducting surveys of ground water. At the Annual Meeting, people from northern part of the watershed will present projects they are working on this summer.

Legislative Update

The Senate passed a Farm Bill by 80+ votes, and so the bill is up on the House floor today. It would be possible for the bill to get into conference before deadline in September. Senator Leahy has recommended EPA funding for LCBP. There may be another National Park Service initiative in the basin, to name the upper Missisquoi and Trout River as a Wild and Scenic River. The Leahy Center

Summit was held at the end of May, representing a big effort on part of ECHO, who organized the event, to bring in some unconventional partners to discuss where things should go. Outcomes will be forwarded to organizations who can work on implementation. Yesterday there was a meeting on the Hydro project on Swanton Dam, and they are looking for exemption from permitting. FWS and State of VT were well represented.

TMDL status update & discussion - Eric Perkins from EPA presented a summary of the ongoing work on the VT sector of the Lake Champlain Phosphorus TMDL. Eric explained how the work is being done, and what the planned schedule is (load allocation calculations, however, are not part of this presentation)

Eric provided a brief review of the history of the TMDL in Vermont.

- The original TMDL was approved by EPA in 2002; it was then disapproved in 2011 subsequent to a lawsuit filed by the Conservation Law Foundation.
- EPA Region 1 contracted with TetraTech to develop the lake and watershed models for the TMDL revision. The watershed modeling objectives (using SWAT) include updating the model with current data, identifying P load estimates from the source watersheds, including developed lands, agricultural lands, and stream channels. The model also incorporates climate change factors and will have a scenario tool for assessing BMP implementation scenarios to optimize implementation programs to ensure that resource management funds are applied as efficiently as possible. The SWAT model will estimate P load estimation by Hydrologic Response Unit (HRU), including pasture, cropland, forest, wetland, developed land and stream channel. The stream channel load estimates also incorporate data from Phase II geomorphic assessment data and other recent regional projects, including the recently completed Missisquoi Basin CSA project.
- The in-lake model is a revision of the original BATHTUB model from the 2002 TMDL. The new model has yearly budgets for total and dissolved phosphorus, and chloride for each lake segment. They are also creating a response matrix to help understand lake segment changes to potential reductions in the watershed.
- The Scenario Evaluation tool will provide a framework for exploring implementation scenarios across sources and models – it will contain an inventory of source loadings and the effects of potential BMPs, using data from recent BMP efficiency projects. The Implementation Tracking Tool is still in development, but will help support implementation efforts among agencies and other partners in the Basin going forward. The Scenario Tool will support the Reasonable Assurance requirement of the TMDL process.
- Eric provided a conceptual diagram illustrating how the models (in-lake, SWAT, BMP efficiencies) will populate the Scenario Tool, and ultimately provide guidance for resource managers to help decide which programs should be implemented, and where, to meet the phosphorus allocations identified in the revised TMDL. The EPA needs to be able to demonstrate that these actions will be sufficient to achieve the new standards for the Lake.
- Eric reviewed a large list of BMPs, with examples of estimated P reduction efficiencies, that will be included in the TMDL model that address different sources of phosphorus, including developed lands, WWTPs, back roads, agriculture, and stream banks.
- The Climate Change review followed an existing climate change approach developed by EPA ORD in Washington, DC, which looked at 20 watersheds across the country, including a pilot study in the LaPlatte watershed. This methodology was run through SWAT for the entire Champlain Basin to predict future conditions, including anticipated changes to the current conditions and after implementation of the BMP scenario tool. The target timeframe was 2040-2070. Most models predicted significant increases in flow during that timeframe – 30%

beyond flows observed now, with some variability. Overall trends suggest increased flows with increased P loads, primarily due to changing precipitation patterns, and less so on temperature changes.

- The draft allocations will be released for public review and input in September, 2013. VT agencies also will be preparing draft implementation measures for public input from July-October 2013. Public meetings will be hosted by VT agencies, LCBP and EPA in early Fall 2013.

Reports from Advisory Committees

E&O – Colleen provided a handout describing recent activity; the E&O Committee met most recently on May 10th and was updated on the new LCBP website, E&O Grants, CBEI programs, school presentations, resource room improvements, e-news and printed outreach materials. Colleen reviewed the *NY and VT Farm Award Nominations*, and the *QC Farm Award Update*: the QC award was approved by Executive Committee and will be presented to St Armand farm at the meeting tomorrow. In Vermont, the Dalestead Farm in Bakersfield is a small dairy farm. The NY farm was Conroy's Organics, which raises organic beef and vegetables. Colleen will let Steering Committee members know when these two farm awards are scheduled.

TAC –Mike reported on four TAC meetings since the February Steering Committee meeting. In that period, eight final project reports were received and approved. A handout of TAC news was circulated.

HAPAC – John reported on the work of HAPAC and provided a handout of task priorities the committee wishes to convey to the Steering Committee. Also presented was a summary of the recommended tasks put forward by the regional stakeholder groups at their recent joint meeting with the HAPAC.

ACTION ITEM: NY and VT Farm Awards

Dave moved to approve the nomination of Dalestead Farm for the VT LCBP Farm Award, John seconded the motion which was unanimously approved.

Ron moved to approve the nomination of Conroy's Organics, for the NY LCBP Farm Award pending a successful review in a site visit, Laura seconded the motion which was unanimously approved.

