

# Lake Champlain Basin Program Steering Committee Meeting

Wednesday, December 14, 2016

[Inn at Essex](#), Essex Junction, VT

## Draft Meeting Minutes

10:00

### Meeting Begins *Pete LaFlamme, Chair*

- Welcome and Introductions
  - **Steering Committee:** Pete LaFlamme (VTANR; Chair), Martin Mimeault (MDDELCC, for Daniel Leblanc), Bob Stegemann (NYSDEC), Johanna Hunter (EPA R1), Gene Brickman (USACE - AM), Jason Shea (USACE – PM), Laura Treischmann (VT ACCD), Gina Campoli (VTRANS), John Krueger (HAPAC Chair), Buzz Hoerr (E&O Chair), Mike Winslow (TAC Chair), Vic Putman (NY CAC Chair), Julie Moore (VT CAC Chair), Pierre Leduc (QC CAC), Kris Stepenuck (LC SeaGrant, for Breck Bowden), Kip Potter (NRCS-VT, for Vicky Drew), Andrew Milliken (USFWS), Tom Berry (Sen. Leahy), George Twigg (Cong. Welch) **Phone:** Mario Paula (EPA R2), Bob Brower (NYS DAM)
  - **Staff:** Eric Howe, Jim Brangan, Colleen Hickey, Ryan Mitchell, Elizabeth Lee, Matt Vaughan, Meg Modley Gilbertson, Stephanie Castle, Fred Dunlap (NYSDEC), MaryJo Feuerbach (EPA R1), Jane Ceraso (NEIWPCC), Susan Sullivan (NEIWPCC), Josh Klavens (AmeriCorps Service member)
  - **Guests:** Mike Laitta (IJC), Keith Robinson (USGS), Alyssa Schuren (VT ANR), UVM EPSCoR team: Judith Van Houten, Lillian Gamache, Chris Koliba, Arne Bomblies
- Draft Meeting Agenda review

**ACTION ITEM:** September 2016 Steering Committee minutes approval

*Motion to approve as submitted by Buzz H., second by John K. All in favor. No amendments.*

10:05

**Public Comments** None provided.

10:10

**Updates** – *Committee Chairs were asked to provide written updates in advance of the meeting.*

- **Jurisdictional** (NY, QC, VT, US Fed Partners)
- NY – The “Sewage Spill Right to Know” bill was signed into law by Cuomo. Two towns in the Champlain basin have received funds for this purpose. Oil transport discussions moving forward. NYS DEC is acquiring mobile equipment to stage in NY to use for spill responses.
- VT – Julie Moore has been appointed as the new Secretary of VT ANR. The VT Treasury report is wrapping up for Clean Water funding, and staff are assessing the costs of implementation of Act 64 and the TMDL implementation plan. Staff are working to develop tracking and reporting mechanisms for progress on Act 64 and TMDL. Basin Planners are wrapping up Phase 2 Tactical Basin Plans for Missisquoi and Lamoille watersheds. VT ANR is working with VAAFM on a tile drain report to submit to the legislature next month.
- Quebec - \$5 million has been awarded to support lakes research in Canada. This will be a “State of the Lake” style report and research, with a focus on blue-green algae. \$12 million will go to the University of Montreal for development of a diagnostic tool for focusing on the Agriculture sector in the Missisquoi Bay watershed with bloom forecasting capability. This project also will support research to ensure drinking water treatment plants are able to remove toxins from blooms.
- USFWS - 90 fish passed the Winooski One dam this fall. 80 Fish have made it through Willsboro on the Boquet River. The Willsboro dam was removed in 2015, so fish can

move up on their own now, but we helped a bit this year because of low flows. Surveys in Winooski and Boquet rivers found over 100 salmon redds (Boquet), and 50 redds (Winooski). Sea lamprey control went forward this year; the LaPlatte River was treated for the first time, and Stonebridge Brook in Milton, VT. The Missisquoi was not done because of challenges with human exposure to the chemical at low levels. Staff are working on outreach work to tell the story about landlocked Atlantic salmon. A depredation order for double crested cormorants is still in effect. USFWS has to go back to the NEPA process and is looking into short-term work that may be done to manage cormorants on Lake Champlain.

