Lake Champlain Executive Committee

DRAFT Meeting Summary

October 8, 2024 9:30AM – 12:30PM
(Via Microsoft Teams)

ATTENDANCE:

EXECUTIVE COMMITTEE MEMBERS: Joe Zalewski (Meeting Chair, NYS DEC), Nathalie Provost (Chair, MELCCFP), 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)

STAFF: LCBP: Eric Howe, Mae Kate Campbell, Kerry Crowningshield, Katie Darr, Colleen Hickey, Ryan Mitchell, Meg Modley Gilbertson, Matthew Vaughan, Sonya Vogel, Erin Vennie-Vollrath (LCBP NY Coordinator NYS DEC), Emily Bird (VT ANR) for Sarah Coleman (LCBP VT Coordinator, VT ANR), Logan Devaney, Lauren Jenness, Jim Brangan, Beth Whitmore-Stolar (NEIWPCC/LCBP), Karen Stainbrook (NYSDEC), Bryan Dore (EPA R1), Theresa Vander Woude (EPA R1)

GUESTS: Tom Berry (GLFC), Gannon Osborn (VT Forest Parks & Rec), Kristin Martinez (NYS DEC), Karyn Hanson (NYSDEC), Jens Hilke (VTFWD), Bob Zaino (VTFWD), Will Eldridge (VTFWD)

MEETING BEGINS **9:30AM**

INTRODUCTIONS: Joe Zalewski (NYSDEC) Chaired this meeting. He opened the meeting with a round of introductions.

Approval of Summary of previous meeting

ACTION ITEM: Approve Meeting Minutes from **March 14, 2024** Executive Committee Meeting

- Motion By: Buzz Hoerr
- Second by: Denise smith
- Discussion on the motion: No Discussion
- Vote: All in favor, motion carried
- Abstentions: Joe Zalewski

ACTION ITEM: Approve Meeting Minutes from **September 10, 2024** Executive Committee Meeting

This agenda item was tabled pending information from Committee members who participated in this meeting.

PUBLIC COMMENT 10:00 AM

- No public comments.

Lake Champlain Steering Committee: Ad hoc working committee and 3rd party consultant update, Joe Zalewski, NY DEC 10:15 AM

Following the discussion at the September Lake Champlain Steering Committee meeting, the Great Lakes Fishery Commission recruited Sofie Legendre of Legendre Solutions to conduct fact-finding interviews and identify internal and external stakeholders' perspectives. With over 20 years of experience in leadership and change management, Ms. Legendre will interview 25 individuals, including LCBP staff, grant recipients, and Steering Committee (SC) members, focusing on structural and organizational issues. Ms. Legendre's findings will guide next steps with an ad-hoc subcommittee.

Key Highlights:

- **Interview Process and Coordination:**
  Ms. Legendre has begun her interviews, with input sought from Executive Committee members on potential additional interviewees. The interview list was developed by the Steering Committee Co-Chairs, with flexibility for adjustments. Sophie's work is overseen by the Steering Committee Co-Chairs. Several people shared positive experiences with the interview process. Eric, Logan, and MaryJo had been interviewed earlier in the week.

- **Ad-hoc Subcommittee Creation:**
  The Executive Committee recommended forming an ad-hoc subcommittee to clarify roles, develop agreements between the Steering Committee and NEIWPCC, and evaluate the effectiveness of LCBP. This subcommittee will play a key role in making recommendations for improvement. Daniel has scheduled the first subcommittee meeting to follow today's Executive Committee meeting.

- **Concerns Regarding NEIWPCC Engagement:**
  Concerns were raised by Executive Committee members over a meeting organized by NEIWPCC with Grand Isle staff. NEIWPCC's meeting agenda included discussions on performance appraisals, LCBP's role within NEIWPCC, and the NEIWPCC response to the EPA request for information about recent LCBP grants. Executive Committee members expressed discomfort with this meeting happening without representation from the Steering Committee. Eric confirmed that Susan Sullivan, Executive Director of NEIWPCC, had invited the Steering Committee chairs to attend. Nathalie emphasized the need to address both labor and organizational issues separately but noted the importance of discussing the situation with fellow Co-Chairs.

