

# Vermont Citizens Advisory Committee (VTCAC) on Lake Champlain's Future

Monday, March 14<sup>th</sup>, 2022

5:00 pm – 7:00 pm

## APPROVED MEETING SUMMARY

**Committee Members Present:** Mark Naud (Chair), Denise Smith (Vice-chair), Eric Clifford, Karina Dailey, Rep. Kari Dolan, Wayne Elliott, Bob Fischer, Lori Fisher, Rep. Carole Ode, Hilary Solomon

**Committee Members Absent:** Sen. Chris Bray, Sen. Randy Brock, Jeff Wennberg

**LCBP Staff in Attendance:** Sarah Coleman (VTANR), Katie Darr, Elizabeth Lee

**Speakers:** Meg Modley, William Cooke, Eric Howe, Matt Vaughan, Jim Brangan, Colleen Hickey

**Public Guests:** Pat Bradley

Meeting summary by Katie Darr, Lake Champlain Basin Program (LCBP)

### **5:00 – 5:15 pm**

#### **Welcome and Introductions**

Mark welcomed attendees and thanked the committee for their participation in the Legislative Week presentations.

#### **Public Comments**

No public comments were made.

#### **ACTION ITEM: Review and vote on draft January 10<sup>th</sup> meeting summary**

Wayne moved to approve the January 10<sup>th</sup> meeting summary. Rep. Ode seconded. Mark abstained. The motion was approved unanimously. Later in the meeting, Hilary requested the word “disastrous” be replaced. The committee approved this change.

### **5:15 – 5:35 pm**

#### **Champlain Canal Barrier Study and AIS Rapid Response Taskforce Round Goby Update – Meg Modley**

Meg Modley, LCBP Aquatic Invasive Species Coordinator, provided an update on the Champlain Canal Barrier Feasibility Study and how the threat of round goby has elevated the need for an all-taxa barrier to prevent aquatic invasive species transfer. Her presentation is posted with the meeting materials.

**Round Goby:** The round goby is native to the Caspian and Black seas and is suspected to have made its way to the Great Lakes in ballast water in 1990. It spread to all the Great Lakes within 5 years. In July 2021, round goby was detected at the confluence of the Hudson and Mohawk Rivers. Round goby has also been found in the St. Lawrence River and the lower section of Richelieu River. The LCBP Aquatic Invasive Species Rapid Response Task Force has been evaluating the risk of round goby introduction into Lake Champlain. Round gobies are aggressive egg eaters, there are concerns about them displacing our benthic species and they are likely to impact lake trout egg nests. There are discussions among the bass fishing community that round goby might be positive for anglers because bass eat round goby. There has been clear documentation that round gobies eat bass eggs. They carry pathogens, including Viral Hemorrhagic Septicemia (VHS) which spurred the emergency baitfish regulations in the late 2000s. VHS can affect over 25 different species of fish and we do not want it in Lake

Champlain. The task force is working with the U.S. Geological Survey to increase monitoring between the confluence of the Mohawk and Hudson rivers at Cohoes and the Champlain Canal passage. The closer a viable population of round goby gets to the Champlain Canal, the higher the risk of an unintentional or intentional bait bucket introduction to Lake Champlain. LCBP is partnering with US Fish and Wildlife and NYSDEC to support an Aquatic Invasive Species Outreach Specialist focused on the Champlain Canal corridor to conduct targeted outreach to anglers, communities, and other relevant stakeholders to increase awareness of the round goby, reduce the risk of overland transportation of round goby via bait bucket, and to inform groups about the impacts of the inter-basin transfer of AIS through the Champlain Canal. More information on the position is available [here](#).

