

**Vermont Citizens Advisory Committee (VTCAC) on
Lake Champlain's Future**

**Tuesday, July 24, 2018, 10:00 am – 3:30 pm
Montpelier Room (D026), Davis Building, National Life Complex
Montpelier, Vermont**

2018 Annual Retreat Summary (Approved)

Committee members present: Wayne Elliott, Bob Fischer, Lori Fisher (chair), Bill Howland, David Mears (10:00 – 11:00 am and after 1:25 pm), Mark Naud (vice chair), Rep. Carol Ode, Jeff Wennberg (after 1:00 pm)

Committee members absent: Rep. Steve Beyor, Sen. Carolyn Branagan, Eric Clifford, Sen. Ginny Lyons

Others present: Kent Henderson (Friends of Northern Lake Champlain), Crea Lintilhac (Lintilhac Foundation; after 1:00 pm)

Meeting summary by Bethany Sargent, Vermont Department of Environmental Conservation.

1. Welcome and introductions

CAC Chair Lori Fisher welcomed attendees and outlined the program for the day. Introductions were made around the room and each attendee shared what motivated their interest in Lake Champlain and the Vermont Citizens Advisory Committee's work.

2. Public comments

No public comments were offered.

3. Updates

- Review and vote on April 9th Meeting Summary
See attached: April 9th Draft Meeting Summary ([180409 Draft Meeting Summary.pdf](#))

Wayne Elliott moved to approve the April 9th meeting summary, Mark Naud seconded. Vote unanimous.

- Distribute SFY18 Annual Accounting Summary
See attached: SFY18 Annual Accounting Summary ([SFY18 CAC Balance Sheet.pdf](#))

Bethany Sargent reviewed the SFY18 Annual Accounting Summary. The carryforward request was approved, with a current balance of \$11,003.36.

4. Review VTCAC charge

See attached: VTCAC Board Book ([180630 VTCAC Board Book.pdf](#))

Lori Fisher provided a brief overview of the formation of the VTCAC which pre-dates the Lake Champlain Basin Program. The CAC's charge is broad and ambitious for an all-volunteer board. After reviewing our guidance documents a few years back, the VTCAC decided not to open the statute over concern that it would become the overriding work of the VTCAC that year, and instead of narrowing charge, the VTCAC might be eliminated. The VTCAC gathers information, responds to

citizens, builds on members' expertise, and outlines priorities in the action plan. In the last few years, the current VTCAC has been more advocacy oriented, expanding the action plan work beyond our Legislative Day at the State House and strengthening outreach to citizens. Along those lines, we decided to organize some fall public outreach/media events on the LCBP's State of the Lake report roll-out this fall.

Q [Bob Fischer]: With the enabling legislation so broad, was the intention to make a much more active body?

A [Bill Howland]: Governors Kunin and Cuomo signed a Memorandum of Agreement (MOA) in 1988 to collaborate on Lake Champlain's management, but there was no structure to make that happen. Shortly after, Citizen Advisory Committees (CACs) were created to provide a structure. They had a very broad mandate, but not much funding, and there wasn't state support for the implementation of the MOA. In 1990, the federal Special Designation Act led by Senator Leahy and Vermont's Congressional delegation created the LCBP, which brought in federal resources. Much of the work then became LCBP's with federal support, but LCBP needed a public voice, and more public input than it had, so the chairs for Vermont and New York CAC's were included in the oversight bodies, and then Quebec CAC chair was added. This allows for the VTCAC to have a major product that benefits from everyone else's work, but not to have to do all that work. The CACs still have a seat on the LCBP executive and steering committees.

Lori Fisher asked the VTCAC to reflect on their role, and what they want to convey to LCBP as part of our fall outreach events on the State of the Lake Report.

