



Winooski Natural Resources Conservation District

“Connecting people to a sustainable landscape”

www.winooskinrcd.org

Kari Dolan
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January 15th, 2013

RE: Comment on Draft State of Vermont Proposal for a Clean Lake Champlain

Dear Kari,

The Winooski Natural Resources Conservation District had the opportunity to participate in the public meetings discussing the TMDL for phosphorus for Lake Champlain and to read the DRAFT State of Vermont Proposal for a Clean Lake Champlain. As such, we make the following recommendations/comments on the draft plan.

In order to meet the state’s phosphorus reduction goals, all phosphorus inputs deserve attention. We support the draft proposal’s efforts to focus on critical reductions in non-point source pollution. To achieve the State’s clean lake goals, we must not only reduce phosphorus inputs from point sources, such as wastewater treatment plants. A restoration approach that addresses the multiple phosphorus pollution sources affecting the Lake will be the most successful in meeting the State’s goals.

Although the proposal is silent on what might be required of point-source discharges from 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 fraction of the total phosphorus load. Even eliminating their discharges entirely would not make a significant difference in water quality in Lake Champlain.

The Winooski Conservation District identifies the education of Vermonters of critical importance to the success of meeting the TMDL requirements for phosphorus in Lake Champlain. Outreach and education not only engage citizens in action to restore the Lake, but also inform them of the role that non-point source pollution plays in the health of the Lake. Individuals who do not work directly in conservation are often unaware of the various and significant sources of phosphorus pollution in the Basin. This lack of information is identified as a weakness in Vermont’s ability to address an issue to which we all contribute in some shape or form. We are extremely concerned that the proposal will perpetuate the public’s sense that addressing water quality is solely the responsibility of the State and does not identify any clear roles for watershed groups or individuals. It will be critical for everyone to come to the table in order to achieve our shared water quality goals.

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Vermont should address non-point source pollution through incremental, but impactful, solutions that can be identified, applied, and evaluated for efficacy. However, without adequate resources and strong evaluation criteria, success is not certain. Non-point source control measures cannot be considered separately from the resources needed to implement them. All Vermonters will need to understand the full magnitude of the financial commitment that will be required to adequately address non-point source pollution. Many of the points addressed in the draft rely on permitting as the tool to encourage a shift in the ways we deal with stormwater, for example Section 3.3; however, the proposal does not elaborate on the financial repercussions or expectations entailed. Further, we are troubled that at this point in the process that there are no federal or state commitments 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. In addition, we think that the draft Proposal should explicitly identify a mechanism that will provide long-term funding for the USGS surface water gages in order to properly monitor progress.

As an organization dedicated to implementing practices to reduce non-point source pollution, we recommend that the draft Proposal include a section on Proposed Development under Stormwater Management. We suggest that the proposal build upon the current stormwater permitting program to hold all proposed development accountable by including sites that are less than one acre in the permitting process. Implementing stormwater management controls in developed areas is critical, yet challenging, work that relies on costly retrofits and willing owners; ensuring that all new development complies with more stringent stormwater regulations presents an opportunity for more stringent stormwater regulations from the outset. Like code upgrades for buildings, the land deserves to have more rigorous standards before the natural hydrology of an area is permanently altered by new development. Although briefly mentioned under 3.4: Non-Regulatory Stormwater Management for Non-MS4 Municipalities under implementation steps, the language does not go far enough. In the description of point 3.4, stormwater master planning is mentioned as a process for managing areas in the developed landscape; this section should emphasize that areas planned for development are at a larger risk of significantly altering their current impact to stormwater by being developed. In addition, the draft proposal mentions both technical and financial assistance to municipalities on stormwater project implementation, but the extent of this assistance needs to be elaborated upon.