**Champlain Canal Aquatic Invasive Species Barrier Feasibility Study:** Partners have been working for the past 15 years to explore the need for hydrologic separation to prevent all taxa from moving between the Hudson and Lake Champlain watersheds. Researchers have documented that the greatest number of harmful invasive species in Lake Champlain have come through the Champlain Canal. In 2017, NEIWPC/LCBP agreed to serve as a local sponsor and secured Section 542 USACE Assistance to initiate Phase I of the Champlain Canal Barrier Feasibility Study. The study targets the height of the canal between locks 8 and 9, upstream of the mouth of the Glens Falls Feeder Canal. Phase I of the study examined the physical, mechanical, and chemical separation of Lake Champlain from the Hudson River. The Phase I study includes three selected alternatives for constructing a berm south of Lock 9 and lifting boats up and over the berm with a decontamination procedure (alternative 2), and two options for lifting boats over Lock 9 with a decontamination process (smaller and larger boats) with the option to pass commercial traffic through the canal at lower risk times for aquatic invasive species spread (alternatives 4 and 5). Alternative 2 does not allow for future commercial use of the canal. There has been no commercial traffic in the canal for the last two or three years. Phase I of the study is complete and the report should be released soon. Phase II of the study includes data gathering and analysis, a NEPA process, and full design of the barrier. Phase III involves implementation of the barrier and is the long-term approach to prevent all taxa from moving between the Hudson and Lake Champlain watersheds. Round goby is a present challenge that needs to be addressed before the all-taxa approach can be implemented.

- Rep. Dolan asked for confirmation that the canal is within the NY jurisdiction. Meg confirmed that the NY Canal Corporation defers primarily to NYS Department of Environmental Conservation.
- Rep. Dolan asked what we can do now? Meg shared that LCBP will follow its approved channels we can follow, including conducting the rapid response assessments. Round goby elevates the need to move forward with an all- taxa approach and interim solutions are being evaluated. In terms of the canal’s future and a successful approach to deal with aquatic invasive species, the canal system will need to be diversified for recreational use but also build in measures to effectively deal with aquatic invasive species.
  - William Cooke shared The Nature Conservancy’s response to round goby.

### **Round Goby Response — William Cooke**

William Cooke, Policy Advisor with The Nature Conservancy (TNC), provided an update on The Nature Conservancy’s response to round goby. Last August, Governor Hochul established a permanent aquatic invasive species program in New York. TNC and 1,500 people have contacted the governor and requested NY Canal Corp close one of the locks leading into Lake Champlain. If the lock remains open, round goby will enter Lake Champlain through the canal in as little as one season. Trout will be wiped out first and bass will be displaced within 10 years. TNC and others are pushing New York to make a fundamental change to how the state addresses aquatic invasive species. New York will likely need to decide in the next two weeks. TNC is proposing the state close one lock, notify boaters, boaters can then notify the Canal Corp if they want to use the canal for through transit, and this would leave Canal Corp with enough time to install a boat lift. In your personal capacity, reach out to New York or your elected officials in Vermont asking them to close one of the canal locks.

The State of New York is not currently honoring its agreement with the State of Vermont and US Fish and Wildlife ([Strategic Plan for Lake Champlain Fisheries](#)). In 2021, approximately 40 boats went through the locks. Closing one of the locks would protect a \$300 million/year fishery.

