



January 17, 2014

Ms. Kari Dolan  
Manager, Ecosystem Restoration Program  
Watershed Management Division  
Dept. of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, VT 05620-3522

*Via email: Kari.Dolan@state.vt.us*

Dear Ms. Dolan:

The Vermont Council of Trout Unlimited (VT TU), representing the conservation focused anglers of the five statewide Chapters of Trout Unlimited, writes in support of the “State of Vermont Proposal for a Clean Lake Champlain: Draft for Discussion.” (“Proposal”) We support the overall goal of reducing nonpoint pollution, specifically phosphorus, sediment and other excessive nutrients, from agriculture and urban areas. Although the Proposal is specifically geared towards reducing pollution impacts on Lake Champlain, the cold-water watersheds and tributaries throughout the state will benefit from the pollution reduction measures within the Proposal, as well. In this, it should be viewed as a component of comprehensive state water quality and watershed health. Overall, VT TU believes the water quality and aquatic habitat of the entire state will benefit from this Proposal.

However, VT TU does have some specific concerns related to the Proposal. The concerns include: (1) as a state, this is our opportunity for stakeholders, including farmers, municipalities, conservation groups, businesses, individuals, and others, to determine how to reach the mandated standard set by the federal government and this opportunity cannot be lost or relegated to federal agency decisions; (2) since a majority of the pollution that needs to be curbed is due to agriculture, the state should facilitate partnerships to reduce costs and to encourage farmers to utilize the expertise of private organizations with public funding assistance, particularly for riparian buffers; (3) as the increasingly complex and sometimes contradictory standards in these regulations make compliance difficult, there should be an overarching set of rules set by the

Legislature, preferably maintained by one agency; and, (4) that river channel stability and management remains a top priority and is not undercut by other regulations.

(1) The federal government recently established a numerical target for reduction of water pollution in the state of Vermont, particularly phosphorous, erosion and other nutrients, from agriculture, roads and urban areas. This is the chance for the state, in a collaborative effort between all stakeholders, to determine how to reach the standard set by the federal U.S. Environmental Protection Agency (USEPA). With this Proposal, the state has begun the dialogue by offering methods and mechanisms to reach the pollution reduction goals, and now the stakeholders must decide with which aspects they agree and which should be changed. This is not a time for debate as to whether the standard should be higher or lower, that is set, but rather a debate as to how that standard will be reached. If our collaborations fail, the federal government will determine our path. This presents an important opportunity to work within the state among stakeholders and develop a fair and effective plan.

(2) The majority of the pollution that needs to be curbed is a result of agricultural runoff. Stricter requirements than those currently in place are necessary to adequately reduce this runoff and will likely cover a variety of practices. While VT TU is supportive of tighter restrictions on agricultural runoff, we believe that the farmers should not have to bear the total financial cost of implementation. Instead, partnerships with private groups facilitated by state support and assisted by public funding would allow farmers to utilize the expertise of those groups. This would provide valuable financial and technical assistance, particularly in the creation and maintenance of riparian buffers.

Trout Unlimited and many other Vermont nonprofits engage in hands-on riparian improvement projects every year. This is an opportunity to expand riparian buffers and install modern culverts to not only reduce erosion and nonpoint pollution, but protect and restore aquatic habitat. New spending may not be needed, but instead an examination of the current program within the state agencies should be reconsidered and refocused. While the state budget is exceedingly tight, something that is for the common good, such as clean water, cannot rest solely as a burden on a few. If everyone indeed wants clean water, then everyone must participate.

(3) Further, VT TU is concerned that regulations and their implementation programs are becoming increasingly complex to the point that the average person cannot understand nor navigate their implementation. To facilitate this process, any new regulations should be housed in the Vermont Agency of Natural Resources, no matter their traditional place, as all ultimately seek to curb water pollution. The numbers of state agencies currently involved or that have related programs make the process increasingly cumbersome. Further, these proposals to reduce pollution from farms and urban areas will create another layer of regulation on top of current regulations that, while the results are welcome, will add to the maze that already must be navigated. To reduce this, any new programs should be enacted together under one agency, preferably Vermont Agency of Natural Resources, which has statutory authority over water quality. Spreading authority over the regulations among several agencies will just dilute their effectiveness and diminish their purpose.

As a specific example, VT TU and other watershed groups work with property owners with projects to protect local water quality, commonly through the development and maintenance of riparian buffer zones through vegetated areas adjacent to waterways that act as filters for

pollutants. They are effective and relatively inexpensive. However, several different standards for buffers exist depending on the issue and the agency, making a simple solution unnecessarily complicated. The buffers must be large enough to be effective, composed of the appropriate vegetation and exist for the sole purpose of a pollution reduction buffer, not an extension of a farm field or front lawn. Further, a program must offer participants the above-mentioned partnerships to ensure ease of implementation. Some buffer programs are entirely too insular within the agencies. A simple solution would be one standard under one agency with the assistance of third parties to ease implementation. Partnering willing farmers with nonprofits will defray costs, provide manpower, and utilize expertise.

(4) In the wake of Irene, river channel stability and floodplain encroachment are increased concerns. The Legislature and the agencies have made efforts to establish a basis for floodplain management and channel stability, and therefore there is limited reason to revisit this debate. Stream and floodplain alteration should be closely managed and avoided to utmost extent possible. This includes preventing the removal of gravel and other structure vital as aquatic habitat, limiting the use of armored banks rather than the use of floodplains and vegetated buffers, and establishment of easements as a means of protection from development. Removal and prevention of stream obstructions, such as unnecessary or obsolete dams, would also help maintain adequate river flow and improve stability. The Vermont Agency of Natural Resources should complete its comprehensive river corridor mapping and continue to assist communities develop floodplain management plans to provide protect and restore local floodplains

VT TU supports the overall goal of the “State of Vermont Proposal for a Clean Lake Champlain: Draft for Discussion” to reduce phosphorous pollution in the state’s waterways and lessen its impact on Lake Champlain. All aquatic habitat will benefit from this restoration of water quality. This is an opportunity for stakeholders in the state to work together to find common ground to reach the goal of reduced pollution in our waterways.

Thank you for this opportunity to comment.

Sincerely,



Clark Amadon, Chair  
Vermont Council of Trout Unlimited