David Mears recommended the VTAC vote to approve Board Book again because of staff and membership revisions and recommended posting it on the VTCAC webpage. He noted that there has been a strong coalition asking for action on clean water issues and nothing has happened on long-term funding. He would like the VTCAC to ask the question, "Is there something we can do, a dramatic gesture, that would get some attention and news?" The VTCAC needs to be heard.

Bill Howland mentioned that we are not lacking information, but the public is. The public doesn't know what's working and what's not working. He thought the VTCAC should focus on that disconnect. It's expensive to deal with Combined Sewer Overflows (CSOs), expensive to deal with the huge phosphorus problem that comes from agriculture. He suggested that the VTCAC figure out where there's poor performance and share that message with the public.

Q [Bob Fischer]: Could we have an active executive director under the VTCAC's direction?

Q [Bill Howland]: What do we want to accomplish, then how do we accomplish it?

Lori Fisher mentioned that this was the fourth or fifth VTCAC action plan focused on long-term funding and while the Legislature has secured "bridge funding", long-term funding remains elusive. She noted in her meetings with legislators, several expressed that they don't hear a lot from their constituents about the need for funding.

Rep. Carol Ode described the need for grass roots action and gave the Building Bright Futures as an example. She also described the need to have advocates within key legislative committees.

Lori Fisher responded that this is an approach the advocacy community is taking. Several environmental organizations have a regular presence at the State House and regularly meet with individual legislators. Given the focus on funding, the money committees are key.

Bill Howland appreciated Rep. Carol Ode's legislative insight. He described the need as not just money, but a commitment to implement laws and regulations that are out there right now.

Wayne Elliott echoed David Mears and Mark Naud's concerns and struggles. He felt like we were ineffective in convincing the legislature and administration to move forward with funding.

Bob Fischer stated that the VTCAC needs to get more political, to call in legislative members and do more outreach to committee chairs.

Rep. Carol Ode recommended asking Treasurer Beth Pearce what she thought might be most effective.

Bill Howland described the need to highlight the issues that are important to people, bring those to the forefront and ensure the public is informed. There are many places in the lake where there is acute distress and what's being done is not enough. Until we stop that net flow of phosphorus into the basin, we're in trouble.

Mark Naud agreed that there is a need to enforce the law at a minimum. Gov. Scott made it about money this year but there was a lot of progress a couple years before with the Treasurer's report. Treasurer Pearce did a great job presenting a fiscally conservative approach. Breaking down barriers and making connections is key. There needs to be a diversity of voices and an Executive Director that is not an agency staff person, since agency staff are constrained. It's important to approach people who have different perspectives and to frame the conversation around our long-term economic future. Industrial agriculture is not sustainable and much of our water infrastructure is failing. There is a need for a shared vision, mission, and values.

Wayne Elliott stated that water quality is a statewide issue and that everyone has a direct connection. He asked how we reach out to others and mentioned that Burlington has done great with public access.

Bob Fischer commented that the VTCAC has limited time and resources, and there is a need for more staff time, developing and printing the action plan earlier, and investing more time in outreach.

Rep. Carol Ode suggested thinking about how we use the 400 hours annually of staff time.

Bill Howland responded that the VTCAC can be very interested in outreach, but it doesn't have to be the only entity doing the outreach. He suggested using metrics in the action plan so we know if we've passed or failed.

Kent Henderson described the huge turnover in representation in Franklin County. He's made a big effort to work with legislators and will do so again.

Rep. Carol Ode suggested using Front Porch Forum to reach people.

Q [Bill Howland]: Is there advocacy communications currently?

A [Mark Naud]: We haven't done any social media advocacy. Asking questions is good, but as far as the VTCAC can go for political advocacy.

Lori Fisher commented that the VTCAC doesn't have to do all the outreach work on its own – we could do a forum in partnership with another entity. We could easily identify potential co-sponsors who could help promote the State of the Lake report programs in their region.

On the advocacy front it is sometimes harder to partner. We have at times offered to sign onto some advocacy documents that the Water Caucus is supporting but generally the Water Caucus has suggested we do our advocacy separately.

