

New York Citizens Advisory Committee (NYCAC) on Lake Champlain's Future

**Monday, March 28th, 2022
1:00 pm – 3:30 pm**

APPROVED MEETING SUMMARY

Committee Members Present: Vic Putman (Chair), Jackie Bowen, James Dawson, Steve Kramer, Walt Lender, Tom Metz, Hannah Neilly, Bill Wellman, Fred Woodward

Committee Members Absent: Jane Gregware, Ricky Laurin, Charlotte Staats

LCBP Staff: Jim Brangan, Katie Darr, Colleen Hickey, Eric Howe, Myra Lawyer (NYS DEC), Ryan Mitchell, Erin Vennie-Vollrath (NYS DEC)

Presenters: Mark Lowery, Julie Berlinski, Lauren Townley

Public Guests: Allison Gaddy

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

1:00 – 1:15 pm

- 1. Welcome and Introductions** – Vic Putman
- 2. Public Comments**

No public comments.

1:15 – 2:00 pm

- 3. NY Climate Action Council Draft Scoping Plan**– Mark Lowery, NYSDEC

Mark Lowery, Assistant Director of the NYS DEC's Office of Climate Change, provided an overview of the NY Climate Action Council Draft Scoping Plan which is open for public comment until June 10, 2022 (public comment form available [here](#)). The draft scoping plan is available [here](#) and his presentation is included with the meeting materials. Questions are summarized below:

- Steve asked whether the net system costs from 2020-2050 include that the cost of energy might go up or down and peak oil is expected around 2035. Mark noted that he did not have those details, his understanding is that system costs refer to the cost of investing in the power system.
- Steve mentioned the success of the incentive program for New Yorkers to upgrade to Energy Star appliances and noted that programs that put cash in hand are a great way to move some of the items in the plan forward. Ecological footprints are a good exercise for people to see how and where they are contributing. Mark agreed with both comments and encouraged Steve to submit those comments through the public comment process.
- Jackie asked whether the expedited listing of invasive species mentioned in the forestry section includes aquatic invasive species. Mark did not think it includes aquatic invasive species since that set of recommendations was primarily related to forest quality and forests' ability to sequester carbon.

- Jackie asked if the electrification of vehicles included ATVs and snowmobiles. Mark clarified that the recommendation does include light duty and off-road vehicles by 2035, they are not covered by the current legislation.
- Jackie asked about the recommendation to create a dam removal task force and for more detail on the connectivity proposals that are included. Mark clarified that there is an existing dam task force within DEC, the recommendation is to listen to that dam task force in setting up policies. There is a recommendation related to providing standard designs for transportation infrastructure for culverts and bridges to enhance local connectivity. There are recommendations for enhancing connectivity at the larger scale, including adopting the policy of the Eastern Provinces and Northeast Governors related to wildlife corridors.
- Tom asked about the state's progress towards reaching the 2025 distributed solar power goals. Mark noted they are looking to update that number to 10 gigawatts because that is one area where New York is making good progress.
- Vic asked about the plan's recommendations related to hydropower. Mark clarified that the plan does not consider the expansion of hydropower. There may be opportunities to put in small or medium hydropower, but all of that together will not be a huge component of the State's energy mix. We need to balance the value of power from a dam versus the ecological benefits of removing a dam.
- Vic asked how the Champlain Hudson Power Express impacts the plan. Mark believed the modeling in the plan anticipates that the cable will be available to bring in power. There are documents on the website that explain all of the assumptions included in the modeling.
- Vic asked for clarification on how the plan defines disadvantaged communities. Mark clarified that the law lays out three categories of criteria that the climate justice working group is required to consider: socioeconomic factors, past environmental harms, and future potential to be exposed to the effects of climate change. Communities are defined by census tract, not municipalities or counties. The working group accepted approximately 40 criteria, they were not completely happy with the criteria they landed on. More information on the disadvantaged communities criteria [here](#). ***The criteria are open for public comment until July 7th.***
- Jackie asked how climate migration models have played a role in the scoping plan. Mark shared that they have not. The focus of the plan is mitigation. There is a recommendation that the State develop a climate migration plan. The adaptation recommendations in the plan are not binding and carry less weight than the mitigation recommendations because they are not required by law.
- Jackie asked if the carbon forest stock mapping was still on track to be completed by 2022. Mark did not believe so, there have been delays in contracting.
- Tom asked if there is anything in the plan related to in-line stream generation for hydropower. He also noted that NYSERDA or another agency will need to issue some incentive for heat pumps and electrical heating. Mark noted that there are ~\$8,000 incentives for heat pumps and he recognized the barrier that many people are not able to spend that money to convert upfront. He did not think the scoping plan discussed hydropower in detail, there is flexibility in the plan for sourcing additional power.
- Bill asked who heads up the dam taskforce. Mark noted that the current chair Alon Dominitz will be moving to another agency, he is not sure who the new chair will be.

