

Lake Champlain Basin Program
Steering Committee Meeting
Thursday, January 20 - Friday, January 21, 2011
Bromont, Québec.

Approved Minutes
Thursday, January 20

Meeting Convened at 10:10 AM – *Martin Mimeault, Chair*
Martin introduced Sylvie Goupil from the Agency of Municipal Affairs

Members: Martin Mimeault (for Daniel Leblanc), Deb Markowitz, Betsy Lowe, Dave Tilton, Marilyn Stephenson (for Astor Boozer), Louis Hak, Rolf Diamant, Buzz Hoerr, Breck Bowden, Richard Lauzier (for Jean-Pierre Lessard), Roseanne Murphy, Steve Garceau (for Jean-Phillip Détolle), Catherine Brooks (for Megan Smith), Gina Campoli, Ron Jackson, Mario Paula (via phone for Mario DelVicario), Lynne Hamjian (via phone for Erik Beck), Réal Pelletier

Staff: Bill, Colleen, Jim, Eric, Nicole, Kathy, Meg, Fred, Michaela;

Guests: Tom Berry, VT DEC Commissioner David Mears, Sylvie Goupil, David Borthwick- Leslie, Guylaine Beaudouin, Julie Moore, Louis Porter

Draft Meeting Agenda review – Modifications: Sylvie Goupil, invited by Martin, will represent municipalities. Advisory committee reports will be passed out on day 1 to be discussed on day 2. There will be a discussion on how the Steering Committee works. Guylaine Beaudoin will do a presentation on the Wine Trail after lunch. December, 2010 Steering Committee meeting minute's approval was deferred to day 2. Written Reports from Advisory Committees will be discussed on *day-2*.

Public Comments & Dialogue - Buzz spoke about the ECHO campaign for fundraising and exhibit changes. The goal is to raise \$4.1 M for 6,000 sq ft of new public and exhibit space and rental space for conferences, weddings, etc. ECHO has raised over \$3M already from private donations and some portion of government money.

LCBP Operational and Procedural Briefing – Bill Howland made a presentation about the Steering and Executive Committee Membership, Meeting Protocols, Advisory Committees - Membership and Roles, Funding Mechanisms, Operational Requirements, LCBP Staff, Office Operations, and Program Management. Meeting materials included information on participating US Federal agencies, and the LCBP directory. The Steering Committee sets the LCBP budget, and stewardship policies, but does not have the corporate or fiduciary responsibilities of a board of directors. Steering Committee identity is established by a MOA with NY, VT and Quebec signed by the premier and governors in 1988 and several times since, most recently in 2010. Senator Leahy introduced the Special Designation Act and the subsequent Moynihan Act within the US Clean Water Act to establish the LCBP and the governing role of *Opportunities for Action*. The Steering Committee asked NEIWPC to be fiscal agent in 1991. The Clean Water Act authorizes NEIWPC, VT and NY to accept EPA funds to implement tasks allocated by the Steering Committee to administer the program to implement *Opportunities for Action*. LCBP staff are NEIWPC employees. Steering Committee meets 3-4 times a year, Executive Committee meets the other months. Meetings are hosted by jurisdictions on a rotating basis, and follow the laws operative in the host jurisdiction. Occasional executive sessions are held for confidential matters, but otherwise meetings are open to the public. The Steering Committee assigns 11 of its members to make up the Executive Committee. Congressional office

representatives sit at the Steering Committee table as a resource, but are not voting members. Normally only Steering Committee members, certain guests and LCBP management are seated at table in meetings.

Steering Committee makes appointments to advisory committees. Advisory committee members do not represent stakeholder groups, but rather are appointed for the needed skills they bring to their committee. The Executive Committee alone can nominate advisory committee members and the Steering Committee makes all appointments. TAC includes one technical expert each from QC, VT and NY. TAC brings recommendations on technical matters to the Steering Committee. Bill pointed out that page 11 has a list of names and affiliations.

Most of the LCBP annual budget, once approved by the Steering Committee, becomes the basis of a NEIWPC grant application to the funding agency, resulting in a contractual agreement for the task to be done. Certain LCBP projects approved by the Steering Committee may be more effectively handled by the states, and then the respective EPA Regional office will contract directly with the state, though the project workplan still must be approved by the LCBP before initiation. Nearly all technical tasks are either implemented by LCBP staff or are allocated through the LCBP competitive process. This process includes an RFP, confidential peer reviews, and staff recommendations to the Steering Committee regarding contractor selection through a Record of Decision. Subsequent to the ROD, LCBP will review a work plan and NEIWPC will enter into contract with the applicant.

Bill noted that Quebec selects and funds implementation actions undertaken within the Province. US funds are normally reserved for tasks implemented in the US, although they also may be expended in Quebec in certain circumstances. Martin noted that the three-way MOU was signed by the Premier, following which the minister of environment is charged with facilitating the involvement of other agencies in Quebec.

