

Vermont Citizens Advisory Committee Meeting

Monday, September 11, 2017

5:00 – 7:00 pm

ECHO, Leahy Center for Lake Champlain

Lakeside Hall

Burlington, VT 05401

Meeting Summary (Approved)

Committee members present: Sen. Carolyn Branagan, Bob Fischer, Lori Fisher (Chair), David Mears, Mark Naud, Rep. Carol Ode, Jeff Wennberg (after 5:40 pm)

Committee members absent: Rep. Steve Beyor, Eric Clifford, James Ehlers, Wayne Elliott, Sen. Ginny Lyons, Alex MacDonald, Denise Smith

Others present: Eric Howe (Lake Champlain Basin Program – LCBP), Diana Hackenburg (University of Vermont), Meg Modley (LCBP)

Meeting summary by Bethany Sargent (Vermont Department of Environmental Conservation – DEC).

1. Welcome and Introductions

The meeting convened at 5:10 pm. Introductions were made around the room. Sen. Branagan highlighted recent stories in the St. Albans Messenger about the tremendous successes in Lake Carmi and St. Albans Bay.

2. Public Comments

No public comments were made.

3. Guest Presentation: Improving Recreational Public Access in the Lake Champlain Basin

Louis Porter, Commissioner, Vermont Fish and Wildlife Department

The focus of Commissioner Porter's presentation was Fish and Wildlife's (F & W) access priorities and how they tie into the committee's work. He began by providing an overview of the Department, which employs 140 people full-time, with a budget of \$23 million from licenses and taxes levied on people who hunt, fish, and trap. Their mission is very broad – F & W is responsible for the health and future of all plant, bird, and animal species and their habitat for the use of all Vermonters.

He recounted the history of the Department over the last century – F & W wardens were the first statewide law enforcement agency. They also have a Wildlife Division, Fish Division, and an Education and Outreach Division. About 1,000 kids go through summer camps. Finally, they have a Business and Administration Division. They have a diverse, dedicated staff, with a broad set of specialized responsibilities for a small department.

He explained that Vermont is second in the country in wildlife recreation per capita (after Alaska). They've had many successful efforts to bring wildlife back, except for mountain lions, wolves (although coyotes are filling this niche), woodland caribou, and elk.

A lot of work has been done to bring back less iconic species like the marten. Recent successes include last year's record for nesting bald eagles and loons.

He described their concerns about the moose population in Vermont. He stated that they don't know if it's simply a rebalancing of a population that has returned recently, or if it is getting pushed north, which raises the question, what does restoration mean in a time of climate change? Lynx recently have been seen in Vermont, but they are a completely snow dependent species. Moose are facing winter ticks, heat stress in winters, brain worms, all of which are exacerbated by climate change.

In terms of Lake Champlain, they have had incredible successes with landlocked salmon and lake trout. There was recently a sturgeon that washed-up, dead from natural causes, which was estimated at between 60 and 70 years old. A chemical plant spill in Quebec in the 70s or 80s wiped out the muskellunge population in the Missisquoi, which they've been working to bring back.

Q [David Mears]: Do you have new insights on why young lake trout are surviving? We don't know if they are being recruited into the population or not.

A [Commissioner Porter]: We don't know yet, but Ellen Marsden's research is indicating they are surviving longer. We still need to give them a truck ride around three dams, but we believe some of the increased survival may be due to the lampricide program.

Q [Senator Branagan]: What is the Department's knowledge of the effects of Atrazine? Some farmers are still using it, but there is concern about an abnormality that exists with amphibians. Only one scientist from Berkley has been able to prove a cause/effect relationship. No one can replicate his research. Is this a chemical we should seriously consider banning?

A [Commissioner Porter]: You've basically summed up what we know. There are concerns about the potential for a connection, but we don't yet know if there is one. The research we do is with the goal of making management decisions, particularly related to population management. Amphibian staff have read the work, and come to the same conclusion. It is an incredibly successful chemical for farmers, so that's a strong impetus to continue using it. We would need to have a conversation with DEC staff about any position.