- USACE – Bartlett Brook project is under construction; Potash Brook is now on hold. USACE contract with the NYSCC continues onward; the NYS Canal Corporation is moving from management by NYS Thruway Authority to NYS Power Authority. This may cause further delay in the project. Eric came down and talked to USACE staff in the NY District office in September. Future work in Champlain region will require more funding. USACE is not a funded agency; each line item is competing in the budget.
- NRCS-VT – Initiated a new Targeted Watershed project last year. NRCS identifies high priority watersheds for plan development and accelerated implementation efforts. The Pike, Rock, St. Albans Bay and MacKenzie Brook watersheds all have been prioritized. NRCS has allocated half of the state EQIP funds (\$4.6M) for contract work with the farmers. NRCS will develop plans for two new watersheds this year: Hungerford Brook and East Creek, with the intent of targeting funds there in 2018.
- USGS- US Federal Partners will meet tomorrow. The group will focus on setting goals for what they want to accomplish in the next few years. They will be looking at modifications to the existing Federal Partners MOU and will try to update that agreement as well.
- **Advisory Committees** – TAC, E&O, HAPAC, CAC (VT, NY, QC) *(3 minutes each)*
- TAC – has met three times since the September Steering Committee meeting. See handout with updates. Most agendas have focused on FY17 budget development.
- E&O – also has met to discuss FY17 budget process and priorities. Projects in consideration include Year 2 of an LCBP-ECHO partnership to bring SOL graphics into ECHO. The committee will meet in January to review projects that have been submitted by outside groups as well as projects proposed by members. Video production is continuing with production of a story on the Lake Champlain long boats working with Village of Champlain (NY) and the Lake Champlain Maritime Museum. Lake Champlain SeaGrant has launched surveys to look at public understanding of residential lawn care from a soil health perspective, as well as local golf course managers on fertilizer issues. Watershed for Every Classroom has finished Day 6 and 7 of 14. Several public outreach events have happened, including a Watersheds United (VT) meeting for watershed organizations across VT. Kris Stepenuck joined the E&O committee. Welcome, Kris!
- HAPAC- the Annual heritage summit was held in early November at Saint-John-sur-Richelieu. There was very good Quebec participation at the summit this year. It was pointed out that Regional stakeholder groups are located in VT and NY, but that there is not one arranged for Quebec. The Executive Committee re-prioritized \$2,000 out of the GLFC-heritage FY16 budget to support coordination of a Regional Stakeholder Group in Quebec this year. At the next HAPAC meeting ranked projects will be evaluated for the FY17 budget. George Washington died at the age of 67 on this day in 1799. By the end of 1776, Washington's Continental army was chased into Pennsylvania, in advance of a British victory. When all seemed lost, the first of Thomas Paine's letters appeared in the press. Washington ordered the letter to be read aloud to each regiment in the army, including the now-famous "These are the times that try men's souls" quote.

