

Vermont Citizens Advisory Committee Annual Retreat

Monday, August 14, 2017

10:00 am – 3:00 pm

Main Street Landing Performing Arts Center

The Great Room

Burlington, VT 05401

Meeting Summary (Approved)

Committee members present: James Ehlers (for agenda items 7 on), Wayne Elliott, Bob Fischer, Lori Fisher (Chair), Sen. Ginny Lyons, David Mears, Mark Naud (for agenda items 4 on), Rep. Carol Ode, Denise Smith (Vice Chair), Jeff Wennberg

Committee members absent: Sen. Carolyn Branagan, Rep. Steve Beyor, Alex MacDonald

Others present: Dan Albrecht (Chittenden County Regional Planning Commission), Tom Berry (Office of U.S. Senator Leahy), Mindy Blank (Community Resilience Organizations), Annie Costandi (Village of Essex Junction), Eric Howe (Lake Champlain Basin Program), Barry Lampke (ECHO, Leahy Center), David Leslie, Chelsea Mandigo (Village of Essex Junction), George Twigg (Office of U.S. Rep. Peter Welch), Nancy Wright (Ascension Lutheran Church)

Meeting summary by Bethany Sargent, Vermont Department of Environmental Conservation (DEC).

1. Welcome and Introductions

Committee members and guests introduced themselves and described why they care about Lake Champlain's future.

2. Public Comments

None. Additional public comments were provided before the meeting adjourned (see # 10).

3. Lake Champlain Basin Program (LCBP) Welcome and Overview

LCBP Executive Director Eric Howe described that the Lake Champlain Basin Program coordinates management across the three jurisdictions of the Lake Champlain watershed. Their work is overseen by a Steering Committee and an Executive Committee, under the guidance of a Technical Advisory Committee, Outreach and Education Committee, Heritage Committee, and three citizen advisory committees – Vermont, New York, and Quebec. The chairs of each of the Technical, Outreach and Education, Heritage, and citizen advisory committees serve on the Steering Committee, along with state/provincial partners from Vermont, New York, and Quebec, and federal partners.

Since 1992, LCBP has awarded approximately \$7 million in local grants in Vermont and New York. With Great Lakes Fishery Commission Funds, which can be used internationally,

they may expand geographic scope of grants to Quebec. The budget process will be changing this year, for FY18 funds, with a call for pre-proposals expected in about a month.

Current and upcoming issues/events include a research symposium scheduled for January 8 and 9, 2018; update of the State of the Lake Report (please send comments Bethany Sargent); and the International Joint Commission's flood mitigation study.

Eric Howe also suggested that Jim Brangan speak at a VTCAC meeting to better engage the committee in the Heritage and Recreation elements of LCBP's work.

Q [Sen. Lyons]: How do you coordinate funding priorities with the State of Vermont's grant programs?

A [Eric Howe]: We work closely with State staff administering the Ecosystem Restoration Grant Program to ensure work aligns.

Q [Denise Smith]: How could the issue of access inequity between the south lake and north lake be addressed?

A [Eric Howe]: Providing additional public access areas would be challenging, but that would be through the State of Vermont, specifically the Department of Fish and Wildlife. The other way to think about it would be to improve access by increasing outreach programs that bring people or kids to the lake. One idea being considered is to create an outreach stewardship program, akin to the boat steward program.

Lori Fisher mentioned that that it's important for LCBP to continue balancing staff-led programs with grants to other organizations.

Q [David Mears]: How can we engage in the International Joint Commission's process? The study results will have significant consequences.

A [Eric Howe]: Keith Robinson from USGS is the co-chair/co-lead on the study.

4. Updates

a. Review and vote on April 10th and May 8th Meeting Summaries

Carol Ode moved to approve both April 10th and May 8th meeting summaries; David Mears seconded; Wayne Elliott and Jeff Wennberg abstained. Vote unanimous.

b. Distribute SFY17 Annual Accounting Summary

Bethany Sargent provided SFY17 account summary and mentioned that the account shifted from the Agency of Natural Resources (ANR) Central Office to the DEC business office during the fiscal year. The report provided reflects the period in which the account was managed by DEC. Bethany will provide an account summary for the first part of the fiscal year at the next meeting.