2:00 – 3:00 pm

4. NY Lake Champlain Watershed Implementation Plan – Julie Berlinski & Lauren Townley, NYSDEC

Julie Berlinski and Lauren Townley, Bureau of Water Resource Management Division of Water – NYSDEC, provided an overview of the updated Lake Champlain Total Maximum Daily Load Watershed Implementation Plan. They are hoping to release the plan in May, a public comment period will follow. The presentation is included with the meeting materials. Questions are summarized below:

- Tom asked if there is funding available to implement the plan. Lauren affirmed that there is funding set aside from last year's budget for the specific request for applications (RFA) mentioned and direct line-item funding from the LCBP. The RFA will likely include three categories: planning, implementation, and stormwater master plans. They plan to continue to ask for an annual allocation.
- Steve noted the difference in the relative cost of projects, the wastewater treatment facility projects were about ~\$1million/project and the agricultural projects were ~\$250,000 and asked what the agricultural funds were used for. He added that New York and Vermont speak different languages and that should factor into the decisions people make. Lauren agreed there are differences in how the states define best management practices and how NRCS applies their practices, that will be a part of the discussion. Some of the funding will go towards a consultant to clearly define what we are talking about when we discuss a particular practice. All of the data for the agricultural practices was provided by ag and markets, but they are missing a lot of details due to privacy concerns.
- Vic asked for clarification of the plan's phosphorus reduction goal. Lauren clarified that there are benefits to having some phosphorus in the system. The TMDL sets out reduction targets based on modeling and water quality requirements for best use of the area (drinking water, recreation, fisheries, etc). Lake Champlain is used for a variety of things and there are different phosphorus reduction targets for different areas depending on the desired use of the area. There is LCBP line-item funding to conduct an inventory of areas that may be contributing excess phosphorus to see if there are opportunities for implementation.
- Vic asked if there is research that documents the assumption that only septic systems within 250 feet of a water body adversely impact water quality, wouldn't that also depend on soils and groundwater levels? Lauren shared that this analysis did not go into that level of detail, this was a screening tool that used literature-based values and assumptions. Incorporating information on soils and location would be more accurate, that is the level of modeling that would likely be undertaken to update the TMDL.
 - Walt asked whether those 250 feet included tributaries in addition to the lakeshore. Lauren confirmed that it is 250 feet from any tributary, inland lake, or shoreline.
- Tom asked if there is a problem with hard surfaces and buildings over top of surfaces which could absorb phosphorus but are now blocked. Is there a consideration to use permeable surfaces to try to get that naturally bound into the soil? Lauren shared that the land use analysis did look at impervious surfaces, which make up a very small portion of the watershed. The Water Quality Improvement Program (WQIP) funds projects that address runoff from impervious surfaces, a number of those projects are included in the plan.
- Tom asked about ways to prevent combined sewer overflows from running into the tributaries and lakes. Lauren shared they are looking into ways to either increase the capacity or upgrade treatments to the treatment plant and stormwater system. There are also infiltration issues for older pipes. There are a few areas in the basin impacted by this issue that have been prioritized for funding through state programs. There is a program between LCBP and US Army Corps of Engineers called the Section 542 program which provides funding for these types of projects as well.

- Jim asked whether the office only deals with phosphorus. Lauren clarified that the NYSDEC Division of Water works closely with ag and markets to implement nonpoint source projects intended to reduce phosphorus. NYSDEC is the only entity delegated to develop a TMDL. Lake Champlain is focused on phosphorus because that is the watershed's primary impairment. Generally, DEC has been modeling phosphorus and nitrogen as a suite. DEC works on nitrogen and other pollutants in other areas depending on what is identified as the pollutant.
- Tom spoke about two projects, one going on in Cumberland Bay to identify PCBs in sediment and another to address coal tar in the Saranac River. There should be continual testing of their outflow to see what is coming out of those areas. Lauren agreed there are other pollutants that may be causing impairments, but there are slightly different mechanisms in place to deal with some of these pollutants. PCBs are more of a remediation task, which is managed by another division. The Division of Water deals with a lot of nutrients and sediments, but there are a variety of different pollutants.
- Vic shared that LCBP is looking at additional buoys for monitoring and asked if there are any monitoring plans by DEC or USGS that might facilitate data development for DEC? Lauren shared that the expansion of the long-term monitoring program could help support the development of an updated TMDL. LCBP provided a grant to Paul Smith's College to do inland lake assessment and that data is expected to come to DEC to help update priority waterbody listing.
 - Erin added that DEC has the Rotating Integrated Basin Studies program which will provide more intensive monitoring in the Lake Champlain Basin in 2023.
- Vic mentioned the Drinking Water Source Protection Program. Lauren noted that those plans provide an inventory of all different pollution sources and provide a risk factor and location of those sources so municipalities can monitor those sources moving forward.

