

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

July 25th, 2023
9:00 am – 3:00 pm

Approved Meeting Summary

Committee Members Present: Mark Naud (Chair), Denise Smith (Vice-chair), Sen. Randy Brock, Eric Clifford, Karina Dailey, Rep. Kari Dolan, Wayne Elliot, Bob Fischer, Lori Fisher, Rep. Carol Ode, Hilary Solomon

Committee Members Absent: Sen. Chris Bray,

LCBP Staff in Attendance: Katie Darr, Sarah Coleman (VTANR), Meg Modley, Colleen Hickey, Eric Howe, Iris Hsiang, Ryan Mitchell

Public Guests: None

Presenters: Erin De Vries (Vermont River Conservancy, Meg Modley, Ryan Mitchell

Meeting summary prepared by Katie Darr, Lake Champlain Basin Program

1. Arrival, Networking

2. Welcome and Introductions – Mark Naud

3. Public Comments

No public comments were made.

4. ACTION ITEM: Review and vote on Draft June 12th meeting summary – Mark Naud

Motion By: Bob Fischer

Second by: Denise Smith

Discussion on the motion: None.

Vote: All in favor

Abstentions: None

5. Flood Discussion

Wastewater and Water Supply Impacts

Wayne Elliot and Bob Fischer led the committee in a discussion about the wastewater and water supply impacts of the July flooding. Wayne provided an overview of the impacted wastewater systems in Burlington, Ludlow, Johnson, and Hardwick. The Vermont Rural Water Association has been a great resource with limited staff capacity, it is mostly federally funded and has circuit riders that specialize in wastewater and drinking water.

Bob commented on the capacity issues associated with the coordination of resources through the Water/Wastewater Agency Response Network (WARN) and suggested the State should have a full time person to coordinate emergency management with WARN to facilitate sharing of resources and equipment. Working through WARN supplies resources more rapidly than going through FEMA.

- Rep. Ode asked if WARN is a state or federal program. Bob clarified that it is federal, but the state also advertises [VTWARN](#) on DEC's website and there is no one dedicated to coordinating that network.

Wayne shared the challenges of replacing and repairing facilities under changing standards and a changing climate. Relocation poses challenges including limited land area to rebuild, difficulty building or adding new structures, and permitting issues. Supply chain issues are another hurdle.

Coordination, Communication, Command

- Bob noted the importance of a coordinated emergency response and a command system.
 - Rep. Dolan commented that the command system for the State was in the floodplain and had to evacuate.
 - Lori added that one of the issues at the State level is the Governor did not appoint someone to coordinate the flood response, as was done by deputizing Sue Minter during the response to Hurricane Irene. There are emergency operations in place, but it helps to have someone in charge of recovery and provides leverage with federal agencies. There were issues with timely communication and issuance of important notices.
- Rep. Ode asked what legislative fixes might be necessary.
 - Wayne commented on the financial risk that communities take on during recovery. They can't halt clean up and recovery while they wait to figure out how they will be paid or when they will be reimbursed.
 - Lori commented on the discrepancy between federal requirements for debris removal and the need to restore communities quickly. The federal requirements for debris removal do not allow debris to be moved from one private property to another, it all needs to be tracked for reimbursement.
 - Wayne noted that a major funding source for recovery is the Clean Water and Drinking Water program, the draft intended use plans were issued late this year and do not address anything to deal with the last couple of weeks. Public comment on those plans is due August 2nd. He added he would like to see some ARPA funds shifted to be dedicated to addressing flood damage and updating aging infrastructure.
- Rep. Dolan added that the department is underresourced and lacks sufficient engineering capacity. That is the kind of capacity Vermont needs to ensure with a changing climate. States that have more experience with severe weather have a permanent resilience officer and understand and are able to navigate the various federal funding sources available for disaster recovery. Vermont needs that capacity and knowledge to ensure the State is fully equipped to respond to emergencies and secure federal aid dollars, including those directed at disadvantaged communities as rural communities are part of that demographic. This is an important opportunity to ensure we have a permanent solution. Whether situated with the State or a nonprofit entity, it is important the position does not create more bureaucracy and is able to address the crisis at hand utilizing a partnership approach.
- Wayne noted the importance of streamlining and improving efficiencies so projects can move forward and not be stymied by administrative processes and engineering costs. Rep. Dolan added that the State has lost focus on pre-disaster mitigation. In addition to facilitating recovery, it's important to identify opportunities to ensure sustainability and resilience of working lands, infrastructure, and communities.
- Members were supportive of pursuing the creation of a Resilience Officer position.