5. Chair and Vice Chair Elections

Lori Fisher explained that the board book provides guidance on annual elections, which are to be held at the April meeting or the first meeting thereafter. Because of Julie Moore's

resignation upon appointment as Agency of Natural Resources Secretary, Chair and Vice Chair elections were held in January to fill the Chair vacancy. At that time, Lori Fisher and Denise Smith were elected Chair and Vice Chair until the remainder of their terms or the next election. Subsequent elections were not held in April or May because appointments (or reappointments) had not been made. Given this context, Lori asked the committee what they felt would be the best course of action.

Ginny Lyons felt it was important to leave the board book statement as written, since it provides guidance, but allows the committee to adjust to changes as necessary.

Ginny Lyons moved to vote for Lori Fisher and Denise Smith as Chair and Vice Chair; Carol Ode seconded. Vote was unanimous.

6. Update on State Funding for Clean Water

Ginny Lyons reiterated that the gap in clean water funding, approximately \$62 million annually, is much greater than the property transfer tax surcharge could cover. The Legislature established a working group to make recommendations for a long-term, sustainable funding source.

Jeff Wennberg stated that he had attended several working group meetings, and that Rebecca Ellis is the staff person to contact. He explained that the working group has been focused on analysis – developing more accurate needs and revenue figures beyond what the treasurer’s report provided. The working group has not yet discussed what funding model they would be recommending, but they are required to present a report that includes specific legislative language by November 15th.

Dan Albrecht asked if there were minutes from the working group meetings. Bethany Sargent will follow up with Rebecca Ellis about availability of minutes.

7. Outline 2018 Lake Champlain Action Plan priorities, identify work group members and meeting schedule outlook

Lori Fisher explained that one of the VTCAC’s tasks is to produce and present an action plan to the legislature annually. The VTCAC has typically presented the plan to various committees and the Governor in February, which means it needs to be finalized in early January. She suggested tacking on an hour-long working group meeting prior to the committee’s regularly scheduled meetings, which are 5:00 – 7:00 pm, to focus on drafting the action plan. She emphasized that this document is a priority for the committee, and that it’s important to have as much participation in its development as possible.

Bethany Sargent will follow up on public notice requirements for working group meetings.

Several members of the committee felt the action plan should be developed earlier, and finalized in November. Jeff Wennberg suggested the committee could begin working on priorities that are unrelated to the working group’s funding recommendations first, then integrate funding into the action plan once the working group comes out with a draft of their report.

Denise Smith, who is co-leading the action plan's development with Mark Naud, explained that last year, everyone was invited to participate in the action plan production, and in previous years, there had been a working group. She informally asked who was interested in participating – nearly everyone raised their hands.

The committee reviewed the 2017 Lake Champlain Action Plan priorities and discussed the relevancy to the 2018 plan.

Suggestions included:

- Strengthen the action plan language, as well as the language used during the legislative day
- Include 2 – 5 bullet points under each item that clearly states the action needed
- Develop an addendum to provide additional information for each priority
- Produce the action plan by November, with 1-hour long working group meetings before the regularly scheduled meetings
- Consider addressing two themes at one meeting
- Provide additional outreach in the legislature, more support needed
- Utilize the Vermont Clean Water Network to better engage the public
- Film meetings, broadcast on Facebook Live
- Holding meetings at a high school or university to engage young people
- Given the committee's limited capacity, use below criteria to select meeting topics and committee priorities:
 - Educate ourselves and the public towards an action
 - Most urgent issues first, those focused on clean-up and pollution prevention
 - Align topics with action plan priorities
 - Topics that are pertinent to the action plan should be covered sooner in the in the 8-month meeting calendar

Priorities/topics, with the timeline for addressing and specific comments for 2018, are as follows:

- **Public access and recreation (September 11, 2017)**
 - Speaker suggestions: Louis Porter, Mike Wichrowski, Department of Fish and Wildlife (DFW); Mike Snyder, Department of Forests, Parks, and Recreation
 - Make more specific, advocate for specific bills
 - Tie into Vermont Outdoor Recreation Economic Collaborative (VOREC)
 - Include creating public access points in the eastern part of the basin
 - Needs significant public investment; intersection between community development, economic revitalization
 - Consider incorporating DFW's unfunded project's list; Bethany Sargent to clarify what the department's specific needs are with Louis Porter
 - Potential to integrate Statewide Comprehensive Outdoor Recreation Plan (SCORP)
 - Include biking, adding paths in recreational access
- **IJC issue and flood mitigation study (October 16, 2017 – moved one week later due to Columbus Day)**

- Speaker suggestions: Keith Robinson, US Geological Survey (USGS); Leslie-Ann Dupigny-Giroux, University of Vermont
- Potential for legislative resolution to support natural infrastructure or no artificial regulation of lake levels
- **Toxics/next generation pollutants and Agency of Transportation's use of glyphosate (November 13, 2017)**
 - Speaker suggestions: Christine Vatorec, University of Vermont (wastewater pharmaceuticals); Vicky Blazer, Patrick Phillips USGS and Fred Pinkney, US Fish and Wildlife Service (endocrine disrupters in the Missisquoi); Tyrone Hayes, University of California at Berkeley (atrazine/deformed frogs); Jen Duggan, Agency of Natural Resources General Counsel
- **Aquatic invasive species**
 - Funding for water chestnut harvesting should continue to be a priority as any progress gained would be lost and it continues to threaten inland waters and wetlands as well
 - Boat washing program
- **Act 64**
 - Statements need to be more specific, blunt, and actionable
 - Work with funding recipients as advocates
 - Budget passed did not fund positions as required by Act 64
 - Agriculture, which contributes a significant amount of the pollution, needs to be held accountable. The State of Vermont needs to implement a regulatory program that is fair, promotes agricultural diversity, and promotes our economy.
 - Even with adequate revenue, we need to ensure there are projects that work towards long-term water quality monitoring goals.
 - We need funding first, but we must set up the expectation that progress will take time. There is political pressure to show progress very quickly.
- **Leading by Example**
 - Speaker suggestions: Chris Cole, Commissioner of Buildings and General Services; Jen Duggan, ANR General Counsel; Ken Rumelt, Vermont Law School; Jon Groveman, Policy and Water Program Director, Vermont Natural Resources Council
 - The legislature should demand that anybody receiving a State contract follow certain guidelines
- **Other topic areas, speakers**
 - Danielle Garneau, State University of New York Plattsburgh (microplastics/fiber research)
 - Canal issue, perhaps a joint meeting as part of the spring schedule
 - Secretary Anson Tebbetts, Agency of Agriculture, Food, and Markets (application of pesticides, near or adjacent to organic farms, impact on water quality; dairy farming)

- Invite someone from outside the basin to share a success story where an organization, state or community has solved a problem
- Success of phosphorus detergent law
- Meg Modley, LCBP (status of removing causeways); \$4 million earmarked for causeway removal diverted to other transportation projects by the Agency of Transportation; Bethany Sargent to follow up with Meg Modley about this issue and the related memo soliciting feedback

8. Federal Budget Update

George Twigg described the rocky budgeting and appropriations process this year, which started with the President's skinny budget. They are through the mid-year package of spending bills, which turned out to be fair. Because of the focus on repealing Obamacare, the House is way behind on the budget for this year. The current fiscal year expires at the end of September and there is no agreement on overall spending levels. The budget for Fiscal Year 2018 (FY18) has not been introduced yet, let alone passed. A lot of what's in the House appropriations bill has been poor, but not as severe as what Trump proposed. There are specific line items to zero out LCBP and to cut funding for Sea Grant. There are increases in defense spending and tax cuts for the wealthy, but because spending caps are kept, domestic spending is squeezed. This House proposal would not get 60 votes in the Senate though. Given the limited floor time in the House and Senate, he speculated there would be a continuing resolution for about three months.

