



Date: November 14, 2014

To: David Mears, VT DEC
Steve Perkins, EPA
Kari Dolan, VT DEC

From: Marty Illick, Lewis Creek Watershed Association
Alfred Hoadley, South Chittenden Riverwatch

RE: Comments on the Lake Champlain TMDL Implementation Plan Draft and
the recently issued VT DEC Clean Water Initiative Report

We request that this list of recommendations be included in the Lake TMDL Implementation Plan to provide more certainty and reasonable assurances that Lake loading from Vermont lake shorelands and tributaries can be reduced in a measurable way, with a sense of urgency and in a more respectable time frame. We also urge you to insist that instream loading accountability is placed on every land use sector in a far more just and fair fashion. In the name of social justice, we strongly suggest that there should be no more exemptions for polluters claiming clean water practices are impractical and too expensive at a site level scale while the rest of us pay the bill. We want to be proud of today's lake plan that will highlight positive reinforcement, reward good practitioners, invest in proactive measures, fine those who make mistakes and possibly provide loans for those who need to pay over time. To be sure, we must stop exempting one agency's constituents at the expense of another.

1. Apply wetland, floodplain and river corridors protection zones consistently to all land use sectors. All of these natural systems should have maximum natural space to be fully functioning. All buffer and setback areas must be determined using VT River corridor definitions and include all active river areas, tributaries and ephemeral streams since they all convey surface water flows to Lake Champlain. All ditches, gullies, pipes and tile drains should be regarded as stormwater discharges and should not flow directly into surface waters. 25 for ag, 50 for sylvia and 100 for development must go away right away. No preferred customers.

2. Call for 5% maximum impervious cover (based upon CWP IS definitions) in all rural subdrainages or subsheds with documented riparian ecological values of local and/or

statewide significance. Call for no bare soils and fertilizing within 100 feet of surface waters, active river areas, inundation areas and CSAs. Call for a target % organic matter in soils near surface waters.

3. Support and use the South Chittenden Riverwatch stream monitoring protocols that track instream nutrient and sediment loads and trend monitoring at a subshed/subdrainage scale. This program was established over the past 10 years in cooperation with the VT DEC and its LaRosa Program and is gaining support from municipalities. Use Critical Source Area modeling as a default approach, and use local WQ data resulting from our sampling plan designs where available. Our EPA approved data results identify hot spot and reference water quality areas as well as long term P loading trends at a subshed/subdrainage scale. This is a very cost effective volunteer based program and should be endorsed and well supported by annual allocations from VT Government.

4. Financially support watershed groups like LCA who have built a long term trustworthy partnership relationship with VT DEC (similar to the “Districts”) and play a specific role in helping to advance certain VT ANR goals and objectives in a very cost effective fashion. By endorsing such a public private partnership and allocating funds base upon annual MOUs, Vermont can demonstrate how reliable citizen activism and accountability can achieve tangible assurances that strategic water quality stewardship work is in place at a watershed scale.

5. Create and include in-stream nutrient and sediment parameters in the VT Water Quality Standards that are based upon high flows to be used to manage and track loadings by stream subsheds/subdrainages flowing directly to Lake Champlain.

6. Terminate the DEC/AAFM MOU and create a new ANR MOU with all sister agencies as per the new TMDL plan, memorializing exactly how, by agency, VT will most cost effectively, consistently and fairly regulate all land use sectors based upon science and without a complaint driven enforcement approach. All permits should have fees to afford associated regulatory services and all permit programs need comparable and transparent monitoring and enforcement plans that can be publicly traced using a common electronic system.

7. Call for a waiver from USDA NRCS to stream all federal funding to VT Gov to more expeditiously and cost effectively apply VT specific BMPs onto the wide variety of our VT landscapes. LCA has excellent examples of actual projects that have led us to this recommendation. Call for VT’s USDA wetland conservation program funds to pay for restoration of both natural hydrology and land cover conditions of wetlands. Create and institute a similar floodplain conservation program to pay for floodplain conservation and restoration. This fund should be used to immediately remove key floodplain acreage from human land uses and restore to fully functioning floodplains.

8. Call for towns to have water quality and stormwater management plans on record for private and town roads, and all new development less than one acre. These plans should factor in climate change precipitation based upon a common statewide calculation

method. Produce a publicly available Vermont calculator for climate adaptation needs and right sizing green and built infrastructure.

9. Call for V Trans to incorporate these climate change precipitation values into its ROW stormwater systems and to apply stormwater upgrade installations to all areas that are impacting surface waters using AOT dollars. Use climate adapted River Mgmt protocols in all V Trans hydrology calculations for ROWs near streams. Call for Town and State capital budgets to include right sized bridges and culverts for flood resiliency and for relocating ROWs to outside flood hazard and river corridor areas wherever possible. Increase AOT funding to towns to afford B&C upgrades on class 2 ROWs.

10. Call for the state stormwater manual to consider documented stream water quality conditions where available and to not degrade water quality further. Ex. All of our monitored streams -- Lower Otter, Middlebury, New Haven, Lemon Fair, Little Otter, Lewis, LaPlatte-- currently have baseline conditions documented in the VT ANR Data Management System (with some impaired sections).

11. Call for all stormwater impacted towns to follow our stormwater pipe vs swale decision making tools that allow for suburban and rural ROWs to reduce municipal expenses and increase onsite infiltration capacity to the maximum extent possible. The development of these tools was funded by DEC ERP \$ in 2012 and has not been well recognized and utilized at this time.

RE: VT DEC Clean Water Initiative Report

Please do be sure to include a fee for residential impervious cover and highlight that fees can be waived once no net runoff practices are in place. No Exemptions.