Presentation from Erin de Vries- Vermont River Conservancy

Erin's presentation is available with the meeting materials. Key themes from the presentation include the role of river corridor easements and healthy riparian buffers to keep downstream communities safer during floods, keep the basin healthier, and filter out phosphorus and proactive natural climate solutions as a means to benefit the environment and communities.

- Rep. Dolan asked if VRC has been able to continue to take advantage of State Revolving Funds to support green/gray infrastructure projects. Erin noted VRC is in the process of developing a new strategic plan for the Fall and if it is within VRC's capacity, she would to explore those types of projects.
- Denise asked if there are identified areas in the state where conservation of rivers is prioritized. How to raise that to a priority with recognition of the damage that can happen downstream if river corridors are

not conserved? Erin shared that the State has conservation plans for many river corridors, but they need to be digitized and prioritized. VRC would be the entity to reach out to land owners and watershed organizations to engage with the people in those areas. The Rivers Program has priority watersheds and rivers they would like VRC to work on, but it comes down to capacity and funding in the Rivers Program and conservation organizations throughout the state. There is more work to be done to build resiliency and prioritize floodplain restoration.

- Wayne asked about balancing water quality concerns and flood capacity and resilience in rivers, noting conflicting priorities between regulatory processes related to water quality and the opportunity to enhance flood resilience. Erin noted protecting water quality and building flood resilience go hand in hand. Allowing rivers to move and drop gravel and sediment in flood plains improves water quality and enhances flood resilience.
- Sarah asked if VRC uses the functioning floodplains tool. Erin shared that VRC has attended all of the trainings, but has not yet used the tool.
- Denise asked if there is a relationship between VRC and smaller river groups, like MRBA. Erin confirmed that VRC collaborates with MRBA and others. With MRBA, they developed a water walk and invited village trustees, landowners, and communities to discuss easements.

6. Aquatic Invasive Species Update – Meg Modley

Boat Launch Stewards

The flood significantly impacted the state's equipment which has impacted the Boat Launch Steward's work. Generally, Vermont Fish and Wildlife helps get water refills to the decontamination units, but the state vehicles are being utilized for the flood response. This year, there are 18 Boat Launch Stewards, including a Steward at Larrabee's Point for the first time. LCBP is working to recruit more people for the Souther portion of the lake next year. LCBP supports 4 decontamination stations in Vermont (South Hero, Colchester, Mallets Bay, and Converse Bay) and NYSDEC supports 7 decontamination stations in New York. Mallets Bay is the busiest, highest risk launch. Vermont Fish and Wildlife is looking at property they are obtaining south of Crown Point to figure out where they will put a decontamination station. One of the Stewards had a hydrilla save on a boat from Texas launching at Point Au Roche State Park. Stewards have helped to harvest water chestnut and european frogbit.

Round Goby

LCBP developed a round goby story map ([available here](#)) that illustrates the path and potential impacts from the invasive round goby. There is an ongoing educational initiative in New York, including baitfish signage posted along the canal. LCBP is continuing to fund USGS to do early detection monitoring using trawling and electrofishing. Round goby has advanced to just south of lock c1, which is the beginning of the Champlain Canal system. Round goby is also present on the north side of the St. Ours Dam in Canada. There is increasing concern about grass carp and there are ongoing discussions with Parks Canada and the Ministry of the Environment to discuss the Chambly Canal as a possible vector for introductions.

- Bob asked how round goby bypassed the barrier at the Chicago Sanitary Ship Canal. Meg noted the canals are not the only vectors, bait bucket introductions pose a significant threat.
- Rep. Ode asked if anglers catch goby. Meg shared that round goby are voracious bait eaters. If you're fishing in a place with goby, that's generally all you will catch.