- **Next Steps:**
  The committee expressed a desire for better alignment between NEIWPCC and LCBP processes, particularly regarding staffing and organizational changes, given the ongoing structural reviews. Sofie's findings and the ad-hoc subcommittee's work will be critical in shaping future organizational improvements.

The meeting concluded with gratitude expressed by those participating in the interviews and the subcommittee efforts.

INFORMATIONAL PRESENTATION: Vermont Conservation Design 10:30 AM

Jens Hilke, Robert Zaino, and Will Eldridge, Vermont Fish & Wildlife Department

Vermont Conservation Design Program (VCD) is a collaborative effort led by the Vermont Fish & Wildlife Department (VTFWD). Jens, Bob, and Will provided an in-depth overview of the VCD and its application in preserving Vermont's natural areas. The PowerPoint presentation is available here.

Key Highlights:

- **Overview of Vermont Conservation Design (VCD):**
    - **Vision & Framework:**
      VCD aims to identify and prioritize the most ecologically important lands and waters in Vermont to maintain biodiversity, climate resilience, and clean air and water. The design promotes an interconnected and diverse landscape that balances ecological, social, and economic values, such as working farms and outdoor recreation.
    - **BioFinder Tool:**
      BioFinder, the data tool supporting VCD, maps priority areas for conservation based on new high-resolution LiDAR data, offering more precise identification of natural habitats and landscape features.
    - **Ecologically Functional Landscape:**
      VCD focuses on conserving intact natural habitats (forest and habitat blocks) and connectivity between them to sustain biodiversity. The design also considers geological diversity, riparian areas, and surface waters as key components of Vermont's ecological health.
- **Program Components and Methodology:**
    - **Landscape, Community, and Species Scales:**
      The VCD approach integrates large-scale ecological functions, natural communities (e.g., forests, rivers, meadows), and species-specific conservation priorities. This holistic model is used to maintain the health of Vermont's ecosystems.
    - **Social and Economic Considerations:**
      The VCD recognizes the importance of social factors in conservation, including local land use policies like Vermont's "Current Use" program, which incentivizes landowners to keep their land in forested condition by offering tax benefits.
- **Application and Impact:**
    - **Non-Regulatory Tool:**
      The VCD is primarily a guidance tool, providing landowners and policymakers

with reference materials to support land management decisions. While it is used by some Vermont municipalities for legislative purposes, it does not impose regulatory requirements.

  - **Public Engagement:**
    VTFWD communicates VCD findings through webinars, training sessions, and community outreach, helping landowners and municipalities understand the ecological significance of their land. BioFinder, a public tool, supports these efforts.

- **Challenges & Discussion:**
  - **Restoration and Conservation Focus:**
    Committee members discussed the role of VCD in restoration projects, particularly distinguishing between degraded areas needing restoration and intact areas requiring protection. The group emphasized the importance of protecting existing high-quality habitats.
  - **Stakeholder Engagement:**
    Engaging stakeholders in conservation efforts remains challenging, particularly as it involves balancing ecological priorities with economic and social considerations. The Executive Committee discussed the importance of developing tailored strategies for different areas to achieve ecological goals without adopting a one-size-fits-all approach.

- **Questions & Feedback:**
  - Committee Members raised questions about how the VCD integrates with existing conservation efforts and municipal responses. Jens Hilke explained that while many priorities remain consistent, the new LiDAR data and updated models provide a more detailed and accurate conservation framework.
  - Discussion also touched on social data integration, with some communities proactively considering the social impacts of ecological function, while others have yet to engage in this approach.

