

Summary of Public Comment

The VDEC and VAAFM released in November of 2013 a draft *Proposal for a Clean Lake Champlain* – the State’s proposal for reducing phosphorus pollution that is degrading Lake Champlain and its tributaries. The State solicited public comments of that draft from November 26, 2013 to January 17, 2014. This table summarizes the public comments, organized by sector and topic.

Public Comments – The Draft Proposal for a Clean Lake Champlain, released 11/20/2013

Public Comments	General or Program-Specific	Included in the Plan	Requires Legislative Changes	Focuses on Education/ outreach or Technical Assistance	Involves Research/Development	Concerns Data Quality, Accuracy	Focuses on Enforcement	Includes cost considerations	Focuses on Funding	Is not Related to the Plan’s Focus
General Comments										
Support the restoration of Lake Champlain.		X								
Support the restoration of all Vermont waters and steps to prevent waters from becoming impaired.										X
Should identify clear roles for non-profit organizations; important for delivering technical assistance, education, and project implementation.	X			X						
Should be comprehensive, involving primary sources of pollution, with control efforts designed at the right scope and scale.	X									
Need to monitor progress.	X									
Uncertain that TMDL and policy commitments are necessary.						X				
Need to target phosphorus controls at Missisquoi Bay and South Lake.		X								
Acknowledge that restoration will take decades, but we must continue the work.		X								
Need greater educational assistance to reduce impacts caused by our activities.				X						

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General Comments - Continued										
Current laws and volunteer actions are not working.	X									
The Lake's condition is a public health issue, in addition to an environmental and economic concern.	X									
Restoring Lake Champlain will likely create new jobs.	X									
Public should we warned about public health concerns caused by algae blooms.				X						
Support innovation and alternative implementation strategies.					X					
Consider anaerobic digestion, aeration and manure injection systems and weed harvesting as an energy source.					X					
Support a business enterprise that can extract phosphorus from the Lake and export nutrients to areas of need.					X					
Consider actively harvesting weed blooms.	X									
Consider use of algaecide or other actions to address toxic outbreaks.	X									
Find ways to deal with infestations of Eurasian Milfoil and water chestnut.										X
Plan needs to include the expected amount of phosphorus reductions from each strategy in order to see if the actions will meet water quality standards.	X									
Before EPA can issue a final TMDL, the plan must enhance existing programs, establish new programs with legislative approval, and complete appropriations.	X									
Support legislation and enforcement to reduce or eliminate direct discharges from private lands adjacent to the Lake and tributaries.							X			
Support load reductions from unregulated sources where significant improvements have not been made to date.	X									

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General Comments - Continued										
Education of municipalities, developers, farms, and the public is important for changing behavior and achieving the plan's long-term success.				X						
Look for ways to improve existing programs and processes.	X									
Everyone needs to be involved. Public engagement is critical.				X						
Citizens need education in order to encourage towns to use best management practices to improve water quality.				X						
Involve schools and college students.				X						
Need success stories and demonstration projects for each sector.				X						
Engage the public and businesses about actions that cause impacts, investments that make a difference, and what they can do.				X						
Rely on ECHO to demonstrate how to take care of local waters.				X						
Plan should also evaluate deficiencies and bottlenecks in existing programs.	X									
The State should make available evidence to support the attainment of water quality standards by implementing the draft proposal.	X									
Plan should address impacts the State is experiencing from increased precipitation that is causing more runoff and flooding.	X									

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General Comments – Cross-Sector Issues –Offsets and Nutrient Trading										
Support offsets if cost-effective in achieving targets.								X		
Do not support offsets because they shift the cost of nonpoint source controls to point sources, creating an unfair burden on a sector that has already made improvements to become the smallest contributor of phosphorus.								X		
Recommend evaluating the benefits and costs of an offset program prior to establishing one.	X							X		
An offset program with fees that are similar to impact fees could be costly without financial support.								X		
Any offset payment and fees should be retained for use in the watershed in which they are generated to prevent degradation.	X									
Any offset program must not result in cleaner waters becoming more degraded.	X									
Recommend an offset program to reduce loading from other pollutant source categories to offset the increased pollutant loads associated with the “hands-off” approach to achieve stream channel equilibrium conditions.	X									
Consider a credit system for cities, farms and other sources for practices in place and proactive actions taken.								X		
Support a verifiable nutrient trading program.	X									

