



January 9, 2014

Kari Dolan  
Department of Environmental Conservation  
State of Vermont  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3520

Dear Ms. Dolan:

The Friends of Northern Lake Champlain (FNLC) is grateful to have the opportunity to comment on Vermont DEC's draft Proposal for a Clean Lake Champlain document as part of the on-going effort to develop a new phosphorus TMDL for Lake Champlain. We believe that the focus on non-point source pollution is the right direction for this effort and absolutely essential if we are to achieve our shared water quality goals for Lake Champlain; we should all be working diligently to implement and encourage the policies outlined in this proposal.

As a member-driven organization that has been working on pollution issues in Lake Champlain for over 11 years, we have seen first-hand the degradation of Lake Champlain caused by the increased nutrient loads from our landscape due to changing land-use policies and activities. We believe that the three strongest pieces in the current proposal that will have the greatest positive impact water quality are the:

- ✓ Improvements to the Accepted Agricultural Practices and engagement of the small farms
- ✓ Proposed TS4 permit and the improving municipal stormwater practices
- ✓ Requirement for all farms to stabilize field gully erosion on agricultural lands

We are extremely concerned, however, that the proposal perpetuates the public's sense that addressing water quality is solely the responsibility of the state and does not identify any clear roles for federal partners, watershed groups, or individuals. It will be critical for everyone to come to the table in order to achieve our shared water quality goals.

In addition, there are a number of technical and programmatic initiatives that were not included in the draft Proposal that we think need to be part of the larger solutions-based plan to achieve water quality in Lake Champlain. Listed in no particular order, these are:

- ✓ Develop a water quality "cap and trade" program that would require nutrient loads from farms not increase even as farm may convert cropland from hay to corn;
- ✓ Require mandatory licensing for custom manure spreaders/operators;



- ✓ Make significant investments on farm and field practices that have been known to reduce soil and nutrient loss. These investments could include, but should not be limited to:
  - Increase technical exchanges and educational opportunities between farmers.
  - Increase annual funding available for crop and soil management practices through the Agency of Agriculture's Farm Agronomic Practices (FAP) program.
  - Increase funding for new technologies and treatment of farm run-off that reduce phosphorous loads to lakes and streams.
  - Increase low till, no-till, and manure injection practices on all farms in the Champlain Valley, by continuing to make cost-share available to support equipment purchase and practice implementation.
  - Encourage land and trading/buying in areas that are prone to significant flooding.
  - Compensate landowners to implement, in perpetuity, agronomic practices that will control non-point nutrient runoff from the most sensitive areas of the landscape, as identified in the *2011 Missisquoi Bay Critical Source Area* funded by the Lake Champlain Basin Program.
  - Intensify projects on the landscape adjacent (within 10 miles) to the St. Albans and Missisquoi Bays in order to decrease direct sediment loads to those waterways.
  - Reduce the minimum number of cows necessary for a farm to be considered an MFO from 200 to 150 cows.
- ✓ Explicitly recognize and incorporate strategies for public education and outreach to better inform residents about their watershed and the individual responsibility;
- ✓ Restore pass thru funding from the Section 319 grant program to regional and local watershed group that are playing a significant role in watersheds throughout Lake Champlain;
- ✓ Create a net-zero or no runoff incentive stormwater program for landowners, existing businesses and industrial complexes;
- ✓ Ensure long-term funding for the USGS flow gages in order to properly monitor progress;
- ✓ Establish Urban Tree Canopy goals for all downtowns and village centers in the Champlain basin, similar to those that have already been developed for St Albans, Burlington, South Burlington and Montpelier;
- ✓ Incorporate active stream bank stabilization strategies in the discussion of river channel stability, in order to address the rate of stream bank erosion to be consistent with the load the lake can assimilate, without compromising on the ultimate goal of achieving channel stability. We are extremely concerned the streambanks represent upwards of 40% of the current phosphorus load to Missisquoi Bay and the draft Proposal does not include any active strategies to address this major pollution source.



Although the proposal is silent on wastewater treatment facilities, we understand that the EPA may be looking to impose lower limits on them because they represent effluent concentrations that could be reliably achieved. While it is true that point sources could always pollute less, they represent a very small amount of the total phosphorous loads. Even eliminating their discharges entirely would not make a significant difference in water quality in Lake Champlain. FNLC is, however, concerned with the accidental discharge of raw sewage caused by human error or aging facilities and would like the new TMDL to focus on improving and sustaining our existing wastewater infrastructure as opposed to demanding significant investments in enhanced nutrient removal.

