



Lake Champlain Executive Committee APPROVED Meeting Minutes

Thursday, March 14, 2024

Lake Champlain Executive Committee: 9:45 AM – 3:30 PM

Virtual Meeting

ATTENDANCE:

EXECUTIVE COMMITTEE MEMBERS: Pete LaFlamme for Julie Moore (Meeting Chair, VTANR), Kristofer Alberga for Joe Zalewski (NYS DEC), Walt Lender (Chair, NY CAC), Pierre Leduc (Chair, Quebec CAC), Denise Smith (Chair, VT CAC), Buzz Hoerr (Chair, E&O Committee), John Krueger (Chair, HAPAC), Neil Kamman (Chair, TAC), MaryJo Feuerbach (EPA R1), Michele Fafette (EPA R2 for Rick Balla),

STEERING COMMITTEE MEMBERS: Jennifer Curran (USACE), Brandon Olsen (NYS Empire State Trade Development), Laura DiPietro for Alyson Eastman (VT AAFM), Maya Dehner (USACE NY)

STAFF: LCBP: Eric Howe, Jim Brangan, Mae Kate Campbell, Kerry Crowningshield, Katie Darr, Colleen Hickey, Lauren Jenness, Elizabeth Lee, Ryan Mitchell, Meg Modley Gilbertson, Grace Palmer, Matthew Vaughan, Logan Devaney, Corrie Miller, Erin Vennie-Vollrath (LCBP NY Coordinator NYS DEC), Sarah Coleman (LCBP VT Coordinator, VT ANR), Sarita Croce (NEIWPCC), Bryan Dore (EPA R1), Theresa Vander Woude (EPA R1)

GUESTS: Tom Berry (GLFC), Ahren Von Schnell (Cong. Stefanik's Office), Jonathan Carman (Cong. Stefanik's Office)

Arrival, networking, teleconference and webinar open

9:30 AM

MEETING BEGAN

9:45 AM

INTRODUCTIONS: Pete LaFlamme, VT DEC chaired the meeting for Julie Moore.

Pete began the meeting with a round of introductions.

Approval of Summary of previous meeting

ACTION ITEM: Approve Meeting Minutes from February 15, 2023, Executive Committee Meeting

- Motion By: John Krueger
- Second by: Buzz Hoerr
- Discussion on the motion: None
- Vote: All in favor

- Abstentions: None

PUBLIC COMMENT

9:55 AM

None

CONGRESSIONAL UPDATES

10:00 AM

Ahren Von Schnell (Cong. Stefanik) shared that the Congresswoman issued a notice this morning to the LCBP and GLFC sharing her encouragement to establish an outreach/learning center in NY to increase education and outreach to the NY portion of the basin.

<https://stefanik.house.gov/2024/3/stefanik-advocates-for-new-york-based-lake-champlain-educational-center>

Tom Berry shared that there was zero erosion in funding lines for two budget cycles since Senator Leahy retired. The entire delegation was engaged and supportive of the project and the budget cycle was intact moving into the upcoming budget cycle.

MaryJo said she was happy about the strength of the budget cycle and was eager to hear more about the learning center that Stefanik proposed.

EPA – LCBP Program Guidance review/update

10:15 AM

The EPA had been developing an interim guidance document for the Lake Champlain Basin Program (LCBP) due to increased funding and program complexity. This document aims to clarify EPA expectations, communicate regulations, make clear links between EPA strategic programs, Office of Water Guidance, and regional priorities, and outline evaluation processes for assessing the program's efficacy and success.

Bryan shared that the program evaluation will assess the overall operations of the LCBP, including staff performance, contracts, and fiscal management, to ensure effective program delivery.

Bryan shared that the program evaluation will assess the body of work in LCBP, including how the staff work and how contracts, etc are developed and executed. It will also include an evaluation of the host entity and fiscal management as well as an evaluation of the program director.

Bryan next shared that the program guidance will include context demonstrating the evolution of the program from legislation to its current structure. For instance, Section 120 speaks to the Management Conference, not the Steering Committee. EPA priorities reflected in EPA Office of Water Guidance include TMDL, equity and justice, geographic programs and watershed partnerships, and they want to emphasize this in the guidance. He discussed components of what an effective program looks like from an EPA perspective, including having effective budget tracking, results, and metrics with the creation of a metrics tracking dashboard. In addition to in-water targets, they will be looking at ecosystem targets for water quality work and summarizing

the results of annual work. Components of effective programs also reflect program partners, so they will be looking at the responsibilities of EPA Program Partners, role and responsibilities of host entities, and roles and responsibilities of committees to guide LCBP.

Bryan noted that a large focus of guidance will be on grants and program fiscal management. The guidance will centralize EPA grant policies and processes in one document, set clear expectations in workplans for noncompetitive funding submitted by VT, NY, and NEIWPCC, and address how project officers review project proposals for funding. He added that timely obligations of funds is important for both recipient and subrecipient expectations, and also for timely expenditure of funding from EPA's perspective.

