

Lake Champlain Basin Program Steering Committee Meeting

Tuesday, May 19, 2015

[GOUVERNEUR RELAIS SAINT-JEAN-SUR-RICHELIEU](#)

725, boulevard du Séminaire Nord

Saint-Jean-sur-Richelieu, (Québec), Canada J3B 8H1

Approved Minutes

Members John Krueger, Vic Putman, Buzz Hoerr, Elissa Schuett (for Breck Bowden), Mike Winslow, Mary Borg (for Pete LaFlamme), Bob Stegemann, Real Pelletier, Daniel LeBlanc, Tom Berry, Johanna Hunter, Gina Campoli, Renee Rouleau, Mario Paula (via phone),

Staff: Bill Howland, Colleen Hickey, Jim Brangan, Ryan Mitchell, Elizabeth Lee, Stephanie Castle, Eric Howe, Michaela Stickney, Fred Dunlap, Martin Mimeault, Clair Ryan, Jeanne Voorhees (via phone), Kari Dolan

Meeting Begins 10:10 AM: *Daniel Leblanc, Chair*

Daniel welcomed the group and asked for any modifications to today's agenda.

ACTION ITEM: February 2015 Steering Committee minutes approval

Motion to approve: *Buzz Hoerr, second by Mike Winslow. No discussion. All in favor. No abstentions.*

Public Comments: None

Jurisdictional Updates – (*Written updates circulated*)

- **Vermont** –Mary reported on H35 the *VT Clean Water* bill that passed with resounding support in the VT legislature. It includes a broad array of regulatory and non-regulatory requirements across several sectors. It includes increased fees, includes 13 new positions in DEC and 8 in AAFM. It will be funded in the short term through a property transfer tax.
- **New York** - Bob reported that Gov. Cuomo put together an agreement among 53 groups to work together on AIS issues, including education. NYS DEC is supporting nine pilot boat washing stations in the Adirondacks (separate from the Lake George program), and a new statewide law is to be put in place later this summer for all public boat launches that invasive species cannot be visible when launching boats. It will be illegal to knowingly launch your boat with AIS on it.
- **Quebec** - Daniel described the modernization of the *Quality of the Environment Act* to integrate the fight against climate change in the project permitting process, and to streamline the processing of applications for projects that have little impact, without reducing the environmental requirements. On May 7, MDDELCC announced an Amendment Act regarding compensation measures for projects affecting wetlands.
- **Federal Partners** - Jeanne reported that Kari came to the last Federal Partners meeting to provide an overview of the TMDL Phase I implementation plan. The group discussed how the various partners could contribute to implementation of this plan.

Advisory Committees (*Written updates circulated*)

- **TAC** - Mike reported that TAC approved several final reports, including the 2014 field season for Long-Term Monitoring and Cyanobacteria, and the VT/NY Skidder bridge project (funded in 2010). TAC heard a project update from Stone Environmental on the **Edge of Field** monitoring task, and a presentation from UVM researchers on a new in-situ monitoring program in the Missisquoi watershed.