Commissioner Porter went on to describe the access area program, and praised the State for having the foresight to buy access on nearly every waterbody in Vermont. There are 140 access areas statewide, 40 on Lake Champlain or its tributaries. It is a lot of work to maintain them. Recent improvements at the Gillmette access cost about \$1 million, which included improving the road and parking lot, and the addition of green infrastructure to mitigate stormwater impacts. There are 11 accesses south of the Chittenden/Addison County line. To add more access areas is really expensive, but we have a great source of funding through motor boat fuel and registrations, one-third of which goes to access areas.

Q [Sen. Branagan]: What about a fee for non-motorized watercraft? How much would that raise?

A [Commissioner Porter]: No one knows. During the last survey three years ago, people were asked if they would be willing to spend more money for access. A canoe and kayak registration fee was the least accepted of any of the options presented. Not only do they use our access areas, requiring them to register would assist with search and rescue efforts. They also transport aquatic invasive species (AIS), and benefit from clean water, but it's a big lift politically, and overall, they do have less environmental impact.

Rep. Ode commented that in Oregon, they are putting fees on bicycles costing more than \$200 to help pay for improvements to roads, which includes the addition and maintenance of bike lanes.

David Mears suggested that resources be given to ANR to do recreational survey for Lake Champlain.

Commissioner Porter commented that he thought they could pull together a pretty good sense of the use based on the surveys being done already, including tourism surveys through the Agency of Commerce and Community Development. He thought they could get a good idea of what's happening out there, but it's harder to understand what's not happening. Where he sees the greatest lack of access to Lake Champlain is for people who don't have boats.

Meg Modley (LCBP) mentioned that some states have accepted a non-motorized fee, and others have not. If non-motorized vessels are paying fees, there is a question about where the funding goes, and how that relates to priority use.

Lori Fisher agreed that there is resistance to putting in funds and not having equity in terms of impact of use or say as to how funds would be used. Presently motorized use is prioritized. The other aspect to consider is the cost of administration, which may be higher than what a non-motorized registration fee would generate.

Commissioner Porter mentioned that there is massive inequity now, that motorboat users have poured an enormous amount of money into aquatic invasive species (AIS) spread prevention and management.

Lori Fisher mentioned that they are encouraging kayakers who follow the Lake Champlain Paddlers' Trail and are using public access areas to buy a fishing license.

Q [Lori Fisher]: Can you speak about river access? Other deficit areas?

A [Commissioner Porter]: For years, our access area program has been one person (Mike Wichrowski), but we just hired a second person full-time (Dylan Smith) to work with Mike on maintenance, so Mike can focus more on signage and river bank parcels. Ideally, every river access would have a parking area for a couple cars and stairs to get down to the river. It's a big commitment. Every new access area adds maintenance costs, plus we must deal with issues like dumping and sign vandalism.

Q [Bethany Sargent]: Are there any volunteer programs to support maintenance?

A [Commissioner Porter]: It's tough to engage volunteers in maintaining access areas, but they do have a few.

Q [David Mears]: Are there any developments in federal funding that are either positive or of concern?

A [Commissioner Porter]: Fortunately, F & W's funding sources are set in statute. Federal funding formulas would have to change and no one would tolerate that. State wildlife grant money is by appropriation for non-game species, which means it's always at risk. One encouraging thing going on is the Blue-Ribbon Funding panel, which is looking at how to fund fish and wildlife agencies into the future. Oil and gas lease money goes into the general fund, and companies would support using these funds to prevent species from getting listed. There is broad support for that, but a significant hole in the federal general fund would result. Still, there is some hope that we'll move forward through an interesting bi-partisan coalition. This would mean an additional \$6 – 7 million to Vermont, but we would need to figure out match.

