



Testimony to Vermont Senate Committee on Natural Resources and Energy
Corrie Miller, Executive Director, Friends of the Mad River
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Thank you, Senator Bray and members of this committee.

My name is Corrie Miller. I live in Fayston, Vermont. I am the Director at Friends of the Mad River, which is a non-profit, watershed organization that works in the Winooski and Mad River watershed towns of Warren, Waitsfield, Fayston, Duxbury, and Moretown. I believe our vibrant Vermont communities can exist in harmony with healthy land and clean water and deeply appreciate your work to fulfill the vision our state outlined in the Clean Water Act. I would be pleased to be a resource to this committee and others as this important conversation continues.

I want to acknowledge my colleague, Mary Russ', testimony today which I support and hope to reinforce in this testimony. To reiterate a few key points:

- 1) Vermont's watershed groups (WGs) exist to protect and improve water quality in all areas of the state.
- 2) WG constituents include everyone in the state – all landowners and across all sectors.
- 3) Each WG's work is specialized, reflecting the issues and priorities within their home watershed. However WGs share common core functions despite their location within the state:
 - All WGs collect scientific assessment and monitoring data;
 - WGs also actively cultivate relationships among diverse watershed constituents; and
 - WGs routinely coordinate groups of volunteers and implement complex, on-the-ground restoration projects.
- 4) To accomplish this important work WGs rely on a diverse mix of federal, state, and local funding, leveraging each funding source to raise necessary dollars to accomplish on-the-ground objectives.
- 5) As a result WGs support the development of a secure, long-term Clean Water Fund (CWF) that is administered effectively and efficiently and is tied to on-the-ground outcomes.

About Friends of the Mad River

Friends of the Mad River (Friends) is a member-supported, nonprofit organization, founded in 1990 by a group of citizens concerned with developing impacts on the Mad River. Today, Friends has 1 full-time and 2 part-time staff, 8 volunteer Board members, and over 35 regular volunteers.

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Friends of the Mad River is dedicated to stewarding the Mad River Valley's **healthy land** and **clean water** for our **community** and for future generations. We build diverse partnerships of neighbors, businesses, towns, and other organizations and agencies to restore and enhance the watershed's valued resources. Together, we **learn** about the health of the land and water; **conserve** our natural resources; and **celebrate** our special place. Friends' work is grounded in sound science, inclusive education and engagement, and thoughtful action.

Ridge to River Coalition

To illustrate the breadth of work our watershed organization does – from learning, to conserving, and celebrating – I want to share with you about one initiative that Friends has led since 2015.

Predictions outlined in climate reports for the Northeast are hitting home more and more in the Mad River Valley. We know that rains are becoming more frequent, intense, and damaging to our communities and waterways. We feel it in our town road budgets, our eroding or blown-out driveways, our silted farm fields, our turbid swimholes, and our own pocketbooks. *Our community has been wrestling with how we can take steps to minimize our vulnerabilities.*

With this question in mind, Friends of the Mad River brought together a group of twenty people from the Mad River Valley at the Leahy Center Environmental Summit in 2015 to brainstorm ways to strengthen the community's resilience to future floods. Participants coalesced around the concept that stormwater management is one of our biggest opportunities. If we can sink water into the ground and slow it as it enters the steep mountain streams, we have less water causing flooding, it has less erosive power, and it carries fewer nutrient and sediment pollutants on its way to Lake Champlain.

Emerging from the Summit and supported by a subsequent High Meadows Fund grant, the Ridge to River Coalition was born. With leadership from Friends of the Mad River, selectboard and planning commission representatives from all five watershed towns, Central Vermont Regional Planning Commission, the Mad River Valley Planning District, Sugarbush Resort, as well as other interested community members serve on the Ridge to River taskforce.

Meeting as a group monthly and in smaller working groups, the taskforce investigated three core arenas – our landscape, the planning and policy context, and the community's engagement – in order to draft a plan for action. We had the help of many private, non-profit, and agency experts.

I'd like to quickly summarize what we learned:

- 1) We have many **roads** that act as an avenue for dirty runoff, if poorly constructed or poorly maintained. 1/3 of our 437 mile road network is private roads and driveways, often on highest slopes, with few construction and no maintenance standards.
- 2) We have 300 miles of managed **trails**, and many more that are unmanaged, that can similarly act as an avenue for dirty runoff if poorly constructed or maintained.
- 3) **Forests** and related healthy soil are assets that help slow water down and alleviate downstream flooding, erosion, and sedimentation. But, we're losing intact forest cover.

- Between 2001 and 2011, 500 acres of “forested” cover were downgraded to “developed” or “herbaceous.”
 - 3 sub-watersheds currently have less than 65% forest cover, which has been shown to be a threshold under which stream erosion and habitat problems occurs downstream. 5 additional sub-watersheds are near this threshold.
 - On-the-ground interviews suggest that minor, unregulated land disturbing activities are a major source of erosion, sedimentation, and flooding in the watershed, like too-small driveway culverts, view clearing, residential soil moving, and so on.
- 4) While good **regulation and enforcement** can prevent long-term and cumulative impacts, most Mad River Valley development is 1 or 2-family structures, which doesn’t trigger state and local permitting for stormwater.
- Local, municipal regulations address construction site erosion controls, but are limited in their enforcement and over the long-term, they do little to mitigate impacts of new impervious surfaces

Because stormwater runoff is a collective problem across the landscape, it necessitates collective action, across all sectors in our community. The Ridge to River coalition thinks that neighbors and towns working together across town lines with agency and non-profit technical partners can develop innovative solutions for our rural Vermont watershed. And, that is just what we have been doing.