- VTCAC – Has met three times since the last Steering Committee meeting and heard a presentation from VTDEC staff on an effort to update the stormwater manual which will go before LCAR tomorrow and Becky Tharp on green infrastructure work. The group also has focused on the VT Treasurer’s report on addressing the funding gap for the VT Clean Water Act. VT CAC priorities this year include: 1) long-term funding and implementation of ACT 64 2) implement activities on state lands 3) need for continued support for AIS 4) public access to rivers and Lake Champlain in preparation for report to legislature.
- NYCAC –Jonathan Ruff, the Environmental Manager the City of Plattsburgh spoke to the group in September on issues surrounding beach closures in Plattsburgh. The City beach has had more closures than others in the area. He is working with the Clinton County Health Department to identify solutions to the problem, which may include waterfowl. Fred Dunlap developed a Facebook page for NYSCAC for visibility for the group.
- QCCAC- Erosion reduction projects to occur in the Pike River and Rock River basins, particularly for maintenance of ditches. Four priority areas in Morpion Stream and three other tributaries of the Pike River have been identified. A new Quebec agronomist is starting to work with farmers (60 total) and the first two proposals were accepted by farmers for installation of wider buffers (25-30ft buffers) and cover crops of 4 hectares. The projects are funded 70% by the Quebec Ministry of Agriculture. Staff are trying to measure water quality in these areas, including turbidity and total suspended solids. The Quebec MDDELCC won the runner-up award for the recognition of their 25 years of international work with VT and NY for Champlain and Memphremagog. The signed MOU between VT and QC for phosphorus reduction in Missisquoi Bay in 2002 expires this month. This agreement has a strong value and it must be renewed. When QC signed the agreement, phosphorus reduction goals reflected the 2002 TMDL targets and we have to revisit if we use the new TMDL target.
- **Legislative Updates:**
  - George Twigg (Congressman Welch, VT): Congress passed a continuing resolution through late April 2017 for FY17, which continues current spending levels from FY16. There is uncertainty about goals and funding support from the new Federal administration. Senator Sanders helped facilitate re-authorization of the Water Resources Development Act (WRDA) (specifically for Waterbury Dam work), for up to \$10 million. The delegation will continue to look for appropriations in the future, but authorization is there for necessary maintenance issues. Congressman Welch will return to the House Energy Committee. Alyssa Schuren thanked Senator Sanders for pushing for re-authorization of Waterbury Dam. She hopes to push maintenance of dam to USACE. Gene Brickman commented that he supports the Waterbury Dam maintenance plan, but USACE needs implementation guidance in order to actually do anything about the dam. They are still working under 2007 WRDA, which does not include this type of work.
  - Tom Berry (Senator Leahy): In the upcoming congress, Sen. Leahy will serve on the Senate Agricultural, Judiciary and Appropriations committees (this remains the same from the last Congress). He is changing his leadership role to Appropriations from Judiciary. He aims to extend the Farm Bill, which covers agricultural water quality improvements. Unsure if funding level will remain the same with the new administration. Should be stable at least through the next year. He is concerned about staffing abilities to assist with financial assistance with NRCS, especially with a possible federal hiring freeze.

- **International Joint Commission** - Mike Laita – Mike provided a brief history and mission of the IJC, and some details about recent IJC-supported projects in the Champlain-Richelieu corridor. The IJC is bound by the Boundary Waters Treaty with the charge of working to resolve water conflicts along the boundary between the US and Canada. The IJC is involved in strategic initiatives to hard-wire agencies that we rely on for data. One issue is data harmonization such as hydrographic work. This will have implications for this basin. They also are facilitating alignment between jurisdictions and goals. The IJC has a long history in the area, encompassing water quality and water quantity issues. There is a new reference for work issued in response to the 2011 floods. Keith Robinson (USGS) is co-chair of new task force. The 2012 plan of study laid out a set of tiered flood mitigation plans. Last summer, the US and Canada agreed to go with Option B- \$14million work on both sides of the border over 5 years to conduct research and develop mitigation plans. Canada has funded their share of the work; the US has committed year-to-year funding. A formal Champlain-Richelieu River Study Board has been developed by the IJC and their first meeting will be in January in Sherbrooke [this was later moved to the LCBP offices in Grand Isle, VT]. This Study Board will include social and economic modeling work, look at policy issues, and develop technical guidance. LCBP will likely have an active role - both in technical and administrative support for the Study Board.

**11:00**            **Director's Report** – *Eric Howe*

Welcome to Matt Vaughan, welcome back to Stephanie Castle who just returned from Family and Medical Leave.

Eric provided LCBP updates in hardcopy and via electronic mail. Eric informed the group about conversations with UVM and a group called New Moran about the redevelopment opportunity for the old Moran Plant on the waterfront in Burlington, and a potential opportunity for LCBP offices to be relocated to this building once it has been redeveloped. The applicant to the City of Burlington (New Moran) has asked LCBP for a letter of support for the project. Eric did not feel comfortable writing a letter of support for the project without discussing with the Steering Committee first. The LCBP staff are very cramped on the second floor of the Gordon Center House in Grand Isle. There are two office rooms there (each roughly 180-200 sq feet) that each have desks for 3 full-time positions and one part-time position.