Other AIS Updates

Meetings to discuss the next phase of the Champlain Canal Barrier Study are underway. There was an early detection of eurasian water milfoil in Lake Eden, Kim Jensen and her team are overseeing that. The UVM SAL Lab has funding to do drone work to track water chestnut populations and may provide some information on the impact of the flood event on aquatic invasive species. Following Irene, there was an expansion of knotweed in river corridors. There might be an opportunity to utilize drone technology to monitor and help tell the story of AIS spread and management.

- Wayne noted there is more boat traffic coming down the Richelieu and asked if that is less of a concern because the water moves north. Meg shared it is still a concern and there are ongoing discussions with the Quebec government. It is harder to move dollars across the border, but there is work going on to address this as a mechanism for spread.
- Bob asked if the Quebec CAC has been connected to this at all. Mark noted that OBVBM's Board serves as the QCCAC and the Richelieu River is not in their watershed, it is relevant to COVABAR. Meg added one of the challenges is the Chambly Canal is federal so there is different access to communication.

7. LCBP FY24 Research Priorities Discussion – Eric Howe

The Lake Champlain Basin Program Executive Committee has proposed that Steering Committee members work with their constituents to identify research needs to support management in the basin. At the June meeting, the committee identified follow-up on emerging contaminants, including chloride, as a priority.

The committee discussed the need for more cyanobacteria research. Lori agreed there is a need for more research and improved coordination between the research community and those gathering data, including the LCC volunteers. There is also a need to look at temperature profiles to identify patterns associated with blooms, especially in areas where there are known, persistent blooms. Blooms have been occurring in surprising locations at unexpected times. There has also been a change with the species observed. The visual assessment program that has been developed is not easily applied to benthic species. There is a need to learn more about temperature profiles and benthic species.

- Sarah agreed if the purpose of creating new research tracks is to inform management, looking for new protocols for monitors to identify benthic species could be a good focus area.
- Eric asked if benthic species have also been documented to produce toxins. Lori confirmed that they have been documented to produce toxins in other water bodies, but the sample found in Lake Champlain was not tested for toxicity.

Hilary suggested identification of areas suitable for public access as another potential research priority.

8. CAC Collaboration – Mark Naud, Denise Smith

The Committee discussed the June 13th Missisquoi Bay meeting which included presentations from the Vermont Department of Environmental Conservation and Quebec's Ministry of the Environment, the Fight Against Climate Change, Wildlife and Parks (MELCCFP).

- Denise shared she thought both presentations were light on data, there was a lot of focus on how much money has been spent and what has been done, but not a lot about the impacts of those actions and how effective they have been. There was not a lot shared about learning opportunities and mistakes. The afternoon timing was not great for a public meeting. She recommended an interpreter to accommodate French-speaking presenters and attendees.
- Mark added there was significant Quebecoise attendance, including a reporter from Quebec, and there was some media coverage from WCAX. He felt it was moderately effective in terms of what the QCCAC and VTCAC requested in their resolutions.
- Hilary agreed the presentations were very high level and did not seem very specific to the impacts to Missisquoi Bay.
- Mark noted the outstanding issue appears to be the lack of a coordinated binational response to the issues facing Missisquoi Bay. Eric Howe added that part of that has to do with the State and the Province being in different places, the province didn't have the pressure from the EPA and State to document the work they're doing towards phosphorus reductions.
- Rep. Dolan commented on the language access issues, which create a barrier to participation. In advance of the meetings, it should be predetermined whether language access accommodations will be required. Eric Howe clarified that real time translation was offered for this meeting, but the Quebec partners did not think it was necessary.

9. Lunch

10. Membership & Governance

Sarah shared the reappointment requests have been submitted to the governor's office. Following last meeting's discussion, she confirmed that CAC members need to be a citizen of the state. Rep. Dolan noted that there is no definition of what constitutes a citizen of Vermont, there is only a federal definition.

The committee discussed governance and succession planning. Mark is stepping down as Chair and will remain a member of the committee. Lori noted the importance of the Vice Chair feeling comfortable moving into the Chair role in a few years, as it is a succession position. Mark seconded Lori's comment and added that the efficacy of the CAC is amplified with consistent attendance and participation in LCBP's Executive and Steering Committee meetings.

