

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

Monday, November 14th, 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, Bob Fischer, Hilary Solomon, Rep. Carole Ode

Committee Members Absent: Sen. Bray, Sen. Brock, Wayne Elliot, Lori Fisher

LCBP Staff in Attendance: Sarah Coleman (VTANR), Katie Darr, Colleen Hickey, Eric Howe, Lauren Jenness, Meg Modley

Public Guests: Tom Berry, Kent Henderson, Pierre Leduc

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

5:00 – 5:15 pm

1. Welcome and Introductions

2. Public Comments

Kent Henderson, Chair of the Friends of Northern Lake Champlain (FNLC), shared that FNLC's annual meeting is Thursday 11/17 from 6-8pm at the Swanton Municipal Center and will feature an update on annual activities and Rock River projects. FNLC has been monitoring water quality in the Rock River for the last 13 years and they have not seen reductions in phosphorus load despite farmers adopting best management practices. FNLC intends to work with farmers to figure out which BMPs they trust and apply. They will also work with farmers who are not applying BMPs and connect them with farmers who are applying trusted BMPs. FNLC has identified some areas of the Rock River that are contributing more phosphorus than others and will require more investment and focused effort.

Pierre noted that it can be frustrating for farmers to not see progress in phosphorus reduction when they are implementing BMPs. OBVBM is conducting a portrait of benthic stream health as benthic organisms can indicate water quality improvements that are not captured by phosphorus reductions.

3. ACTION ITEM: Review and vote on Draft July 26th and October 10th meeting summaries (5 min) – Mark Naud

Eric Clifford moved to approve the meeting summaries. Rep. Ode seconded. The motion was approved unanimously.

5:15 – 5:30 pm

4. Updates

LCBP Disadvantaged Communities Definition – LCBP Staff

The LCBP Steering Committee in collaboration with EPA is working on developing an LCBP-focused definition of disadvantaged communities. LCBP is required to direct 40% of its Infrastructure funding to projects with outcomes that benefit disadvantaged communities in the Lake Champlain Basin. One of the incentives to meet this goal is that the non-federal match requirement will be waived for the Bipartisan Infrastructure Law funding.

This definition must be submitted to EPA by the end of December this year. The [draft definition](#) is out for public comment until December 13th. The VTAC was supportive of including this as an agenda item at the December 12th meeting.

Aquatic Invasive Species— Meg Modley

The latest round of electrofishing and eDNA monitoring shows round goby remains at the confluence of the Mohawk and Hudson Rivers just below lock C1. Canal Corp is keeping the gates at lock C1 in as late as they can and will put them in as early as possible in the spring. Quebec ran the last round of eDNA collection in October and all samples were negative for round goby. Seining in the Richelieu River was also negative for round goby. Parcs Canada collected eDNA samples from within the Chambly Canal and is engaged and involved with the Rapid Response Task Force. The Rapid Response Task Force proposed using rapid response funds for early detection monitoring in 2023 and 2024.

Meg suggested Julie Silverman get in touch with the CAC to share her experience traveling down the canal and possibilities to increase boater outreach. Mark has been in touch, the lock keepers did not provide any outreach on AIS or round goby and referred boaters to the website. The CAC will press for more outreach from Canal Corp for the start of next season. Meg shared that Erik Reardon, LCBP/NYSDEC AIS Specialist, has conducted some outreach with lock tenders and provided round goby watch cards. There is an opportunity to continue working with Canal Corp on that.

The boat launch steward season closed in October. There are plans to get another decontamination unit on the Vermont side of the lake.

CAC Per Diem/Reimbursements — Sarah Coleman

Sarah provided an update on the per diem process. The per diem form will be shared with the meeting materials. The form asks for a social security number, the last 4 digits are sufficient. Members should submit the forms to Katie to compile every 3 months starting at the end of November. November submissions can include May, June, September (joint meeting), and November CAC meetings. The per diems are first come first served, if all members submit per diems the allocated budget is likely to run out. This has not been the case in the recent past. Mark noted that Sen. Brock thought the legislative members submitted reimbursements through the legislative reimbursement process, not the CAC process. Sarah will double-check about this and whether the rollover from last year's budget was approved.

CAC Update – Mark Naud

Mark shared that at the Act 250 Commissioners annual meeting, it was shared that there has been a wholesale adjustment to the per diem statute. It is now a minimum of \$50/day and committees can petition the governor to increase that. The committee is subject to the state code of ethics, which went into effect on July 1st. Mark has shared the link to the online training and asked members to notify Katie when they have completed the training.

5:30 – 5:50 pm

5. CAC Coordination – Mark Naud

The committee reviewed and approved the joint letter between the Vermont and Quebec CAC related to governmental public reporting on phosphorus reduction progress in Missisquoi Bay.

Rep. Dolan moved to approve the letter. Denise Smith seconded the motion.

Discussion: Update MELCC to its new title MELCCFP and define the acronyms ANR and MELCCFP in the header. The motion was approved unanimously, motion carried.

Katie will work with Mark and Pierre to make the edits and distribute the letters in both English and French via email followed by paper copy.

5:50 – 6:50 pm

6. 2023 Lake Champlain Action Plan Discussion

The committee discussed the approach to developing the Action Plan. At the last meeting, members discussed working as a whole committee on the Action Plan at the November and December meetings. Members were supportive of establishing a small subcommittee to wordsmith the Action Plan between meetings. The Committee will edit the Action Plan via Google Doc so there is one, live shared document with the suggestions and comments. Bob suggested including a sentence at the beginning of the action plan that summarizes the major topics presented in the plan. Karina, Rep. Ode, Mark, and Denise have volunteered to work on the Action Plan. Please contact Katie if you would like to join the subcommittee.

