



FEDERATION OF VERMONT LAKES AND PONDS

BOARD OF DIRECTORS

Monday, July 12, 2021

**MINUTES**

**DEC / ANR Update (Oliver Pierson):**

Oliver reminded all that Governor Scott has declared July as Lakes Appreciation Month.

Multiple teams are out around the state working on various lake monitoring and AIS management projects. Some are doing plant surveys; others are doing next generation lake assessments which are two-day intensive visits occurring on 5 to 8 lakes this summer. Prevention and management teams are all over the state as well.

**Rapid response efforts:** there was a water chestnut outbreak in the Connecticut River and a potential zebra mussel spotting at Lakes Fairlee and Morey. It appears the zebra mussels were attached to some vegetation on a trailer that arrived from Lake Champlain. Watching these two lakes but pretty confident there are not local populations of zebra mussels in these two lakes. Speaks to the alertness of the greeters who spotted this and to the importance of clean, drain, dry.

**Lay Monitoring Program:** Lay monitoring program is ongoing and hopefully smoothing out after sort of a chaotic start with data coming in from 80+ lakes around the state

**Cyanobacteria:** Some blooms on Lake Champlain as well as Carmi and Memphremagog. So far, no other inland lakes have reported blooms.

**Lake Reclassification:** Several lakes have been working on gauging public interest and possibly moving toward developing petitions to have their lakes re-classified. These include Maidstone, Raponda, Caspian, Seymour, and Echo. Working with leadership to be prepared for petitions being submitted. In particular, digging into 10 VSA 1259, the statutory prohibition on any new septic system with a design flow greater than 1000 gallons per day in a Class A watershed. There is a legal argument to make that certain septic systems do not discharge waste directly into a lake. Potential to make a legal determination that certain septic systems are far enough away from a tributary or lake and do not discharge directly into the water that they could be exempted from the limit of 1000 gallons/day. However, this could lead to unintended consequences including having to evaluate every new septic system differently or inadvertently open the door to additional development in A1 watersheds. So, the plan now is to seek a legislative fix in the 2022 session, perhaps one that would limit the application of 10 VSA 1259 to waters above 2,500 feet and allow systems discharging greater than 1000 gallons/day in A1 waters below 2,500 feet if they are properly designed and situated.

**Use of Public Waters Rule:** DEC will have a new page on the website concerning this. Two issues that have come up regarding this. 1) Lake Bomoseen's Indian Point in the south part of the lake is very popular and often 75+ boats can be moored there. Residents are concerned about safety, traffic, and the general disturbance so a petition may be coming to develop a rule similar to the 5mph wake rule within 200 feet of the shoreline and to put in some buoys to regulate the area. 2) the wake boat ad hoc group now represents six lakes and are working on a petition on this topic as well.

**Lake Watershed Action Plans:** Oliver and Amy Picotte have developed technical guidelines for those plans. The draft explains how to develop a watershed action plan, and this will be disseminated to the six lakes that have received grants from DEC or the Lake Champlain Basin Program. These will also be shared publicly for other lakes that may be interested in developing such plans.

**Lake Memphremagog:** PFAS sampling is beginning later this month. Will be done on both sides of the border and is being coordinated with the Canadians. Planning is ongoing for a community forum in Newport later in August. Secretary Moore will be there to discuss the lesions found on bullhead catfish, plus other water quality concerns, the ongoing PFAS sampling – should have the July results by then and other water quality issues such as phosphorus, TMDLs, and aquatic invasive species. Background on this is expectation of a draft permit issued based on an application from Casella for pretreatment of wastewater. Currently there's a moratorium on treating leachate from the Coventry Landfill at the Newport wastewater treatment facility. Now it is trucked to Plattsburgh or Montpelier, where it's treated and released as effluent from those 2 sites, ending up in Lake Champlain eventually but at extremely low concentrations. As Coventry is the only large landfill in the state Casella has an interest in being able to treat the leachate locally as opposed to trucking it. The draft permit regarding this pre-treatment should be released by the end of the month or early in August for public comment.

The last thing with Memphremagog is today we have the first ICAR (Interagency Committee on Administrative Rulemaking) regarding the Newport City petition to establish a mooring management zone in Lake Memphremagog. Noted that this along with other petitions that come will follow the same steps, so this is a good example and a learning process, as Lakes and Ponds has not had many petitions recently. The ICAR group which includes staff from the governor's office, looks at the petition to make sure it doesn't conflict with any of the governor's policies and programs and to the best of our knowledge, state law. From there, it goes out on public comment and then eventually there will be hearings and then finally it will go to the LCAR (Legislative Committee on Administrative Rulemaking) where the legislature gets their say in the process.

**Lake Carmi:** There have been 2 low risk blooms reported so far, no major blooms in the Lake. The aeration system was taken offline due to some overheating issues so there is now an active cooling system in place with very loud and electricity hungry fans, but they're working, and the Lake is oxygenated to a very high degree right now. There are also very similar temperatures between the bottom of the Lake and the surface. Finally, the Lake Carmi crisis response plan is now being updated and all the new projects that are going on in and around that lake will be listed in this update to the plan and it will be available on our website soon.

#### **Discussion:**

- Question about number of months septic system is in use in reference to the rule about the 1000/gallon per day limit. Chris vA noted, for example, that the state park at Maidstone is open for only three months so even if it discharged more than 1000 gallons/day during those months, when spread across the whole year it is probably considerably less per day.
- Oliver noted that this was a good point, and that the legislation is a bit unwieldy because there is not consideration of such instances.