In 2017, the Ridge to River taskforce drafted an Action Framework that identifies priority strategies for strengthening clean water and resilience. Since the plan’s development, we have:

- 1) Worked with agency partners, municipalities, and landowners in each town to conduct “stormwater master planning” that identifies opportunities for upgrades at problematic road sections and developed areas;
- 2) Gathered all five town road crews regularly to discuss challenges and share solutions as they work to bring our roads to new standards that reduce damaging pollutants and sediment;
- 3) Launched the Storm Smart program to help homeowners address soil erosion and runoff problems on their properties, to prevent costly repairs later while also safeguarding clean water and downstream communities;
- 4) Assisted towns and landowners as they constructed green stormwater infrastructure to filter and slow damaging runoff from existing problem areas before it enters the Mad River;
- 5) Created educational materials that inform and engage the community in this work; and
- 6) Hosted two well-attended community forums focused on climate vulnerabilities and local strategies to reduce damaging impacts to our rural landscape and community.

This is important work. Friends of the Mad River plans and acts for clean water and community resilience. Ridge to River represents just one of the programs that Friends runs.

Clean water takes everyone – local community members, municipalities, watershed groups, non-profit partners, and state agencies. We each serve a role in accomplishing clean water goals. At the watershed scale, Friends knows our community, our vulnerabilities, and we have a good idea as to the solutions. We collaborate well with state agency partners who provide technical expertise at all levels of our work. Furthermore, state funding sources are a critical component that allows us to leverage other dollars and accomplish the work; **for every dollar of state funds we leverage 2 dollars from federal and private sources.**

I'm here today to urge you to support funding and systems that allow watershed groups and our agency technical partners the capacity and project funding we need to accomplish Vermont's clean water obligations and goals, as outlined in Vermont's Clean Water Act.

Comments on the Agency of Natural Resources' Proposed Clean Water Fund (CWF) Legislation

As Mary Russ noted, I too am concerned about the Agency of Natural Resources' proposed Clean Water Fund (CWF) legislation because it doesn't meet the following important principles:

- 1) The CWF should **be available for clean water work in all areas of the state**. ANR's proposed bill does not apply to the whole state, instead focusing all Clean Water Funds on Lake Champlain and Lake Memphremagog (921 Subsection c, 922 Subsection d). The Clean Water Act was legislation that had the health and vitality of our whole state at its forefront. We cannot leave behind communities outside certain geographies.
- 2) The CWF should **apply to all types of waters**. ANR's proposed bill only applies to impaired waters with associated TMDLs. Protection of clean headwaters is as important to our future as restoration of impaired waters and working to identify threats and prevent them from degrading is often much more cost effective than cleaning up the mess later. In the Mad River watershed, we've learned the importance of healthy, intact forests to our clean water and resilience, but maintaining healthy forests takes work.
- 3) The CWF should **apply to all clean water issues** – like aquatic organism passage, floodplain access, habitat function, flood resilience, and more – and **all clean water projects** designed to address these issues – like dam removals, river corridor easements, buffer restoration, culvert replacements, and more. ANR's proposed bill applies only to phosphorus and projects designed to achieve TMDL-specific pollutant reduction targets. Effective on-the-ground projects address a variety of clean water issues, providing a range of "co-benefits," like those developing from Ridge to River Coalition, which engages community members in a variety of clean water projects due to their value in reducing flood vulnerabilities.
- 4) The CWF should **support all project phases**, including strategic assessments, education & outreach, project development, design & permitting, implementation, operations & maintenance, and monitoring. ANR's proposed bill would only likely support implementation. Project implementation doesn't happen without support for the – often more intensive – work ahead of time to educate for an engaged and informed community, identify priority projects,

design and permit projects, work with landowners to facilitate project construction, and maintain and monitor projects.

- 5) The CWF should **maintain integration with existing technical expertise at VT DEC**. ANR's proposed bill shifts funding administration/project prioritization/project selection/accountability oversight to regional entities without sufficient technical expertise.
As discussed, agency technical staff act as critical partners in our work.
- 6) The CWF should **strengthen existing, watershed-based, basin planning work**. ANR's proposed bill would duplicate existing "regional" collaborations.
We already have new systems in place for engaging diverse stakeholders in Tactical Basin Planning partnerships and we should invest in improving those systems instead of creating new ones. One critical improvement would be to encourage community-based project "implementers," including watershed groups, by ensuring they receive funds to participate in Tactical Basin Planning (we'd like to request adding "watershed groups" to 26 VSA §1253 (d)(1)). Another critical improvement would be to invest in outreach and engagement of partners during all five years of the basin planning cycle.
- 7) The CWF should **engage state-wide and regional partners efficiently**. ANR's proposed bill decentralizes engagement for key state-wide clean water partners, including TNC, VACD, VLT, VRC, VYCC, WUV, and others.
- 8) The CWF should **provide equal access to funding**. ANR's proposed bill introduces a clear conflict of interest.
At this time, all regional entities of which I am aware are also "implementers" of projects.

To conclude, we're here today because I believe that the Clean Water Fund should reflect the vision outlined in Vermont's Clean Water Act (Act 64 Section 1 Subsection a):

- (9) To protect the waters of the State and preserve the quality of life of the citizens of Vermont, the State of Vermont should:
 - (A) fully implement the **antidegradation** implementation policy in the Vermont Water Quality Standards;
 - (B) **enhance, implement, and enforce regulatory requirements** for water quality; and
 - (C) sufficiently and sustainably finance **all water quality programs** within the State.

The recently-introduced bill S.96 embodies many – if not all – of the principles listed above. We look forward to following its progress through the Senate and House – and providing testimony if/as needed – this session.

Thank you again for this opportunity and your attention to this important matter.