

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

Monday June 14th, 2021

5:00 pm – 7:00 pm

DRAFT MEETING SUMMARY

Committee Members Present: Mark Naud (Chair), Sen. Chris Bray, Sen. Randy Brock, Eric Clifford, Wayne Elliott, Bob Fischer, Lori Fisher, Rep. Carol Ode, Hilary Solomon, Jeff Wennberg

Committee Members Absent: Bill Howland (Vice-Chair), David Mears

LCBP Staff in Attendance: Sarah Coleman (VTANR), Katie Darr, Eric Howe, Lauren Jenness, Meg Modley

Public Guests: Brenda Gail Bergman, John Roberts

Meeting summary by Katie Darr, Lake Champlain Basin Program (LCBP)

5:00 – 5:15 pm

Welcome and Introductions – Mark Naud

Mark welcomed everyone in attendance. Sen. Bray has replaced Sen. Lyons as a Senate appointee on the committee. Sen. Lyons, Bill, and David will be invited to attend the July retreat so the committee can thank them for their long service to the CAC, the lake, and the state of Vermont.

Public Comments

No public comments were made.

Review and vote on Draft May 10th VTCAC Meeting Summary – Mark Naud

Wayne Elliot moved to approve the May 10th meeting summary. Lori Fisher seconded. Sen. Bray abstained. The motion was approved unanimously.

5:15 – 6:00 pm

Legislative Activities and State Budget Update – Rep. Ode, Sen. Bray, Sen. Brock

How to navigate the Vermont Legislature website to track bills:

- Go to Vermont Legislature: <https://legislature.vermont.gov/>
- Go to a committee webpage. Aside from finding them on the Committees dropdown, [here is a list](#) that hyperlinks to each committee webpage. You can also find this list by going to the main Legislature webpage > Bills > Bills In/Out of Committee.
- Once on a committee webpage, in the large white box in the middle, the default is Documents & Handouts > select the Bills in/out of Committee tab.
- From here, the options along the different tabs along the top are:
 - In Committee = bills currently hanging on the committee's wall.
 - Out of Committee = bills voted out of committee.
 - Referred to Committee = total list of bills that have been referred to the committee.
 - Sponsored by Committee = bills the committee has sponsored.

Rep. Ode presented an overview of relevant activity in the House which can be found in the meeting materials. The Committee supported Rep. Ode’s suggestion to have monthly legislative updates.

FY2022 Clean Water Work Funding: The Clean Water Board State Fiscal Year (FY) 2022 Clean Water Budget Recommendation can be found [here](#). There were proposals to move away from the property transfer tax fund Clean Water Board activities due to the amount of federal funding we will be getting. The legislature resisted the change in the funding stream, which shows commitment to a continued funding source instead of making changes based on what’s available for the moment.

Sen. Bray provided an overview of clean water work funding in the budget. [Sec. G.700 WATER AND SEWER INVESTMENTS](#) outlines how \$100 million in FY 2022 funds from the American Rescue Plan Act (ARPA) is appropriated.

The American Jobs Plan (aka the Infrastructure Bill) and how much money will be allocated is under discussion in DC. We should know sometime in October what that money will look like. There may be more opportunity to invest in clean water infrastructure through that bill, the spending window is longer, with up to eight years to spend that money. The American Rescue Plan Act money has a three-year spending window.

Other small items that appear outside of the budget, such as the Capital Bill, include: \$2.2 million for infrastructure including the drinking water supply and the state revolving fund; \$310,000 for dam safety and hydraulic projects; \$500,000 for contaminants of emerging concern; \$5 million for infrastructure repairs and small scale rehabilitations; \$325,000 for three-acre rule compliance; and \$25,000 for the Lake Champlain Walleye Association to repair and upgrade the walleye rearing, restoration, and stocking infrastructure.