- **E&O** - Colleen reported that the group met most recently on April 24 and heard an update on E&O projects funded in the FY15 budget. In May, 19 teachers completed the WEC course, learning how to engage students in water quality monitoring methods, and how to get them out of the classroom. More than twenty new E&O grants are moving forward. World Water Day was a success. A video to be screened after lunch is a new E&O production. The Resource Room visitor-ship hit 27% of all ECHO visitors in January, 2015 - much higher than in previous years.
- **HAPAC** John reported that Jim continues his rotation of stakeholder meetings in the CVNHP counties. HAPAC was expanded by the Steering Committee to include two new representatives from Québec, and this has provided some valuable expanded program insight. New deliverables from CVNHP grants have been of very high quality.
- **VT CAC** Michaela reported that the VT CAC has been discussing public access to the lake, AIS, and wastewater facilities. A joint CAC (VT, NY, QC) meeting will be at Tyler Place later this week. Its agenda will focus on oil transport by rail in NY and associated risks to Lake Champlain and the public.
- **NY CAC** Vic reported that the CAC last met in April to plan updating the NY strategy document and to prepare an action plan similar to the one created by the VT CAC. Other interest areas included feedback from the public. The CAC is looking at creating new avenues for public feedback, including social media, surveys, and attendance at public meetings, and it looks forward to the new *State of the Lake* report. Vic noted that the NY Attorney General has expressed concerns about microbeads in wastewater, and now there is a movement to ban microbead production and sale in NY. NYS soon will be launching the Adirondack boat launch steward initiative to intercept AIS. The next meeting will be at Miner Institute for a tour of tile drainage programs.
- **QC CAC** Real reported on the restoration of the lakeside in Philipsburg, which addresses 1 km of shoreline, and includes a concrete wall along some of the lakeshore. The base of the wall was fixed this winter while the lake level was low – it is a \$200,000 project. The CAC will observe the site for the next 3 years to see how well it works. There is a new by-law extending buffer requirements for farms, and new development setback requirements along the lakeshore - no more lawns extending right to the lake. There will be a 3-year break-in period before full enforcement in the 4th year. A survey of all stream banks on the Rock River was completed and property owners will be approached if setback requirements are not met, or if the streambank needs to be restored. A report was published on a recent survey of threatened and endangered species on the Pike, Wallbridge, Morpion, and Rock rivers. This report is currently in French but will be translated into English. CAC general meeting will be held in Sutton this year in their community center. Conservation Baie Missisquoi has new handouts to circulate to lake users in Missisquoi Bay, to address the amount of debris remaining on the lakeshore this spring. Martin noted that watershed groups are the lead now with getting a lot of things done. Environment Canada co-funded the Threatened and Endangered species report, including of all the work that has been done in the watershed historically, and worked with a lot of the landowners in the area. This included spiny softshell turtle habitat information and some work done with LCBP funding.

Legislative Report - Tom reported that there has been no new legislative action since the last meeting. The president's request for LCBP in the EPA budget is again \$1.399M; it is hoped this will be increase as it was in 2015. Several fairly toxic environmental riders are being added to some budget bills, so there is question about whether they will pass at all. The agriculture lobby may prevent EPA from moving forward with new clean water bills, and other bills including endangered species protection. The USDA Resource Conservation Partnership Protection Program awarded a \$14 million grant to VT/NY for Champlain work. The second round for this RCPP program is now open for applications.

Manager's Report – Bill reported that

- The ***cross-boundary MOU*** between VT, NY and Québec was renewed and signed by the two governors and the premiere since the Steering Committee last met. Hardcopies circulated at the meeting. Bill directed the Committee's attention to Section 1.3 of the MOU, and reviewed the text there regarding working collaboratively and focusing research on a variety of topics affecting Lake Champlain. Bill thanked Martin, Fred and Michaela for their extensive help in shepherding the MOU through their various executive offices for signatures. LCBP hosted the signing event by Premiere Couillard and Governor Shumlin at the Leahy Center last month.
- Bill recently represented the LCBP at a ***National AIS Task Force*** annual meeting in Florida. At the meeting, an AIS specialist from the Department of the Interior held up the ***Lake Champlain Rapid Response Task Force and Management Plan*** as models for other programs to use nationwide. The RRTF was approved by the Steering Committee, and \$75,000 authorized in the FY15 budget for LCBP to use as a rapid response fund if a new invasion were to happen.
- ***State of the Lake 2015*** release event will be June 30, 2015. All Steering Committee members are invited to participate.
- ***New York State Canal Corporation canal barrier status:*** LCBP has held \$200,000 for the NYS CC as non-federal match since 2010. USACE is ready to move forward on a feasibility study, and the NYSCC has been reviewing the 3-page contract since last October 2014. It is essential for movement towards an agreement for this project to begin.
- Stephanie has been coordinating the ***IJC technical workgroup*** on the Champlain-Richelieu project. The IJC workgroup will be meeting during the IAGLR meeting next week. Two new USGS meteorological and lake level gages have been installed in Lake Champlain – one in Grand Isle, the other in Port Henry. A lot of work is in progress to connect the GIS layers across the international border with a common datum. Following that, the workgroup intends to create static inundation maps that will be publicly available via USGS, Environment Canada, IJC, and LCBP websites (bilingual).