ACTION ITEM: Vote on Chair and Vice Chair

- Motion to nominate Denise Smith as Chair and Karina Dailey as Vice Chair by: Mark Naud
- Seconded by: Bob Fisher
- Vote: All in Favor
- Discussion: None

11. 2024 Lake Champlain Action Plan Priorities, Production Process, and Timeline

The Committee discussed possible priorities for the 2024 Action Plan.

Septic

- Bob reinforced his view that development should be focused on core service areas connected to municipal sewer and water.
- Mark asked Secretary Moore to provide data on the number of properties on septic as there has not been a meaningful update to that data since the 1990s. New York State has a database that shows land parcels with septic sites, it would be great to have a similar database in Vermont especially along the lakeshore.
- Hilary noted this could be a possible research track.
- Rep. Ode commented on the need for the State to look at short-term rentals, particularly those that are on septic systems.
- Rep. Dolan noted one of the most successful programs for the ARPA funding was replacing the failing systems. There is great demand for septic improvements, it's a public health issue.
- Wayne added if you have appropriate land area, it's possible to design effective septic systems. Challenges are related to water usage. The lake level is rising, a lot of systems are in the water table now. Managing water usage with low flow toilets, washers, etc. is the best way to deal with this issue. If a septic system near the lake fails, it cannot be replaced with a fully compliant system. Better oversight and monitoring to make sure septic is being pumped out and ensuring financial assistance is available for pumpouts and repairs. It is not realistic to move all developed properties into municipal service systems.
- Mark added people do need support, it's oversubscribed which suggests there are more failing systems than people know. There are no mandatory inspections even when there is sale of a unit and there is no requirement to enter into a database system that demonstrates how much capacity a system has and whether it's functioning. There is also need for an education campaign about the volume of water consumption and what is going down the drain. There would be an assessment of septic systems moving towards a certification program for properties on the lake or within 50-100 feet of a waterway.
- Sarah noted that part of the assessment might fit as a priority for a research track. Through LCBP, VTDEC has 2 years of funding for onsite wastewater work. The first year is looking to develop service provider, installer, and landowner training, workshops, factsheets. With this targeted approach, installers and service providers can provide education to landowners. Factsheets would be a great leave behind materials with ARPA funding. In the second year of the project, there will be a larger focus on technical analysis of designing onsite wastewater systems in Addison clay soils and trying to balance these

environmental and economic constraints. There is an assumption that a lot of systems are being oversized and are cost prohibitive.

- Wayne asked if bacteria associated with septic is a pollutant of concern or should the CAC focus on emerging contaminants.
- Rep. Dolan agreed with Wayne's comments on the sound use of water at the homeowner and business level, especially as there is an increased frequency of drought. In addition to thinking about water efficient appliances, there needs to be educational material to prepare people for the inevitability of a well running dry.
- Karina shared as a wetland consultant, she saw many failed septic sites that were permitted and built in wetlands. A simple change the state could make is no septic system without inspection and permit to ensure smart siting of septic systems.
- Rep. Dolan noted that the legislature put \$211 million into the housing budget, water efficiency and fixtures could be a part of that as a way to influence the next generation of housing in Vermont to be more efficient. Sen. Brock confirmed that the money was allocated to housing in a lump sum, but how it's distributed can still be influenced.
- Denise asked if there is an opportunity to put something in the rules that specifies the type of appliances.
 - Sen. Brock noted that adding more rules on top of current housing rules will not be popular.
 - Rep. Dolan suggested there could be an opportunity to provide incentives for swapping out fixtures or using more efficient ones.
 - Sen. Brock asked who pays for the incentive?
 - Wayne noted that using less water does not necessarily save money, water sewer utility rates bill on usage. It's not sustainable over the long-term to fund a utility in this way as fixed costs don't go down.
 - Lori added the challenge in implementing an incentive or tax credit is administrative.

Resilience Office

The committee returned to the discussion of a Resilience Office/Officer brought up earlier in the meeting.