Framework for Monitoring Emerging Contaminants, Phase 2 (EPA FY23 funding) budget adjustment, Matthew Vaughan — 11:15 AM

The Executive Committee discussed a potential budget adjustment for Phase 2 of the Emerging Contaminants Project. LCBP staff proposed that the Executive Committee consider applying additional funds that recently became available to add Wastewater Treatment Facility (WWTF) sampling back into the project, as requested by the Vermont Agency of Agriculture, Food, and Markets (VT AAFM). This element of the study was in the original project proposal but then subsequently eliminated in the workplan due to cost increases and Project Advisory Committee input.

- **Proposal for WWTF Sampling in Phase 2:**
  - **Background & Request:**
    Matthew presented the possibility of adding WWTF sampling, costing

approximately $111,000, to the Phase 2 workplan. The WWTF sites were part of the initial scope but were removed because of cost changes and Project Advisory Committee input. VT AAFM was not present at this meeting, but expressed interest during a recent TAC meeting support for including updated data from WWTFs, arguing that the existing data is outdated.

- **PAC and TAC Support:**
  The Project Advisory Committee (PAC) and the Technical Advisory Committee (TAC) support expanding the scope, though concerns were raised regarding the limited number of WWTFs and the overall value of the data. The project team would collaborate with WWTFs for voluntary participation in sampling.

- **Discussion on Scope, Budget, and Data Needs:**
  - **Rationale & Concerns:**
    Several committee members, including Buzz and Joe, questioned whether adding a small number of WWTFs (<10) would provide valuable insights, given the high analytical costs. Joe raised concerns about whether this limited data set would significantly contribute to the overall project's goals.
  - **Alternatives and Use of Surplus Funds:**
    Pierre suggested exploring other potential uses for the surplus funds, emphasizing fairness in distributing extra resources. Eric explained that if the Committee chose not to pursue the expanded scope, the funds could be redirected to LCBP implementation grants. The committee agreed that it is essential to consider whether expanding WWTF sampling aligns with broader program priorities.

- **Next Steps & Decision:**
  - **Further Information Needed:**
    MaryJo and Joe suggested taking additional time to assess available data and to ensure that any new data collection efforts would be strategically designed to fill gaps in existing knowledge. A clearer understanding of what information is already available and what will be collected in future studies is needed before making a final decision.
  - **No Immediate Action:**
    The committee agreed not to approve the proposal at this time but will revisit it once more information is available. The scope of Phase 2 will remain unchanged for now, with the potential to revisit the discussion if VT AAFM can provide further justification in the future.

The agenda item closed with agreement on the importance of gathering detailed contaminant data but with a cautious approach toward expanding the project's scope without fully evaluating its necessity and potential impact.

BIL-funded Land Acquisition and Conservation for Clean Water and Healthy Ecosystems grant program, Matthew Vaughan **11:30 AM**

The open session portion of this agenda item focused on a discussion around land conservation projects. Matthew reviewed the conversation with the Steering Committee in September, and outlined concerns raised by partners and the EPA. Key components of the discussion were the fee purchase-conserve-sell model and the requirement for land to be held in perpetuity.

- Key Highlights:
    - Fee Purchase, Conserve, and Sell Model:
        - Partners expressed discomfort with this model, noting that EPA funds could not support it. Concerns were raised by Secretary Julie Moore during the September Steering Committee meeting about conservation organizations purchasing land with the intent of selling it to the State for permanent conservation. It was recommended that a letter be issued to landowners requiring them to hold the land in perpetuity.
        - The Steering Committee decided that land holding in perpetuity would be one of the criteria in the RFP scoring process.
- Project Proposals and Decision Making:
    - Matthew updated the committee on two project proposals. One proposal was withdrawn due to a change of heart by the landowner. The second project required more detailed discussion in Executive Session (ES) due to the need to share applicant-specific information.
- EPA Concerns and Conservation Model:
    - Neil raised a question regarding the EPA's concern over the purchase-conserve-sell model, noting that the Vermont Association of Conservation Districts (VACD) utilizes a similar approach. He suggested that conservation value, rather than land ownership, was key and asked if contract language could address these concerns.
    - MaryJo agreed but mentioned the issue of defining "profit" in the RFP and whether a land purchase model allowing for resale aligns with program goals.
- Potential for Professional Expertise:
    - Joe and Neil proposed the idea of hiring a professional with conservation expertise to oversee the program. MaryJo supported this idea, suggesting that such expertise could provide guidance on the best use of federal funds and how to ensure conservation in perpetuity.
    - Joe recommended involving the Land Trust Alliance and holding a roundtable to explore ideas further.
- The group then moved into Executive Session to discuss specific proposal concerns.