Phosphorus TMDL and new VT Legislation: Mary reported on **H.35**, a landmark piece of Vermont legislation passed last month with support from the administration, the legislature and the public. EPA requested more than a year ago that VT present and fund a Phase I TMDL implementation plan to meet the phosphorus problems challenging Lake Champlain, and including all different land use sectors. The Phase I plan included many new commitments, which H.35 was developed to address. There will be new stormwater requirements for parking lots and roads, new management practice requirements for agriculture, increased fees to support new positions, and the ***Clean Water Fund***. The Phase I is a broad overview; the Phase II plans are ***Tactical Basin Plans*** that are revised every 5 years and that provide an analysis of stormwater master planning, geomorphological studies, etc. Some basins such as the Missisquoi will focus more on the agricultural aspects of nonpoint source contamination. Burlington area will focus more on urban stormwater issues. All plans will highlight “best bang for the buck” types of practices.

Included in the new law are:

- The stormwater manual is being updated from the 2002 version to include updated practice recommendations, such as green stormwater infrastructure. VT DEC is working closely with VTrans to develop a TS4 permit that applies to all of VTrans-maintained roads and highways.
- Discharges of stormwater from impervious surface of 3 or more acres will be regulated (applies to existing development)

- A New General Permit for stormwater runoff of municipal roads will be issued by 2017. The General Permit will set out a schedule for compliance by municipalities by 2021, including an inventory of roads, identification of practices and implementation.
- A net-zero standard or conformance with the TMDL waste load allocation is required beginning in October, 2015 in Champlain basin.
- Small farms must be certified by AAFM annually after 2017.
- Accepted Agricultural Practices (AAPs) will become RAPs – Required Agricultural Practices - by July, 2016. In the Lake Champlain Basin, nearly half the cows are on small farms; this requirement will address many more cows in aggregate.
- Reductions in the “tolerable soil loss” equation – will require farmers to retain more topsoil on farmlands by minimizing soil loss.
- Increases in nutrient management planning on small farms, restrictions on manure stacking near waterways, expanded vegetative buffer standards, required standards for livestock exclusion from waterways, soil conservation practices such as cover cropping, and controlled tile drainage are included in the new law.
- The law eliminates any requirement for AAFM to pay for BMPs (RAPs) that it requires on a farm in order to protect water quality.
- It enhances AAFM authority for enforcement of RAP violations and other water quality violations, and to remove land from the Use Value Appraisal program in the case of violations.
- It requires farmers to receive training on agricultural water quality practices, and requires training and certification for commercial manure applicators.
- ANR must update the Implementation Plan within 3 months of TMDL issuance
- ANR must establish a method of tracking for management activities and report annually on Plan execution.
- The law increases coordination among regional planning commissions and DEC Phase II basin plans.
- It expands regional plan authority to include water quality and seeks consistency with basin plans.
- It creates and established base funding for a “Clean Water Fund”, which will be funded initially through a property transfer tax, and will generate about \$5 million.
- The TS4 permit that will be issued by VT DEC to VTrans will affect the entire State-run transportation network. Funding will be available from US DOT for retrofit projects. New staff will be hired by VTrans to implement its obligations under the program.
- A second permit will be the municipal roads permit, for which VTrans will provide support to municipalities in the form of technical assistance. Existing VTrans programming, such as the Better Backroads program, will receive additional funding to expand support to municipalities.
- Regional planning commission work will expand to provide water quality-roadway information to municipalities through transportation and basin planning efforts to help towns comply with the new planning requirements. Many current VTrans standards are only used as guidance; these will soon become regulatory requirements.

Tom Berry offered his congratulations on the passage of the Bill, including support from NGOs like the Lake Champlain Committee. Bill Howland provided invited testimony on the bill to legislative committees on 5 occasions.

Update on the new P-TMDL release timeline and next steps - Johanna expressed the enthusiasm from the EPA on the TMDL plan, stating it is a strong plan. The TMDL is a very high priority of the EPA. The intent is to complete it this summer (July). A public comment period should take place later this summer. The next two years of implementation will be focused on tools to support the

TMDL.

