



BOARD OF DIRECTORS
Monday, January 10, 2022
Summary Minutes

Present: Pat, Jackie, Dave, Jan, Angela, Peggy, Bruce B., Chris v Alt, Jack, Chrissie, Jay, Kent, Bruce T., Oliver, Ann, Tracey, Jeri

DEC / ANR Update (Oliver Pierson):

State Fiscal Year 2023 Budget work is underway. At the end of January there are 12 vacant positions within the watershed division of DEC and the hope is that a competent budget is formed and permission is granted to fill as many positions as possible without leaving positions deliberately open in order to balance the budget, a process known as “vacancy savings.”. Two positions are to be filled in the Lakes Program, although there is a real need for a third position to help with AIS management and assessment. One position will fill Amy Picotte’s position after she retired. Watershed Management Div. is looking to advance a fee bill that would increase fees for some permits, which would allow funds to come out of permitting fees to cover salaries rather than from the general fund. Where fees are woefully inadequate is AIS control permits, where fees are very low to begin with and municipalities are not required to pay those fees. Meanwhile a lot of time is spent on herbicide and AIS control permits.

A Reclassification – Have marked the three petitions already submitted administratively complete. Oliver is seeking permission from the Commissioner to initiate pre-rule making hearings, basically getting public comments on the petitions. There is a meeting this week with Forest Parks and Recreation, State Parks and Forestry to talk about petitions particularly concerning Maidstone State Park.

Public Waters Petitions – Lake Bomeseen Indian Point petition– have reviewed the petition, sought legal counsel and technical input, and briefed the Commissioner. Will likely respond in the near future to petitioners basically denying the petition on a number of different grounds; namely that it advocates privatizing part of a public water and that it asks to address problems that are already addressed in existing statute about nuisances, trespassing, and public disturbance.

Act 76 Clean Water Service Providers – Act 76 clean water service providers in Champlain and Memphremagog Basins are getting going. Folks in DEC’s water investment division are trying to provide the Clean Water Service Providers with clear guidance about using funding to select and implement phosphorus reduction projects. Oliver’s hope is that phosphorus reduction projects on inland lakes in Champlain / Memphremagog basins will be considered as contributing to the overall phosphorus reduction goals of the Champlain / Memphremagog TMDL’s, however there is some debate about how much phosphorus comes into the basins from the inland lakes. There are water quality enhancement grants available for lakes outside those basins.

Lake Watershed Action Plans - Moving forward on a second round of Lake Watershed Action plan requests for proposals. In the first round Maidstone Lake and Lake Fairlee were funded. In the second round up to three proposals will be funded.

Lake Bomoseen – Oliver was invited to a meeting with the Lake Bomoseen Association. Also present were a lobbyist the association hired and Commissioner Walke. They discussed the high cost of controlling milfoil with an integrated approach and herbicide use in their lake and the need to find eligible State and Federal funds. Some crucial points were made: AIS funding has plateaued; MBR funds are not adequate; addressed some possible future funding sources; addressed proliferation of AIS in public waters. This conversation brought a great deal of attention to problems with AIS

funding. The AIS Decal bill and related hearings will also shed light on the issue. There is a need for more dramatic action to increase AIS funding.

Question to Oliver about local town dams:

State is reluctant to take over private dams because of the cost of maintaining them and is quick to use dam safety and risk issues as reasons to lower water levels, remove stop logs, or even remove dams in the interest of public safety and to remove risk of a flooding event. Continuing discussions occur with dam safety colleagues about how to get private dam owners to comply with dam safety rules without simply removing dams, so that the unintended consequence of a wave of dam removals across the State can be avoided. ARPA money and/or infrastructure money is increasing the budget for dam repairs and hiring is going on to manage those funds, which will be used mostly on state owned dams. Folks interested in maintaining artificially impounded bodies of water on a run or river don't have a lot of funding sources for dam repairs.

Ad Hoc Policies Committee (Kent):

Three policies are nearly done or in review; Grants, Public Relations, and Documents Retention.

-Documents Retention policy is with the attorney and expected back soon.

Legislative Committee (Chrissie):

BOD received three documents from Chrissie prior to the meeting: a copy of the recently introduced Wake Boat Regulation bill recently introduced by Rep. Briglin and Rep. Masland; a copy of the draft AIS Decal bill; and a summary of both bills prepared by the Legislative Committee with a bullet list of reasons for asking FOVLAP's support of both. The Leg. Committee is asking for BOD support to advocate and support these bills. At length Comments and discussion of both bills followed.

Motion that the Board supports the Legislative committee in going forward with advocating for the management of wake boats: Jack; 2nd Jan. – Motion carries one nay one abstention.

Motion to support the effort with the language we just approved; the Board supports the Legislative committee in going forward with advocating for the AIS decal sticker; Jan; 2nd Jack. Motion carries unanimously.

Wake Boat Petition (Jack):

Petition by Responsible Wakes for VT Lakes is requesting a change in public water rules by petition process through ANR and is approaching completion by the end of January.

Lakes Reclassification – Septic system issue (Chris von Alt):

The BOD was asked to review a letter written by Chris von Alt that requests and gives reason why the 10 VSA 1259D should be fixed and is intended to light a fire to get a rule change and advance reclassification efforts. The rule is inhibiting some lakes from moving forward with petitions for A1 reclassification. Another point in the letter is for consideration that an A1 water body should have language about upgrading or addressing faltering or failed septic systems on that water body. The intention is for FOVLAP to send this letter, knowing that FOVLAP has already supported the reclassification efforts.

Motion that the Board authorize Pat to sign and send the letter, that might have minor modifications to it that are not included, regarding lake reclassification legislative change and dated Jan. 5th : Chris vAlt; Chrissie 2nd . Carried unanimously.

Committee Reports

AIS Funding Event/Events Committee (Jackie/Jack): A joint planning effort with the Events Committee and the AIS ad hoc Committee, there are 53 people currently registered, which is positive since this is the first time an event has been planned for January. The intent of this event was to pick topics of interest. A recording will be available.

Public Relations/Newsletter Committee (Ann)

A draft 20 page newsletter has been completed and is currently under review. All costs will be covered by the Lake Champlain Research and Outreach grant. The newsletter will move toward electronic distribution, and there is a notice to readers about this change in the newsletter. Newsletters are posted on the website.

Public Relations/Website Committee (Angela)

RFP was released Jan. 3rd, and the deadline for submissions is Jan. 31st. Groups will be notified by early March, with the goal to launch the new website by the FOVLAP annual meeting. A page for BOD Summary Minutes has been built and is nearly ready to go live. Members also receive Summary Minutes by email. Updated links have been added to the Legislative page.

Public Relations/Facebook Committee (Tracey)

Tracey boosted the AIS Event Funding Webinar.

Nominating Committee (Jay)

Currently the Board is comprised of 6 directors, with three vacancies presently. BOD could appoint individuals now, then formally elect them at the Annual Meeting.

Grants Committee (Ann/Chris von Alt)

The grant final report is under review. While FOVLAP will not use all of the funds awarded, all actual expenses for newsletters and seminars will be covered.

Motion to adjoin: Chrissie; 2nd Jack

Adjoined at 11:31 am

Upcoming FOVLAP Events: Early April virtual event TBA, Lake Seminar June 3, Annual Meeting, September 8