Program Evaluation and Staffing:

Program evaluation is a major piece of the guidance document. It will measure the effectiveness of the program to implement priorities over the performance period in order for EPA to make progress determination. They proposed a timeline of evaluation that coincides with OFA, meaning a 5 year review cycle. It will evaluate programmatic contents and oversight by conducting site visits to LCBP in Grand Isle and to NEIWPCC in Lowell. The EPA will provide the findings and issue an adequate progress determination to the program and the Steering Committee.

Pierre said it was very important to issue guidance at this point in any mature organization and asked about next steps. Bryan said the next step was to finalize language internally and go through another round of legal review. He said he may be able to share an update in June and would solicit a public comment from the Steering Committee at that point. Eric clarified that the EPA will be looking for feedback, but not formal approval, and Bryan agreed, saying they are interested in external perspectives and comments but it will be an internal EPA document.

Sarita asked if NEIWPCC would have the opportunity to comment on the document, and Bryan affirmed. Sarita then asked when the EPA would perform an audit of the program. Bryan said there is a timetable in the program evaluation section that lays out the period of evaluation and what steps will take place when.

MaryJo clarified that what is being performed will not be an audit - it is a program review, in alignment with what has been done with other programs for many years to track efficiency and make improvements. Their vision is to do that after closing out the current OFA period to be able to make constructive changes. The guidance will better direct what is required, where information is accessed, and what the requirements are.

Neil expressed concerns about whether the program has sufficient staffing to handle reporting, metrics, and the impact on direct appropriations to state agencies. He questioned if this would create additional conditions for agencies receiving direct funding.

MaryJo clarified that no new grant requirements are being introduced, but existing requirements are being clarified. She emphasized that the program evaluation would involve providing information to the EPA and reviewing partner feedback. There should be no significant impact on

financial audits, aside from auditors possibly checking if program recommendations are being followed.

Bryan noted that the only additional work would be the evaluation process conducted every five years, which involves coordinators providing information to the EPA.

MaryJo stressed the importance of conveying program results effectively, given that the programs are funded by taxpayer money. This requires developing a system to better track and report results.

Consultation and Legislative Considerations:

Tom asked if the EPA would consult directly with key partners outside of the Steering Committee (SC) or public comment process during the evaluation. MaryJo responded that partners are welcome to consult with the EPA, and the evaluation is meant to ensure program effectiveness. Any legislative changes to the program would be determined by Congress if partners identified constraints.

Evaluation Process:

Sarah asked whether the five-year program evaluation would include New York, Vermont, and NEIWPCC, and if there were opportunities to streamline the process. MaryJo explained that the evaluation would involve all major partners, including NEIWPCC, Vermont, and New York. The evaluation is typically qualitative, focusing on the Program's strengths and areas for improvement, rather than just a summary of annual reporting and metrics. Partners would have the opportunity to provide feedback, and any significant issues would be addressed during the evaluation. It will involve all key partners and ensure alignment with existing grant management practices.

State of the Lake 2024 Graphics Review

10:30 AM

- **General Progress:** SOL is published every three years, with graphics and text currently in draft form. Finalization and review are scheduled for the coming weeks, with the Steering Committee's review planned for April.
- **Drinking Water Intake Graphic:** First-time reporting on EPA jurisdictional exceedances (none found for 2021-2022). Suggested improvements include adding notes on Richelieu River drinking water usage and clarifying data methods. Infographics will highlight key statements about water safety.
- **Mercury in Fish Tissue:** Mercury trends in fish species are being studied due to fluctuations seen in previous data (e.g., rebound in 2016/2017). Collaboration with Dartmouth and UVM is ongoing to analyze the causes. There was a debate over the use of line vs. bar charts to communicate data trends more clearly.
- **Combined Sewer Overflow:** The existing infographic design will largely be reused but updated with new data, including data from Quebec. There was a suggestion to incorporate information on wastewater facilities.
- **Cyanobacteria Reports:** A revamped 2024 infographic format highlights the variability of cyanobacteria reports by lake segment. The 2021 version was considered too dense for public understanding. Suggestions were made to adjust the color scheme and include a

deeper dive into beach closures and user experiences, especially regarding perceptions of bloom timing and severity. Concerns about accurately representing different lake segments and the emotional impact of the graphics were raised.

- **Wastewater Treatment Facility (WWTF) Discharge Graphic:** Discussions focused on refining how to show phosphorus (P) loading comparisons. A preference for the 2021 version was noted for its clarity in showing long-term changes. Normalizing data for easier comparison was debated, with concerns about log scales and interpreting discharge volumes.
- **Phosphorus Loading and Concentration Figures:** These figures remain popular and will be updated with 2023 data, including flood events. New York Times-style legends were suggested to improve readability. Overall, messaging will focus on the positive trends in phosphorus reduction, but challenges remain in communicating the link between phosphorus reduction and cyanobacteria blooms.

