

**Aquatic Nuisance Control Study Committee Meeting
Pursuant to Act 57 of 2023**

**October 17, 2023
12:45 pm – 2:40 pm**

MEETING MINUTES

Present: Senator Chris Bray (State Senate), William Bress (UVM), Kim Jensen (DEC), Ellen Marsden (UVM), Sarah Owen (VDH), Eric Palmer (FWD), Representative Amy Sheldon (State House of Representatives), Hannah Smith (DEC Legal), and Olin Reed (DEC).

1. Meeting Minutes October 10, 2023

A motion was made by Sarah Owen and seconded by Eric Palmer, all were in favor, to accept the September 29, 2023 Meeting Minutes.

2. Administrative Tasks

None shared at this time.

3. Review and Discuss ANC Permit Terminology in Statute 10 V.S.A. § 1455d

The Agency of Natural Resources held a formal pre-rulemaking group in early 2023 to discuss improving definitions of terms used in statute. The Committee reviewed the terms and provided suggestions for the potential definitions as noted below. The working definitions will be included in the Report Draft for members to continue to finalize or accept.

a. “Reasonable” Nonchemical Alternative

- A suggestion was presented to include a section regarding scope or scale of a project.
- A suggestion was presented to include a section on whether non-chemical control methods were viable when reviewing an application.

b. “Acceptable” Risk to the Nontarget Environment

- A suggestion was presented to include population level impacts of non-target species.
- It was noted that there may be difficulties in implementing metrics for this definition as species-level changes may be a result of external environmental factors such as natural disasters, climate, water levels, other competing species, etc.

c. “Negligible” Risk to Public Health

- VDH follows the Statutory definitions outlined in Title 18, Chapter 001 ([18 V.S.A. § 2](#)) for “Public health hazard” and “Public health risk” and considers these definitions for ANC Permit conditions.
 - A suggestion was presented that if this definition was to be considered, then it would be necessary to identify the factor(s) that may be neglected, and the level of concern associated with the potential neglect. A myriad of factors may collude the intention of the definition, and if considered, the definition would need to incorporate reference levels, and the potential adverse effects of those levels.
 - d. Public Benefit/Public Good
 - A suggestion was presented to include the DEC ANC Internal Review Procedure in this definition. This document may change in the future, so this inclusion should allow for such a change.
4. Act 57 ANC Study Committee Report Draft Decision
- a. A recommendation was made to include a description in the beginning of the report with a link, and the full text in an appendix of Title 10, Chapter 50.
 - b. The proposed definitions will be added to the “Potential Gaps” section so that the legislature may make those changes if they deem them necessary.
 - c. The report will include public comments that have been received.
5. Developed Agenda Items for Next Meeting
1. Approve Draft Meeting Minutes October 17, 2023
 2. Review and Discuss ANC Permit Conditions for Public Notice as noted in Title 10, Chapter 170, Section 7714. Type 3 Procedures ([10 V.S.A. § 7714](#))
 3. Act 57 ANC Study Committee Report Draft Discussion
 4. Develop Agenda Items
 5. Public Comment Period
 6. Close Meeting
6. Public Comments
- a. The Vermont Natural Resource Council representative requested to be provided with time to present to the study committee at a future meeting. They approved of the recommendation to implement definitions for the terms used in statute. Further improving the definition for “Public Benefit/Public Good” may capture much of the recommendations.
 - b. The Federation of Vermont Lakes and Ponds representative requested to be provided with time to present to the study committee at a future meeting. They recommended not making the permit applications or reporting requirements too difficult as the task of doing so is already challenging and overwhelming for the volunteers of lake associations that have gone through the process.
 - c. A member of the Lake Dunmore Fern Lake Association is willing to share Lake Dunmore and Fern Lake long term management reports and data demonstrating

the successful achievements for the control and management of Eurasian watermilfoil.

- d. A member of the Lake Bomoseen Preservation Trust commented that the public notices include ANC Program informational links, definitions, and other resources to provide better clarity to public about ANC projects. They commented that the lake associations spend a significant amount of volunteer time to ensure that the public is informed of the proposed projects.

7. Meeting Close at 2:40 pm

The next Aquatic Nuisance Control Study Committee Meeting is scheduled for October 31, 2023. The Agenda and meeting link will be available on the [DEC Act 57 \(2023\) Aquatic Nuisance Control Study Committee webpage](#).