Manager's Report

- Bill distributed a spreadsheet of LCBP funding, after sequestration, for FY2013. The total support included \$2,268,000 EPA, \$1,375,000 GLFC and \$284,500 NPS.
- Dave Tilton spoke about how the Great Lakes Fishery Commission works and its relationship with the US FWS offices – in the Lake Champlain Basin as well as in other areas Michigan and Ontario. Dave explained how the sea lamprey control is funded in the Great Lakes and Lake Champlain, Tom passed around an updated chart showing the record of success with the sea lamprey program. Dave continued with a description of projects the US FWS funds with the GLFC support.
- The Structured Decision-Making RFP has been issued and it is hoped that we will have a contractor working with us by fall
- We have hired 10 new boat launch stewards, including one in a partnership with VTDEC.
- LCBP participated in the recent Leahy summit which was a great event; forward-looking and innovative.

- Jim Brangan described and handed out hard copies of the *War of 1812* commemorative guide produced by National Geographic Society with a grant from the LCPB. A French language version of the guide will be completed by September.

Public Comments – No comments.

Budgeting for 2014 – *The Steering Committee began the first of several planning discussions for FY14 - this dialogue was to bring preliminary Steering Committee member priorities to the table. Among points of discussion were:*

- The need for work in the agricultural sector: 1) additional edge of field monitoring and 2) critical source studies in Addison and other counties, perhaps taking one new county a year until all are completed. LCBP match could leverage funds in each task.
- A priority in the flood studies proposed by the IJC.
- The need for more balance among task areas within OFA to include work that is considered important but that never gets funding, perhaps sustainability, climate change, fisheries.
- The priority of getting some sort of effective invasive species barrier on the Champlain Canal. While this is larger than an LCBP budget item, perhaps LCBP could help.
- The need to think about what will be needed to implement the TMDL for Phosphorus and of those tasks, which will be critically important.
- The approach of Steering Committee providing guidance to the advisory committees on the balance of research and implementation tasks.
- The need for guidance from Steering Committee to TAC on the balance between research and implementation. With this there is a need to address TMDL in budget discussions with a likely emphasis on implementation. The possible spiny waterflea invasion of Lake Champlain and adaptation to climate change also require attention.
- The potential for LCBP to seek grants outside normal funding sources as is done in economic development. Tom noted that by design LCBP is not a grant seeking organization, and mentioned NAWCA grants as an example of LCBP assisting other entities in obtaining grants. Bill said we could apply for grants if it does not elbow out any of our local organizations.
- The problem of reduced funding for stream gages. Several are scheduled to be shut down in March 2014 and some in October, 2013. LCBP told partners last October that we could support them in 2013, for the 4th year, but did not have plans to support gages in 2014. We can not make a tradition of receiving funds from one federal agency and giving them to another agency. By next March there may be 16 gages shut down, leaving 30 left in operation.
- The responsibility of LCBP partners to update what progress has been made in OFA, so that a gap analysis is possible. That commitment has to be maintained by SC members and partner organizations in order to know where we are in implementing the management plan.
- The importance of more attention to climate change in developing LCBP priorities. At least, it would be good to know to what degree the Flood Report recommendations have resulted in actions.
- It was noted that OFA is due for revision soon, many tasks have been achieved and are ongoing and some tasks have not been achieved or started. TAC did a GAP analysis to show what projects have not been addressed. Should TAC do more GAP analyses or not?

Advisory Committee composition discussion

Bill noted that the Steering Committee needs a little time today to discuss the composition of three advisory committees (TAC, E&O, HAPAC), and the importance of having a vice-chair in each committee.

- HAPAC is small a group and only six people plus staff showed up at Monday's meeting. Limited to the northern part of the lake and since we are doing skill sets not organizations so that is not a problem. Catherine has been acting as a vice-chair by serving as John's designee when he is unavailable. Also, the HAPAC no longer has a member from Quebec and should.
- TAC has an enormous workload at times. This results in the chair relying heavily on subcommittees and workgroups. There should be a vice-chair and a recommendation will be discussed later today. Mike noted there presently is a lack of university scientists, a skill level needed for guiding research design. We may need to rely on *ad hoc* subcommittees for certain subjects rather than having the whole TAC involved.
- EO committee is behind other committees in developing balanced composition. At last meeting members looked at skillsets that are needed and felt they included marketing, communications, social media, k-12 classroom teacher, economic and business and also someone with organizational development expertise. A preliminary list of potential nominees is being developed for Executive Committee review at a later meeting. Tom suggested talking with ECHO about potential candidates among those involved with the Leahy summit.

LCBP always has avoided state employees being chair of a committee, to reduce the chance of having someone who chairs and is an ex officio Steering Committee member also being an employee of another steering committee member. This constraint is less an issue with vice chairs as there is no assumption of succession.

ACTION ITEM Executive Session

James moved to enter executive session for committee nomination review and Martin seconded the motion. The motion passed with unanimous approval.

The Committee entered Executive Session

The Committee returned to Open Session at the declaration of the Chair

ACTION ITEM: Appointments to Advisory Committees

Mike motioned to appoint Dr. Bill Ardren to vice-chair of TAC, Jan Surface as a new TAC member and Catherine Brooks to be HAPAC vice-chair. James Seconded the motion. Dave abstained from the discussion and vote. The motion passed by unanimous vote but for one abstention.

Meeting Adjourned 3:16 pm