Other Graphics and Content:

- **Aquatic Organism Passage (AOP) Section:** A new section on road and stream crossings as barriers to aquatic organism movement will be added, accompanied by graphics. Early feedback suggested improving the visual representation to avoid confusion with wastewater pipes.

This meeting focused heavily on finalizing and refining data presentation methods, particularly through infographics, to communicate complex environmental trends clearly and effectively to the public.

LCBP is planning to release the new report at the LCBP office on June 5th. Invitations for speakers will be circulated soon. Staff will then provide a presentation to highlight the main points of each part of the report.

LUNCH BREAK

12:00 PM

FY2024 Budget Preparation

12:45 PM

Budget Overview:

Eric presented the near-final FY24 budget, highlighting continued support from congressional offices and delegation. Appropriations for FY23 include \$16M in base funding through Section 120 and \$8M for TMDL implementation, along with \$7.5M from BIL authorization. The remaining budget for allocation is \$34.76M.

Notable allocations include \$325K for Vermont coordination, \$478K for a new clean water coordinator position, and \$600K for expanding the administrative team. These additions are in response to public requests and will be funded by the FY23 and FY24 budgets.

Hiring New Positions:

- Eric proposed hiring two new positions: a clean water coordinator and an administrative assistant, which would begin in May. The committee agreed to move forward with the hiring process, leveraging the FY23 budget for the initial months and drawing from FY24 after approval in April.

- Sarita emphasized that these positions are necessary to meet the program's needs. The committee gave conditional approval for these hires.

Flood Response and Sampling Program:

- Matt discussed a proposed flood response sampling program aimed at addressing public concerns about monitoring gaps. The program will focus on flood events with more targeted sampling. An initial \$100K is allocated for this task, but the funding could be adjusted based on further development of the program.

Buoy Project:

- Updates were provided on the buoy project in Malletts Bay, Lamoille River, and other locations. Plans to redeploy buoys earlier in the season were discussed, including a new buoy in the NE arm of Lake Champlain.

Metrics Reporting (OFA):

- Eric and MJ reviewed progress on metrics reporting for the Opportunities for Action (OFA) program. Foundant software may be contracted for this task, with a proposed budget increase to \$350K. Neil suggested adding a staff position instead, but Sarita recommended contracting with Foundant first and reassessing staffing needs later.

Stream Wise Program:

- Lauren presented a revised FY24 Stream Wise budget, which includes increased local grants and a three-year contract for the Stream Wise Consultant Team. The budget will increase from \$225K to \$375K to support these efforts. The committee supported this multi-year efficiency approach.

Conclusion:

- The committee conditionally approved the two new positions, and Eric will refine the budget for further review and approval by the Lake Champlain Steering Committee in April.

ACTION ITEM: Motion to conditionally approve the addition of 2 positions as discussed by the Executive Committee.

- Motion By: Neil Kamman
- Second: Walt Lender
- Discussion: Pete clarified that FY23 funding would be leveraged to do the hiring process and move to FY24 funds when available, assuming Steering Committee approval in April.
- Vote: All in favor

Executive Session:

ACTION ITEM: Motion to enter Executive Session to review the FY2024 Clean Water and Healthy Ecosystems Research Proposals and to consider Advisory Committee Membership Nominations:

- Motion By: Buzz Hoerr

- Second by: Neil Kamman
- Discussion on the motion: none
- Vote: all in favor
- Abstentions: Pierre Leduc

Exit Executive Session.

ACTION ITEM: Motion to move Clean Water and Healthy Ecosystem Research proposals to the Lake Champlain Steering Committee as discussed.

- Motion By: MaryJo Feuerbach
- Second by: John Krueger
- Discussion on the motion: none
- Vote: all in favor
- Abstentions: Pierre Leduc recused himself due to conflict of interest

ACTION ITEM: Motion to nominate the CVNHP candidate as a member of HAPAC, for consideration for appointment by the Lake Champlain Steering Committee at their next meeting.

- Motion By: Neil Kamman
- Second by: Buzz Hoerr
- Discussion on the motion: none
- Vote: all in favor
- Abstentions: Pierre Leduc

ACTION ITEM: Motion to nominate the E&O candidate as a member of the Education and Outreach Committee, for consideration for appointment by the Lake Champlain Steering Committee at their next meeting.

- Motion By: MaryJo Feuerbach
- Second by: Buzz Hoerr
- Discussion on the motion: none
- Vote: all in favor
- Abstentions: Pierre Leduc

ADJOURN Lake Champlain Executive Committee Meeting

3:30 PM

Anticipated Outputs for this meeting include:

1. Approval of Meeting Summary from February 15, 2024 meeting
2. Review of 2024 Lake Champlain State of the Lake report graphics
3. Approval to submit the draft FY2024 LCBP-CVNHP budget to the Lake Champlain Steering Committee for review and approval at the April Steering Committee meeting
4. Advisory Committee nominations for the Steering Committee to consider during their April meeting