The committee discussed the Action Plan content and possible content for the 2023 plan.

Agricultural Water Quality Enforcement

There was not agreement among the CAC about whether to push for agricultural water quality enforcement to be shifted to DEC. If the request will be made for enforcement to go to DEC, members suggested confirming that Secretary Moore is in favor of that. Some members shared that VAAFM does a credible job with enforcement and anyone working on the ground with farms would agree enforcement should not just go to DEC.

Members agreed there is a breakdown in communication between the two agencies and it would be helpful to figure out how to bring them together for the common cause of clean water for future generations. Eric shared that the Champlain Valley Farmers Coalition has asked VAAFM and DEC personnel to attend farmer meetings to answer questions about what progress is being made to rectify discrepancies between and within the agencies. There is a problem with personnel turnover in both agencies which creates problems on farms. Members were supportive of mediated conversations between the agencies and were supportive of following the conversations between the agencies and the Champlain Valley Farmers Coalition. Some members were also interested in performance indicators to monitor improvements in coordination between the agencies to figure out where breakdowns in communications occur and how they are dealt with.

Recreation Access

Historically the CAC has pushed for continued investment in recreational access, particularly in the South Lake. Vermont Fish and Wildlife has been working on improvements to access sites along Otter Creek.

Septic Inspections

The New York CAC received a presentation about the proposed mandatory septic inspections every 5 years for systems around Lake George. More information is available on the [NYCAC's webpage](#) and the [Lake George Park Commission's Septic Resources](#). In addition to phosphorus contributions, malfunctioning septic systems are a

localized public health concern. Some members were supportive of digging deeper into the available data and potentially pushing for mandatory inspections in Shoreline Protection Act districts.

Biosolids, Leachate, and Toxics

Rep. Dolan raised toxics as a concern with septic. Biosolids are a major source of PFAS. She is working on a bill to reclassify Class A biosolids to Class B to require a permit for land application. Bob shared that there is hardly any class B land application left, it goes to wastewater treatment facilities now. Eric confirmed that farmland application is done. Over 90% of septage goes to wastewater treatment plants, biosolids are then used as soil amendments at sites like park and rides or in mine reclamation or are sent to Coventry to be mixed as top cover. Essentially any of the toxics (PFAS, microplastics, etc.) in septage treated at wastewater treatment plants eventually ends up in Coventry where there are significant leachate problems.

Aquatic Invasive Species Funding

The Aquatic Invasive Species Program is starved for funds and not well staffed, it is a patchwork of interns, seasonal staff, and Americorps staff. Rep. Dolan heard from the Federation of Vermont Lakes and Ponds that they anticipate a reduction of ~30% in State funding to support Aquatic Nuisance Species Prevention and DEC plans to outsource the administration of the program to service providers. Members were supportive of pressing for additional budgeting and staffing for the AIS program.

Environmental Justice

Rep. Dolan commented on the passage of the environmental justice bill and suggested the CAC continue to devote attention to equity issues in priority areas of the CAC. Mark agreed and noted this will be a continued area of focus of the CAC. There is work going on within both states, the LCBP, and federal partners to align definitions and efforts related to disadvantaged communities to ensure resources are being allocated equitably.

Other

Rep. Dolan noted the biodiversity crisis is still a concern and raised an idea about Green Banks as a coordinated effort to ensure we are efficient with our dollars, visible to the public on accountability, and maximize progress on nature-based, infrastructure, clean water, and environmental justice-related targets we're trying to achieve. There is lots of movement on the national front.

Karina shared relevant water quality-related updates from the Water Caucus. Following the presentations about chloride contamination in surface and groundwater at the Lake Champlain Research Conference, they are working on a chloride reduction bill to set up a program to track the amount of chloride Vermont is using and conduct education and outreach related to chloride and its impacts. Work is being done to combine the river corridor and riparian buffer bills into one bill. There was a rule change in the wetlands program to collect data to improve the baseline of wetland locations in the state to reduce violations. Work is being done on a wetlands bill to increase funding to support staff to develop a detailed annual report that identifies the increase in wetlands, how much human impact there is on the wetlands, what type of wetland habitat is impacted, and what is being restored.

Rep. Dolan asked for an update on the status of the functioning floodplains initiative. Sarah provided a high-level update- connectivity scores have been calculated for all of the spatial units, project identification has been completed, the tracking system is under development, the technology to estimate phosphorus load reduction and floodplain and wetland restoration is complete, and outreach tools and training modules are in progress as

well. Mark shared that there was a great presentation at the Act250 commissioners training day from the rivers team. They brought the watershed floodplain boxes and put everyone through the demonstrations about what happens with different land use changes. There was a lot of focus on functioning floodplains, it is a key topic for commissioners as they consider projects.

6:50 – 7:00 pm

7. Meeting Wrap-Up Discussion

The VTCAC meets next on December 12th from 5:00 - 7:00 pm. The agenda will include the LCBP draft disadvantaged communities definition and action plan work. Colleen shared that the LCBP Education and Outreach, Streamwise, and Organizational Support grant [RFPs are open](#). LCBP is always looking for grant reviewers, if you are interested, please contact Katie (kdarr@lcbp.org).