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General Comments – Cross-Sector Issues – Trading and Offsets - Continued										
Consider allowing trading to occur outside of specific watershed where attainment is harder to reach and benefits are to reduce phosphorus in the broader Lake Champlain.	X									
Consider a trading program as a means of capping nutrient loads from farms to prevent an increase in phosphorus loads, even when the farm converts from hay to corn.	X									
General Comments – Cross-Sector Issues - Buffers										
Buffers are effective and relatively inexpensive, compared to other actions.								X		
Different buffer standards exist, depending on the land use and agency. Buffers must be large enough to be effective, composed of appropriate vegetation, and exist to reduce pollution. Support one buffer standard, managed by one agency, with assistance from third parties to ease implementation.	X									
Support installation of riparian buffers.	X									
Use non-profit organizations to assist with installation of riparian buffers.				X						
Riparian buffers are among the best tools for protecting water quality, and provide other benefits including bank stability and flood attenuation.	X									
Install nitrogen-absorbing plants within 50 feet of waters to reduce runoff.	X									
Buffers are important to prevent streambanks from eroding.	X									
Support well-vegetated riparian buffers along lakes, streams and ditches to protect water quality, habitat function, and flood resilience.	X									

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General Comments – Compliance and Enforcement										
Greater inspection leads to better compliance.							X			
Expand compliance monitoring and enforcement.							X			
Inspection and enforcement should be timely and consistent. Penalties for noncompliance should be meaningful and greater than the cost of compliance.							X			
Commit to maintaining adequate staffing to implement existing and new regulatory programs.	X									
Recommend assigning VANR the sole regulatory authority; more cost-effective.							X			
Consider performance-based regulations to replace a specification-based system.	X									
Adopt the IRS or OSHA model of enforcement; chances of inspection are low but penalties are significant; could change behavior.							X			
Consider “effluent limitations” or “Best Available Technology” standards to limit discharges; current program still allows discharges to occur.	X									
Consider ways to improve enforcement and compliance with existing programs.							X			

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General Comments – Future Pollution Loads										
Need to account for increases in pollution loading from increases in development, increases in agricultural practices, and increases in population.	X									
Concern that new development could mask progress; consider incentives for redevelopment and disincentives for new development.	X									
Support actions and technical assistance to towns to minimize impacts from future development.	X			X						
Consider incentives or regulations to minimize or mitigate effect of converting from pasture to row crops.	X									
Consider incentives to convert dairy to other types of farming.	X									
Programs that prevent future loading are more cost-effective than efforts to restore degraded waters, although they do not help with reducing current loads.								X		

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General Comments – Costs and Targeting										
Concerned about the cost to implement the plan.								X		
Consider prioritizing actions in all sectors to achieve greater reductions in a cost-effective manner.		X						X		
Consider evaluating costs per pound or ton of phosphorus removed for actions in the plan.								X		
To achieve reductions in the most effective means possible, the State should identify and target the dominant sources of pollution such as farm runoff, and then see if more reduction is necessary.	X									
Municipalities are struggling with the need to replace failing structures first and concerned about the affordability of the plan and taxpayers' ability to pay.								X		
Existing program staffing and funding sources are inadequate.	X								X	
Plan should target cropland, streambanks, and development before addressing the lessor sources.	X									
Consider a tiered approach, targeting the largest sources, then the larger towns.	X									
An equitable strategy is to include smaller community in the regulatory requirements on stormwater discharges.	X									
Support actions that are affordable and strategic.	X									
Focus effort on where we can make the greatest reductions in the most cost-effective manner.								X		

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General Comments – Costs and Targeting - Continued										
Need detailed costs in terms of phosphorus reductions.								X		
Costs need to be discussed transparently and in consideration of costs to implement other state requirements. "Saving the Lake" is not a good enough reason to require taxpayers to shoulder much of the financial burden of cleaning up the Lake.								X		
Consider adequately focusing on one watershed before moving to other areas.	X									
Plan shifts the costs of the State's failure to regulate the toxic effects of conventional dairy farming onto taxpayers.								X		
Support river corridor plans, stormwater master plans, and road assessments to identify and target implementation.		X								
Support linking basin plans with local and regional plans, which should help integrate basin plan actions into local decision-making.	X									
Tactical Basin Planning has no authority. There is no assurance that the actions identified will be implemented. Measurable reductions are impossible to estimate.	X									