5. Identify potential meeting topics, guest presenters, and locations for September 2018 – May 2019, and develop a plan for increasing public engagement

The VTCAC discussed the details of potential State of the Lake presentations and forums.

- LCBP staff would present on key findings from the 2018 State of the Lake report and field questions.
- VTCAC chair would moderate.
- Identify co-sponsors to provide support and publicity.
- Then public input would be solicited on (1) lake issues and LCBP budget priorities (2) VTCAC action plan priorities.
- Presentations could be held in Rutland, St. Albans and Burlington, with venues chosen based on convenience, not cost. Lori Fisher suggested asking LCBP to cover some of the costs if necessary as the meetings will help them get the report to a broader audience.
- Business meeting would be held 6:00 – 6:30 pm, then we would reconvene at 7:00 – 8:30 pm for the presentation and public forum.
- To accommodate VTCAC member schedules, meetings should be held between September 24th and October 19th.

Regarding venue, Bethany Sargent mentioned VT PBS is not able to host meetings at this time.

Regarding venues for future CAC meetings, Lori Fisher reported that Channel 17 said they would waive the recording fee if we held our VTCAC meetings at their studio and arranged in advance for recording. The venue may or may not be a good location for citizen attendees but we can explore this further. .

Bob Fischer reiterated his interest in filming targeted meetings.

Rep. Carol Ode asked that a motion be made for regularly scheduled meetings to be held at Channel 17.

Lori Fisher responded that there was not a quorum present to vote.

6. Discuss VTCAC public and legislative appointments and identify actions

Lori Fisher led a discussion about citizen vacancies on the VTCAC and legislative appointments, describing it as an opportunity to promote more diversity on the VTCAC, including engaging younger members.

Rep. Carol Ode suggested the need for marketing, public relations, and social media expertise.

Two potential nominees were suggested: David Deen from Westminster, former Chair of the House Committee on Natural Resources, Fish and Wildlife and Gerianne Smart from Vergennes, who is the Marketing Public Relations Manager at Rutland Regional Medical Center.

Lori mentioned that Gerianne Smart previously did communications work for Vermont Life and ECHO.

Bethany Sargent mentioned that Becky Tharp, an expert in Green Stormwater Infrastructure at Watersheds Consulting LLC had expressed interest.

Lori reviewed the nomination process. First the VTCAC decides on potential nominees. The chair reaches out to inquire about interest/commitment first, then asks for a statement of interest and bio (both ~250 words). Nominees must also complete the online application for gubernatorial appointments, and the final decision rests with the governor.

Wayne Elliott suggested nominating someone with a background in tourism and business, such as Tom Torti, President of the Lake Champlain Regional Chamber of Commerce.

Lori reiterated that we have a narrow window to act, and we want vacancies to be filled soon so we can move forward with a full roster. It's also important for legislative appointments to be active and engaged, particularly for action plan outreach.

Mark Naud reiterated the need for marketing expertise and suggested utilizing interns from Champlain College to work on a focused project.

Bob Fischer also suggested Jen Kimmich, owner of the Alchemist and an environmental advocate

After further discussion, the VTCAC members endorsed Lori Fisher following up with David Deen and Gerianne Smart to see if they are interested in serving on the VTCAC. If one or both says yes, she would get their bios and statements of interest and pass them on to the governor's office for consideration as the VTCAC nominees.

7. Chair and vice chair elections

Lori Fisher mentioned that she became chair in 2016 and reiterated the need for succession planning. In particular, she thinks it's healthy to pass the leadership baton every few years and noted. As such, she will not seek another term as chair in the spring of 2019.

Bethany Sargent described the elections process and timeline, and that Mark had been elected interim co-chair after Denise Smith resigned.

Wayne moved to elect Lori Fisher as chair and Mark Naud as co-chair; Bob Fischer seconded.

