

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

Monday November 9th, 2020  
5:00 pm – 7:00 pm

## DRAFT MEETING SUMMARY

**Committee Members Present:** Mark Naud (Chair), Bill Howland (Vice-Chair), Lori Fisher, Eric Clifford, Bob Fischer, David Mears, Wayne Elliott, Sen. Randy Brock, Hilary Solomon, Jeff Wennberg, Sen. Ginny Lyons

**Committee Members Absent:** Rep. Leland Morgan, Rep. Carole Ode

**Staff in Attendance:** (LCBP - Eric Howe, Lauren Jenness) (VTANR - Sarah Coleman)

**Presenters:** Peter Walke, Anson Tebbetts, Laura DiPietro, Ryan Patch, Marli Rupe

**Public Guests:** Crea Lintilhac, Zack Porter, Kent Henderson, Chris Robinson, Oliver Pierson, Chris Gianfagna, Clarice Cutler, Brian KillKelley, Joshua Beneš, Tom Berry and Andrew Bahrenburg (Leahy's Office), Haley Pero (Sander's Office), Thea Wurzburg (Welch's Office)

Meeting summary by Lauren Jenness, Lake Champlain Basin Program (LCBP)

### 5:00 – 5:15 pm

**Welcome and Introductions** (5 min) – Mark Naud

- Mark Naud welcomed the group.

**Public Comments** (5 min)

- Tom Berry: Senator Leahy is the Vice Chair of the Senate Appropriations Committee and a Continuing Resolution was passed to fund the government until December 11<sup>th</sup>. While the House has completed their work on appropriations the Senate had not advanced bills ahead of the election. Work is taking place behind the scenes and we hope to have information on the funding outlook for many priority programs related to Lake Champlain this upcoming week.
- Haley Pero: We are in a holding pattern and will likely enter a lame duck session. There is hope that the Water Resources Development Act (WRDA) bill, which includes the reauthorization of the EPA's Clean Water State Revolving Fund (CWSRF), will be passed as the House has passed their version, though it has not been taken up by the full Senate as of yet. Sander's Office is still collecting ideas for an upcoming climate infrastructure related stimulus bill or package.
- Thea Wurzburg: I don't have much more to add. Senate Appropriations has passed all but one FY21 Bill. The House has passed the WRDA Bill and hopefully the Senate will take it up in the lame duck session. We are hopeful there will be another stimulus package.
- Mark Naud: The VTCAC members hope a stimulus package that supports the States comes through and we continue the good work taking place.

**Review and vote on Draft September 14<sup>th</sup> and October 19<sup>th</sup> VTCAC Meeting**

**Summaries** (5 min) – Mark Naud

- David Mears moved to approve the two meeting summaries. Lori Fisher Seconded. All in favor. Motion passed.

**5:15 – 5:45 pm**

**Welcome to Peter Walke, New Commissioner of VTDEC**

DEC Commissioner Walke has been at his post for 9 months and previously served as Deputy Secretary of VTANR. His staff have figured out how to navigate challenges due to Covid and they have exceeded their inspection goal targets set by the EPA, despite early delays due to lock-down measures. A new Concentrated Animal Feeding Operation (CAFO) Program was established in March as its own separate regulatory enforcement program which demonstrates DEC commitment to the National Pollutant Discharge Elimination System (NPDES) Program. An updated CAFO permit that includes precipitation datasets to help size manure pits is in the process of being implemented with assistance from USDA-NRCS and VTAAFM. Stakeholder outreach will occur. Walke also described a grant to improve the Regional Conservation Partnership Program (RCPP), a new report on Lake Carmi, the Agricultural Water Quality Partnership, and provided a recap of DEC agricultural enforcement actions and the new compliance database.

- Mark asked how many participants have opted into the voluntary CAFO permit program.
  - Chip responded that once the permit is renewed and released in a few months it would be made available to farms.
- Senator Brock asked if there was any available data to share with the public that shows that the lake was made cleaner over the past year due to new planning, funding, inspection work, and policies.
  - Walke noted that it is a long-term timeline for clean water results and Marli Rupe added that the 'what-has-been-done' information is described in detail in the Clean Water Initiative Program's (CWIP) Annual Performance Report made available each January. This report shows that most TMDL-related reductions to-date are credited to the agricultural sector. The Watershed Management Division would be able to provide a presentation on water quality data and trends if requested.
- David noted his appreciation of the presentation and of the work that is being done and asked about the future budget outlook in this time of great economic uncertainty. His biggest concern is that un-filled positions will leave gaps at a time when an increase in investment and technical assistance is crucial to advance clean water work happening in the State.
  - Walke answered that the budget outlook is better than anticipated, though DEC will have to level-fund or reduce costs for the fiscal year 2022 budget, which is currently being developed. DEC is doing its best to hold positions open so they aren't lost as DEC has already gone through process improvement work and LEANed as much as possible making all staff positions highly important to the functioning of DEC.
- Senator Lyons asked about the revenue model for the new pay for reduction program in relation to State funds.
  - Walke answered that while the State is a partner in the program, no State funds will be expended as the grant is to a private entity. Marli added that the work through the USDA NRCS Conservation Innovation Grant will be led by a person who has done pay for performance work all over the country with the goal of seeing how the framework, process, and incentives can be applied in Vermont.
- Senator Lyons asked if there is any discussion taking place on balancing Covid CARES funding with the new incentive-based programs.
  - Marli responded that she is not aware of that taking place but VAAFM would be better able to respond.

