

MEMORANDUM OF UNDERSTANDING

**ON
ENVIRONMENTAL COOPERATION
ON
THE MANAGEMENT OF LAKE CHAMPLAIN**

AMONG

THE STATE OF NEW YORK,

THE GOUVERNEMENT DU QUÉBEC

AND

THE STATE OF VERMONT

THE STATE OF NEW YORK,

THE GOUVERNEMENT DU QUÉBEC

AND

THE STATE OF VERMONT,

WHEREAS the Lake Champlain Basin is a public treasure shared by the State of New York, Québec and the State of Vermont;

WHEREAS the State of New York, Québec and the State of Vermont share a common boundary on Lake Champlain and have a shared goal to protect, conserve and manage the Waters of the Basin since 1988;

WHEREAS while there has been significant progress in restoring and improving the health of the Lake Champlain Basin Ecosystem, the Waters, Water Dependent Natural Resources and the Cultural Heritage and Recreation Resources of the Basin remain at risk and continue to be sensitive to damage;

WHEREAS the State of New York, Québec and the State of Vermont must balance economic development, social development and environmental protection as interdependent and mutually reinforcing pillars of sustainable development;

WHEREAS in light of possible variations in climate conditions and the potential cumulative effects of demands that may be placed on the Waters of the Basin, the State of New York, Québec and the State of Vermont must act to ensure the protection and conservation of the Waters and Water Dependent Natural Resources of the Basin for future generations;

WHEREAS the State of New York, Québec and the State of Vermont recognize the critical and complementary role that each jurisdiction has in implementing the Lake Champlain Basin's long-term management plan entitled *Opportunities for Action: an evolving plan for the future of the Lake Champlain Basin*;

RECOGNIZING that the Lake Champlain Steering Committee (hereinafter called Steering Committee), owing to the ongoing support of the Lake Champlain Basin Program, constitutes the best instrument for ensuring the efficient coordination of efforts deployed by each of the Parties for implementing the Lake Champlain Basin's long-term management plan;

WISHING to pursue their cooperation to ensure the protection and conservation of the Lake Champlain Basin, its restoration and enhancement and to maintain the integrity of its ecosystem;

THEREFORE THE PARTIES HEREBY AGREE TO THE FOLLOWING:

SECTION 1: PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

The purpose of the Memorandum of Understanding is to:

- 1.1 maintain the Steering Committee for cooperative management of Lake Champlain and its watershed to enhance and preserve the character of the Lake and its environs;
- 1.2 build upon those cooperative relationships and historic program compacts which are currently operative;
- 1.3 enhance and establish, where necessary, a process for the regular exchange of information and for more systematic cooperation in research and data gathering, on subjects affecting the Lake including but not limited to:
 - water quality;
 - water conservation;
 - air quality;
 - water quantity;
 - lake levels;
 - recreational resources;
 - cultural heritage resources;
 - fish and wildlife;
 - nuisance species management;
 - blue-green algae and other cyanobacteria;
 - economic vitality;
 - natural resource management;
 - solid waste management;
 - pesticide and herbicide applications;
 - toxic and hazardous materials management;
 - aesthetics and critical environmental areas;
- 1.4 provide a mechanism for the participation of each jurisdiction in regulatory proceedings addressing significant actions affecting the Lake and its Basin; and
- 1.5 facilitate collaboration between governments and the various organizations that could contribute to flood prevention and forecasting or to mitigation of damages from future floods in the watersheds of Lake Champlain and the Richelieu River.

SECTION 2: STEERING COMMITTEE

2.1 Chairmanship and membership

The Steering Committee is co-chaired by the New York State Commissioner of the Department of Environmental Conservation, the Minister of Sustainable Development, Environment and the Fight against Climate Change of Québec and the Vermont Secretary of the Agency of Natural Resources. Each co-chair may designate a delegate to carry out responsibilities under the Memorandum of Understanding.

Membership on the Steering Committee may include officials from other state, federal, and provincial agencies or departments having an interest in the cooperative programs. Steering Committee membership may also include the Chairs of the Citizens Advisory Committee, a local government representative from each of the three jurisdictions, Technical Advisory Committee Chair, Cultural Heritage and Recreation Advisory Committee Chair, and Education and Outreach Advisory Committee Chair.

2.2 Functions of the Steering Committee

The role of the Steering Committee is to:

- a. provide a forum for discussion of policies and issues of mutual concern;
- b. identify topics of mutual interest where the exchange of information and cooperative actions will be beneficial;
- c. implement the Lake Champlain Basin's long-term management plan *Opportunities for Action: an evolving plan for the future of the Lake Champlain Basin*;
- d. prepare and approve the annual budget for the Lake Champlain Basin Program, and identify additional resources necessary for plan implementation;
- e. review the progress of cooperative efforts for management of Lake Champlain and make recommendations for future activities;
- f. seek the involvement of the public and appropriate academic institutions in the joint effort to guide management of the Lake;
- g. promote interaction among regulatory and management programs in the review of developments that affect the Lake; and
- h. revise and update *Opportunities for Action: an evolving plan for the future of the Lake Champlain Basin* on a five-year schedule.

