

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

March 11th, 2024

5:00 – 7:00 pm

Zoom

Approved Meeting Summary

View Recording [here](#)

Committee Members Present: Denise Smith (Chair), Karina Dailey (Vice-Chair), Breck Bowden, Eric Clifford, Rep. Kari Dolan, Bob Fischer, Lori Fisher, Mark Naud, Rep. Carol Ode, Hilary Solomon

Committee Members Absent: Sen. Randy Brock, Wayne Elliot, Sen. Martine Laroque Gulick

LCBP Staff in Attendance: Mae Kate Campbell, Katie Darr, Meg Modley

Presenters: Stephanie A. Smith (Vermont Emergency Management), Laura Lapierre (Vermont Department of Environmental Conservation)

Public Guests: Lynne Hale, Crea Lintilhac, Michael Bard, Colin Powers, Lauren Sopher (VTDEC), Mary Perchlik (VTDEC)

Meeting summary prepared by Katie Darr, Lake Champlain Basin Program

1. Welcome and Introductions

2. Public Comments

No public comments were made.

3. ACTION ITEM: Review and vote on draft February 12th meeting summary

- Motion to approve the meeting summaries by: Rep. Ode
- Second by: Lori Fisher
- Discussion: None
- Abstentions: Breck Bowden
- Vote: All in favor

4. Climate Resilience & Flood Relief Programs – Stephanie A. Smith, State Hazard Mitigation Officer, Vermont Emergency Management

Stephanie provided an overview of the Vermont Stronger state hazard mitigation plan and the various relief programs that exist related to inundation flooding and fluvial erosion, the top two hazard risks faced by the state of Vermont. Her presentation is available with the meeting materials ([here](#)). Eligible project types include property buyouts for properties at flood risk and risk from landslides, flood plain restoration, culvert and bridge upsizing, road relocation or resilience improvement, structural elevations, local hazard mitigation plan development, and other planning and scoping activities. The Flood Resilient Communities Fund has been a mechanism to fund projects that are not eligible for FEMA funds, it is ARPA funded and as of December all of that funding has been obligated. The FEMA Swift Current Flood Mitigation Assistance Funding is a new FEMA program specifically for states with open disaster declarations. There is more narrow eligibility compared to the Hazard Mitigation Grant Program, but it operates on a faster timeline. The gaps and challenges that exist for climate resilience and flood relief programs in the Vermont Emergency Management Program include:

- Flood Resilient Communities Fund funding has been obligated
- Match funding is specifically for buyouts and is running out
- Match funding is not currently available for any other project types
- Maintaining housing and supporting community decision making
- Filling the gap between Individual Assistance and Hazard Mitigation support, specifically for buyouts as well as elevations of Substantial Damage properties

Discussion

- Rep. Dolan asked if FEMA makes federal dollars available for federal buyouts of properties that are high risk or have been substantially damaged but are located outside the flood risk area. Stephanie confirmed that FEMA funding can be used to buyout landslide risks. It requires a letter from the State geologist stating the property is at risk for a landslide within 5 years. The property depicted on slide 3 was purchased by the Flood Resilient Communities fund due to the imminent risk and the landslide was caused by flooding. Some landslides in the State are not eligible for the Flood Resilient Communities fund as it requires a tie to flooding. Landslides in general are eligible for FEMA funding.
- Karina asked for a breakdown between houses that are impacted by fluvial erosion vs other types of erosion (non-FEMA eligible). Stephanie did not know this information offhand, but has a spreadsheet with this information from the individuals who expressed initial interest in the buyouts. She expects to see some attrition though as those projects begin there might be new interest from others.
- Hilary asked if there are certain criteria that apply to dam projects. Stephanie noted the biggest hurdle is the benefit-cost analysis. A project they are working on with Karina included some floodplain restoration, restoration projects tend to have high benefit-cost analyses. Instead of just removing the structure, expanding the scope to include restoration. The cost of impact of a dam failure can also contribute to a positive benefit-cost analysis.
- Mark asked if the white spaces on slide 8 were non-buyout parcels. What happens practically when all eligible parcels are not bought out? Does flood mapping impact their ability to get flood insurance? From an environmental perspective what happens with restoration, how much does that hinder the opportunity for restoration with those homes and structures there? Stephanie noted she is not a hydrologist but her understanding is it is a large enough site that it still had a significant impact with the voluntary buyouts. Doing this project and giving the river more space, doesn't automatically trigger anything in terms of FEMA updating their maps. Property owners could submit a revision request, but doing this restoration doesn't trigger an automatic update of maps.
- Mark asked if there is a mechanism in scenarios like this that accelerates mapping as opposed to the payment process initiated by citizens. Stephanie noted the State is going through a lot of mapping updates currently, but the FEMA mapping process remains the same.