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General Comments - Funding										
Support for a shared responsibility with everyone contributing.							X			
The plan needs adequate staffing, resources, and project funding.	X									
Support a publicly funded grant program to help farmers reduce pollution.									X	
Need to provide financial and technical assistance, particularly for small farmers and municipalities.				X					X	
Need a new, broad-based, stable and dedicated funding mechanism that will focus on projects to reduce nonpoint source pollution. Improved targeting and leveraging existing funds will not be adequate.									X	
Support new resources to fill the gap in funding needs. One-time installation of funds will not provide the Clean Water Act's Reasonable Assurances in securing reductions over the long-term.									X	
Support funding from many sources including federal government and private donations.									X	
Concerned that the plan will not be fully funded.									X	
Municipalities need financial assistance to implement requirements.									X	
Municipalities face many current funding needs associated with aging infrastructure. The plan should include a cost/benefit analysis and prioritization.								X		
Need to determine the scope and cost required to implement the plan prior to establishing a new clean water fund.								X		

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General Comments – Funding - Continued										
Each nonpoint source pollutant source sector should contribute in proportion to its level of phosphorus loading in order to equitably assign costs to sources.								X	X	
A fee-based system should give credit for or offer incentives for voluntary implementation of BMPs.									X	
Scope of activities supported by a fund should be limited to measures required to implement the TMDL.									X	
Concern that there are no federal or state funding commitments for implementing the set of initiatives.									X	
Support an “environmental tax” on manufactured products that contain phosphorus.									X	
Support broad-based funding that distributes the burden of phosphorus reduction to a wider cross-section of Vermont than those who live in communities with Clean Water Act (NPDES) permits.									X	
Simply restating the existence of the Ecosystem Restoration Program does not meet the Clean Water Act’s Reasonable Assurances provision.									X	
Evaluate whether existing funding sources are being spent efficiently and effectively. Successful programs should be given priority to receive additional funds.									X	
Support the restoration of the Clean Water Act Section 319 grant program.									X	
Consider boat registrations as a source of new revenue, scaled to size or value.									X	

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General Comments – Funding - Continued										
Consider tax incentives, awards, and discounts from garden centers, landscapers, and developers.									X	
Consider North Carolina's State Clean Water Management Trust Fund, which supports similar clean water projects.									X	
Consider Colorado Springs, Colorado's stormwater fee that is part of the annual property tax bill.									X	
Consider Minnesota's Clean Water Legacy fund as a model.									X	

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Stormwater Management										
Stormwater Runoff from State Roads										
Support a Clean Water Act (NPDES)-based permit for state roads.		X								
Effectiveness of this permit depends on the terms, compliance, and enforcement.							X			
Runoff from the state highway network is a point source, and should be assigned a "wasteload allocation."	X									
Success involves maintaining adequate staffing to implement the program.	X									
Under the Vermont Water Quality Standards, compliance schedules are appropriate only for attainment of new or newly interpreted standards. All discharges from state road network are not eligible for compliance schedules. Discharges from these sources must comply immediately with water quality-based effluent limits.	X									
Municipal garages, previously exempt from permitting under the Vermont Multi-Sector General Permit (MSGP) should be included in this program.	X									
A state road permit program will be a good model for municipalities and lead to delivery of technical assistance to towns.				X						

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Stormwater Runoff from Municipal Roads										
Support improved management of gravel roads. Road sediment in runoff can discharge directly into streams, acting like a point source.		X								
Support reducing or eliminating direct discharges from roads. Actions will result in cost savings for municipalities and Vermonters due to lower maintenance costs.		X						X		
Not all water in town ditches comes from roads. Adjacent landuses discharge water to road ditches. Should seek runoff reductions from adjacent landuses.	X	X								
Accept the municipal road standards if they are similar to VTrans Road and Bridge Standards.	X									
Do not support municipal road standards if they are similar to VTrans Road and Bridge Standards because of visual impacts on rural roads and cost.								X		
Support a municipal road standard, using the VTrans Road and Bridge Standards as minimum standards, but support making them more protective and increasing the potential to save money over the long term.	X									
Support targeting problem area, such as locations where transportation infrastructure is incompatible with river channel stability or where there are direct discharges, rather than a state permitting program.	X									
Concerned that the plan imposes a disproportional cost onto municipalities.								X		
Support minimum standards based on the Vermont Better Back Roads Manual.	X									
Municipalities need guidance on road best management practices.				X						