The LCBP would be a lessee in the Moran Plant, similar to the current arrangement in Grand Isle. LCBP would not be required to support any of the redevelopment costs. Lake Champlain Sea Grant also is considering this opportunity, as they have staff spread across three locations in the Burlington area. This could be an opportunity to improve LCBP-LCSG collaboration on Champlain work, as we do a lot of work together already. There may be room for additional partners, or ad-hoc offices for partners, such as visiting researchers or Federal Partner workgroup members. The current timeframe for the project is to have the building ready in two years.

There were concerns about accessibility of LCBP staff by NY and Quebec partners; if LCBP moves then an agreement should be made with VT FWD to retain office or meeting space at the Gordon Center facility in Grand Isle. Renovating the Gordon Center House to add office space is currently not an option.

After some discussion, the group agreed that moving to Burlington could improve public visibility of LCBP and networking opportunities for staff, but also the move would reduce accessibility to NY and Quebec partners. The group concluded that this is a conversation that will need to happen over a period of several meetings and a decision cannot be made based on information available today. The group agreed that it would be best for Eric to respond to a request from the applicant (New Moran) to provide a letter of interest, but not a letter of support, for the project. Regardless of the letter, LCBP would likely still have an opportunity to become a tenant in this facility down the road if there is interest. [Eric followed up on this recommendation with the staff from New Moran, but a request was not submitted by them].

**11:15**            **Presentation:** Overview of primary conclusions from the VT EPSCoR Regional Adaptation to Climate Change project (2011-2016)

Judy Van Houten introduced the Experimental Program to Stimulate Competitive Research (EPSCoR) program, which is a National Science Foundation program to support research in traditional underfunded States in the US, including Vermont. Chris Koliba and Arne Bomblies are two of the Principal Investigators of the recently concluded EPSCoR project, Regional Adaptation to Climate Change (RACC) and their new project, Basin Resilience to Extreme Events (BREE). Together, the two studies will reflect \$43 million in research in the Vermont portion of the Champlain watershed. RACC encompassed in-lake processes, to-lake processes, land use, policy and climate downscaling, and integrated assessment modeling. The Integrated Assessment Model (IAM) developed for this project is cutting edge and the first of its kind. Happy to make it available for use; the investigators are still identifying sources of uncertainty in the model (data variations). The presenters emphasized that the conclusions of the model are derived from hypothetical scenarios that may not reflect real-life conditions, and that the findings should be considered as academic and explorative. The project investigators downscaled climate models to the local level and examined causes of inter-annual BGA blooms in Missisquoi Bay through on-the-ground data collection and research as well as modeling efforts. Changes in climate patterns may have implications for the frequency of BGA blooms in both shallow and deep parts of the lake, including extension of the season during which BGA blooms occur. The BREE project will build upon RACC conclusions, and expanding modeling efforts to encompass governance, economics, and enhanced lake modeling.

Model results are currently more tied to temperature change than to precipitation changes. Precipitation also is harder to model, so there is more uncertainty there. The BREE will work to incorporate the tactical basin planning work to inform future models. Land use models are tied to land use maps from 2001, so model produces a certain phosphorus value based only on land use. The model does not factor in adoption of Best Management Practices. The BREE team will be creating a standing advisory board to engage over the life of this project. The EPA would be interested in using this work to look at interventions recommended in the new TMDL. The State (VT) and EPA are concerned about messaging around climate change and the TMDL.

**12:00 Retirement Recognition:** Eric recognized and thanked Gene Brickman (USACE) and Gina Campoli (VTRANS) for their support for Lake Champlain work and as members of the Steering Committee during their careers. Both members will be retiring in the next few weeks.

**1:00**      ***Opportunities for Action –***

- Eric briefly reviewed changes to the draft OFA that have been made since the group last met in September. Partnership contributions and measures of success have not yet been fleshed out at the end of each section; this will happen before the Plan is released for public comment next month.
- There was some discussion about the length of the document, and whether some of the background information could be moved to an appendix and whether a set of by-laws or guiding principles could be generated from a lot of this text that would be separate from the Plan itself. The Plan currently does two things: 1) it identifies priorities for LCBP and partners to focus on for the next five years and 2) it lays out the operating and committee structure governing LCBP. This latter section could be cut out and moved into a guiding principles document that is connected to the Plan. LCBP operates under the auspices of NEIWPC, which has its own set of governing documents (bylaws), but in the federal law that established LCBP, NEIWPC is listed as partner, not the overarching entity.
- The group agreed that the information in Appendix I can be used as the basis for guiding principles for LCBP, and that this section can remain separate from the main body of the Plan. There should remain some basic information in the Plan that describes the organizational chart and reference to formation of the committees, for context.
- The Steering Committee membership section should clarify that membership is determined by vote. This section also should clarify that a prospective member should provide a letter of intent that outlines funding or technical support their organization can bring to the table that is not already represented by the current membership. The