During discussion Mark Naud mentioned that he was not aspiring to lead the VTCAC, but is happy to take that work on over the next year and continue to provide as much support as he can. He would like to see a stronger marketing component to the VTCAC's efforts.

Motion carried. Lori Fisher abstained.

12:15 – 1:15 pm – Lunch

Lori Fisher recapped the morning results and the proposal for State of the Lake focused presentations in St. Albans, Burlington, and Rutland.

Bill Howland asked whether it's necessary to have a business portion of the meeting.

Wayne Elliott said he is okay with the different format and asked if there is anything that should be covered this fall – the governor's pilot program, recent CSOs in the Burlington area.

Lori Fisher described that the VTCAC typically meets monthly, but can allow for more frequent meetings, if the committee can commit to that collectively. The State of the Lake meetings could be separated by a few weeks or sequentially in a 1 to 2-week timeframe.

Bill Howland suggested that a Tuesday/Thursday/Tuesday over two weeks or Wednesdays three weeks in a row.

Wayne Elliott mentioned that attendance was an issue last fall and suggested meetings be held in September, October and November.

Lori Fisher responded that holding the meetings over a shorter timeframe keeps up the momentum and is easier to schedule, but the VTCAC will need representatives there and enough lead time to plan, so she asked for the committee's will.

Bob Fischer suggested a three-week period.

Mark Naud suggested holding all three by mid-October.

8. Presentation and discussion: Lake Champlain policy objectives and strategies

Rep. David Deen described his belief that polluters should pay, but one of the reasons all Vermonters should help is that we've changed the rules over the years. Farmers did what was required, but now there are huge unanticipated negative impacts. Costly standards have gone into place, but we cannot wait for the economic model to change before clean-up. We should be willing to help them meet those added costs. He described that the public dollars invested in wastewater and drinking water facilities sets a precedent for this.

Specific needs he highlighted included:

- An ongoing source of clean water funding beyond the property transfer tax, unclaimed bottle deposits, and capital funds, which currently support the Clean Water Fund.
- Assistance for municipalities, and regional planning commissions and nongovernmental organizations that work with towns.
- Assistance for agriculture to meet non-federal share for Natural Resources Conservation Service programs and Vermont Conservation Reserve Enhancement Program (CREP).
- Assistance for private entities to meet the new stormwater rule.
- Assistance for the development of stormwater utilities.
- Continue pursuing Act 138 recommendations.
- Continue making progress on Act 64 milestones, including the Required Agricultural Practices (RAPs), the Municipal General Roads Permit, and updates to the Stormwater Rule.

Q [Mark Naud]: The law needs to be enforced. Why support private polluters and find a way to fund, to bridge the gap and accelerate what we need to do?

A [Rep. David Deen]: The agricultural model is broken. If we want Vermont to have open ag land, we ought to pay for it. Until ag has a chance, it will take time to make the transition. Big box stores, other than food, are on their way out. Do we want a vacant landscape? How many Moran plants do we want in Burlington? Communities have been dealing with that for 30 years. When we were putting wastewater infrastructure in place, rural areas were asking what they were getting out of it, but when a septic system is pumped, it goes to a wastewater treatment facility. Giving back to those communities for this new cost is fair.

Q [Bill Howland]: Your comments help to explain the logic of the public paying for retrofitting and renovating when there is a change of rules. It's a slippery slope. If the Agency of Agriculture rolls back the RAPs, it makes a state agency complicit in the perpetuation of problem that is almost intractable. Water pollution has been part of farms' business plans for years. What's to prevent another lawsuit from lack of compliance? Are the courts going to end up running water quality in Vermont?

A [Rep. David Deen]: One of my mentors told me that it is important for people to stay in touch with their representative. I've not experienced enforcement or lack thereof first-hand, but the law is still the law. Even if the Clean Water Act and EPA are rolled back at the federal level, Vermont has had the intelligence and foresightedness, to make it state law and we can enforce it.