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Stormwater Runoff from Municipal Roads - Continued										
Identifying affordable Best Management Practices, taking into account maintenance costs, is critical.								X		
Undersized stream crossings are responsible for a great deal of flood damage. The permit system should require towns to establish capital plans for replacing and upgrading stream crossings.	X								X	
The process, including the management of grant programs, should include ranking and targeting to address priority road erosion impacts.		X								
Concern about accuracy regarding the amount of phosphorus coming from roads.						X				
Municipalities cannot afford the high cost of upgrading all town roads at once.								X		
Support education and training for municipal road crews.				X						
The program requires adequate staffing to implement the program.	X									
Concern that there has been no evaluation to demonstrate that it will work.		X								
The Vermont Better Back Roads Grant Program's small grants are insufficient to address undersized culverts that could be a significant source of runoff.								X		
Road erosion problems can be created or exacerbated by runoff from private roads and driveways. Approach needs to engage landowners and homeowner associations to address erosion and be part of the solution.	X									
Consider including Class 4 roads under the permit program. Class 4 roads are often a significant source of erosion, but considered lower priorities for repair because of low vehicle miles traveled.	X									

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Stormwater Runoff from Municipal Roads - Continued										
The permit program should be accompanied by adequate enforcement							X			
Consider incentives, rather than regulation, to implement practices that reduce impacts from road runoff.	X									
Consider changes to state law to facilitate installation of cutouts along roads.			X							
Consider vegetated swales along flatter roads.	X									
Support programs like the Vermont Better Back Roads Grant Program.									X	
Municipalities need guidance but hold them accountable so as to discontinue damaging practices.				X			X			
Include treatment requirements of road runoff, before discharging into streams.	X									
Any general permit should contain flexibility, since landscape features in certain locations may prevent the application of standards.	X									

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Stormwater Runoff from Existing Developed Lands										
Support this element of the plan.	X									
Based on the amount of impervious surfaces that are directly connected to waterways, even small impervious surfaces below the proposed thresholds can have a disproportionate impact on water quality. Consider targeting directly connected imperious cover.	X									
Consider incentives for property owners that allow for the siting of stormwater retrofits on their land that will provide treatment for a number of properties.	X									
Support updating the state 2010 MS4 Designation Procedure to acknowledge the contributions of phosphorus loading from current MS4 municipalities and to expand	X									
Support using the Clean Water Act's Residual Designation Authority (NPDES) discharge permit and managed as part of the TMDL Wasteload Allocation.	X									
Support adequate staffing to implement program.	X									
Support greater compliance and enforcement.							X			
A 3-acre threshold to trigger permit coverage seems excessively high when compared to the one-acre threshold for new construction stormwater permits.	X									
Managing stormwater runoff from private land via a municipal stormwater permit is not practical. Not all towns have or want to use zoning as a tool to direct development. The State should augment its own stormwater regulations to prevent water quality degradation or develop statewide zoning.	X									

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Stormwater Runoff from New Development										
Support updating Vermont Stormwater Manual to reduce pollutant loads associated with new development.		X								
Update to the Manual should focus on Increased pollutant removal.	X									
Require conservation design and Low Impact Development (LID) practices for all stormwater permits and quantify pollutant reductions.	X									
Changes to the Vermont Stormwater Manual should include changes in design standards to improve resilience towards greater intensity precipitation events associated with climate change.	X									
Support lowering the default threshold for stormwater permitting.	X									
Provide assistance to municipalities in adopting local ordinances that include conservation design and Low Impact Development.				X						
Strategies to prevent future loading important but will not offset pollutant loads that are already occurring.	X									
Create incentives that include availability of grant funding or eligibility of Tax Increment Financing (TIF) to encourage municipalities to adopt local standards that include best practices for compact development.	X								X	
Changes to the Vermont Stormwater Manual should include changes in design standards to improve resilience to greater intensity precipitation events associated with climate change.	X									

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Non-regulatory Stormwater Management for Non-MS4 Municipalities										
Stormwater Master Planning										
Support stormwater master planning to encourage towns to voluntarily reduce runoff from new and existing developments.		X								
Provide greater technical assistance to municipalities in reducing runoff.				X						
Support a publicly accessible central clearinghouse for stormwater master plans and reports.				X						
Include these actions in a plan for meeting Clean Water Act's "Reasonable Assurances" provision only if they are to be implemented, required, and quantified.	X									
Define stormwater master planning.	X									
Green Infrastructure Initiative										
Support establishing "Urban Tree Canopy" goals for all downtowns and village centers.	X									
Support the Green Stormwater Infrastructure Strategic Plan, including technical assistance to municipalities on how to implement actions at the local level.				X						
Support green roofs as a stormwater management solution.	X									