While excluding livestock from certain streams and banks would make a slight difference in water quality, FNLC is not convinced that we should prioritize spending the money that would be required to exclude every cow from every stream. The reports continue to show that the majority of phosphorous in the northern Lake is coming from croplands. Redirecting funds to support more extensive conservation practices on our croplands would be a much better investment for water quality improvements in Lake Champlain.

All of this said, FNLC is extremely supportive of taking a comprehensive look at non-point source pollution. Our focus has always been on catalyzing the actions and accountability needed to reduce land-use pollution and securing the essential local, state, and federal funding necessary for successful implementation. We know there can be no improvement in Lake Champlain water quality without the on-the-ground projects that improve the waters flowing into the Lake.

We are concerned, however, that at this point in the process there are no federal or state commitment for funding the implementation of the numerous initiatives outlined in the draft Proposal and that funding is unlikely to be discussed by the administration and legislature until next year. Vermonters deserve to be made aware of the magnitude of the financial commitment that will be necessary to fulfill DEC's draft Proposal to EPA. Further, DEC needs to be able to compare and contrast for Vermont taxpayers the draft Proposal to what an EPA enforced cleanup will cost and will realistically deliver in terms of water quality results. Currently, funding for projects that improve the waters flowing into Lake Champlain comes in a variety of different State and Federal programs, all of which have limits and constraints which affects their ability to be truly effective in reducing the nutrient loads going into Lake Champlain. For example:

- The Agency of Agriculture typically receives significantly larger annual appropriations from the legislature for barnyard improvements through its BMP program than for its farm agronomic practices for cropland conservation, even



though barnyards represent less than 1% of the phosphorus load being delivered to Lake Champlain annually and cropland is more than 35%.

- VTrans' Better Back Roads Program has approximately \$300,000 annually that is allocated in small grants of \$10,000 to municipalities statewide, resulting in some ditch improvements, but is generally insufficient to address under-sized culverts that can be some of the most significant sources of polluted run-off from gravel roads.
- VT DEC's Ecosystem Restoration Program is a statewide program, funded by the Capital Bill at \$2,000,000, is becoming an administrative nightmare for organizations attempting to implement projects, because of the structure of the grant requirements, and the slow pace at which the DEC Business Office issues payments on the invoices submitted.
- The U.S. Department of Agriculture's Natural Resources Conservation Service, has between \$4 and \$7 million to allocate annually for barnyard improvements and cropland conservation, however, many months can pass between when a farmer enrolls in their programs and when the projects are actually implemented on the group.
- The Watershed Grants that are funded by the license plate fund from VT DEC and the Vermont Department of Fish & Wildlife makes about \$200,000 available annually; these grants are very competitive and fund implementation projects only up to \$15,000.
- The Lake Champlain Basin Program tends to focus its most significant resources on applied research projects, and offers only small, competitively sought grants of up to \$15,000 for implementation.

FNLC has recently embarked on a stormwater mapping and identification project and of the 8 towns in Franklin County (alone) that we have surveyed, we have identified over 300 problems. With funding from the Ecosystem Restoration Program, we were able to fix 2 of them. The lesson here is that there is a lot of on-the-ground work that needs to be done in the Champlain Valley to improve water quality in Lake Champlain. It is imperative that we:

1. Catalog all of the resources we are currently spending on Lake Champlain and determine if the money is being spent wisely or if we should re-distribute and re-prioritize what we are funding;
2. Establish a *Clean Water Fund*, modeled on the structure of Efficiency Vermont. This would be established to implement on-the-ground projects to reduce non-point source pollution from developed and agricultural lands.

Our elected leaders, on behalf of all Vermonters, need to make a commitment to clean water today. Funding clean water and making a significant investment in the practices that are



known to reduce pollution from our lakes and streams is the only way that we will be able to make a positive impact and turn the curve on water quality. Non-point source pollution is the 10,000 leaks that drain into Lake Champlain. Individually, not making a significant impact, but collectively, they are creating one of the largest human and environmental tragedies of our time.

Thank you again for allowing us to comment on Vermont DEC's draft Proposal for a Clean Lake Champlain document as part of the on-going effort to develop a new phosphorus TMDL for Lake Champlain. If you have any questions about our comments or would like some clarification, please do not hesitate to contact Denise Smith, Executive Director or Kent Henderson, Chair of the Friends of Northern Lake Champlain.

Sincerely,

The Friends of Northern Lake Champlain