Education and Outreach Video Programming – LCBP’s new *Man on the Street* video was screened. Members of the Steering Committee commented that they are looking forward to more short videos in the future.

Opportunities for Action (OFA) 2016 strategic planning – FIRST STEPS

- Bill presented a brief history of *OFA*, the management plan for the LCBP since 1996. *OFA* has gone through many iterations as goals and methods of implementation evolved. The last iteration of the *OFA* was online-only. It presently is a database structured plan that partners can easily update. He reminded partners to update tasks to show their progress to the public- through the website.
- *OFA* – The updated plan should be approved and signed in 2016 (it was last signed in 2010). The highest priorities should be identified by the autumn 2015 and the plan revisions formulated through winter. This timing allows the Steering Committee to be informed by the new P-TMDL.
- High-level priorities for *OFA 2016*– From a group discussion include:
 - Mike noted that the 2010 *OFA* included a noble idea to increase accountability, but also included too many tasks. *OFA* could just be a strategic plan for the LCBP - there isn’t much control over the activity of the partners.
 - Johanna shared an example of the Long Island Sound Study revising its management plan to be much more streamlined; the group got rid of a lot of minute tasks that did not contribute to the greater mission of the program.
 - Bill noted that priorities do shift over a 5-year period. Looking back, we can assess what tasks were actually able to improve water quality, and take lessons from that history.
 - LCBP has been working with Robin Gregory for the past two years to streamline the planning process. As we delve into the new iteration of *OFA*, we will use this structured decision making process.
- The Steering Committee discussed who the *OFA* audience is. There was general agreement that the plan speaks to concerned citizens, watershed organizations and other stakeholders, and also informs watershed managers and decision-makers in control of expenditures for water quality.
- Stephanie provided an overview of visits to the *OFA* website, since it went live in December 2010. Over that time, there have been 24,000 visits (compared to 216,000 visits to lcbp.org over that time). Of the 24,000 visits to *OFA*, 70% people leave without browsing beyond the home page. 5,100 visitors moved past the homepage. Tom noted that if the plan is designed to support the LCBP partners in their annual decision-making processes, then maybe numbers of page hits isn’t very important.
- Renee Rouleau mentioned that she sends people to the *OFA* website for information about Lake Champlain, and that they sometimes have trouble finding other information. The website should be seen as an educational and promotional tool and should be able to spread news effectively. The website should provide the information that people are looking for – what type of projects have been done, who did them, and what problems they addressed.
- Martin Mimeault noted that he uses *OFA* and updates the website, but it is time consuming. He said that the committee’s priority should be to first work on the plan revision before worrying about the website and the audiences, etc.

- Bob Stegemann thinks that to reach a large number of people who may not be computer literate, we need to show them a brief illustration (a paper version) to entice them to learn more. Mary agreed that many people lose interest in the internet, but would probably read through a brief infographic. Colleen noted that our first two iterations of *OFA* included newspaper inserts with 140,000 copies printed.
- Tom noted that he looks at *OFA* as a tool for people working towards a common goal. There are lots of opportunities for LCBP to communicate the plan to the public, but we still need to focus on the content of the tool itself. Actions of the group as a whole should be consistent, and the communication with the public should be good, but that follows the planning process. Currently, the plan is too dense.

Options for content, detail, accountability: *Eric Howe*

Steering Committee members participated in a sticky wall activity, in which they wrote down the intended audience, key plan priorities and ideas for the structure of the new plan.

The group ended up clustering **priorities**- water quality, habitat restoration, human health and invasive species prevention and control. Some priorities were more detailed, about changing behavior and adapting to a changing environment.

Then the group reviewed the **audiences**, which ranged from stakeholders to the general public and anyone who uses the lake.

Daniel noted that *OFA* is a living document that can be very useful to partners for implementation.

Eric shared a few examples: Puget Sound, Long Island Sound Study (CCMP) and the Chesapeake Bay Program.

The Puget Sound study included infographics, maps and dollar amounts, as well as a report card including budgeted and desired budgets for each task.

The Committee agreed to continue the dialogue at the next meeting, which will take place in August in NY.

Adjourned 3:30 pm