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Agricultural Programs - General										
It is unfair and impractical that municipalities are being asked to shoulder the costs when the largest source is agricultural and forest runoff.								X		
Address drainage ditches that are "straight pipes," discharging and damaging the Lake.	X									
Involve Booth Brothers and Cabot for greater publicity.				X						
Strengthen penalties for non-compliance.							X			
Majority of pollution to be curbed is the result of agricultural runoff. Need stricter requirements to reduce agricultural runoff, with technical and financial assistance for farmers.	X			X						
Removing existing exemptions from water quality protections in statute for agriculture will go farther in improving water quality, than relying on voluntary measures, self-certification, and flexibility that will not lead to improvements in water quality.			X							
Replanting pastures that involve leaving soil bare in the spring before grasses have sprouted, particularly on sloping fields, can lead to erosion. Require actions, such as terracing, to reduce erosion.	X									
Large corporate farms have taken advantage of laws intended to protect small farms from going out of business.	X									
Chart showing pollutant loads overstates loads from streambanks and understates loads from cropland. Much of the streambank erosion is associated with cropland activities.	X									

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Agricultural Programs – General - Continued										
Fields treated with herbicides for corn production also ends up in the Lake.										X
Evaluate the possible contribution of the herbicide, glyphosate, to phosphorus loading and increase monitoring.					X					
Consider incentives to support less polluting agricultural uses of land to encourage transition away from conventional dairy.	X									
Achieving water quality compliance involves care in the management of herd size, attention to prevent overproduction, prevention of row crops in or near the annual floodplain, and greater management in the application of phosphorus-containing manure, fertilizer, and feed.	X									
Need more regulation of agricultural runoff, poor farm practices, and inadequate vegetative buffer zones. Regulation should be the preferred alternative to ineffective incentives.							X			
Some farms have overflowing manure pits, plow close to streams and ditches, and spread manure in pouring rain. There is erosion and runoff from bare farm fields.	X									
Need stronger enforcement. Farmers will have to be held accountable.							X			
Increase funding for crop and soil management practices of the VAAF Farm Agronomic Practices Program, new technologies, and management practices.									X	

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Agricultural Programs – General - Continued										
Farm roads near ditches can cause erosion hazards. Consider a program that offers improvements to farm roads near ditches.	X									
Farm roads that service manure storage areas can become rutted and concentrate water. These roads have the potential to discharge to streams. Consider a program to help farmers prevent these problems from occurring.	X									
Roads that access sugar maple stands are at risk of contributing high pollutant loads because the lands are steeper, access roads may not have any erosion controls, and maple sugar makers are accessing these lands in the spring when soils are saturated.	X									
Stop criticizing farms which produce local foods.	X									
Consider supporting the implementation of a phosphorus export program, such as Vermont Organics Reclamation that purchase excess manure and nutrients and uses them to make an organic line of soil amendments.	X				X					
Promote nutrient export in milk, cheese, vegetables, potting soil, and other products out of the Basin.	X				X					
Consider a tax on grain to minimize the import of phosphorus from feed.									X	

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Agricultural Programs – General – Flood Resilience										
Plan should address strategies to improve the resilience of agricultural lands from the impacts of flooding by prevent crop loss due to flooding and protecting floodplains.	X									
Encourage wetland and floodplain restoration to slow down the velocity of the streamflow during storm events. Consider paying farms for the loss of cropland from these restoration projects.	X							X		
AAPs should reduce nonpoint source pollution that is occurring during high flows.	X									
Should reduce or eliminate tilling in high risk flood zones or permanently take flood-prone land out of production.	X									
Encourage buying flood-prone land or using land swaps to reduce farmers' vulnerability to flooding.	X									
Consider incentives or subsidies to convert corn crop to a perennial crop in floodplains.								X		
Floodplains are almost always defined as not being highly erodible, even though the farm field may be vulnerable to damages from fluvial erosion. Consider actions to protect these areas.	X									
Consider an evaluation to ensure that payments to farms for crop loss or damage do not result in continuing to plant the field crop in the vulnerable area.	X									