Legislative Update – *Tom Berry* noted that the Senate omnibus bill that was going to the floor at the time of the last Executive Committee meeting did not continue, and we no longer anticipate an omnibus bill. Tom circulated the FY 2010 Interior appropriations record for Lake Champlain projects. For FY11, the Congress failed to agree on an appropriation bill, and so a continuing resolution was passed to keep the government operating until March 3rd. There remains great uncertainty about funding for projects past that time.

Speaker *Guylaine Beaudoin*, Cultural and Tourism specialist at the "Centre local de développement" (CLD) de Brome-Missisquoi, made a presentation about "*La Route des Vins / The Wine Route*".

LCBP 2010-2011 Programmatic Review- Bill and staff reported on the status of all major tasks recently completed, now in progress, or about to begin. A spreadsheet of ongoing tasks was distributed.

FY2011 Draft Budget and Work plan Overview Bill described the budget lines for key LCBP functions, including existing staff positions and office operations, as considered by the Executive Committee earlier in the month. He distributed a draft budget spreadsheet that included reallocations of funds for several Education and Outreach tasks to directly support the LCBP staff that will implement those tasks. When the long term monitoring costs are added to the resulting budget, the EPA funds in the President's request to the Congress are completely

allocated. For additional technical tasks to be supported, the Steering Committee should prioritize among the TAC recommendations, so that as additional funds become available, the decisions on how to allocate should be at hand. TAC recommendations are to be discussed on Day 2 of the meeting.

ACTION ITEM: Ron Jackson moved to enter Executive Session for the purpose of reviewing nominations to committees, competitive grant proposals and draft Records of Decision. Betsy Lowe seconded the motion and it passed by unanimous consent.

The Steering Committee entered **Executive Session**.
The Steering Committee then returned to **Open Session** per order of the Chair.

ACTION ITEM: Ron moved to appoint new members to the HAPAC. Marilyn seconded the motion. The motion was approved by unanimous vote.

ACTION ITEM: Deb moved to approve a Record of Decision awarding Quadracentennial Legacy Grants; Marilyn seconded the motion. The motion was approved by unanimous vote.

ACTION ITEM: Deb moved to approve a Record of Decision awarding a contract to the Biodiversity Research Institute, for a project to examine mercury and PCB concentrations in sportfish tissue. Gina seconded the motion. The motion was approved by unanimous vote, with Ron abstaining.

ACTION ITEM: Dave moved to approve a Record of Decision to award a contract to PSU, for research on Bass released in tournaments. Breck seconded the motion. Betsy Lowe recused and abstained from discussion and vote on this action. Following discussion, Ron moved to amend the motion to provide more specific terms to PSU regarding statistical methodology. Deb seconded the amendment which passed by unanimous vote (with Betsy abstaining). Ron restated the original motion as amended. Deb seconded the amended motion. The motion passed by unanimous vote (with Betsy abstaining).

The meeting recessed at 4:45 PM.

Agenda **Friday, January 21**

The meeting reconvened at 8:30 AM.

The Committee considered the draft minutes from its December meeting.

ACTION ITEM: Betsy moved to approve the meeting minutes of December 14th, with a spelling correction. Ron seconded the motion. The motion was approved by unanimous vote, with Deb abstaining.

Updates from Jurisdictions

- **New York** - Betsy reported that NYS DEC has a new Commissioner, Joe Martens. He has worked extensively with the legislature, APA, and the Open Space Institute, and knows the north country well. Regarding invasive species, NYS is trying to get transport laws passed. NYS has adopted new legislation for outdoor wood boilers. This pertains to new boilers not the ones already in use.
- **Vermont** – Deb introduced herself as the new Secretary of the VT Agency of Natural Resources, and also introduced DEC Commissioner David Mears. Chris Reccia is the Deputy Secretary and Jon Groveman is General Counsel. The agenda of the new legislative session will include a focus on water quality, including a bill to regulate P and N fertilizer on lawns, much as NY has done. Vermont expects an EPA decision on the P TMDL next week.

- **Québec** - Martin reported on several new projects funded in Quebec, including river management and adaptations to climate change. A streambank restoration project has been approved for Phillipsburg-St Armand. McGill University and VT Law School have just announced a sustainability conference that will be held on June 10-12. There also will be a conference for watershed groups mainly dealing with streambank protection and agricultural issues.
- **Federal Partners Workgroup** - Dave reported that the group is having meeting next week to continue discussions about a possible new central location for all federal agencies working on Lake Champlain, where they could be officed together.