- Mark Naud asked if there are any bills that the CAC should pay attention to as we get closer to next year?
 - Sen. Bray shared that there a number of reports from the auditor about clean water investment decisions to ensure we are meeting fiduciary responsibility to make wise investments
 - Sen. Brock noted it is important to improve the oversight of funds and look at the return on investment of our efforts.
 - Rep. Ode suggested the CAC pay attention to the updates to Act 250 noting we should keep our forest blocks intact and protect high elevation headwaters because those bring high-quality water to the lake. The CAC should keep an eye on how Act 250 and others deal with building in river corridors, as we want to ensure flood resiliency and protection of stream and riverbanks to reduce runoff entering the lake.
- Wayne expressed concern about the influx of funding and the lack of state staffing and resources to successfully implement programs. Limited state staffing levels have created administrative difficulties and slowed permitting processes.
 - Sen. Bray asked if there is a similar bottleneck for agricultural funding. Eric Clifford shared agricultural programs seem to be going well lately.
 - Bob Fischer echoed that the municipal level does not have the staffing and expertise to deal with this.
 - Sen. Bray shared ~\$152 million is going out to municipalities which will give them agency about how to fund things and hopefully enable municipalities to get the engineering assistance they need.
- Mark noted that the septic inspection bill, [H.144](#) did not go anywhere. During the LCBP June Summit, David Miller of the Adirondack Council shared a white paper about septic pollution ([available here](#)). H.144 had a requirement that septic systems be inspected and certified as functional upon property

transfer. This is something we should discuss as we consider what other tools might be available to address issues not resolved by the massive infrastructure bill.

- Sen. Bray was under the impression it was law that under a real estate transaction, a septic system must be tested and certified. Mark clarified that some realtors require it as part of a home inspection, but even that is not a universal requirement.
- In 2007, the State of Vermont adopted universal jurisdiction over the design, permitting, and installation of all new wastewater systems and potable water supplies. The conditions under which new wastewater systems and potable water supplies are required to obtain a Wastewater System and Potable Water Supply Permit are described [here](#).

6:00 – 6:15 pm

LCBP June Summit Follow-up – Mark Naud, Lori Fisher, Bob Fischer, Hilary Solomon

For the first time, the Lake Champlain Basin Program invited broader community and stakeholder participation in the development of key themes for a 1-year timeframe for the FY2022 budget and a 3-5-year timeframe for the upcoming Opportunities for Action, which is the blueprint for LCBO activity. Participants enjoyed the cross-committee collaboration and there was great discussion around the 4 thematic areas: clean water, healthy ecosystems, informed and involved public, and thriving communities. Eric is working with LCBP staff to refine the recommendations from the Summit. This will be shared with the Steering Committee to have further discussion and then vote on the FY2022 budget priorities at a July 20th meeting. Mark, Hilary, Bob, and Lori all participated and shared their thoughts on the process and how it relates to the CAC.

- Lori, Hilary, and Bob agreed it was great to participate in this process, but it felt rushed at the end. Lori requested to see the results of the Steering Committee process as there may be some priorities that the CAC may want to push that may not move forward as 1 or 5 year priorities for the Steering Committee.
 - Meg Modley confirmed that all committee members will see the results of the consolidated recommendations.
 - Hilary agreed that some of the items in the final list can be included in next year’s work plan.
- **There will not be follow up from LCBP in time for the July retreat, but it will be part of the September agenda.**

Sen. Bray shared a long-term vision for Otter Creek. The Lamoille has taken on a new life as a source of recreational activity, and it would be great to see the same thing happen to Otter Creek. This requires sustained investment. People are not excited to hear about CSO events. Instead, there might be more excitement if people focused on building more of a recreation economy around the river and creating more opportunities for people to get out on the water. We can reframe these infrastructure investments to become something of public interest because people can imagine a tangible benefit.

- Jeff Wennberg endorsed this proposal. Otter Creek is the longest river fully within the Vermont borders. Enormous progress has already been made; it is not a huge undertaking. Municipalities and Chambers of Commerce along this route could be inspired by that vision as well.
- Mark shared his sense that no one has been bold enough to express that vision and invite people to embrace it. Opportunities for Action tries to invite a tangible vision for the entire basin, but sometimes it feels out of grasp. The communities along Otter Creek might find this vision graspable.
- John Roberts suggested **Matt Witten of the Addison County River Watch Collaborative as a presenter to share results from the testing of the river.**

6:15 – 6:25 pm

Committee Membership and Governance – Mark Naud, Sarah Coleman, Katie Darr

Citizen members should have received reappointment confirmations in the mail from the governor's office. Former member Denise Smith did not apply but was reappointed. Mark will ask her if she is interested in joining. Members supported this. Mark reached out to Speaker Krowinski about a new Representative appointment. A formal election for chair and vice-chair will take place at the July Retreat meeting.