According to the presentation given at the public meetings for the Lake Champlain TMDL, 35% of phosphorus in the Lake comes from croplands. This significant contribution merits adequate funding to support the agronomic practices outlined in the draft Proposal and additional phosphorus reduction actions not yet outlined. It is important that the State understand the costs required to meet the practices included in the proposal, such as, in section 2.2, 1.e: “include a requirement to stabilize field gully erosion caused by site-specific agricultural management practices.” WNRCD worked with consultants Milone & MacBroom to assess a large gully (1,124 feet in length) draining approximately 0.2 square miles in Plainfield. Previous studies have shown this gully as a significant contributor of sediment to Great Brook, a tributary of the Winooski River. The estimated costs for stabilization are close to \$1 million; if no action is taken the gully will continue to grow. Adequately funding these types of agricultural management practices to reduce the flow of phosphorus into the Lake will be essential to

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meeting water quality goals. In addition, the draft proposal addresses regulatory oversight for farmers who hold manure spreading permits, but does not address mandatory licensing/permitting for contractors who spread manure for farmers. Currently there is little or no regulatory recourse against custom operators who adversely impact water quality, a gap which WNRCD would like to see addressed. Other states, such as Wisconsin, have implemented such programs and could and should serve as a model for Vermont.

One thing we believe is missing from the draft Proposal is the establishment of Urban Tree Canopy (UTC) goals for all downtowns and village centers in the Champlain basin, similar to those that have already been developed by the Urban and Community Forestry Program in the Department of Forests, Parks & Recreation for Montpelier, Burlington, and South Burlington. Research shows that expanding the UTC at a municipal and watershed scale can improve water quality in developed areas.

Finally, we provide the following specific comments to the draft Proposal:

1. In Section 2.2 (AAP rule update) on p. 6 under 1.c, reference is made to vegetated buffers for perennial streams and ditches. Similarly, consideration should be given to buffers for intermittent streams. Under 1.e, it may be reasonable to include stabilization of ditches that are actively eroding.
2. On p. 7 under Implementation Steps, we assume #3 would apply to the Lake Champlain Basin and then #4 would expand inspections statewide.
3. On p. 9 as related to Livestock Exclusion, this should also address cases where exclusion is appropriate for land that is not currently used to pasture animals.
4. Under Winter Spreading Ban on p. 11, it is not clear what would qualify a field as “not adjacent to surface water.” Would it have to be set back at least 150 feet?
5. With respect to agricultural sources, the focus is those farms in “agriculturally impaired watersheds.” It would be helpful if this document explained the basis for making a determination of which watersheds are agriculturally impaired and provided a current list of those watersheds within and outside of the Lake Champlain Basin.
6. On p. 15, there is mention of how paved roads affect stormwater runoff volumes. Technically this would apply to unpaved roads as well. In that same paragraph, there is a reference to “road structures” causing erosion and sedimentation. It is not clear what is meant by “structure” in this case—ditches and driveway culverts?
7. In Section 3.3 (Existing Developed Lands), is the intent to prioritize regulating existing large developments within the Lake Champlain Basin and then expand the program statewide? The Implementation Steps suggests it may be limited to the Lake Basin.
8. On p. 23 (Forest Management), proposed changes to the AMPs are discussed, including turning out ditches into stream buffers at least 25 feet wide. Is it accurate that the existing AMPs already prohibit direct drainage of truck road ditches to streams, with minimum buffers of 50 feet and greater depending on slope?
9. Is there any follow-up planned to ensure that retailers are posting signage in accordance with the law to guarantee that customers are aware of the general prohibition on the use



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of fertilizers containing phosphorus? If not, that may be a reasonable implementation step to include in the document.

We hope that our comments on the Draft State of Vermont Proposal for a Clean Lake Champlain serve to underline the importance of being able to provide a complete proposal for improving water quality in Lake Champlain – one that addresses the needed resources alongside permitting and process changes. The work of the State need also be emphasized to our legislative representatives to enable the document and the financial backing necessary to accomplish a cleaner Lake to evolve in 2014.

We look forward to continuing to be active participants and supporters of watershed-based implementation strategies essential to reducing phosphorus before it reaches Lake Champlain. We will continue our existing programs such as skidder bridge rentals, riparian buffer plantings, aerator rentals, agricultural outreach, water quality monitoring and stormwater management. We are also eager to expand our programs in areas that can support the implementation of the draft Proposal, including livestock exclusion and education for small farm operations, but implore the State to do a better job identifying the resources that will be made available to achieve our shared water quality goals.

Sincerely,

Sophie Sauvé
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