- Lori spoke about this issue as a CAC member and in her role as director of the Lake Champlain Committee. This is not the first request for action on the canal, in 2012 there was a major joint effort to close the canal temporarily to keep out spiny water flea. The vector for most aquatic invasive species whose origin is known in Lake Champlain is the southern canal. We have an opportunity to change course, and this ask will not have a significant recreational impact. As representatives of CAC, we can decide tonight to request Governor Scott contact Governor Hochul and ask that she take action to close one of the locks.
- Rep. Ode asked if William had a letter to share for the VTCAC to use as a draft for a letter to Governor Scott, the Senate Pro Tempore, and the Speaker of the House.
  - William shared a letter with Katie Darr, she distributed the letter to the VTCAC members.
- Rep. Ode asked if William had spoken to anyone in Quebec. William noted that he had not personally because of the limited time, TNC has been focusing its efforts on New York and Vermont.
- Mark returned to Lori's motion and noted two things: (1) the committee could move forward with the motion to take action, contingent on members reviewing the language of the resolution that we move forward, and (2) is there opportunity for our legislators to develop a with similar resolution to press the governor and Vermont DEC to move forward in supporting the halt around opening the lock.
- Lori noted that the advocacy community in Vermont is focused on this and is developing outreach to the governor's office and DEC. This is also an opportunity for the VTCAC to follow through with New York CAC and Quebec CAC.
- Mark asked if Lori wanted to articulate a rough motion to take action now. The exact language can be voted on by proxy approval following the meeting.
- **Motion:** Lori Fisher moved that the VTCAC urge Governor Scott to contact Governor Hochul and request that on an interim basis while a long-term solution is developed, the current physical barrier between the river and lake water be maintained, with further details provided on the reasoning for that.
  - **Seconded by:** Rep. Dolan
  - **Discussion:**
    - Rep. Dolan added that we should engage the congressional delegation on this matter as there may be some opportunity to secure federal funding. Lori noted that the Congressional delegation has been briefed and is engaged and aware of the issue. There is work underway for a joint statement between New York and Vermont congressional members.
    - Rep. Ode suggested that the motion also include the Senate Pro Tempore and Speaker of the House. Lori accepted this friendly amendment.
    - Bob asked if Vermont DEC has a position on this. Lori shared that from her understanding, we have not heard much from DEC on this, and the Fish and Wildlife Department is concerned about this issue and has been asking for action. Her understanding is that they have not received a response.
  - **Motion as amended:** To urge Governor Scott and other legislative leadership to contact Governor Hochul and request that on an interim basis while a long-term solution is developed, the current physical barrier between the river and lake water be maintained, with further details provided on the reasoning for that.
  - The motion was **approved unanimously**, motion carried.

**5:35 – 6:20 pm**

**LCBP 2022 Opportunities for Action – LCBP Staff**

Eric Howe, Director of the Lake Champlain Basin Program and Champlain Valley National Heritage Partnership, introduced Opportunities for Action (OFA), the comprehensive management plan for the Lake Champlain Basin. The new draft includes feedback from the June 2021 Summit. The updated plan will include response metrics and a 5-year implementation strategy. It is organized by our four goals: clean water, healthy ecosystems, thriving communities, and informed and involved public. Each goal has a series of objectives, strategies, and tasks. It is important for LCBP to be comprehensive with this plan, if something is included in the plan we can fund and support it. If not, it is much harder for LCBP to support, especially with EPA funding.

Matthew Vaughan, Chief Scientist, reviewed the Clean Water Goal section. The black text is largely the same as the 2017 OFA, the red text is new ideas primarily from the June Summit.

- Karina asked if the monitoring task area is limited to Lake Champlain itself or if it includes tributaries. Matt clarified that the Long-term Monitoring Program does monitor 22 of the lake's major tributaries and LCBP funds question-based research on tributaries around the region. As written, this would support monitoring on tributaries to support or inform management decisions.
- Rep. Dolan noted that clean water as it relates to adaptation to the impacts of climate change is something the legislature is struggling with now. The legislature wants to support farms and healthy soils, but there are concerns that there could be a tradeoff related to water quality if ecosystem services that qualify for payment for ecosystem services are narrowly defined. More information about this approach would be helpful to address public policy questions, as taxpayer dollars are used for these services it is necessary to be aware of the implications of those decisions. Matt shared that LCBP is engaged in the Payment for Ecosystem Services development process, and he is part of the workgroup that the Agency of Agriculture is running. Payment for ecosystem services is not specifically called out in OFA.
  - Rep. Dolan clarified that she is in support of agriculture, the future of agriculture, and how we can support soil health and the opportunity to improve carbon storage in soils. Her question pertains to the extent to which there are tradeoffs. If the workgroup or others can help identify or provide discussion on this topic, it would ease some concerns about using taxpayer dollars for this kind of work. Matt shared that he would bring this forward to the workgroup.

Meg Modley, Aquatic Invasive Species Management Coordinator, reviewed the Healthy Ecosystems section of OFA. New objectives include climate change and evaluating ecosystem management programs and policies.