Commissioner Porter went on to describe that fees are increased every three years and that approximately 120,000 people are licensed in hunting or fishing, with much of the money generated going to non-game species

Mark Naud commented that he thought non-game users would support a fee as well. When a person buys a boat, they should have to get Vermont non-game sticker on it. There is push-back when a paddler tries to use a crowded access area, but paddle craft have only been allowed for about eight years.

Commissioner Porter added that there are typically very few conflicts about using access areas for other things – parking for bike tours, swimming, painting, etc.

Q [Lori Fisher]: What is the CAC's role? How can the committee engage, either through their annual action plan, presentations to the legislature, or public meetings?

A [Commissioner Porter]: The most important aspect all of this is access to the resource. I don't think we can achieve our goal of clean water for Lake Champlain unless we can broaden the amount of access and type of access people have to the lake. If people use something, they will do anything to keep it. Philanthropic ideals and general good don't hold up when it's about losing value or paying money, any more than abstract ideas of protection lead people to take action.

Q [Lori Fisher]: What about river access and increasing access in the south lake?

A [Commissioner Porter]: Two ideas are increasing bird watching opportunities and improving fishing access where people don't need a boat. We need ten more fishing piers like the one in Burlington. Should we improve habitat to make fishing better? Provide access to the breakwater? How do we get guided birding walks during the summer?

David Mears suggested the Governor's focus on outdoor recreation may be a piece of this puzzle, including better coordination with businesses that are marketing outdoor recreation.

Lori Fisher mentioned we had invited representatives from the Vermont Outdoor Recreation Economic Collaborative (VOREC) to speak at the meeting, but they were unable to attend.

Commissioner Porter replied that we need to say yes to everyone, and trust that we can solve the conflicts that will inevitably arise.

Q [Carol Ode]: Is there signage of recreational opportunities that links to the web, similar to geocaching?

A [Commissioner Porter]: VOREC is trying to create a map of all outdoor recreation possibilities in the state, which is a daunting task.

Q [Lori Fisher]: Can you speak about Fish and Wildlife's interface with VOREC? How is that going to be integrated with state access areas and outdoor economy links?

A [Commissioner Porter]: VOREC is really an ANR-led effort, and we are engaged through the Agency. Our involvement is also through Frank Stanley, who is on the Steering Committee. In addition, we had two staff who went to the recent conference in Grafton.

Commissioner Porter stated that 12% of license holders are in Chittenden county, and if that can be increased by just 2%, that's huge. Lake Champlain is routinely rated 5th in the country for lake trout. He suggested reaching out to Lake Champlain United about potential opportunities and challenges.

Mark Naud mentioned that although the Department now has two positions, and a focus on expanding and broadening access, there will be more maintenance costs. As the committee advocates for additional river and south lake access, funding could still be the issue. He mentioned he keeps coming back to non-motorized fees for public access, that there are additional opportunities for taxes and fees. He suggested utilizing VOREC to advance this discussion.

Lori Fisher suggested that while a fee on boats could be costly to administer, a transactional fee may be a good solution. Rep. Ode responded that there could be ways to reduce administrative costs as well.

Commissioner Porter raised the lack of diversity in our outreach efforts and inequity of access opportunities, specifically for immigrant communities, and emphasized the need to address this.

Commissioner Porter wrapped up by summarizing some of their long-term funding concerns. While they are somewhat immune in the bulk of their funding, their biggest exposure long-term is that shooters used to be hunters. Now, many recreational shooters continue to accept that their tax money goes to wildlife management, but that may not always be the case. They are trying to address this by (1) connecting those two sports through outreach efforts and (2) offering grants for local and state shooting ranges.

Q [Mark Naud]: How much are you spending on accesses?

