

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

Monday, March 13th, 2023

5:00 pm – 7:00 pm

APPROVED MEETING SUMMARY

Committee Members Present: Mark Naud (Chair), Denise Smith (Vice-chair), Eric Clifford, Karina Dailey, Wayne Elliot, Bob Fischer, Lori Fisher, Rep. Ode, Hilary Solomon

Committee Members Absent: Sen. Chris Bray, Sen. Randy Brock, Rep. Kari Dolan

LCBP Staff in Attendance: Katie Darr, Sarah Coleman (VTANR)

Public Guests: Joanne Calvi, Ricky Laurin

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

5:00 – 5:05 pm

1. Welcome and Introductions

5:05 – 5:35 pm

2. AIS Update – Oliver Pierson, Meg Modley

Oliver provided an update on Aquatic Nuisance Control (ANC)/Aquatic Invasive Species prevention funding in Vermont, information on DEC staffing for these tasks and the recent US Coast Guard notice that the State's use of Motorboat Registration Funds for aquatic nuisance control activities is not in compliance with Federal Statute. A summary of these issues is included with the meeting materials on the VTCAC's webpage ([here](#)).

There is an increase in the number of AIS in waterbodies in Vermont and a decrease in funding to address AIS. ~\$1-1.2million goes towards funding AIS management in Vermont, with the majority of funds coming from federal sources. The State gets ~\$1.5 million from motorboat registration annually, which is split between DEC, Fish and Wildlife, Agency of Ag, and Department of Transportation. The ANC program gets ~\$260k per year from motorboat registration funds and \$100k from a US Army Corps of Engineers (USACE) program focused on the Lake Champlain Basin to fund the grant in aid program. Until 2022, they were able to award an additional \$100k surplus from a one-time double payment, that has now been depleted. Just over half of the funds support greeter programs, some funds are directed towards management projects and research and preventative work. The number of municipal participants and total cost of applications in the grant in aid program is increasing while the amount of funding is static and well below the ask. AIS permit funding is not enough to fund staff. Beyond the motorboat registration, the State contributes \$25k from the general fund annually which is used to fund one seasonal tech. The other three techs are funded by federal grants or motorboat registration funds. The State's investment seems low given the emphasis being placed on outdoor recreation and the associated activities' potential to introduce or spread AIS and impact the environment and economy.

- Mark asked about the total funds brought in by the motorboat registration. Oliver shared that the state receives ~\$1.5million/year which is divided between several agencies. ~37% of the funds are distributed to DEC and these funds are split into two pots: (1) ~\$250k goes towards grants, (2) ~\$210k is for internal management and salary costs.

- Rep. Ode asked if the \$25k from the State is from the Clean Water fund or General Fund. Oliver clarified it is from the general fund, AIS projects are not on the eligible list for clean water funds. Recently members of the public testified at the clean water board meeting in support of using clean water board funds for AIS and Secretary Moore indicated they will revisit that policy. This would require a change in policy by the state of Vermont. Rep. Ode requested the CAC attend the next meeting and submit a comment or write a letter in support of that change.
- Hilary asked about the number of FTEs and the integration of permitting into the AIS grant program and whether the jump from .5 to 2 FTEs represents an actual jump in the AIS program capacity or if it is reflecting permitting positions. Oliver confirmed that it is an actual jump. Last year Kim was working on her own and ½ of Mischa's time was devoted to permitting. Olin Reed's time will be split 60% for permitting and 40% to help Kim. It is a small step in the right direction. Kim manages a large number of seasonal techs and it is a heavy burden for her to train 3-5 people every summer.

Meg Modley provided an update on round goby and the Champlain Canal Barrier Project. The Rapid Response Task Force continues to meet monthly. USFWS and USGS have been helping to advise Parks Canada on the appropriate amount and location of round goby sampling in the Chambly Canal. The current round goby invasion front is known to occur on the downstream side of the St. Ours dam and on the south side of lock c1. This is a weak point because it has tainter gates that need to be removed in the winter. DEC and USGS are increasing electrofishing work to look at that more closely. LCBP is contracting with USACE to do more round goby trawling, electrofishing, and VHS sampling. The next round of sampling will start as soon as conditions allow, likely next month. The canal is scheduled to open on May 19th.