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Agricultural Programs										
Water Quality Permitting Programs										
Reduce the MFO threshold from 200 to 150 cows.	X									
Do not support meeting the Clean Water Act's Reasonable Assurances provision with the State's LFO and MFO programs. VAAFm maintains that a majority of LFOs and MFOs are in full compliance. Therefore, the plan cannot credit continued implementation with no enhancement of requirements. Reasonable Assurances require reductions in nonpoint sources.	X									
Compliance with LFO and MFO programs is not universal. Support steps to enhance existing enforcement.						X				
Recommend addressing the state rule that is inconsistent with statute, whereby numerous MFOs in common ownership evade the LFO requirements, including requirements aimed at regulating additional animals. If a farmer owns multiple MFOs in Lake Champlain Basin or other watersheds impaired by agricultural runoff, the regulatory program should treat those as a single LFO.	X									
Support a Clean Water Act (NPDES) permit for CAFOs.	X									
CAFO permits govern point source discharges assigned to the TMDL's Waste Load Allocation. They cannot be counted towards meeting Reasonable Assurances.	X									
A CAFO's manure lagoons should not be open to the rain, but should be covered.	X									
Withstanding a 25-yr, 24-hour storm event means that lagoons would overflow on average every 25 years. Noting the many lagoons in the Basin and the variable rainfall, there likely will be an overflow somewhere in the Basin every year.	X									

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Accepted Agricultural Practice Rule Update and Compliance										
Enhance AAPs to meet the TMDL's Reasonable Assurances provision by appropriately sizing buffers, restricting haying and pesticide application in buffers, improving soil testing and record-keeping, and extending winter spreading ban to days which conditions result in frozen ground or snow cover prior to or after specified dates.	X									
Enhance AAPs by improving enforcement with adequate staffing.							X			
Support expanding regulatory oversight to small farms.							X			
Support technical, educational, and financial assistance to small farms.				X						
Inspections should occur in areas where waters are not yet impaired. Should not focus on watersheds are only agriculturally impaired.							X			
Proposed changes to AAPs will put many small dairy farms out of business.								X		
AAPs are not about protecting waters of the State. AAPs shield dairy farmers from environmental regulation.							X			
Support gully erosion. Specify practices to accomplish this objective.	X									
Important to address gully erosion early before they become major sources. It can be expensive to address if left unattended.		X								
Consider stabilizing ditches that are actively eroding.	X									
Ditches discharge sediment and phosphorus. Plan needs to address this source.	X									
Support third-party certification. Self-certification has the potential to be abused.							X			
If farmers are unaware of the AAPs, it raises the question regarding the reliability of a self-certification process.							X			

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Accepted Agricultural Practice Rule Update and Compliance - Continued										
Self-certification may be a way to avoid inspection and compliance. Following outreach, certification should involve 3 options: yes; no; or not entirely compliant but working with NRCS and have a plan for compliance.							X			
The State does not appear to be serious about certifying and inspecting 850 small farms with only one employee.							X			
Support a licensing program, similar to Wisconsin, for contract manure applicators.	X									
Plan should address concern about liquid manure being applied very close to waterways, such as brooks and marshes in Addison County.	X									
Consider reductions of phosphorus loading from tile drains, a source of soluble phosphorus. This is a particular concern if the tile drain is in close proximity to the Lake.	X									
Require at a minimum the registration of all tile drain installations.							X			
Conduct paired monitoring study to investigate impact of tile drainage.					X					
Consider actions to prevent farmers from bringing manure onto roads that then runs off into road ditches or streams.	X									
Address the pollution risk of older manure pits located on floodplains or permeable soils. The pose a risk of nutrient leaching into groundwater and streams.	X									

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Accepted Agricultural Practice Rule Update and Compliance - Buffers										
Do not support the 10-foot buffer. A little bank erosion will eliminate a 10-foot buffer in no time.		X								
Calling a 10-foot grass strip a buffer is misleading and enables credit for providing benefits without actually providing any.		X								
Easier to monitor a standard buffer width using aerial photography. Variable widths are more difficult to monitor for compliance.		X					X			
Support sliding buffers if site-specific conditions such as slope indicate this need.	X									
Grass buffers have little effect on protecting streams or helping to improve stream stability, and are inconsistent with the State's Act 250 Guidance, which calls for undisturbed and naturally vegetated buffers.	X									
Minimum buffer widths of 25 feet for streams and 10 feet for ditches may be insufficient to provide pollutant removal and stream channel protection.	X									
The proposed widths are inconsistent with the State's technical guidance for the Conservation Reserve Enhancement Program (CREP). That guidance calls for 25 feet under the best circumstances – low slope, permeable soils, and small contributing area.	X									
Buffers should apply to intermittent streams.	X									
Buffers should apply to all "blue-line" streams on USGS maps.		X								