2.3 Relationship to the Lake Champlain Basin Program

The Steering Committee maintains close relations with the Lake Champlain Basin Program (LCBP) whose mandate is to:

- a. facilitate the cooperation and development of consensus on matters arising under this Memorandum of Understanding;
- b. ensure the monitoring and report on the implementation of this Memorandum of Understanding and the long-term management plan *Opportunities for Action: an evolving plan for the future of the Lake Champlain Basin* and updates made by the Parties, including: data collection; and the implementation of programs by each of the Parties;
- c. establish, in collaboration with the Parties, basin-wide goals and make recommendations about them;
- d. make recommendations to the Parties on the development and enhancement of water management programs;
- e. perform any other functions necessary to implement this Memorandum of Understanding.

2.4 Annual Report

The Parties shall cooperate with the Lake Champlain Basin Program to report on cooperative programs. This report is distributed to members of the respective Legislatures, and to the public.

2.5 Coordination

Each co-chair designates a staff person to coordinate involvement among agencies or departments of the Party it represents and to develop more detailed protocols for fulfilling the goals of cooperation and information sharing.

2.6 Meeting

The Steering Committee shall meet at least twice yearly or on a more frequent basis as needed. Special committee meetings may be convened at the request of any of the three Parties.

SECTION 3: DOCUMENTATION AND INFORMATION EXCHANGES

The Parties agree to exchange, on a regular basis, copies of legislative texts, bills, regulations, guidelines, brochures, studies, reports, bulletins and other materials concerning the ecosystem of Lake Champlain and its environment.

SECTION 4: PRIOR NOTIFICATION AND CONSULTATION

The Parties further agree, where practicable, to provide prior notification and opportunity for consultation to each other on any pending major action which could affect the environmental quality of the Lake. The Parties also agree to provide notice and consultation in the case of any event (natural or accidental) which could affect the environmental quality of the Lake.

SECTION 5: SCIENTIFIC RESEARCH

The Parties agree to examine the possibility of carrying out, where feasible, joint scientific research of environmental subjects of mutual interest.

SECTION 6: CONSULTATION WITH THE PUBLIC

The Parties agree to develop and implement an appropriate public participation program and to support the activities of the Citizens Advisory Committees.

SECTION 7: EFFECTIVE DATE OF MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is to be in force upon the last signing of the Parties, and remaining operative for a five (5) year period. However, this Memorandum of Understanding may be rescinded or terminated at an earlier date by any of the Parties providing six (6) months notice in writing to the other Party. Further, this Memorandum of Understanding may be amended or modified at any time upon the agreement of all Parties.


This Memorandum of Understanding repeals and replaces as of its entry into force the Memorandum of Understanding on Environmental Cooperation Agreement on the Management of Lake Champlain among the State of New York, the gouvernement du Québec and the State of Vermont signed in Québec City on March 11, 2010 and in Albany on March 16, 2010.

Done in triplicate in the English and French languages, both texts being equally authentic.

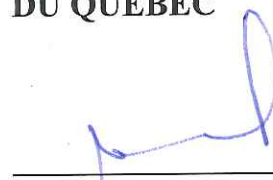
At Albany , the 27 April 2015 At Burlington, the 23 March 2015

THE STATE OF NEW YORK

THE GOUVERNEMENT
DU QUÉBEC



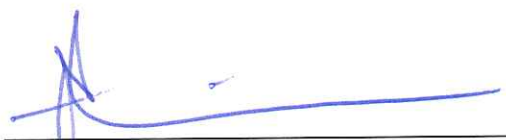
Andrew M. Cuomo
Governor



Philippe Couillard
Premier

At Burlington, the 23 March 2015

THE STATE OF VERMONT



Peter Shumlin
Governor

Witnessed:

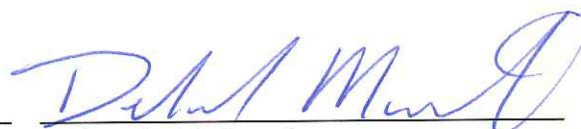
At Albany , the 27th April, 2015
THE STATE OF NEW YORK

At Burlington, the 23 March 2015
THE STATE OF VERMONT



Joseph J. Martens
Commissioner

Department of Environmental
Conservation



Deborah Markowitz
Secretary

Agency of Natural Resources