

# *Friends of the Mad River*



January 16, 2014

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

Dear Kari:

The Friends of the Mad River (FMR) Board of Directors would like to express our gratitude for the opportunity to provide input on the Vermont Department of Environmental Conservation (VTDEC) draft Proposal for a Clean Lake Champlain, which has been prepared as part of the revised phosphorus TMDL for Lake Champlain. We appreciate the efforts of the VTDEC for developing the Proposal which contains several potentially very positive plans of action, that if implemented, will go a very long way toward reducing phosphorus inputs to the Lake and improving water quality.

FMR has identified a number of key issues outlined in the document that stand out to us as especially critical measures and for those we would like to underscore our support for a focused implementation effort. In other instances we have identified portions of the Proposal that we feel fall short of spurring the implementation efforts needed to clean up the Lake. For other sections still, we would like to suggest modifications that we believe will further strengthen a good plan of action.

Our comments on the Proposal, organized by Section, are as follows:

## Section 2.2

FMR strongly agrees that the following proposed actions are critically important for the health of the watershed streams and the Lake:

- A requirement for mandatory 25 foot minimum vegetated buffers along all perennial streams & 10' buffers along all field ditches for agricultural lands planted with annual crops.
- A requirement to stabilize field gully erosion caused by agricultural practices.

We are however, concerned that livestock exclusion has only been recommended for perennial streams where erosion is prevalent, versus a more aggressive action plan. FMR believes this plan of action will be difficult to apply because whether or not a stream is eroded can be subjective. In addition impacts from in stream livestock can certainly be significant even in locations where the stream is not visibly eroded. We believe the plan of action falls short of making a noticeable improvement in preventing nutrient export from livestock, and that the action plan for livestock exclusion should be expanded to include all perennial streams.

### Section 3.1

FMR strongly supports the development of a TS4 General Permit to regulate stormwater from the State-operated transportation system. Consolidating requirements of other stormwater permits including the MSGP, MS4, and post-construction permits is a logical approach to improving the administrative management of the permits for both the regulators and the permittees.

FMR believes that the VTDEC must dedicate necessary resources for tracking permit compliance and completing site inspections. In addition, FMR believes that municipal garages, previously exempt from permitting under the MSGP should also be regulated under the new TS4 permit.

### Section 3.2

Through work we have conducted in the Mad River Watershed, FMR understands that the road erosion associated with the local road network is a very important source of erosion and sedimentation to water resources for a variety of reasons including steep topography, erodible soils, frequent water crossings, and maintenance challenges. We strongly support the implementation of a permitting system that would regulate municipal roadways under a general permit. FMR has been actively engaged in road erosion assessment and design projects during the past several years, and we feel that we have developed technical guidance that should be applied to other areas of the State as part of road network assessment and BMP implementation. Specifically, we note:

- FMR has developed a protocol for ranking road erosion impact to water quality. The protocol has been successfully applied to several other locations in the State. The protocol should continue to be used to assess problem areas, and refined as needed, versus starting from square one.
- FMR has developed a road erosion BMP toolbox which has proven to be useful and effective for watershed Towns to implement repair projects. This BMP toolbox should be disseminated and utilized for future projects Statewide.
- BMPs in many cases need to be more robust than those identified in Town Road and Bridge Standards. Many Towns currently have little guidance for BMPs. Minimum standards should instead follow the Better Backroads Manual.

- In the Mad River Valley and other rural communities, a significant portion of the road network is composed of private roads and driveways. Often road erosion problems are created or exacerbated by runoff from private roads and driveways. Engaging private landowners and associations to address erosion on private roads and driveways needs to be part of the equation.
- Class 4 roads are often a significant source of erosion and sedimentation but considered as lower priorities for repair because they are not well traveled. FMR recommends that Class 4 roads are included under the general permit.

### Section 3.3

FMR strongly supports the regulation of existing impervious area, as we recognize that if we are serious about reducing nutrient inputs from urban areas, problems created by existing developed lands must be addressed. We note that the VTDEC is proposing to regulate properties over thresholds of impervious area including 3 acres, and also 15 acres for sites discharging to an MS4 system. In many instances even relatively small impervious surfaces, including ones below these thresholds proposed by the VTDEC, can have a disproportionate impact to water quality based on the amount of directly connected impervious surface, that is, impervious surface linked to the stream by a pipe. The VTDEC should consider evaluating a jurisdictional threshold based on the amount of directly connected impervious cover versus an overall impervious cover. While this approach would require more upfront assessment, in the long run it would offer a more effective approach for managing existing problem sites.

### Section 3.4

The majority of developed lands within the Mad River watershed are considered non-regulatory stormwater management areas, and therefore FMR recognizes the importance of assessing these developed lands to pinpoint water quality hotspot areas. We concur with the VTDEC that master planning is an excellent tool to assess runoff conditions and isolate problem areas. We do feel that there is a critical need for a comprehensive clearinghouse of completed studies that can be easily accessed by the public, the municipalities, and the regulatory community to be able to understand where master planning work, and other related studies, have been completed and what solutions have been recommended. The VTDEC has internally completed valuable master planning projects and has also separately funded projects completed by consultants. To avoid reinventing the wheel various reports and recommendations should be available and easily queried in a centralized electronic clearinghouse. We recognize the VTDEC has developed a website recently for this purpose however much more needs to be done to ensure valuable information can be easily shared.

### Section 3.6

FMR strongly supports the VTDEC Green Infrastructure Initiative as well as making GSI a focus of the new State stormwater management manual. We consider making GSI a mandatory component of future regulatory requirements a top priority for better management of developed

lands. In order to successfully implement GSI on a wide level, the VTDEC should continue to support strategies identified in the GSI strategic plan, especially by providing technical tools to municipalities to successfully implement GSI at the local level.

Sincerely,

Friends of the Mad River Board of Directors

Kinny Perot  
Andres Torizzo  
Jack Byrne  
Sucosh Norton  
Brian Shupe  
Katie Sullivan  
Kate Sudhoff  
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