

**Vermont Citizens Advisory Committee Meeting
Monday, December 11, 2017
5:00 – 7:00 pm**

**Shelburne Town Offices, Meeting Room 1
Shelburne, VT**

Meeting Summary (Approved)

Committee members present: Eric Clifford, Wayne Elliott, Bob Fischer, Lori Fisher (Chair), Sen. Ginny Lyons, David Mears, Mark Naud, Rep. Carol Ode, Denise Smith (Vice Chair), Jeff Wennberg

Committee members absent: Rep. Steve Beyor, Sen. Carolyn Branagan, James Ehlers, Alex McDonald

Others present: Crea Lintilhac (Lintilhac Foundation), Nat Shambaugh (retired, AAFM)

Meeting summary by Bethany Sargent (DEC).

1. Welcome and Introductions

Call to order at 5:04. Introductions around the room.

2. Public Comments

None.

3. Review and Vote on November 13th Draft Meeting Summary

Eric Clifford moved to approve November 13th meeting summary; Wayne Elliott seconded.
Vote unanimous.

4. 2018 Lake Champlain Action Plan (Mark Naud and Denise Smith)

Bethany Sargent reviewed the action plan timeline – should have a final Word draft at the January meeting, then will do formatting and layout in mid-January, printing at the end of January for day in the Legislature in early February.

Rep. Carol Ode asked, what committees do we meet with?

Bethany Sargent and Lori Fisher responded that we try to schedule time with House and Senate Natural Resources, Finance, Forestry and Agriculture, Appropriations, the Governor, Lt. Governor, Senate Pro Tempore, Speaker of the House. In some cases, we've needed to schedule meetings on multiple days.

Denise Smith added that we've also met with editorial boards.

Rep. Ode asked, do we write a press release?

Lori Fisher responded that the challenge is the committee functions independently and does not have a single organization of origination from which to send a press release. It cannot come from the Agency of Natural Resources nor can it come from the Lake Champlain Basin Program. We do provide the CAC Action Plan to the press outlets but through less formal channels and have set up meetings with editorial boards in the past.

Sen. Ginny Lyons mentioned that the Legislature can distribute information independently.

Denise Smith and Mark Naud co-facilitated the action plan discussion. General comments about the action plan are bulleted below, followed by details of the clean water authority and funding discussion and the action plan outline.

- Many of the points made in last year's action plan are still relevant, but the language needs to be stronger
- Call to action needs to be bolder
- Less is more – fewer words overall
- Consider using bullets instead of prose in paragraph form
- Add next generation pollutants
- Reference Act 73 working group
- We have a unique and narrow window of opportunity to act
- Action plan needs to be pared down, with fewer pretty pictures and bigger font
- Should be framed in the context of statewide needs
- Concern for Lake Champlain is the catalyst for needed actions
- Show a map of the Lake Champlain basin
- Convey a positive sense of urgency
- Important environmental and economic issue
- Growing consensus around a per parcel fee/tiered approach
- Need to share messages in action plan widely

Clean Water Authority and Funding Discussion

Sen. Ginny Lyons described the bill she and Senator Chris Bray introduced, which aims to raise funds in a sustainable way for clean water. It establishes an independent group, an authority, to organize surface water clean-up, and establishes a per parcel fee.

Eric Clifford mentioned that the agricultural community came out with a proposal that was a per parcel fee several years ago.

Lori Fisher mentioned this is the third iteration of a request for long-term sustainable funding. The need to create a clean water authority is emanating from a concern that the agency is not prepared to administer this large a fund.

Sen. Lyons described that the fee in the proposed bill is quite low, but it complements the treasurers' report and the money we currently have. There is a question about how frequently the fee will be changed and how frequently the authority will come back to the legislature to ask for additional money. A tiered fee proposal is not currently in the bill.

Jeff Wennberg noted that he doubts the Agency of Natural Resources leadership's capability of managing this and their commitment, as evidenced by the Act 73 Working Group report. He went on to describe the modeling work he had done that proposes a per

parcel fee, in combination with a tiered fee based on impervious surface acreage (over ½ acre), which could raise enough money. Jeff Wennberg will send his proposal to VT CAC committee members.

Sen. Lyons suggested he testify to that effect for the Senate Finance Committee.

Jeff Wennberg mentioned that it was quite simple to pick a set of assumptions, and see what the relative burden is, which is something the Act 73 working group did not do. He suggested a tiered approach to a per parcel fee be the number one priority in the action plan.