Lock c6 was scheduled for maintenance this winter, Meg, Mark, Katie, and others from USGS, NYSDEC, USFWS, and Canal Corp toured the lock and talked about round goby mitigation measures that might be implemented in the locks.

The scope of work for phase 2 of the Champlain Canal Barrier Study is being developed including developing a stakeholder list for NEPA processes, creating a survey, defining the scope of an economic study, and identification of alternatives for barriers by the vessel design work group. The scope of work is planned to be finalized by the end of summer, USACE believes the phase 2 study will take 18-months to complete.

Mark shared the NYCAC received an update about the Environmental Trust associated with the Champlain Hudson Power Express and there is no Vermont representation in the working group or steering group. There is an opportunity for the CAC or some of our partners to have some input into those working groups to determine where funding is distributed. The four priority areas are Development and Implementation of Fish Population and Recreational Fisheries Surveys, Fish Habitat and Connectivity Assessments, Habitat Restoration, and Aquatic Invasive Species Prevention and Management. Meg added that Nicole Balk has been doing good outreach to USFWS and VTFW. The technical working group is seeking input from all agencies and interested parties from the Lake Champlain Basin. Contact Nicole Balk if you'd like to get involved P: (518) 897-1312 | nicole.balk@dec.ny.gov.

5:35 – 5:45 pm

1. Public Comments

Joanne Calvi shared that she has been involved with H31 which is looking to pause treatment of milfoil in lakes until it is studied. Using chemical treatment on milfoil in Lake Bomoseen is a very divisive issue. The Lake

Bomoseen Association has not had a vote of its membership to have applied for the permit to treat Lake Bomoseen. It was a decision of their trustees to submit the Aquatic Nuisance Control Permit. Four municipal select boards have voted against treatment of Lake Bomoseen (Castleton, Fair Haven, Hubbardton and Shrewsbury). The trustees for the Fish and Wildlife Conservation Camp on Lake Bomoseen have voted not to treat Lake Bomoseen. Over 3000 individuals have signed a petition not to treat Lake Bomoseen with chemicals. With limited AIS funding, should it be used to treat a lake that has been said to be too large to treat chemically? Joanne has previously been involved with work on the Poultney River.

2. ACTION ITEM: Review and vote on draft January 9th meeting summary

Denise Smith moved to approve the meeting summary. Hilary Solomon seconded. Lori Fisher abstained. All in favor, motion carried.

5:45 – 6:15 pm

3. Action Plan Discussion & Retreat Planning – Mark Naud, Denise Smith

Members discussed timing of the retreat and action plan development. The June meeting will be devoted to a debrief of the Legislative Session to better frame where greater support is needed in the Action Plan. The committee will dig into the preliminary groundwork of the Action Plan at the July Retreat. Based on previous conversations with the CAC's legislative members, targeting the September/October timeline for completion of the Action Plan will allow the CAC to present it to committees during their initial meetings and preparation for the legislative session. Wayne added that the Governor's address and budget is usually nailed down in early January, the proposed timeline appears to be in better alignment with that. Lori reinforced the need to have strong representation from our legislators at the June meeting and July Retreat. She suggested moving forward the CAC think about moderating its approach for where we are in the biennium. The 1st year is often introductory and in the 2nd year, can go to bat for the priorities that need to cross the finish line in 2024. Focus on the highest priority, while being prepared to speak to the other priorities of the CAC. Members supported the approach to place additional focus on one priority item and tailor the action plan to the biennium.

Some action plan task force work will need to take place in August to stay on track for a September/October timeline. Sarah will double check about open meeting rules to ensure the task force meetings do not need to be open to the public.

6:15 – 6:40 pm

4. 2023 Lake Champlain Action Presentation Debrief – Mark Naud

Members found it effective to have diverse voices present different sections of the Action Plan. There were new faces and voices in the House Ag committee who seemed receptive to the CAC's priorities. The farm diversification bill aligns with the request in the action plan. Hilary asked if the CAC should respond in some way to the farm diversification bill. Mark noted that it has historically been a challenge for the CAC to respond to a specific bill in progress due to fluidity of the process and challenge in reaching consensus.