5. Role of Vermont Wetlands in Supporting Climate Resilience – Laura Lapierre, Wetlands Program Manager, Vermont Department of Environmental Conservation

Laura provided an overview of the function of wetlands and the work of the Wetlands Program related to mapping, outreach, monitoring, restoration, and regulations. Her presentation is available with the meeting materials ([here](#)). Vermont has lost 35% of its historical wetland areas, in the Lake Champlain Basin closer to 50% of wetlands have been lost since the 1700s – 1980s. ~4% of Vermont today is wetland, these areas provide more ecosystem services than other land bases in the state providing carbon sequestration, serving as habitat for threatened and endangered species, flood storage, erosion control, recreation, and more. The flood and

storm water storage capacity of wetlands saves Middlebury between \$126,000 to \$450,000 annually. The Vermont Wetlands Program serves the following functions: identification of wetland locations with maps and site visits, outreach about wetlands, assess wetland health, support voluntary wetland restoration, and implements Vermont Wetland Rules through review of project plans, require wetland avoidances where possible, and ensure no net loss of wetland function or value. The Wetlands Program does not administer a grant program, but reviews projects and coordinates with others in the department/agency. Updates to the state's wetland map are underway as the program has been working with maps that under detect wetlands for a long time. Accurate maps are necessary for planning, to identify where resources are, and to estimate carbon sequestration and good places for wetland conservation. Better maps will yield better models. EPA provided funding to start the project, the maps will meet national wetland inventory standards so they can be added to the federal map of wetlands. The majority of wetlands in the State are class 2 wetlands with one or more significant values. Activities that take place in wetlands or buffer zones require permits and if there are impacts on functions or values, the permittee must pay to create a wetland in another area. Gaps, needs, and challenges for the Wetlands Program include: education and outreach to reduce unintentional violations and ensure no net loss, continued map improvement (on track), and improvement of restoration models so it more clearly reflects what is on the ground and is more efficient for partners to find wetland restoration sites and develop parameters for climate resilience sites.

Discussion

- Rep. Dolan reiterated the importance of wetland mapping and asked if the program has sufficient match for the EPA funding. Laura confirmed sufficient State dollars are available to complete the mapping.
- Breck asked if the Wetlands Program has been affected by Sackett vs EPA on the waters of the US, particularly as it relates to interactions with EPA and mapping disconnected wetlands. Laura noted that the State has separate jurisdiction from Federal requirements which enables Vermont to protect wetlands with significant values. The program does partner with EPA and USACE to reach wetland protection goals, USACE leads the compensatory mitigation program. We are able to put money in from the State to support compensation projects in Vermont that might not be federally jurisdictional. This enables the protection of wetlands for the various functions they have, not just the ones that are connected to navigable waters.
- Breck asked if the sources of federal funds have been impacted. Laura noted that typically the EPA has funding specifically for wetland programs under the Wetland Program Development Grant. The amount of funding for this has flatlined over the last 10 years and is shrinking due to inflation. These are competitive grants and it is not clear how the Vermont Wetlands Program will rank to receive funding every 2 years. There is a national discussion about increasing funding and providing a standard amount to the States due to the Sackett decision putting more onus on states to protect wetlands and nonfederal waters.
- Crea asked if land conservation entities, like land trusts and the Nature Conservancy share their refined wetland maps with the program and whether the program coordinates with UVM and others with relevant wetland data. Laura shared that recently the program has been coordinating more with UVM. Restoration partners have not been providing wetland mapping, but that is less important in light of the larger effort for statewide mapping that is ongoing. It might be a good strategy for the future.