He went on to describe that they have leverage in the budget process, but have significant concerns about how administrators are running their agencies, including regulation rollbacks like Waters of the US Rule, and how quickly they move to take enforcement action or to fill vacancies.

He emphasized the importance of a regional approach, engaging with the New York side of the lake.

Tom Berry mentioned having spending bills in place by September would be rare in any year. If we don't, FY17 spending bills were okay, notwithstanding the President's proposed skinny budget for FY18, and proposed cuts to FY17. Although a short-term continuing resolution would be acceptable, it would be problematic if it continues until May again.

Interior appropriations for FY18, which funds Fish and Wildlife, Forest Service, National Park Service, and the Environmental Protection Agency (EPA) has been marked-up at committee level in the House, but not yet in the Senate. The House has followed the President's FY18 guidance in terms of LCBP funding. Senator Leahy will ask for increased funding for LCBP, but a conference on the bill will be needed eventually.

He described that staff of Senate Appropriations Committee have been in Vermont the whole week. They toured St. Albans Bay and several other Lake Champlain bays, and learned the importance of this work.

The bill that funds Sea Grant has been marked up in House and Senate committees. The House kept them funded at FY17 levels. The Senate increased the budget by a couple million

dollars, anticipating that Lake Champlain Sea Grant (LCSG) will move to full institute status, which means an increase in their annual budget from \$400,000 to \$1 million.

He added that Great Lakes Fishery Commission (GLFC) funds (for sea lamprey control and fish and wildlife projects) and Army Corps funds (for water chestnut removal) are in good shape. For Lake Champlain and Vermont, natural heritage area funding is fine in the Senate bill, and okay in House bill as well. The question is whether we can get through the FY18 process and adopt those bills.

Tom Berry said he has concerns about a continued push to greatly hinder EPA. Even if FY18 is okay, what will the budget proposals be into the future – FY19, FY20, FY21? Block grant programs are critical to the Agency of Natural Resources. Farm bill dollars under the Natural Resource Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP), \$16 million for conservation work on farms and EQIP eligible programs, are secured through the farm bill. He suggested the need for continued focus on delivering what Congress has instructed.

He described that the farm bill dollars have been mostly delivered, but a Regional Conservation Partnership Program grant (Cold Hollow to Canada), has stalled, as well as grant dollars from the National Oceanic and Atmospheric Administration (NOAA), and NASA. The hiring freeze has been lifted at the US Department of Agriculture (USDA), but positions continue to be vacant.

He suggested that the CAC engage with the delegation and counterparts across the country as the farm bill is written – that those dollars are incredibly important to the work.

Q [Lori Fisher]: Can you provide more detail on how we can engage with New York?

A [George Twigg]: On the House side, Republicans have a 26-seat majority. He suggested focusing on swaying those in this region and coordinating with NY CAC on a legislative agenda.

A [Tom Berry]: Senators Gillibrand and Schumer support this work. When we talk about conservation work, Gillibrand is increasingly senior on the agriculture committee, but hearing from her constituents about the importance of these dollars for farmers and water quality would help.

He also suggested continuing to talk about Lake Champlain, and the suite of problems affecting it, in the context of the Great Lakes. There are numerous geographic areas, and only a few have been funded, while others are zeroed out. It's important to ensure that NY emphasizes the Great Lakes and as well as Lake Champlain, and the role the federal government is already playing in Lake Champlain. For example, salmon runs are supported by federal dollars. Someone fishing in the Ausable River needs to think about the federal investment that supports the fishery.

Q [David Mears]: Has there been any discussion of a massive investment in infrastructure?

A [George Twigg]: There has been very little detail from the President, but what's been proposed is \$1 trillion, but \$800 million is private capital (i.e. from toll roads and bridges), and only \$200 million is public dollars. This model does not work for Vermont's infrastructure needs. Infrastructure keeps getting pushed back because of healthcare, tax reform, etc.