Jim Brangan, Cultural Heritage and Recreation Coordinator, reviewed the Thriving Communities section of OFA.

Colleen Hickey, Education and Outreach Coordinator, reviewed the Informed and Involved Public section of OFA.

Eric shared the remaining tasks and timeline for the release of OFA. VTCAC members are welcome to provide feedback on OFA to Katie Darr by March 31st. The Steering Committee will consider the Plan for approval on April 13. We will then open a 30-day public comment period a few days later. LCBP would like to work with VT and NY CACs to host public meetings near the beginning of the public comment period. LCBP is targeting a launch date of June 2<sup>nd</sup> or 3<sup>rd</sup>.

- Hilary asked whether the public meetings would be held in person. Eric clarified that they will most likely be virtual.
- Lori asked how this iteration of OFA interacts with the influx of funding to LCBP over the next five years. There is an opportunity to help invest even more significantly in the capacity building of communities. Eric shared that LCBP will be receiving about \$8 million/year over 5 years through infrastructure funds. Infrastructure funds are not as flexible, they are tied to projects that address environmental concerns, climate change impacts, and underserved communities. Projects may include dam removal, aquatic organism passage, and potentially some land acquisition grant programs, tree nursery grant programs, and wetland restoration programs, discussions are ongoing. With LCBP base funding, anticipate increasing support for grant programs including technical support to watershed groups in the Thriving Communities goal. Guidance from Sen. Leahy and others has directed LCBP to put out as much of this funding in competitive grants as possible.
- Lori asked if any of the grant ceiling limits will be increased, particularly the \$4,000 for organizational support grants. Eric confirmed that increasing caps on grant programs is something LCBP will look into.
- Rep. Dolan noted there is a nexus between interest in supporting underserved communities and the goals of OFA. There is an opportunity to direct those dollars more effectively to underserved communities, it may require more education and outreach to those communities. Eric added that LCBP has been thinking about this and over the last few years has supported more projects that reach underserved communities. Extra points are awarded to grant applications that incorporate diversity, equity, and inclusion.

#### **6:20 – 6:50 pm**

##### **Legislative Update and Follow-Up – Mark Naud, Denise Smith**

- The VTCAC has not yet met with the Senate Committee on Natural Resources and Energy, we will reach out to the committee again.
- Lori requested follow-up on aquatic invasive species, particularly funding in the VTDEC Lakes and Ponds Program, and the discussion about ag enforcement. There was not much of a response from Governor Scott and Secretary Moore on these issues. Brittney Wilson is the liaison between VTDEC and VTAAFM and noted progress is being made. Mark agreed those were two key items that we did not get quality responses about.
- Mark thanked all who participated in the preparation and presentations.
- Lori shared positive feedback she heard about the CAC's approach. The CAC was much more consistent in its messaging because, where possible, the same people were communicating the same elements of the Action Plan.

#### **6:50 – 7:00 pm**

##### **Meeting Wrap-Up Discussion**

The VTCAC is scheduled to meet next on April 11th. We will look to have an update on Champlain Canal activity and follow up on aquatic invasive species and progress between VTDEC and VTAAFM. There has been some discussion on whether the committee would like to follow up on the Right to Farm legislation that is moving through the Senate (hearing recording available [here](#)).

- Eric Clifford shared that Sen. Sears has put the Right to Farm Bill on the wall, and he thinks it's there to stay.

- Mark shared that there was concern that this was a knee-jerk response to the lawsuit in Addison County, but there are many small farms being antagonized by neighbors. This might be worthy of further discussion. One of his concerns is whether it gives DEC and implementation of the RAP program an out. If the RAPs are not working what is the next path? **If members are interested in any follow-up on that, Mark, Denise, and Katie know.**

**Please provide any comments on OFA to Katie by March 31<sup>st</sup> and relay any suggestions for meeting topics to Mark, Denise, and Katie.**

- Wayne requested a discussion about meeting format at the next meeting.

Mark will follow up with formal language of the draft resolution for ratification soon.