Reports from Advisory Committees (*written summaries were circulated*)

- **Vermont CAC**- Buzz reported that the CAC is seeking input from several watershed groups through outreach meetings, to help develop the 2011 action plan, which is put together for legislature annually. The VT CAC has identified twelve high priorities at this point. One surprise in the discussions was the discovery that at the rate of current efforts to keep livestock out of waterways is progressing, it will take another 40 years to get the exclusion job done! There is a lot of citizen frustration around this program and the CAC wants to see some way for people to be held accountable for their pollution. Tom reinforced Buzz's note that the patience of citizens on water quality issues is thin – as there seems to be little progress.
- **New York CAC**- Ron reported that the CAC is hoping to get Joe Martens and Chris Gibson to a CAC meeting in order to brief them on what we are doing on Lake Champlain and get their support. At the CAC meeting next Tuesday there will be a discussion of the War of 1812 initiative.
- **Québec CAC** – Réal reported on the latest program for musketeers is being presented in 10 of 14 schools. It is a good program because the kids bring the message home. Towns around the area gave funds to help bring this program back, so it has strong support. There is new progress on voluntary habitat protection on the Pike River, including a new program with property owners signing an agreement to protect species on their land. Some businessmen in Venice-en-Quebec have purchased a boat with capacity for ~75 people to tour Missisquoi Bay. This will include educational tours on the history of lake.
- **Technical Advisory Committee** – Breck reported on the TAC recommendations for RODs that were approved yesterday, and further recommendations on the budget to be considered today.
- **Heritage Area Partnership Advisory Committee** – Jim spoke on John Krueger's behalf. The SC just approved new HAPAC members yesterday, so now there are 11 members and will meet later in the spring for the first time.
- **Education & Outreach Advisory Committee** – Buzz described the schedule of four CBEI workshops that will continue this year. This is a successful program, but teachers leave or retire, and new ones come in, so continual learning opportunities are important. The *Don't P on the Lawn* campaign is continuing this year. Staff are working to find more education partners in NY and to that end, have engaged the Ausable Chasm, which will have an LCBP interpretive exhibit on its premises later this year.

FY2011 Budget Discussion Bill reviewed the budget and task spreadsheet considered a week ago by the Executive Committee.

- As the spreadsheet of tasks indicates, there is an unprecedented number of technical and E&O tasks underway or to be started this year with FY10 funds from EPA and GLFC. The FY11 funds, should they be provided at approximately the President's request, will just cover staff, LCBP operations, and long term monitoring. For this reason, the spreadsheet does not include any new E&O or Technical tasks at this time for FY11.

- One task of interest that is not possible to fully fund in the budget scenario we are using is the continuation of the Blue-green Algae tiered risk assessment project. One way to help make this task possible is for the State of Vermont to provide matching funds, and LCBP would attempt to provide a 50% match. The Executive Committee recommends that this approach be explored, although it is not clear yet the LCBP could provide even the 50% match, which would be about \$60,000.
- Breck led a discussion about the TAC concerns about long-term project funding that pre-empts new tasks to address emerging needs. While every project may seem important, there is a need for more clarity about priorities.
- Breck and Eric Howe led the Steering Committee through a discussion of ten technical tasks considered important by the TAC, supported by one-page task descriptions.

ACTION ITEM: Deb moved to approve the proposed FY2011 Budget for operations shown on the spreadsheet, and to approve provisionally, depending on available funding, the following 11 ranked technical tasks:

- #1 – Long term monitoring including monitoring of the Rock River (\$465,000)
- #2 – USGS Stream Gaging Supplemental Network (\$84,000 subject to further discussion with USGS)
- #3 – Water Chestnut Management – VTDEC and TNC (up to \$197,000 depending on availability of USACOE funds)
- #4 – Ecoindicators Database to support Adaptive Management (\$200,000)
- #5 – Urban Area Stormwater Infrastructure Mapping (\$200,000)
- #6 – Blue-green Algae tiered alert (\$60,000, subject to discussion in VT, to develop VT funding)
- #7 – Boat Launch Stewards (\$60,000)
- #8 – NY Better Backroads (\$100,000, subject to interest and involvement of NYS DOT)
- #9 – Aquatic Habitat Connectivity and Improvement Grants (\$150,000)
- 10 – Alewife and Thiamine Deficiency Complex in Native LC Fishes (\$200,000)
- 11 – Ecosystem Services Assessment (\$83,000)

Ron seconded the motion. In discussion, Bill clarified that the FY10 E&O exhibits and supplies and renovations lines is being revised to cover just supplies for the 2 years.

The motion was approved unanimously.

Steering Committee Briefings: Nicole presented the web edition of *Opportunities for Action* and reviewed how *OFA* Implementation Task Updates will be handled. David Mears recommended reminder notices be sent to partners to encourage updating of tasks. Martin recommended sharing information with the Steering or Executive Committee before publishing an update on the website.

Public Comment: Louis Porter of the Conservation Law Foundation introduced himself – he is the CLF – Lake Champlain Lakekeeper. He noted that although LCBP is not a regulatory body, he asked members as individuals to help maintain regulations within their jurisdiction.

ACTION ITEM: The meeting adjourned at 2:45 p.m.