



Date: December 15, 2017

To: Vermont Agency of Natural Resources

From: CCRPC Clean Water Advisory Committee

**Re: RECOMMENDATIONS REGARDING PRIORITIZATION OF WATER QUALITY
IMPROVEMENT PROJECTS IN THE 2017 UPDATE TO THE NORTHERN LAKE CHAMPLAIN
BASIN PLAN**

Thank you for this opportunity to comment on the update to the Northern Lake Champlain Basin Plan, which incorporates Lake Champlain Phosphorus TMDL-Phase II materials, recently issued by the Vermont Department of Environmental Conservation (DEC).

Our first comment expresses our concerns about the overall process and timing for providing comment. While we understand that this change to the Basin Plan is not intended to be substantive or require review, that was not clear at the outset. We provide the comments below for consideration in future basin plan updates.

Pursuant to the excerpted sections of *Vermont Statutes Title 10, Chapter 47, §1253(d)*
(2) In developing a basin plan under this subsection, the Secretary shall:

.....

(D) assure that municipal officials, citizens, watershed groups, and other interested groups and individuals are involved in the basin planning process;

(E) assure regional and local input in State water quality policy development and planning processes;

....

(G) develop, in consultation with the regional planning commission, an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans;

It is clear that the DEC is directed to involve RPCs and municipalities in the development of Tactical Basin Plans.

DEC needs to provide 60-90 days for RPC and municipal review of a final draft assuming that we are able to see a rough/pre-draft earlier in the process. We understand the deadline DEC is up against, and understand this technical addition is necessary to satisfy the EPA's requirement to include the TMDL Phase II Implementation information. However, the new TMDL-Phase II content (Appendix F) is 50+ pages and includes highly technical details on P-loading.

It is imperative to continue to work together in a timely fashion on the other TBPs to ensure coordination between the CCRPC, as well as other Regional Planning Commissions, our municipalities and DEC to carry out the statutory intent. Issuing the draft in mid-November and up against a hard deadline of December 31, 2017, made it extremely challenging for RPCs and municipalities to adequately digest the information and provide any meaningful comment. In addition, although we knew that DEC planned to issue this draft sometime in November, we were not sent an email or notified on the phone that the draft had been issued and that the comment deadline was December 18th.

RECOMMENDATIONS REGARDING PROJECT PRIORITIES

At this early stage of Basin Planning to achieve the Lake Champlain TMDL, we realize that there are a lot of projects that have not yet gone through project development and therefore do not have clear scopes, costs, or phosphorus reduction estimates. We would like to be able to offer more specific project priorities in future years, but without this data, we are unable to offer more specific recommendations at this time.

- CRPCC recommends that more funding be allocated toward project development at this early stage so that in subsequent years it will be easier to determine which projects reduce the most phosphorus per dollar. Development of projects in Critical Source Areas for phosphorus loading should receive priority.
- In general, CCRPC recommends that for project implementation, priority be given to those projects that reduce the most phosphorus per dollar spent regardless of permit requirements.
- Additional weight should be given to projects located in Critical Source Areas as well as to projects that provide co-benefits such as other TMDLs (i.e. Flow Restoration Plans, *E.coli*, mercury, etc.) hazard mitigation, transportation improvement, aquatic organism passage, and/or listed in municipal comprehensive plans and capital plans.
- CCRPC recommends that the State provide mechanisms (such as via phosphorus credit trading) for municipalities and other property owners with permits to invest in Natural Resource sector phosphorus reduction would clearly provide for much more phosphorus reduction per dollar spent. Trading across municipalities should also be promoted.
- We also recommend that the State continue its analysis on how to foster credit trading between municipalities and the agricultural sector

Thank you for your consideration of our recommendations. If you desire clarification on this letter, please do not hesitate to contact Dan Albrecht, dalbrecht@ccrpcvt.org or 802-846-4490, Ext. *29.