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Accepted Agricultural Practice Rule Update and Compliance – Buffers - Continued										
Ditches should have larger buffers in order to maximize pollutant filtering, slow velocity of runoff, and alleviate situations where ditching in buffers allow runoff to bypass the buffer.	X									
Increase buffer widths to at least 35 feet if pesticides are being used.	X									
Consider having buffers on tile inlets.	X									
Consider strategies to overcome barriers to achieve vegetated buffers on farmlands.	X									

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Accepted Agricultural Practice Rule Update and Compliance – Livestock Exclusion										
Support adoption of mandatory livestock exclusion, not just in areas where streambanks are eroding, due to presence of nutrients, bacteria, antibiotics, and other pollutants in public trust waters. Support phasing in the practice, focusing on areas of greatest concern.	X									
Support livestock erosion from streams and not limit exclusion where there is erosion. AAPs need to prevent areas of new erosion.	X									
Could be a very cost-effective practice, especially when compared to stormwater retrofits in urban areas or wastewater treatment facility upgrades.								X		
Livestock exclusion can be cost-prohibitive at some farms.								X		
Support incentives to exclude livestock from streams.	X									
Support livestock exclusion for land that is not currently used to pasture animals.	X									
Support livestock exclusion grazing management plans.	X									
Could support very limited grazing along streambanks, only a few days per year or per month.	X									
Dairy farmers are already at the brink of insolvency. A declining share of the costs of fencing cannot be an incentive.								X		

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Accepted Agricultural Practice Rule Update and Compliance – Winter Spreading Ban										
Do not support lifting the existing winter spreading ban.	X									
Agencies across the country recognize that spreading manure on ice and frozen ground is unpredictable at best. It is known to result in major pollution events.	X									
If a farmer is forced to spread at high rates during a time of year that is for flooding, the farmer has not scaled the number of animals to available storage. The farmer may be using land to dispose of waste rather than for taking up nutrients. The farmer may not be operating under useful nutrient management plan, is not following the existing plan, or there is a need for greater enforcement.	X						X			
VAAFMs use of the winter spreading ban waiver yearly reflects the problem associated with not enough storage. They need to scale operations to meet capacity to dispose of wastes without using the waters of the State.	X									
A farm should not be allowed to have more animals that it has manure storage capacity to properly handle and contain manure and leachate.	X									
Winter spreading ban waivers pose immense enforcement challenges.							X			
If farmers are following nutrient management plans, they should not be applying manure at very high rates anywhere. Farmers should be manure to soils that need it, not just to the nearest field.	X									

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Accepted Agricultural Practice Rule Update and Compliance – Winter Spreading Ban - Continued										
Eliminating or loosening the winter spreading ban contradicts the proposal's stated goal of cleaning up Lake Champlain. It does not provide the Clean Water Act's Reasonable Assurances that nonpoint source reductions will occur.	X									
A waiver request should automatically require a reduction in the number of animals until the farmer can demonstrate proof of adequate storage capacity.	X									
Define, "not adjacent to surface water." Consider a minimum 150-foot setback if the winter spreading ban is lifted.	X									

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Nutrient Management Planning										
Plan should specify the threshold to determine when farmers would need to develop and implement nutrient management plans.	X									
Supports nutrient management planning.	X									
Nutrient management planning should include actions that address erosion and sediment control.	X									
Do not support the use of the soil loss factor, "T," in the Universal Soil Loss Equation, since "T" is an agronomic standard and not a water quality standard.										
Some NRCS offices allow for greater than "T" in nutrient management plans.	X									
Consider a more stringent target for soil loss, expressed as a fraction of T, such as ½T or a more protective "P" standard. Consider ½T for areas that are known to be discharging, critical source areas, or erosion areas.	X									
Need to explain the basis for determining waters that are "agriculturally impaired," and provide a list of these waters.	X									
See little value unless the state develops a better system of monitoring and enforcing compliance related to soil testing, timing and rate of nutrient application.							X			
Support technical exchanges and educational opportunities among farmers.				X						
Need more clarification as to how to ensure compliance with nutrient management plans. Support meaningful enforcement for cases of non-compliance.							X			
Need accountability and assurances against abuse and capacity for enforcement.							X			

