

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

November 13th, 2023

5:00 – 6:30 pm

Lake Champlain Community Sailing Center

Approved Meeting Summary

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

Committee Members Absent: Mark Naud, Sen. Chris Bray, Eric Clifford

LCBP Staff in Attendance: Katie Darr, Mae Kate Campbell, Logan Devaney, Sarah Coleman (VTANR)

Presenters: Dr. Matthew Vaughan (LCBP)

Public Guests: Rep. Sarita Austin, Emily Alger, Michael Bard, Christopher Bartels, David Beckett, Chris Callahan, Sen. Thomas Chittenden, Rebecca Ellis (Sen. Welch), Annika Falkenstrom, Eileen Fitzgerad, Jim Fitzpatrick, Susan Fitzpatrick, Nate Fosdick, Stephen Gulick, Lynne Hale, Rep. Troy Headrick, Francis Kehoe, Gary Kjelleren, Alexa Lewis, Ruth Masters, Doug Maynes, Caroline McKelvey, Andrew Milliken, Nancy Milliken, Kath Montstream, Megan Moir, Rep. Emma Mulvaney-Stanak, Steven Nash, Sarah Noyes, Rep. Kate Nugent, Bill Parkhill, Mary Perchlik, Gail Rafferty, Ben Rose, Richard Ryder, Jill Sarazen, Rick Sharp, Julie Silverman, Alison Spasyk, Ashley Sullivan, Charlie Tipper, Mima Tipper, Jeff van den Noort, Sen. Irene Wrenner, Richard Wright

Meeting summary prepared by Katie Darr, Lake Champlain Basin Program

1. Welcome and Introductions – Denise Smith, VTCAC Chair

Denise Smith, Chair of the Vermont Citizens Advisory Committee (VTCAC), welcomed attendees and presented an overview of the committee's goals, structure, and mandate (available [here](#)). She encouraged attendees and their colleagues to recommit to the mission to heal Lake Champlain by investing in watershed resilience.

2. 2024 Action Plan Priorities – Denise Smith, VTCAC Chair & Karina Dailey, VTCAC Vice-Chair

The VTCAC's annual Action Plan outlines recommended actions to protect the integrity of the lake (requirement of 10 V.S.A § 1961). The 2024 Action Plan is available [here](#), the priorities are summarized below and in the meeting presentation (available [here](#)).

2024 Priorities

- Invest in infrastructure, programs, and practices that build community resilience to climate change impacts and restore ecological function.
 - Explore an emergency response loan fund to help cover costs related to wastewater failures, potentially by expanding the eligibility of the treasurer's 10% in Vermont Program to include wastewater treatment facilities as an eligible area for investment.
 - Fully support funding of the State Revolving Loan program, including the reserve of funds available as match for these loans.
 - Expand capacity of the Vermont Rivers Program and organizations working to implement river restoration and protection.

- Prioritize investments that support adaptive, resilient, and compact settlement and help Vermont communities including making the Flood Resilient Communities fund permanent, renewal of the property transfer tax surcharge for clean water funding, support of H.29 to give rivers the room they need to move and H.38 to enhance wetlands.
- Increase and improve equitable public access with priority for non-motorized recreation on Lake Champlain and on waters throughout the Lake Champlain Basin.
 - Improve access in the South Lake and for marginalized and historically disenfranchised communities potentially through the creation of a state park in the South Lake or other access area that allows low-impact activities like swimming not allowed at the Fish and Wildlife boat launches.
 - Continue investments in outdoor recreation businesses to bolster public access opportunities and Vermont's recreation economy. In 2021, outdoor recreation accounted for \$1.53 billion in Vermont's spending. The contribution of Vermont's outdoor recreation to the state gross domestic product (GDP) jumped from 3.7% in 2020 to 4.1% in 2021, maintaining Vermont's rank of 3rd highest in the country behind Hawaii and Montana.
- Provide support and resources to farmers to facilitate the agricultural transition to sustainability and ensure consistent regulatory enforcement, including review of the 2017 mou between ANR and VAAF.
 - Accelerate diversification of value-added agricultural products
 - Support farms through investments in specialized equipment, full funding of programs offered to the agricultural community, enhanced infrastructure for local distribution of agricultural products, resources to small farms that enable implementation of best practices.
 - Ensure the enforcement of required agricultural practices and clean water laws is consistent and efficient to support water quality goals.
- Fund assessment and mitigation of contaminants pollution including pesticides and chlorides.
 - Monitor, assess and mitigate the risk of chemical contamination in our surface and groundwater for human and environmental health. 75% of the chloride load in Vermont is projected to come from private property.
- Invest in aquatic invasive species education and management. Prevention is the best and most cost-effective defense against the spread of invasive species. Consider:
 - New AIS funding source involving a mandatory boat decal for motorized and non-motorized craft
 - Mandatory watercraft inspection and certification program
 - High-profile inspection station
 - Live bait ban similar to Quebec

Discussion

Audience questions denoted by Q.