letter also should address potential conflicts of interest within the organization and with the Steering Committee and its current membership.

- John K. moved to allow the Executive Committee to work with staff to make further revisions, and that Steering Committee approve this plan under this condition. Second by Mike Winslow. All in favor.
- Johanna mentioned that the partners need to step up and provide details and feedback on this plan.

**NEIWPCC Introduction and Background:** Susan Sullivan, NEIWPCC Deputy Director, provided a brief introduction to NEIWPCC and the history of the relationship between NEIWPCC, LCBP and the Lake Champlain Steering Committee. NEIWPCC was created by an act of the US congress in 1947 because the state sanitary engineers felt that the best way to address interstate pollution was with a Commission of the New England States.

NEIWPCC is an adaptive, versatile, and progressive non-profit, coordinating all water resource issues for the northeast states. In 1947 there were no WWTPs and the EPA and Clean Water Act did not yet exist. NEIWPCC works to promote efficiencies and facilitate dialogue. NEIWPCC has a formal compact and the jurisdiction works over 25 major river basins, including the Lake Champlain Basin. VT joined in 1951 and is congressionally a part of the compact. NEIWPCC is overseen by 35 commissioners from the five New England states and NY. NEIWPCC operates through an Executive Committee; they review and approve an operational plan, bylaws, employee handbook, etc.

NEIWPCC has 120 full and part time employees split into 3 programmatic divisions. There are 3 place based programs in NY state office of storm recovery, NYS city individuals, South Portland office. Water Resource Protection Division and the place based programs include the LCBP, Hudson River Estuary Program, Albany NY state, Hudson River National Estuary, and Onondaga Lake.

NEIWPCC's annual budget is roughly \$25M. NEIWPCC is the recipient and the legal fiduciary entity for LCBP. LCBP staff report to Eric, Eric reports to Jane Ceraso, and then to Susan.

The NEIWPCC indirect rate is approved annually by EPA. The rate is determined on spending in the previous year; as of October 1<sup>st</sup> it will be 20%. LCBP was created through a Special Designation Act in Section 120 of the Clean Water Act; NEIWPCC is engaged because NY and VT member states asked us to serve as the fiscal manager for LCBP.

Indirect costs support the NEIWPCC Human Resource department, Fiscal department, Information technology, office space, auditing and legal fees, and anything else that cannot be covered on a direct charge. NEIWPCC has handled all hiring, orientation, termination, compliance, etc. for LCBP staff positions. NEIWPCC is responsible for staff policies for life insurance, health insurance, retirement, etc. As part of NEIWPCC, staff benefit from being part of a larger organization. That is the background of what we do. LCBP can do it all on their own if they want to and they are capable of doing it. However, LCBP has never been on its own and has none of its own resources. There is not \$1 million set aside in a bank to operate. Typically, we don't receive funding until 6-9 months after the fiscal year begins. This is a terrific organization (LCBP) in terms of support and staff who work really hard, but LCBP doesn't have financial assistance and business planning support independent of NEIWPCC. NEIWPCC staff did some rough calculations and thought it would cost about 23% (indirect) for LCBP to go out on their own. It might closer to 53% if you base it off of direct costs only. Susan thanked the group for their time today.

### **Executive Session to review Committee Membership**

Bob moved and Buzz seconded to go into Executive Session. All in favor. No abstentions.

*Exit Executive Session.*

Buzz H. moved to approve the nomination of Dr. Andrew Schroth to the TAC, seconded by Julie Moore. All in favor. No abstentions.

**Other Business – none.**

**3:15            Adjourn**