- Breck asked if the wetland loss graph was expressed as a percentage of wetland that was present already, how would that change the graph? Laura noted that for individual permits, they do not look at entire wetland destruction as they are each little cuts along the fringe of a wetland, it is rare to have a project that impacts the majority of a wetland. It's not possible to calculate the percentage of wetland loss without knowing property boundaries.
- Denise asked for confirmation that the 7 staff of the Wetlands Program review 1,000 permit applications/year. Laura noted that the staff reviews 1,000 projects/year but of those they receive 200 permit applications. Where possible, they try to redirect development and work to non-wetland areas.
- Karina asked if the Missisquoi Bay functions on slide 9 are consistent with the Vermont wetland functions. Laura noted that several of them nest into the wetland functions. In the report, they will want to do some sort of crosswalk between the functions and values in statute so people know where they fit in. These items are specifically called out because it aligns with the proven methodology that the consultants have used nationally and is catered for New England. Connecticut has completed this for the entire state.
- Karina appreciated the comment about including parameters for climate resilience moving forward.
- Hilary asked about reviewed projects that do not get permitted. Laura noted that wetland restoration is considered an allowed use, it is something that gets reviewed but does not require a permit unless they are doing some sort of infrastructure along with the restoration. Buffer plantings do not require a permit. For stormwater projects, several come in each year with impacts primarily in the buffer zone. Putting in a system can improve water quality that is reaching the wetland and can improve those wetlands as well. There is not good data on how many pounds of phosphorus an acre of wetlands removes vs stormwater treatment. In general, if the wetland is providing these services and you fill the wetland in with a berm for a stormwater project, you lose some of the service of the wetland. There is a sensitivity needed to balance those costs/benefits to ensure infrastructure is not inhibiting natural ecosystem services. The Wetlands Program works with the Stormwater Program to protect wetlands to the greatest extent possible while achieving stormwater requirements.
- Breck asked about the program's needs/gaps. Laura shared for the near-term, the program is maxed out on permit review and it is difficult to keep up with given the limited staff capacity. As a result, data collection is not as rigorous as it has been in the past given the focus on no net loss. She is hoping better mapping will help with that. The upswing in outreach might result in more people coming in for wetland review because they didn't know about wetlands before.

6. Membership Recruitment Update – Denise Smith, Chair

As of the application closing date 2/29, the VTCAC received 5 applications for the 1 Citizen-at-Large seat. The CAC designated a nominating subcommittee to review the applications and follow up over email to determine who the committee supports for review and appointment by the Governor. Denise, Karina, Lori, Mark, and Bob volunteered to serve on the nominating subcommittee.

Mark asked if there have been any updates on the status of members who are currently operating under expired terms. Katie will check in with Sarah.

7. VTCAC Retreat Planning – Katie Darr

To adhere to the earlier action plan timeline, the CAC is targeting May for the annual retreat. Katie will send out a [doodle poll](#) to identify possible dates towards the end of May after the legislative session wraps. The May retreat would replace the regularly scheduled May 13th meeting.

8. Meeting Wrap-Up

The VTCAC is scheduled to meet next on **April 15th from 5:00 – 7:00 pm via Zoom** (*note: this meeting has been moved from the originally scheduled date of April 8th due to the eclipse*). The focus of the next meeting will be on recreation and access.

The committee discussed possible outreach venues to get the word out about presentation highlights beyond meeting attendance itself. Rep. Ode suggested using Front Porch Forum to post little blurbs, *three things you should know about XYZ topic* with a link to the presentation and meeting materials. Breck suggested using LCBP for outreach purposes as well.