- **Q:** What is the committee's next step for the Action Plan?
Denise Smith: Early in 2024, the CAC will meet with the legislative committees and Governor to present the plan priorities.
- **Q:** Is the CAC working with legislators directly to submit legislation specifically on items in the action plan.
Rep. Dolan: Many of the priorities in this iteration of the action plan are built on previous priorities from the VTCAC and citizens driven by available data. We are in the second year of the biennium,

last year two bills focused on nature-based solutions were introduced and three to four bills on toxics were introduced in the House and the Senate and are already on the wall for committees. Presentation of the Action Plan and this kind of advocacy educates the legislators, governor, and other decision makers on why it is important to act on these issues now. It is important to get feedback and testimony from the public to provide input on legislation related to these priorities.

- **Q:** The Action Plan is a good start, but it has 50 ideas that need to be put in a bill and introduced to the legislature so it is not another report that will sit on the shelf. What will this committee do to make that happen?

Rep. Ode: The State's hypersensitivity around flooding and resilience following this summer's events bodes well for moving several items in the plan forward. Housing and flood resilience are two of the top priorities in the Democratic Caucus. It helps if constituents make their legislators know they are aware of and support the measures in the Action Plan.

Lori Fisher: The CAC is a volunteer entity that is required by legislation to develop the annual Action Plan. Several members work for advocacy organizations and push these items forward through those channels as well. Legislators have shared that they do not often hear from constituents about the value of water, it is important to raise your voice to the legislators to say this issue matters to your constituency.

- **Q:** How is the Vermont Property Transfer Tax related to clean water funding?

Lori Fisher: The Clean Water Fund was created with Act 64 which created a dedicated funding source for clean water programs and water quality improvements including a Clean Water Surcharge of 0.2% on the property transfer tax.

- **Q:** The committee should not propose considering a ban on live bait. The fishing industry brings in hundreds of millions of dollars to Vermont. Fish and Wildlife already have a lot of controls on live bait and have done a lot of work to prevent aquatic invasive species, including the greeter program. Just because Quebec has a live bait ban does not mean Vermont needs one too, they might have a different class of fisherman there. A live bait ban would affect blue collar fisherman. It is not the best strategy.
- **Q:** Instead of fighting to just keep the property transfer tax funding, why not advocate to increase it? Vermont needs more clean water funding; the Bipartisan Infrastructure Law funds are just barely making a dent. We should ask for more money; not just try to keep what we have.

Rep. Ode: My committee is working on that.

3. July 2023 Storm: Preliminary Analyses – Dr. Matthew Vaughan, Chief Scientist (LCBP)

Dr. Matthew Vaughan, Chief Scientist with the Lake Champlain Basin Program, presented preliminary data related to the water quality impacts of the July 2023 storm. He compared rainfall, river flow, phosphorus delivery, lake level, and lake water quality following the July 2023 storm compared to a typical year, Tropical Storm Irene, and the Total Maximum Daily Load (TMDL). **NOTE: The results presented are provisional,** he will update the results when additional data becomes available. His presentation is available with the meeting materials ([here](#)).

Discussion

Audience questions denoted by Q, answers by Dr. Matthew Vaughan denoted by MV.

- **Q:** Related to phosphorus loading from tributaries, is a 7-day window sufficient? The Winooski River was running chocolate brown for weeks after.

MV: The 7-day window was chosen for the purposes of this presentation to demonstrate the region-wide impact of this significant storm. There were more localized impacts throughout the summer

and it is possible to do those analyses over a different time period and/or timescale, and to focus on specific watersheds.

- **Q:** How is phosphorus measured? Are there different types of phosphorus?

MV: Phosphorus is estimated using multiple data sources. There are USGS gauging stations on the tributaries that estimate river flow. Samples of water are taken near the stations. The mass of phosphorus in those samples is measured and used to calculate an estimate of how much phosphorus was coming down the river at a the time of measurement. There is particulate phosphorus that settles out at the bottom of the lake, and dissolved phosphorus that can be used by things like cyanobacteria to grow.

- **Q:** Is there a way to identify the source of phosphorus? Whether it's coming from the sediment or a different source like a wastewater treatment facility?

MV: The short answer is no. There are estimates from other methods and sources based on land cover and land use.

- **Q:** Has the TMDL been consistent for all years?

MV: The TMDLs were originally instituted in 2002 and last updated in 2016 for Vermont. The analysis presented here uses the latest TMDLs for Lake Champlain.

4. Public Comments

No public comments were made.

5. Meeting Wrap-Up – Denise Smith, VTCAC Chair

Denise thanked attendees for joining the meeting. The next VTCAC will be held on **Monday, December 11th** from 5:00 – 7:00 pm via Zoom.