2:45 – 2:55 pm

5. Member Updates

There were no updates from members.

6. ACTION ITEM: Review and vote on Draft February 28th NYCAC Meeting Summary

- Motion to approve the meeting summary by: Jim Dawson
- Seconded by: Walt Lender
- Discussion on the motion: Vic made a correction, page 2 notes that round goby have a suction plate, they do not. Their pectoral fins are fused giving the appearance of a suction cup.
- Vote: All in favor
- Abstentions: None

2:55 – 3:00

7. NYCAC Discussion "*Where Do We Go from Here?*" – Vic Putman, Katie Darr, and Erin Vennie-Vollrath

The committee discussed the NYSDEC and Canal Corp press release and the VTAC's resolution related to round goby. Fred asked if the committee should put together a letter and distribute it to the Governor and legislative officials throughout the basin. Members agreed.

- **Motion:** Bill Wellman moved to send a letter to the legislative leaders on the New York side of the basin noting the preferred solution would be to close the canal for the season to keep round goby from entering Lake Champlain until a more permanent solution can be implemented.

- **Seconded by:** Jackie Bowen
- The motion was **approved unanimously**, motion carried.

Members discussed opportunities for improving engagement with elected officials & other key parties. Katie put together a contact list for town supervisors and other officials in the NY portion of the Basin. Members were supportive of Katie reaching out to the contacts on the list to see who would like to be notified of upcoming meetings and/or receive a copy of CAC meeting summaries.

Vic applauded Bill's work with the Champlain Hudson Power Express grant funding, which increased its mitigation fund from \$2.5 million to \$15 million. The four priority areas are invasive species management, fish habitat assessment, critical habitat restoration, and development and implementation of fish population and recreational fisheries surveys. The Hudson River Foundation is the action agency for the governance committee, they are going to help manage the initial \$15 million in 5 years and a total funding package of \$115 million over the life of the public service commission license. Construction is due to start later this year.

Vic shared that he has been asked to serve on a committee for the [Drinking Water Source Protection Program](#) which provides free technical assistance to communities to protect their source waters. The committee includes members from the town of Essex, Willsboro, and Chesterfield, all of which have Lake Champlain as their drinking water source. One of the big issues is the potential for an oil spill from the oil trains that travel from Canada along Lake Champlain. This should include the Vermont CAC as well, we should collaborate with them to have consistent language in our proposed plans for protecting Lake Champlain water which might include future monitoring that may be needed.

- Eric shared that EPA developed an emergency spill response plan for both New York and Vermont, several years ago the NY and VT CACs held a joint meeting to learn about oil trains and potential impacts from spills.
- Hannah added that communities and their operators have started to develop a list of potential contaminants to Lake Champlain including failing septic, agricultural issues, ferry boats, and train station runoff. The group wants to include Vermont as well to ensure the source water is protected. Vic is the liaison for this group. As we move along, we will provide CAC with draft versions of the plan for input.
 - Erin noted that Vermont is doing some monitoring for toxins from cyanobacteria at some drinking water facilities, is something similar happening in NY? Hannah shared that the Department of Health does regulation at the plant and does some testing for certain contaminants, but she was not sure of the frequency.
 - Vic suggested asking them for copies of their testing results. Tom added that each water treatment area is supposed to have that information and those water quality statistics are supposed to be publicly available.

LCBP is on track to open the public comment period of Opportunities for Action on April 15th. The public meetings are tentatively scheduled for May 3rd from 2:30-4:30 pm and May 10th from 5:00-7:00 pm.

The Champlain Basin Education Initiative's Educator Summit will take place on May 5th from 8:00 am - 3:45 pm at Fort Ticonderoga. More information is available [here](#). Please share with any teachers who may be interested.

The NYCAC meets next on **Monday, April 25th from 1-3:30 pm**. Possible topics include round goby follow-up, Stream Wise overview, and an update on the Champlain Hudson Power Express timeline.