The Governor was very engaged and met with the committee for an hour instead of the scheduled 30 minutes. The conversation focused primarily on AIS due to the urgency of the issue, the rest of the conversation circled back to workforce and housing issues.

Lori noted there is opportunity to do some follow-up with the committees and the governor to reinforce certain elements that came up during the presentation and discussion. For example, following up with the governor to let him know that LCBP is happy to brief him on the issue of round goby. The CAC should think about strategic follow-up after the presentations.

Mark asked Secretary Moore to share the data that VTDEC has on septic systems/failures. There has been no meaningful federal work done on septic since the 1990s. NYSDEC's Lake Champlain Watershed Implementation Plan identified parcels that have septic and are within 200 feet of a waterbody. Is this something that can be gleaned from the current VTDEC database? Members were supportive of this. Hilary noted that some septic systems are dry wells along lakes and streams, that number would be particularly helpful as they aren't very effective.

6:40 – 6:55 pm

5. Membership & Governance Discussion – Mark Naud, Denise Smith

Mark has asked Sarah and Secretary Moore to expedite the reappointment of members operating under expired terms and let the committee know if any additional information is needed. The VTCAC has 2 public-at-large seats open. The CAC seeks to have good regional representation and a diversity of voices. Jeff brought lots of good municipal experience and represented Southern Vermont. The CAC expressed interest in follow-up on LCBP's and the State's efforts to approaching equitable and inclusive committee recruitment.

Katie will create a survey to look at the what sectors and geographies might be missing from the CAC to help hone recruitment efforts and a google doc for members to drop possible candidate's names into.

Chair and vice-chair will be elected at the retreat.

6:55 – 7:00 pm

6. Meeting Wrap-Up Discussion – Mark Naud

The next meeting is scheduled for **April 10th from 5 -7pm** and will be held via Microsoft Teams. The agenda will feature a presentation about the Governor's Commission on the Future of Agriculture Report by Abbey Willard. Denise noted she has had constituents talk about the use of weedkillers in lakes and suggested that might be a good presentation topic for April. Bob suggested reaching out to Eamon Twohig, Program Manager of DEC's Residuals Management & Emerging Contaminants Program, for a presentation. Mark noted it would be helpful to have more follow-up on where we are with understanding septic and to know if there is a septic overlay that could be gleaned from parcel data in the same way NYSDEC did.

Denise confirmed the upcoming Action Plan drafting schedule:

- June 10th: debrief of the Legislative Session
- July Retreat (date tbd): begin work on the Action Plan
- August (date tbd): Taskforce will work on Action Plan
- September 11th: Action Plan work + presentation
- October 9th: Final approval of Action Plan

Denise asked if there has been any follow-up on the letter submitted to the governments of Vermont and Quebec requesting presentations about phosphorus reduction progress in Missisquoi Bay. Mark shared that in their response letters, they noted they will be making a presentation to the LCBP's Steering Committee and that would be sufficient to provide an update and public opportunity for Q&A. Mark and Pierre responded with a letter reiterating that a presentation at the LCBP Steering Committee meeting is not sufficient, a separate presentation focused on the public that addresses the aligned efforts of the two governments is required. Members agreed that the CAC does not see the presentation at the Steering Committee meeting as the public meeting they have asked for and are still requesting a separate public meeting. Mark, Pierre, and Walt will have a conversation about CAC alignment on this issue. The goal is to have the governments share with citizens the work they are doing on this issue, challenges, and progress, and how they are mutually aligning efforts across the border.

Upcoming events that may be of interest to the CAC:

- March 18th 11-3: World Water Day Event at the Plattsburgh Champlain Centre Mall, featuring a showing of No Other Lake
 - CAC requested Jordan make a disclaimer about the danger of paddling through a cyanobacteria bloom, in person and in the written narrative that accompanies the film.
- March 25th 9-1: Lake Champlain Management Cooperative 'State of the Lake' Fisheries meeting <https://www.dec.ny.gov/press/127271.html>
- April 22nd 9-2 : The Rosalia Project will be holding a marine debris beach cleanup and trash sort that will result in the creation of a marine debris sculpture <https://www.rozaliaproject.org/events>