Q [David Mears]: The action plan and outreach were not enough. The response was it's important, but it's not that important – the governor won't do it. There is one measure of success. How do we do something that is more meaningful, more impactful? What have made groups successful when they engage at the state house?

A [David Deen]: The civil unions bill, Act 60 (education), all came as a result of a supreme court decision. They did not resolve the decision at the supreme court. Instead they said, legislature, make this happen. Will this happen for clean water? There has been more motion since 2011, which led to Acts 138 and 110. It set the stage for the Vermont Clean Water Act. I have been pleasantly surprised and disappointed in Clean Water Day at the State House. A wide variety of people participated, but I was disappointed that it didn't build into something more, that it was just a single day. The Vermont League of Conservation Voters has a strong network. It's important to extend the message beyond just Clean Water Day.

Q [Bill Howland]: How do we find a clean water champion in state government? We'll be missing you in the legislature.

A [Rep. David Deen]: We made major progress with the passage of Act 64, but's important that it doesn't get dismantled over the next two years. The Speaker of the House lives within sight of Lake Champlain, and the President Pro Tempore's district lives on Lake Champlain.

Rep. Deen went on to recommend not pursuing the per parcel fee. He described that nobody wants to do it unless the fee is higher than what you could get passed because the costs are too high to administer. He suggested looking at the 40-plus splinter taxes to raise the \$35 million now being proposed.

Jeff Wennberg asked if there is value in looking beyond the Treasurer's Report recommendations.

Rep. David Deen described that there is a strong advocacy voice for the per parcel fee.

Wayne Elliott asked if there has been discussion about different revenue sources? Should we be more specific with a recommendation in the action plan?

Lori Fisher said the 2017 action plan included more specific recommendations, but by the time it was presented to the legislature, certain subcommittees had already rejected the recommendations. As such, the VTCAC couldn't be proactive, so they decided to be more general in future action plans.

Rep. David Deen reiterated that even though the Act 138 report was completed by the previous administration, both it and the Treasurer's Report are still valid.

Jeff Wennberg felt like the unusual coalition that came together with the clean water authority concept made it seem like a politically viable option, but he thought it was a missed opportunity that the heart of it was never embraced. Mark Naud agreed with the perception that a per parcel fee to a statewide stormwater utility seemed reasonable.

Rep. David Deen mentioned South Burlington and Essex as successful models of that concept.

Q [Bill Howland]: Phosphorus is coming into the basin, but not going out – there is an enormous influx of nutrients, but we could spend huge amounts of money getting phosphorus out of our waters, but nothing is being done to regulate the import of phosphorus. It's a substance abuse problem. We're having this enormous expense when there are some ways to stop some of the phosphorus coming in. The federal farm bill is investing in large farm infrastructure. Can you comment on why these agricultural practices that cause so many water quality problems seem so sacred?

A [Rep. David Deen]. We used to give farmers phosphorus, so we've improved substantially. The Phosphorus Innovation Challenge is trying to figure out a market for excess phosphorus.

Bob Fischer mentioned that you can stop importing it, but extraction is so much more expensive. VTrans will not use recycled tires because it's not cost effective. The fact is none of the big processes take into account the secondary impacts.

Lori Fisher commented that we don't look at full life cycle costs. She asked what should be done, how it should be framed.

Bill Howland replied that he would significantly tax phosphorus imported into the basin.

Crea Lintilhac mentioned that we do not know how to mitigate the volume of manure that goes into waterways. We do track the amount of fertilizer, but don't track the import of animal feed into the basin, which she described as a far worse problem. The Gund Institute will be investigating this.

Bill Howland mentioned the results of LCBP-funded research that showed phosphorus added to animal feed does not improve output. He reiterated the need to invest in infrastructure to address CSOs, and to work on the phosphorus equation. With the farm bill's focus on financing infrastructure that can only be used for large dairy farms, we're just entrenching our issues.