- Denise asked what this looks like in practice, who pays for it?
- Lori added that a resilience office needs to be coupled with planning which has been defunded for decades and suggested doing research on the systems in place that were developed post-Irene and working to enhance those.
- Wayne agreed with the approach to figure out lessons learned and develop more permanent long-term solutions based on what has worked.
- Lori added some of the positions in emergency management and the agency of natural resources are dependent on ARPA dollars and are not sustainable.
- Mark will share the guidance documents from the Governors Association and Council of Legislators to guide how the CAC might frame this office.
- Sen. Brock offered to ask the National Council of State Legislators for a list of how each state handles resilience.
- Lori recommended the CAC pull in our certain state people who are on the ground working on resilience issues.
- Rep. Dolan suggested having a community-based conversation to determine what we mean by resilience for communities, etc., an outcome of which may be resilience office or fund.

Aquatic Invasive Species

- The committee discussed last year's AIS wins and possible asks for the upcoming action plan.
- Rep. Dolan shared an AIS funding program is a bill on the wall to figure out how to how a self-sustaining funding source.
- Mark noted there was no movement on mandatory inspection or a live bait ban which would improve consistency between New York and Quebec, respectively.
 - Hilary asked if the live bait ban is effective.

- Meg noted it's a difficult question to answer. The ban is province-wide in Quebec. Vermont has an economy around live bait, it would be a Fish and Wildlife issue.
- Mark added there is a supply-side regulatory system that has some consistency between Vermont and New York, but there is not a consistent basin-wide approach. One bait bucket can do a lot of damage to introduce AIS.
- Denise suggested an education campaign would be more appropriate than a ban if there are already laws in place about moving bait.
- Meg recommended inviting someone from Vermont and New York to explain the regulations and have discussion about what they see as weaknesses in existing regulations. Mark noted it would also be good to invite someone from Quebec to discuss how effective it's been.
- Mark added that an interstate boat inspection would align with the inspections in the Adirondacks. Meg shared that she has been in contact with VTRANS about watercraft inspection and decontamination. Infrastructure dollars may be available to set up an inspection station on the interstate. The goal is to expand inspection stations with a data-driven, risk analysis perspective.

Other

- Mark asked about the status of LCBP's economic assessment RFP. It would be important to include the recreation economy and figure out a return on investment for conservation efforts. Katie shared that LCBP will be reissuing that RFP as no proposals were received in the initial call for proposals.
- Eric Clifford shared that the Champlain Valley Farmers Coalition (CVFC) has regularly scheduled meetings with Secretary Tebbets four times/year. CVFC has an issue with data collection, especially for the **FAP** program. There is a 177 acre reporting cap which means there is a large portion of farmer's contributions to the TMDL that are not being captured by DEC. EPA does not accept farmer reported data. There is also an \$8,000 cap on the FAP program which means that many large funds have massive numbers of acres where they are self-funding those programs and are not getting credit for the work they are doing. He suggested inviting the CVFC Executive Director to provide an overview of the issue, members were supportive of this as a future meeting agenda item.

Action Plan Timeline

- Rep. Dolan suggested getting the Action Plan in front of the Legislature by January 15th. Sen. Brock noted the cut off date in the second year of the biennium is typically December 15th. The Action Plan needs to be specific enough to articulate what the CAC wants legislation to do.
- Lori noted the Action Plan process should be reflective of the biennium. The new plan should note the AIS accomplishments and items in the plan should be put in the context of climate resiliency.
- Rep. Ode noted that the CAC should get the Action Plan in front of the issues caucuses.
- The committee discussed the Action Plan's alignment with ANR, as the CAC is assigned to ANR. Wayne suggested scheduling an earlier meeting in October with Secretary Moore to figure out where there is alignment. Rep. Dolan noted many of the ideas in the Action Plan are aligned with ANR's goals. The more the CAC can substantiate pieces of ANR's recommendations helps to support improvement over time.
- Eric Clifford agreed with the previous comments and suggested updating the 2023 Action Plan to 2024, use primarily the same content of last year's Action Plan for September and get an earlier start on the 2025 action plan.
- The committee was supportive of updating the 2023 plan with some focus on targeted legislative initiatives, including the creation of a resilience officer position, and building up connections with caucuses and committees in the fall with the plan to formally present the action plan in January.

12. CAC Budget

Moved to a future meeting agenda.

13. Meeting Wrap-Up Discussion

The VTCAC meets next on September 11th from 5-7pm via Zoom.