ACTION ITEM: Motion to enter into Executive Session

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

EXECUTIVE SESSION
Continued Discussion on Land Acquisition and Conservation for Clean Water and Healthy Ecosystems Grant Awards, Matthew Vaughan

Exit Executive Session.

GRANT AWARD DECISIONS:

ACTION ITEM: **Motion to APPROVE all but two of the proposed projects presented in** the Land Acquisition and Conservation for Clean Water and Healthy Ecosystems Record of Decision and discussed in Executive Session, and the awards shall be conditioned upon 1) inclusion of EPA's conditions into both the easement language and any deed for a land purchase, and 2) the grant award letter clearly stating the terms of the award.

Award contingent upon EPA's approved language for easements and deeds.

- Motion By: Neil Kamman
- Second by: John Krueger
- Discussion on the motion: none
- Vote: All in favor
- Abstentions: none

Advisory Committee membership nominations
Eric suggested tabling the discussion of Advisory Committee member nominations until the December meeting in the essence of time. The group agreed.

LCBP Updates:
Eric announced Logan Devaney's resignation from NEIWPCC. MaryJo praised Logan's contributions but raised concerns about how his role would be filled, emphasizing the need to avoid further delays in contract awards, as the EPA had previously reported issues with contract delays.
Key Points:

- **Short-Term Solution:**
  - Eric explained that Lauren Jenness would temporarily assist with processing contract requests, invoices, amendments, and closeouts. However, it was unclear how many tasks Lauren would take on, as she had other responsibilities within the LCBP.
  - A meeting involving Sarita, Susan, Mike, and NEIWPCC Lowell staff was scheduled for the next day to discuss refilling Logan's position.
- **Concerns About Lauren's Role:**
  - MaryJo expressed concerns that Lauren, while capable, might not have the necessary business expertise for the Grants Management role. Meg, Lauren's supervisor, confirmed that while Lauren would assist, she could not fully take on the position due to her existing responsibilities. Delays were probable, due to competing priorities.
- **Steering Committee's Role in Hiring:**

    - Neil appreciated that the Steering Committee was being considered in the hiring discussion but noted that Eric had been excluded from the upcoming meeting. John strongly objected to this exclusion, citing the Steering Committee's previous vote to hire additional administrative support. He argued that the Steering Committee should be involved in the hiring process to prevent issues like Logan's negative experience, which contributed to his departure.
- **Third-Party Consultant:**
    - Joe noted that a third-party consultant would conduct interviews with LCBP staff and stakeholders to gather insights on program operations. Logan confirmed he had already spoken with the consultant. MaryJo added that the Steering Committee had previously approved the hiring of a secondary administrative position.

The discussion highlighted concerns over staffing gaps, potential delays in contract processing, and the importance of including the Steering Committee in the hiring process to ensure smooth operations moving forward.

UPDATES from Committee members **12:15 PM**

There were no updates from Committee members.

ACTION ITEM: APPROVE motion to adjourn

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

ADJOURN **12:30 PM**

Anticipated Outputs for this meeting include:

1. Approval of Meeting Summary from March 14, 2024 meeting
2. Approval of Meeting Summary from September 10, 2024 meeting (Tabled)
3. Land Acquisition and Conservation for Clean Water and Healthy Ecosystems award decision

Upcoming Meetings: https://www.lcbp.org/about-us/meetings/