## **5:45 – 6:10 pm**

### **VT AAFM six-month update**

Secretary Ansen Tebbetts detailed how Covid has impacted VTAAFM and farmers across the State. Vermont has seen a positive trend toward farmers markets and farm stands as the public thrusted toward purchasing local meat and produce. However, there have been disruptions to markets, especially related to milk and cheese. VTAAFM saw a pivot to online selling as well as producers choosing to make different products, for example switching from milk to yogurt. There is appreciation given to the Governor and Legislature for prioritizing farmers with the federal relief funding packages. Two grants were provided to dairy farmers and processors and another pocket of funding is going toward the non-dairy working lands grants. VTAAFM staff continue to work remotely but this hasn't stopped their technical assistance, enforcement, and inspection work.

Deputy Secretary Laura DiPietro detailed the impact of Covid on VTAAFM staff. A hiring freeze was recently lifted and three vacant positions will soon be filled. Staff are also in the midst of restructuring the division which will result in a split between permitting/certification and inspections staff and a shift in staffing that will better support medium and large farming operations. 41 total cases were enforced by VTAAFM during Covid with 17 referred to DEC.

- Mark asked if there are common themes or trends to the enforcement actions.
  - Laura answered that silage leachate is a common trend as there is no national standard although Vermont is working with USDA to promote consistent standards and practices such as vegetative filters and constructed wetlands as the science behind these practices evolve over time.
- Mark asked if the lack of consistent incidents is due to a space/investment issue or a climate change/dramatic increase in precipitation issue.
  - Laura answered that it is a bit of both. The rainfall regime is shifting. VTAAFM is working with LCBP to study and test innovate methods and solutions.

## **6:10 – 6:40 pm**

### **The New NRCS/VAAFM RCPP “Pay for Phosphorus” Program**

Deputy Director Ryan Patch provided an overview of the Pay for Phosphorus Program. A copy of his presentation can be found in the meeting materials.

- Bill commented that this was an impressive presentation and that he is glad to hear about the wonderful initiatives taking place. However, amidst this innovation he expressed concern about an increased use of herbicides and asked if VTAAFM tracks the changing use of herbicides on the landscape and their impact.
  - Ryan answered that VTAAFM's Farm Division tracks the registration and sale of fertilizers and pesticides and published reports on the data. 15 years ago many farmers were saying that there was no way they could implement no-till on their fields. This has changed. In the transition to no-till and other management methods VTAAFM has seen an overall decrease in the use of pesticides and herbicides as farmers don't want to use more than they need.
  - Laura recommended that the Farms group present to the CAC as they have the data.
- Mark remembers the reporting was woefully inadequate when the CAC received a presentation on this topic a few years ago. The CAC thought that more staff and utilization of technology was needed.
  - Anson replied that one of VTAAFM's priorities was to make sure there was better reporting and staffing levels were changed to make sure there was more reporting. It would be appropriate to do a deep dive on what they've discovered.
- Senator Lyons stated that last year a bill was introduced that would increase the public health awareness of pesticides. When this issue is taken up again it would be helpful to

know how the data is being collected and utilized and how public health information is being integrated into recommendations. Thank you for the terrific presentations.

- Eric added his farmer's perspective. For ten years on his farm he has been doing no-till and moving to using glyphosate over a combination of other herbicides. Now the plan is to do no-till using cover crops as a form of weed suppression. The total amount of herbicides being used is less but glyphosate is being used more. Glyphosate is not cheap and farmers are using sparingly.
  - Mark asked what the barrier is for farmers to implement no-till organic agriculture. It doesn't make any sense from a business retail or farmer's perspective to let the soil wash away.
  - Eric answered that it has to do with the cheap food policy developed in the 1930s as when food is cheap there is not a lot of extra money around. There is more awareness about soil health today. He doesn't know of one dairy farmer today who doesn't think about soil quality and good practices. The shift is there but its hard for people to be patient.
- Ansen noted that there is a noticeable shift and the State has seen better cover crops this year than ever before. The shift is being done neighbor by neighbor.
- Ryan added that the market doesn't pay farmers to grow soil. However, in a PES system we see a triple win efficiency. The goals of the program are TMDL reductions and stewardship, farmer buy-in, verifiable measurable and location-specific outcomes, equity and efficiency of program funding, additionality of stewardship. Of the \$7M grant, \$4.9M will be going to payments to farmers. The rest is going to tool development, administrative costs, and field verification.

#### **6:40 – 7:00 pm**

- Mark announced that 34 applicants have applied to the CAC Coordinator Position and interviews are occurring. At the December VTCAC meeting we will have a follow-up with farm community voices and also begin diving into the planning of our annual Action Plan.

Lori Fisher moved to adjourn the meeting. Bill Howland seconded. All in favor. Motion passed.