A [Commissioner Porter]: Last year, we spent a total of \$600,000 on maintenance and infrastructure improvement (mostly ADA compliant ramps), but the budget fluctuates a great deal year-to-year based on other projects. It ranges from ½ - 1 ½ million per year. They may store up money for a year or two to pay for a larger project. Their shooting range program offers approximately \$100,000 in grants annually.

4. VTCAC Action on Federal Budget Proposals

Lori Fisher stated that the intention is to send a letter to the Vermont Congressional Delegation this fall. She reached out to the New York and Quebec Citizens Advisory Committees over the summer, and mentioned she would still like stories of how federal funding has made a difference. She asked Eric Howe, LCBP Executive Director, to send her a few examples.

Eric Howe explained that the LCBP receives funding from the Environmental Protection Agency (EPA), the Great Lakes Fishery Commission (GLFC), and the National Park Service (NPS). The House has now passed a budget that funds Lake Champlain work through the EPA (via the Interior bill) at FY17 levels – 4.4 million. The Senate still has to go through their appropriations process. The Vermont and New York delegations have been engaged. Tom Berry of US Senator Patrick Leahy's office is very confident that there will be at least level funding, if not a slight increase. He said that Senate appropriations is meeting this week, and they are pushing for a continuing resolution to extend the budget development process through December 15th, which has become standard.

Q [Lori Fisher]: Can you explain how that has affected LCBP's budget timeline?

A [Eric Howe]: Our EPA agreement for FY17 runs from October 1, 2017 through September 30, 2017. We are hoping to release local grants next week, which will be open through the end of October.

David Mears noted that the President's budget zeroed out Section 319 funding, which supports 18 – 20 positions within DEC, and is even more important now.

Lori Fisher reiterated that it would be helpful if we can tell the story of the impacts of this funding. Eric Howe to send examples of these impacts to Bethany, Lori, and David.

Eric Howe noted that the New York CAC put together a brief letter earlier this summer. Eric Howe will send this to Lori, Bethany and David.

Q [Sen. Branagan]: Was there anything you were unable to do this year?

A [Eric Howe]: LCBP has not yet received FY17 funding, which is fairly standard, although it didn't always happen that way, but it should not impact the budget since they are still operating with FY16 dollars.

5. Other Business

a) Review and Vote on August 14th Draft Retreat Summary

A quorum was not present, so the committee did not hold a vote.

b) SFY17 and SFY18 Budget Updates

Bethany Sargent provided an updated balance sheet for SFY17, and announced that the remaining SFY17 balance was not carried forward to SFY18, so the committee would be working with their standard appropriation of \$6,900. Sen. Branagan suggested that if a remaining balance is expected for the end of the SFY (July 1), it should be encumbered by April.

c) Discuss Future Meeting Topics and Retreat Action Items

Keith Robinson will be presenting on the International Joint Commission (IJC) Lake Champlain Flood Mitigation Study at the next VTCAC meeting on October 16th. October, November, and December meetings will be held in Meeting Room 1 at the Shelburne Town Offices.

If anyone has comments on the State of the Lake report, they should email them to Bethany.

Bethany reminded the committee of the Act 73 Working Group website (<http://anr.vermont.gov/about/special-topics/act-73-clean-water-funding>) where meeting agendas and materials are posted. Their next meeting is September 22nd.

Bethany Sargent consulted DEC legal counsel about public notice requirements of working group meetings. Although DEC legal counsel cannot advise the VTCAC since it is an independent body, she recommended warning the action plan working group meetings in concert with the regularly scheduled committee meetings, since the committee wants to maintain transparency and engage the public in their work.

Bethany Sargent will follow up with Meg Modley (LCBP) regarding the status of causeway removal.

Bethany Sargent outlined several options for filming committee meeting, including recording with an iPhone and GoPro, both of which would require additional gear (external microphone and or tripod), inviting Vermont Community Access Media (VCAM), and pursuing filming meetings at Vermont Public Television's Colchester studios. Rep. Ode suggested inviting VCAM to the record the next meeting as a trial.