9. Outline 2019 Lake Champlain Action Plan priorities, identify work group members and production timeline (60 minutes) – Mark Naud and Lori Fisher

See attached: 2018 Lake Champlain Action Plan (2018 LakeChamplainActionPlan.pdf) and Summary of 2017/2018 past meetings and topics identified for future meetings (2017-2018 VTCAC Past Potential Mtg Topics Speakers.pdf)

The VTCAC discussed the timeline and structure for developing the 2019 Lake Champlain Action Plan, as well as the balance between being specific and keeping it relevant. Highlights of the discussion are bulleted below.

- Mark Naud and Bill Howland to co-chair action plan work group.
- 2018 priorities, including funding, are still relevant.
- Not updating the content significantly could free up staff time.
- Combining leading by example and flood resilience into investing in infrastructure for Vermont's future economy could be a bigger and bolder statement.

- The importance of not rolling back Act 64.
- Fewer words, more direct statements.
- Consider removing delegating of agriculture enforcement to Agency of Natural Resources since there is not much support, at least until the report is released in 2021.
- Read more like a specific charge and less like a public service announcement.
- It's as much about the bullet points as how it's framed when presented and the stories that illustrate it.
- Strategic, statewide investments in clean water are needed, but integrate basin concept into the text.

Q [Crea Lintilhac]: What about Doug Hoffer's recent audit report?

A [Rep. David Deen]: There weren't any major concerns in that report, but the VTCAC should be involved in the evaluation for the 2021 report.

Jeff Wennberg asked if there is anything emerging or going on now that isn't on this list.

David Mears suggested investment in alternatives to the current dairy economy.

Bob Fischer suggested CSOs and wastewater spills. Mark Naud added infrastructure investment for a clean water economy. Wayne Elliott responded that the reality is that we can't afford to eliminate CSOs. Jeff Wennberg described that they can be manage, controlled, and neutralized. Public attention on CSOs is an opportunity to have a constructive conversation.

Crea Lintilhac suggested focusing on water quality issues and the reduction in property values, as has happened in the Towns of Georgia and St. Albans.

Wayne Elliott wondered how to get the Environmental Protection Agency more active and mentioned his concern about the accountability framework. What if there's not a long-term funding package?

Rep. David Deen responded that it's state law. He reiterated that the VTCAC needs to produce the report and to make the presentation part of the narrative, engaging with key partners in the process, the Water Caucus, League of Conservation Voters, Senate Natural Resources Chair, others.

Lori Fisher mentioned the VTCAC annually presents the action plan to the Legislative natural resource committees, agriculture committees, money committees, and legislative leaders but doesn't have the staffing to do much beyond that except for some additional strategic testimony.

Mark Naud asked how powerful the youth voice has been in the legislature. Lori Fisher responded that youth were broadly engaged at the State House this past session pushing gun legislation (a major youth-run event was held the same day as Clean Water Day).

Rep. David Deen suggested organizing a Lake Champlain Day, partnering with the chamber, which could support an ongoing narrative. He also said it's important to get to newly elected members as soon after election day as possible, even if it's focused on the draft actin plan, then follow up in February, which would refocus attention. It's especially important in the first year of biennium.

Rep. David Deen mentioned it was important to meet with both the speaker and the House Fish, Wildlife and Natural Resources Chair together.

David Mears suggested that the VTCAC could hire a communications consultant to help staff this effort and work with the advocacy community, knowing we have been able to carry forward some

funding. It's a fair amount of work and there is a need to build more capacity than we have given that all members are volunteers.

Mark Naud suggested the VTCAC consider options for enhancing communications capacity, including utilizing Champlain College interns.

David Mears mentioned convening a panel of primary, secondary, post-secondary educators, major newspaper editors, news media players, to ask how clean water issues fit into education and journalism.

3:30 pm – Adjourn