

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

Monday, December 12<sup>th</sup>, 2022

5:00 pm – 7:00 pm

## APPROVED MEETING SUMMARY

**Committee Members Present:** Denise Smith (Vice-chair), Eric Clifford, Karina Dailey, Rep. Kari Dolan, Wayne Elliot, Bob Fischer, Lori Fisher

**Committee Members Absent:** Mark Naud (Chair), Sen. Chris Bray, Sen. Randy Brock, Rep. Ode, Hilary Solomon

**LCBP Staff in Attendance:** Sarah Coleman (VTANR), Mae Kate Campbell, Eric Howe, Lauren Jenness, Meg Modley

**Public Guests:** Mae Kate Campbell, Eric Howe

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

### 5:00 – 5:45 pm

#### 1. Welcome and Introductions

#### 2. Draft LCBP Disadvantaged Communities Definition Overview – Mae Kate Campbell, Eric Howe

Mae Kate provided an overview of the draft LCBP disadvantaged communities definition and process to develop the definition. The presentation is included with the meeting materials. The public comment period closes December 12th. LCBP is required to direct 40% of its Bipartisan Infrastructure Law funding to projects with outcomes that benefit disadvantaged communities in the Lake Champlain basin. To waive the non-federal match requirements for the funds, LCBP needs an interim disadvantaged communities definition approved by EPA. Disadvantaged community status will be used as an additional lens when evaluating projects that meet the objectives outlined in Opportunities for Action. Communities that meet one or more of the criteria will be considered an underserved community. LCBP and EPA are working to develop maps that will make it easy to determine where communities that meet these criteria are located. If a community does not appear on the map, they can provide justification based on other datasets as to why they qualify as a disadvantaged community. In developing the draft definition, LCBP tried to be as consistent as possible with relevant Vermont and New York State definitions and criteria.

- Lori reinforced the importance of the second public comment period to do outreach to underserved communities. She asked for clarification about the total dollar amount of 40% of the BIL funds this year and if LCBP will review the definition annually. Eric clarified that LCBP's appropriation from EPA is about \$7.65 million, 40% of that (~\$3 million) is the target number. LCBP expects to revisit the definition annually before RFPs are issued.
- Karina asked why environmental criteria were not included. Mae Kate shared that the decision to focus on socio-economic criteria was based on guidance from EPA. Any project coming in for funding through LCBP needs to meet the restoration and management goals outlined in OFA. LCBP will share environmental datasets so applicants can use them as part of their justification. Feedback is welcome on the preliminary list of environmental datasets.
- Rep. Dolan asked about the difference between poverty and median household income. Mae Kate clarified that the poverty-related metric would be the percentage of households in a census block that are earning less than 200% of the federal poverty level. That captures fairly extreme levels of poverty

that can get missed when looking at the household income and area median income that is captured by the household median income dataset. They are similar metrics, but it is a way to ensure we are including the folks with the most economic need. Other state and federal definitions include both indicators.

- Wayne appreciated the flexibility of LCBP’s draft definition, noting it opens opportunities for communities to qualify without needing to meet all of the criteria.
- Rep. Dolan noted that the 2020 census data does not full capture populations. The American Communities Survey is only updated every 5 years and that is also the case with census block data. How do you anticipate making sure we are not losing opportunities to assist communities who may fall between cracks? Mae Kate noted that the American Community Survey is updated every year based on estimates. Communities have the opportunity to make a justification even if they aren’t seeing themselves on the map or if there’s more data available at the community level, LCBP welcomes communities to share that in their justification.
- Rep. Dolan suggested including air quality and asthma rates noting the potential environmental justice concerns in the future if our region moves towards waste incineration. Mae Kate noted it is a common metric, but it is less relevant to water quality. The LCBP Steering Committee has not been keen on using air quality-related metrics.
- Denise asked when the map will be completed. Mae Kate shared that Ryan is drafting the maps for the Steering Committee to review on Wednesday. They hope to work with EPA to develop web-based tools that will allow people to toggle on and off criteria layers and data sets. This will be available before the second public comment period to disadvantaged communities.

### 3. Public Comments

No public comments were made.

#### 5:45 – 5:50 pm

**4. ACTION ITEM:** Review and vote on draft November 14<sup>th</sup> meeting summary (5 min) – Denise Smith  
Rep. Dolan moved to approve the meeting summary. Karina Daily Seconded. Wayne and Lori abstained. Motion carried.