A [Tom Berry]: Everyone saw infrastructure investment as a bi-partisan issue, but it has not been a priority. Tax cuts, the wall, military build-up, are the Administration's priority. Until Congress decides to move ahead, there's not much traction.

George Twigg mentioned there is a five-year capital improvement plan, and they have received detailed responses from Regional Planning Commissions and mayors on shovel-ready, water quality focused projects. Tom Berry added that with the State Revolving Fund and municipal dollars, moving projects to shovel-ready status is important.

9. Discuss VTCAC's role in advocating for federal investments in water protection and restoration, and identify next steps

Tom Berry suggested continued communication with Vermont delegation, even if they are already on our side. George Twigg agreed that sharing success stories of federal investment, and the urgency of needed investments, especially those that have health impacts, can help make the case.

Q [George Twigg]: Do you have limits or guidelines on the type of degree of political advocacy?

A [Lori Fisher]: At least a portion of the committee wants to have much more of an advocacy presence. We need to abide by Vermont open meeting law, which doesn't allow for business to be done over email. We have full latitude to advocate vigorously.

Mark Naud suggested that the committee is constrained because members are appointed by the Governor. The committee exists to make specific recommendations around management and governance processes, and to enhance public access. It can act as a nonprofit to seek grant funding, contract for studies and reports on problems, and act as a government entity, but nothing prohibits the CAC from doing more advocacy.

Lori described that the CAC predates the Special Designation Act, and is the only one of the three Lake Champlain citizens advisory committees with a funding stream and remuneration for participation.

Tom Berry mentioned that it is helpful to speak to delegation staff if you are in DC with your organizations.

Q [Jeff Wennberg]: My experience has been with federal advisory committee act. What rules or standards do you apply when individuals or members are speaking for the CAC?

A [Lori Fisher]: The CAC's priorities, as outlined in the action plan, have been the focus of presentations. If we want to have more of an activist approach, we're in newer territory. When we're at the Legislature to present the action plan, it's not just the Chair that speaks – everyone that is interested testifies. Once the action plan is adopted or the CAC has taken a position on something, CAC members are free to advance and share it and are encouraged to do so. Some committee members will have a broader forum to share priorities than others, such as promoting CAC meetings on social media.

David Mears and Lori Fisher will work with Bethany Sargent on a joint letter, but not be constrained by participation from NY and QC CACs since they don't meet as frequently – a letter to the delegation from the VTCAC would be the first step. Draft could be reviewed before

and adopted at the September meeting, then be sent by the end of September. Lori mentioned she had spoken with both NY and QC CAC chairs, but we will need to take the lead on a coordinated effort.

Letter could address:

- EPA capacity
- EPA pass-through grants to states
- State Revolving Fund for municipality wastewater and drinking water infrastructure
- Funding for LCBP and LCSG, USDA conservation programs, GLFC, Army Corps of Engineers' water chestnut work, US Geological Survey (USGS) stream gauge network
- National Aeronautics and Space Administration (NASA) and National Institutes of Health (NIH) funding for cyanobacteria spatial analysis
- Oil rail car support/inspection/issues
- FEMA funding for hazard mitigation plans.
- Transportation enhancements

Q [Nancy Wright]: EPA staff are being asked to rewrite guidelines for Waters of the US Rule, to remove the economic benefit of water quality improvements. A New York Times article suggested this was illegal. Is it?

A [Tom Berry]: We can push Secretary Pruitt for more information, if they move to undertake policies that are against the law. If they break the law, others would have to sue. Tom stated he'd share more information in September, if it is available.

10. Public Comments

Some of the public comments were moved to the end of the meeting to accommodate guest speaker schedules. Bethany Sargent read aloud a statement from James Maroney, who was unable to attend. Bethany will email this statement, along with the Memorandum of Understanding between the Department of Environmental Conservation and the Agency of Agriculture, Food and Markets to committee members.

Motion to adjourn, Denise Smith; second, Mark Naud. Vote unanimous.

Adjourned at 2:51 pm.