David Mears voiced his concern about supporting a specific bill since it can change greatly, but instead suggested the CAC advocate for the pieces of it that make sense.

Lori Fisher mentioned that it's helpful for the CAC to have talking points in support of the action plan, which would provide additional detail.

Sen. Lyons further described the proposed Clean Water Authority. It would be politically independent, but would rely on various agencies for support.

Lori Fisher compared the proposed Clean Water Authority to the Vermont Housing and Conservation Board (VHCB), which is separate from government, which means they are not beholden to one administration.

Wayne Elliott asked, are the administrative costs reasonable?

Rep. Ode asked, how would people get appointed to this authority?

Jeff Wennberg described that many have bought into the concept of a per parcel fee, largely out of fear and frustration. If nothing is done, the private and municipal sector may bear the entire cost, or limited local or private sector resources will lead to zero progress toward clean water goals.

Eric Clifford asked, what sector is opposed to it? He added that the authority is new, but the hybrid model is not.

Wayne Elliott asked, how the money would be returned to each watershed – would it be up to the authority to determine how funding goes back?

David Mears suggested that we could set out criteria for the authority to consider. The Legislature could work through that; Mike O'Grady may have that language from Rep. Deen's committee.

Sen. Lyons commented that preference be given to waterbodies with a Total Maximum Daily Load (TMDL).

David Mears added that the CAC should note and reiterate support of this administration's substantial commitment of capital dollars for clean water. Any new funding source should not replace these capital dollars, but add to them.

Sen. Lyons responded that there are tremendous capital needs in other areas that are going to compete for those funds.

Lori Fisher also shared her concern about relying heavily on capital dollars in the future.

Jeff Wennberg asked if the authority would just collect and distribute dollars or if they would have the ability to do projects directly? He mentioned that municipalities are going to be disinclined to step up to the plate for a variety of reasons – there may be a high priority project, but no local ownership or capability to deal with it. The authority should be able to do projects directly, but that comes with significant administrative challenges.

Sen. Lyons reiterated the need for the authority to maintain good working relationships with the Agency of Agriculture and the Agency of Natural Resources.

David Mears suggested that as some towns develop stormwater utilities, they will naturally become places of expertise that can serve other communities.

Eric Clifford mentioned that is happening in the ag sector right now.

David Mears summarized that funding should be used for a broad array of investments and actions that lead to clean water outcomes and should be prioritized by water stressors as determined by tactical basin plans and TMDLs.

Action Plan Outline

First page should focus on establishing a clean water authority and a sustainable long-term funding source.

Second page would focus on other priorities:

- State's use of best management practices (leading by example)
- Adequate staff to implement and enforce Act 64, effective communication
- AIS support
- Public access and recreation, especially in the South Lake and rivers throughout the basin
- Next generation pollutants
- Infrastructure to enhance flood resiliency, including dam removal

Nat Shambaugh suggested adding a sentence or two saying that clean water funding and the authority be responsible for more than just phosphorus, but all contaminants in surface waters.

David Mears highlighted that there is not enough money to address stormwater alone and the importance of ensuring funding goes to the biggest issues first. Demonstrating success will increase the public's willingness to invest in clean water.

Nat Shambaugh added that if you're spending money to improve wastewater treatment facilities, you may be able to deal with both phosphorus and next generation pollutants.

Wayne Elliott agreed that funding is at the forefront, and the most critical priorities be dealt with first.

Denise Smith asked, if we address dams, doesn't that improve water quality?

Carol Ode mentioned that it may be the CAC's wish that things be done in a certain order, but that doesn't mean that someone will do them in that order. If the committee doesn't include everything, it reduces the likelihood of success.

Sen. Lyons mentioned that our priority is addressing TMDLs, and if the dams are part of that, they will be captured.

Crea Lintilhac asked, does the state hazard mitigation plan addresses dams?

Bob Fischer reiterated that the stick is the federal government and they'll come down on wastewater if we fail to make progress.

Bethany Sargent, Denise Smith and Mark Naud will get a draft to the committee by December 21st, and incorporate CAC members' feedback in a revised draft, to be shared before the next meeting, which will be held January 11th (to accommodate the Lake Champlain Research Conference in Burlington on January 7th and 8th).

Bethany Sargent will reserve a room at National Life in Montpelier, which will allow CAC members to participate remotely via Skype for Business, if needed.

5. Other Business

The update on recording VTCAC meetings will be given at the January meeting due to time constraints.

6. Meeting Adjournment

A motion to adjourn the meeting was made and seconded. The meeting adjourned at approximately 7:05.