The VTCAC has 2-3 members to add. There is a big push throughout LCBP to increase participation from diverse voices and those who have not felt invited to voice their thoughts to strengthen ownership in lake management decisions. LCBP has been pursuing new committee membership processes to address diversity, equity, and inclusion. **Members were asked to consider who might be valuable additions to the VTCAC prior to the July Retreat.**

Katie's role offers the opportunity to facilitate coordination with the New York and Quebec CACs. The VTCAC should consider whether and how we would have more engagement with the other CACs, it presents an opportunity to align interests around the lake, share the diversity of expertise of the committees, and foster broader discussions and networking. Lori Fisher suggested a task force or subcommittee to focus on these issues and how to promote joint CAC efforts. CAC collaboration will be an agenda item for the July Retreat, Pierre and Vic will be invited to attend at least a portion to weigh in. The NYCAC has expressed interest in a joint meeting in the Fall.

6:25 – 6:45 pm

July Retreat Planning – Mark Naud

Dates and location: The July Retreat will take place on July 21st or 22nd. Mark hopes to find a place to meet in person with a virtual option for those who may not be able to attend in person. Now that we have possible dates, we will work on finding a location. The Grand Isle Lake House might be an option depending on wifi capabilities. Otherwise, we will explore locations along the South part of the lake. We will commit to having digital connectivity.

Potential Agenda items:

- Governance: chair and vice-chair vote, new member recruitment
- Legislative and budget issues: follow-up on legislative issues to focus on for action plan
- CAC coordination: enhanced coordination, development of taskforce/subcommittee, NY-QC-VT joint meeting
- Meeting schedule and core themes: future of agriculture, impacts to the lake, recreation economy, pesticides and herbicides
- Agency and other expert presentations on topics of concern: Neil Kamman and Oliver Pierson offered to provide VTANR updates, Oliver offered to provide an update on Lake Carmi
 - Wayne suggested a presentation about the short and long-term impacts of climate change on water quality and the health of the lake.
 - Rep. Ode requested an update on the toxics presentation from a few years ago that could be recorded and shared with the public to show what we are facing and begin to develop a plan of action.
 - On the topic of toxics, Sen. Bray mentioned the 7.5 million gallons of PFAS containing leachate from the Coventry landfill. The DEC is working on the treatment and pretreatment of leachate.

Sen. Bray asked about the committee's work on herbicides and expressed interest in soil health as it relates to a vibrant agricultural economy and water quality benefits. Mark provided an overview of the VTCAC Contaminants Resolution that was presented to the Steering Committee. There have been extensive discussions with the Executive Committee, Steering Committee, and the Technical Advisory Committee. **Matt Vaughan may**

be able to give a presentation on the status of the request. Sen. Bray supported the resolution and cited the importance of making data-driven decisions.

- John Roberts shared that the information presented at the Agriculture and Ecosystems Subcommittee of the Climate Council shows the importance of promoting soil health to sequester carbon and promote crops. Almost any climate solution is a water quality solution when it comes to agriculture. **Heather Darby and Alyssa White from UVM are doing tremendous research on this and would be good speakers to present to the VTCAC about this topic.**
- Mark noted a few members have asked to find a way for our work to be informed by and be collaborative with the Climate Council, the to-be-formed Governor’s Commission on the Future of Ag in Vermont, future of ag in VT, and the newly created Ag Innovation Board.
 - Sen. Brock serves on the new Commission on the Future of Dairy in Vermont. Mark asked if he could share a status update on that at the July Retreat.
- Sen. Bray shared [The Energy Action Network Annual Progress Report for Vermont](#) shows that Ag is up 16% in emissions. When we talk about climate change and resilience, agriculture in Vermont has a big role to play. [The Hidden Half of Nature](#) by David Montgomery discusses the microbial roots of life and health.
- Rep. Ode asked if there is a better way to assist the Ag community with best practices as keeping up with updates by checking in on the State Agencies’ websites could be labor and time-intensive.
 - John shared that this speaks to the work he does as the Executive Director of the [Champlain Valley Farmer Coalition](#) which gets information out about deadlines and new techniques. Vermont also has an incredible extension service shares information about new techniques, ways of managing soil, and farms. Hilary and the Poultney Mettowee Natural Resources Conservation District work extensively with farmers voluntarily to present new techniques and provide training. The Agency of Ag would need to spend a lot more money and increase staffing to do this. Eric agreed and noted that the idea of a one-stop-shop from the Agency is not feasible. Consultants bring a lot of specialized knowledge and are ahead of the Agency.

6:45 – 7:00 pm

Meeting Wrap-Up Discussion – Mark Naud

Members are asked to **hold July 21st and 22nd for the July Retreat**. Mark and Katie will follow up with the date, location, and agenda. If anyone has thoughts or comments on the Retreat, please reach out to Mark and Katie.

Eric Clifford moved to adjourn. Lori Fisher seconded.