

**Lake Champlain Basin Program  
Technical Advisory Committee meeting  
Wednesday, December 7, 2022, 10 AM – 3 PM  
Held in person at the LCBP office  
54 W Shore Rd, Grand Isle, VT**

**Approved TAC meeting summary**

**TAC Members:** Jennifer Callahan, Laura DiPietro, Bryan Dore, Laurie Earley, Michele Fafette, Peter Isles, Neil Kamman, Margaret Murphy, Oliver Pierson, Andrew Schroth

**LCBP Staff:** Mae Kate Campbell, Meg Modley, Matthew Vaughan, Sarah Coleman, Erin Vennie-Vollrath

**1. Updates, announcements, public comments**

- Oliver: The Vermont Department of Environmental Conservation (DEC) currently has three rulemaking efforts at various stages. On December 12<sup>th</sup>, an interagency committee will meet to review anti-degradation implementation rule. The rule to implement the anti-degradation policy is more than 10 years old. The committee will consider a reboot of the rule, which would cover permits, analysts of water quality permits, and the protection of high-quality waters. This consideration will be accompanied by a legislative effort to revise the prohibition on new septic systems with a capacity greater than 1,000 gallons per day in class A waters. The septic prohibition can be a barrier to increasing protections to high-quality waters in Vermont; the Agency is advocating for an approach based on individual permitting. DEC is beginning formal rulemaking on wake boats. A rule has been drafted that is different from what was proposed in the petition and would limit the use of wake boats to waters with a specific geometry. The draft rule is not as restrictive as what was proposed in the petition, but if passed it would be the most restrictive rule governing wake boats in the country. Finally, DEC is working on aquatic nuisance control statuses, which have not undergone rulemaking in the past. Based on past experience, DEC feels that the requirements to apply for permits (especially for chemical/herbicide permits) could be clarified, improved, and potentially increased. We will form a consultative group representing the interests of many since to help guide us on permitting requirements.
  - Neil: How many waterbodies would the proposed geometry restriction leave eligible for wake boating?
  - Oliver: There is still ongoing discussion of precisely how large the polygon should be, but the current thinking is that allowing wake boating in lakes that are big enough to have an area at least 500 ft from shore and a depth of at least 20 feet is sound. That would leave 35-40 eligible lakes, not including Lake Champlain, Lake Memphremagog, and reservoirs on the Connecticut River.
- Erin Vennie-Vollrath: The New York State Department of Environmental Conservation (NYSDEC) is still preparing to release the watershed implementation plan for the New York Total Maximum Daily Load (TMDL). Hopefully it will be released early next year.

- Bryan: Justice40 applies to geographic programs of the Environmental Protection Agency (EPA), like LCBP. EPA is developing an equity plan for Lake Champlain using an internal template to lay out how we will reach Justice40 requirements and to conduct a baseline analysis of how much funding has gone to disadvantaged communities in the past. The equity plan is needed to be granted a match waiver for the Bipartisan Infrastructure Law (BIL) funds, and will help us plan our spending priorities. The equity plan will also include the LCBP definition of ‘disadvantaged community’, which is out for public comment currently.
  - Mae Kate shared information on how to submit a public comment on the draft definition.
- Andrew: Ashton Kirol, a student in my lab, will be defending his MS thesis on internal phosphorus loading in Missisquoi Bay and the Lake Carmi aeration system and phosphorus cycling.
- Neil: The Vermont Clean Water Board is close to adopting the annual Clean Water budget. This is shaping up to be the biggest budget we’ve ever seen: ~\$50.6 million from a variety of sources will be spread across a variety of programs. The funds will allow us to continue to advance the 3-acre private stormwater permitting and make a push on municipal separate storm sewer systems and municipal regulated communities. The Agency of Natural Resources and my division are keeping an eye on the revenues coming to us. Funds from the American Rescue Plan Act will be expended by next year, however Bipartisan Infrastructure Law and Inflation Reduction Act funding will be available. We are planning to hold \$10-15 million in the current budget as one-time funds, to be clear that we might not be able to expect as high funding levels in the future.
- Matt: We will not hold a January TAC meeting. As a reminder, the March meeting has been moved to the 2<sup>nd</sup> Wednesday in March, the 8<sup>th</sup>. Matt reviewed the process for the fiscal year 2023 budget development and technical project selection.
- Meg: We’ve completed our summary of data from the 2022 boat launch steward season. Stewards conducted over 13,000 surveys and interacted with close to 30,000 individuals. Stewards intercepted aquatic organisms 8% of the time, and 3% of the time those organisms were invasives. 83% of boaters reported taking aquatic invasive species spread prevention measures. We are looking forward to operationalizing additional decontamination stations in the 2023 season. On the round goby front, LCBP continues to meet regularly with the rapid response task force. The U.S. Geological Survey (USGS) monitoring effort will be continued through the next two field seasons. The Québec Ministère des Forêts, de la Faune et des Parcs and Parks Canada are collecting environmental DNA (eDNA) samples in the Richelieu River. We are working to collaborate with NYSDEC and the Canal Corps to develop a scope of work for phase 2 of the Champlain Canal Barrier Feasibility study.
- Laurie: We’ve sent the samples from the DNA metabarcoding project to the lab. We will potentially have an update on those results in time for the March TAC meeting.

*Review and approve summary of previous TAC meeting*

Motion: To approve the summary from the November 2022 TAC meeting

Motion by: Laurie

Second: Peter

Vote: All in favor

## **2. Conflict of interest review for FY23 research pre-proposals**

- Matt reviewed LCBP's conflict of interest policy with TAC members and asked TAC members with conflicts of interest to share that information with reference to the proposal identification number to maintain confidentiality.
  - Andrew Schroth did not review proposals number 2, 4, 7, 8, 9, 13, or 15 due to organizational conflicts of interest.
  - Oliver noted that there is a project that includes a VTDEC employee as a project partner, but this does not constitute a conflict of interest.
  - Jamie noted that another employee from his organization is listed as a lead on proposal number 19, but that this does not constitute a conflict of interest.
  
- Matt proposed a separate executive session to discuss a University of Vermont (UVM) project that is requesting a one-year extension and additional funding to continue monitoring work.

Motion: To enter executive session to discuss the potential UVM project extension

Motion by: Jenn

Second: Bryan

Abstentions: Andrew Schroth abstained from this discussion

*Exit executive session*

## **3. Executive session: Review and discuss recommendation for FY23 research pre-proposals**

Motion: To enter executive session

Motion by: Jenn

Second: Laurie

Abstentions: See conflict of interest

*Exit executive session*