- Question about options for municipalities other than dumping treated wastewater into rivers.
- Oliver noted that this is a bit outside his expertise but to his understanding the only alternative is trucking it somewhere else. However, if it is treated and scrubbed with toxins removed, when it is released into waterbodies and then flows into larger waterbodies, it is expected that it is diluted enough.
- Question about the use of ARPA funds for development of a community septic system.
- Oliver: right now, the process for applying for these funds nor which projects might be eligible is not clear. Will look into this and report back at the next full board meeting.

*[NOTE: Oliver had to leave the meeting early but did check on this and left this in the chat before the end of the meeting: One more thought on ARPA Funds. The legislature appropriated \$95.75 million in ARPA funds for water/sewer in SFY22. It includes \$10 million per year in SFY22, SFY23, and SFY24 (\$30 million total) to be allocated through the Clean Water Board process. We are working on the plan (timeline and steps) for the Board to meet on the SFY22 ARPA funds this summer and will notify stakeholders once the meeting has been scheduled. Then the Board will work on the SFY23 clean water budget (including SFY23 ARPA) in late summer with the goal of posting the budget for public comment the month of October. DEC will use our Clean Water Stakeholder listserv to keep partners updated. So, FOVLAP and other actors can use the clean water board public meeting process to advocate for ARPA funding going to community septic or other purposes]*

#### **Review of Policies (Pat/Policy Committee):**

This is a request from the Policy Committee for the board to approve the four policies that the board has seen in draft form and to send on to legal review. After legal review these will come back to the board for final approval. Executive Committee has already seen these and approved bringing them to the full board for approval.

*Committee Membership:* Pat pointed out one sentence change to clarify that the committee chair must be a director and that the committee may choose its own chair from among the director members. This clarifies but does not change the meaning.

#### **Approved unanimously**

*Code of Conduct:* Noted that this requires signing annually. After discussion was left as written.

#### **Approved unanimously**

*Conflict of Interest:*

- Noted that state law expects that we have a conflict of interest policy
- Question about whether the word “avoid” in the opening paragraph suggests that no conflict can exist.
- However, others understand that the meaning is that the way to avoid a conflict is to go through the process as outlined in the policy.
- This was modelled on conflict of interest policies from other nonprofits and the material in the Vermont Attorney General’s document on nonprofits.
- Important to be clear that even if there is a perceived conflict, it is brought to the board’s attention.
- Agreed to leave language as is but to ask the legal review to specifically look at the use of “avoid” as well as issue of perceived conflicts and if we need further language about that and provide some guidance and to ensure that we have the right language in this document.

## **Approved unanimously**

*Auxiliary Board Membership: no discussion*

## **Approved unanimously**

**Bylaws (Roger):** Roger noted that the Executive Committee at its June 28 meeting made three changes to the draft bylaws changes sent earlier. These are: adding signing code of conduct and conflict of interest policies annually; changing mid-state to in person and then the third was to add policies committee as another example of an ad hoc committee.

### **Discussion:**

- Review of all the proposed changes which remain as previously reviewed except for the three noted above.
- Some concern expressed whether, how, and when some of the board's authority may be delegated to the executive committee.
- Clarified that the bylaws specify that the Executive Committee consists of the four officers plus two additional directors appointed by the president.
- Executive committee is charged in the bylaws with handling day to day issues that may come up between board meetings or when decisions must be made more quickly than a board meeting can be called. However, all Executive Committee decisions should be brought to the board.
- Noted that as a membership organization, the officers and directors are elected by the members.
- Noted that succession planning should be considered so there are people ready to step into certain roles, such as treasurer.
- Motion to bring the bylaws changes to the membership for approval. Bruce T; 2<sup>nd</sup>: Jay

## **Carried unanimously**

### **Wake Boats (Jack):**

- The independent wake boat committee has created an information sheet on this topic (see attached).
- They will be leading a Sierra Club meeting this Wednesday. Jack, Mark Milazzo, and Don Griggs will be the speaker and there will be time for questions.
- The committee is continuing to work on a petition and is looking for any other lakes that would like to join the petition. If interested, contact Jack.
- Is FOVLAP interested in developing a statement on this issue. Thus far no suggested wording or draft statement has been brought forward to the board for discussion. That would really be needed before the board could make any decision on this.

## **COMMITTEE REPORTS**

**Newsletter:** Ann reported via email: *Regarding a newsletter update, the newsletter committee has not met since the last BOD call. We did ask the BOD for suggestions for the fall 2020 issue and are appreciative of those that provided suggestions.*

**Events (Bruce/Dave):** Planning is moving forward for the annual meeting on September 9.

- The plan is to make this a hybrid meeting, so people will have the option of coming in person or joining via Zoom.
- The registration fee for those joining via Zoom will be \$10.00 which is less than the in-person fee since our costs are less for those not attending in person.
- All voting will be by roll call

- For the lake reports, they are thinking of circulating a Google form survey to so each association could highlight what they see as the big challenges before the meeting. Then there could be a summary of this at the meeting in order to stimulate discussion. This would also give some coherency to the lake reports.
- Lake reports are going to be scheduled earlier in the meeting, so that people could meet up with people more easily during lunch or breaks. When the reports are in the afternoon, it becomes a crunch to get everything in and to see everybody before the end of the day.
- The committee is looking into the possibility of having some sort of VIP training after the meeting.