#### 5:50 – 6:50 pm

### 5. 2023 Lake Champlain Action Plan Discussion

The next Action Plan Subcommittee meeting is **December 21st from 10-11 am**, all interested members are welcome to attend.

#### ***Aligning the Action Plan with the Climate Action Plan***

Rep. Dolan suggested including resilience and the ongoing needs to manage surface water resources for a more resilient future. Bob suggested aligning the Action Plan more with the Climate Action plan to build into core service areas to address some of the concerns related to septage, forest fragmentation, and emerging contaminants.

#### ***Emerging Contaminants Pollution***

Wayne commented on the importance of simplifying and being very specific about what the ask is in some of the areas, particularly PFAS. Septage and biosolids are important, but the CAC needs to focus on things that are

direct water quality issues. There's a lot we still don't understand, the CAC needs to carefully consider our wording. Rep. Dolan responded that there is an opportunity to stay high level and talk about the need for consumer protection for example to highlight the potential risks and opportunities that are in the realm of what Vermont can do related to consumer protection and clean water protection. Lori added that last year the CAC focused more on emerging contaminants and asked what the philosophy for changing what we were saying last year.

### ***Aquatic Invasive Species***

Wayne suggested focusing on 3 or 4 key issues and providing more details about the need for funding and staff for AIS programs. The program is simple, effective, and functional, and needs more funding.

### ***Septic Inspections***

Wayne did not think it would be practical or reasonable to ask for mandatory septic inspections but thought we could all do a better job of public education and outreach to people who have septic systems that live in proximity to different bodies of water about when a tank should be pumped and how frequently. The State doesn't have the resources to administer a mandatory inspection program. Eric supported Wayne's comments on septic inspections. Sarah shared that DEC has received funding to do outreach and education including workshops, trainings, and factsheets on septic onsite wastewater system maintenance to landowners, homeowners, and service providers.

### ***Water Quality Enforcement***

Wayne asked if there was anything that could be dropped, specifically asking about the water quality enforcement piece.

Eric shared that the Champlain Valley Farmer Coalition met with the Agency of Ag and VTDEC and they were impressed with the programming and strategies they had working with farmers. The recent improvements were pretty dramatic. From a water quality perspective, he wasn't sure it would make a difference whether enforcement was coming from DEC or Agency of Ag since they would enforce the same rules. It's a matter of having enough people on the ground to do it.

Rep. Dolan suggested following up with the agencies and inquiring about this. At minimum, the section could be reworded to talk about how critically important it is that there is collaborative spirit among agencies to do work related to nutrient loading. The more the CAC can urge that continued improvement of process to coordinate and collaborate, the better.

Lori would not support removing the water quality enforcement recommendation from the action but was open to consolidating the language. It still merits a strong statement from the CAC as it relates to some chronic issues. Rep. Dolan noted this has value at the legislature, it is a good lesson to acknowledge and demonstrate the need for collaboration and working across silos.

Denise asked Eric what felt different and have the changes been systematized? Eric shared that from the programming and personnel point of view, the farmers in our group are comfortable now and are being asked to work with some of the smaller farmers who haven't stepped up to some of their water quality obligations. That farmer-to-farmer method goes a long way towards achieving water quality. Improvements are being made; the agencies are listening to the farmers.

***Agricultural Transition to Sustainability***

Denise suggested potentially combining the invest in agricultural transition to sustainability and coordinating water quality enforcement since they are both related to agriculture.

Eric commented on the Legislature supporting the transition, in a year when a budget might be tight, that request might not go very far with other sources of funding available. The Northeast Dairy Business Innovation Center has \$30M available for Northeast states with a lot of that funding coming to Vermont. Rep. Dolan noted that NRCS continues to focus on innovation and the Legislature always looks for ways to leverage State dollars if it can support more federal funding to facilitate this important work. Last year, the State put \$1 million as match for ecosystem service payments that will be used to leverage CSP funding under NRCS to support farm best practices above current regulatory requirements.

Eric suggested removing the second sentence about traditional agriculture requiring subsidies, subsidies are the reason we have cheap food and people don't want to spend more for their food.

***Formatting Comments***

Members were supportive of bulleting the “asks” at the top of the document and the “whys” down below based on the five section headers. Bob was supportive of the more assertive language in the Action Plan.

***Other Comments***

Bob suggested bringing VTDEC into one of our meetings in the future to discuss septage and land application.

**6:50 – 7:00 pm**

**6. Meeting Wrap-Up Discussion**

The VTCAC is scheduled to meet next on **January 9th from 5-7pm**, the agenda will focus on finalizing the 2023 Action Plan text.