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Nutrient Management Planning - Continued										
The State needs to change agricultural land management to involve constant cover 100% of the time. Farmers in North Dakota, Ohio, and Missouri all use cocktail cover cropping in their crop systems. The biodiversity of plants and roots build healthy soils.	X									
Farmers need technical assistance in nutrient management plan development and implementation.				X						
Farmers that manage grazing effectively with adequate buffers should not require technical service providers to develop a grazing plan.	X									
Gap Watersheds Missisquoi Bay, St. Albans Bay, South Lake										
Actions must help the South Lake meet water quality standards.	X									
Consider having corn fields along the Lake in St. Albans use cover crops after the corn is harvested. No cover crops are planted there year after year.	X									

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River Channel Instability										
Minimizing River Corridor and Floodplain Encroachments										
Support regulation of floodplain developments that are exempt from municipal regulations.		X								
Support floodplain protection.	X									
Unstable streams are a product of poor landuse practices that from agricultural areas and development.	X									
Allowing rivers to establish stable equilibrium conditions by limiting actions that impede this objective is critical to achieving a healthy Lake Champlain.		X								
Support river corridor protection using easements and land conservation. This approach increases resilience to storm events, improves habitat connectivity, and maintains water quality.		X								
River corridor protection via land conservation and easements are expensive. The plan does not identify any new sources of funding to increase use of this strategy.									X	
Support a state program to acquire flooded properties to prevent rebuilding in vulnerable areas.	X									
A less expensive approach to achieving floodplain and river corridor protection is to encourage municipalities to develop better zoning bylaws.				X				X		
Support stormwater utilities to implement floodplain restoration projects.									X	
Support targeted, rather than ad hoc, floodplain restoration.	X									
FEMA flood maps are inadequate for determining flood risk.										X

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Preventing Adverse River Channel Modifications										
Support actions to prevent pollutant loads from stream channel modifications.		X								
Support bank stabilization strategies to address rate of bank erosion that is consistent with the pollutant load the Lake can assimilate, without compromising the ultimate goal of achieving channel stability.	X									
Support repairing eroding streambanks.	X									
Concerned that streambank erosion control is used to protect infrastructure at the expense of increasing erosion of agricultural land.	X									
Dry eroded waterways, exposed to poor agricultural and forestry operations, can contribute pollutant loading.	X									
The plan should address streambank erosion as a source of phosphorus. Allowing streams to erode will continue to generate pollutant loads.		X								

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Forest Management										
Water quality impacts occur when forest cover goes below 65% on a watershed scale and 70% for riparian buffers. Should develop a statewide strategy to protect, conserve, and enhance forest cover for water quality.		X								
Improve the rate of compliance with AMPs.							X			
The draft Timber Harvest Assessment shows some degree on noncompliance with AMPs. Either strengthen enforcement, increase implementation of existing requirements, or add stronger provisions.							X			
AMPs should prevent, not just reduce, mud, petroleum products and woody debris from entering streams, wetlands, and ponds.	X									
Need quantifiable reductions if the plan seeks to claim pollutant reductions from existing programs.	X									
Recommend taking action other than promoting skidder bridges. Most states with strong forestry industries have licensing programs that include water quality. If farmers must become certified to comply with AAPs, foresters and loggers should become certified.	X									
Support program that identifies abandoned logging roads and skid trails and incentives to correct them.		X								

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Internal P Loading in St. Albans Bay										
Consider addressing phosphorus-laden sediments in the Lakes polluted bays	X	X								
Phosphorus Detergent and Fertilizer Use										
Consider having retailers post signage in accordance with the law to help make customers aware of the general restrictions on the use of phosphorus-containing fertilizers.				X						
Support an assessment whether the ban of phosphorus in laundry and dishwasher detergents and the limit on phosphorus in lawn fertilizer are working, and whether wholesalers and retailers are complying with these state statute.					X		X			
State law does not outright ban the use of fertilizers. It requires signs at point of sale, and that homeowners not apply fertilizer without a soil test. Consider a ban on the sale and use of lawn fertilizers, with the possible exception of golf courses.			X							

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Wastewater Treatment										
Point sources are a very small source; additional requirements are costly with diminishing return and limited improvement, and may not be cost-effective.								X		
Additional reductions from point source will need broad-based funding.									X	
Wastewater plants that do not meet permit limits should be a priority.	X									
Encourage optimization of wastewater treatment plant performance using incentives to award good performance.	X									
Support integrated stormwater and wastewater planning and permitting to more cost-effectively manage multiple clean water permits, allow for a greater prioritization of actions, and a logical timeline that reflects compliance costs.								X		
Need to address failing, inefficient, or insufficient septic systems with better technologies before they fail and become a problem.	X									
Need to address spills of partly and untreated sewage from wastewater treatment plants.	X									