

Lake Champlain Fish and Wildlife Management Cooperative  
Policy Committee Meeting Minutes  
Sheraton Hotel  
Burlington, Vermont  
April 11, 2007

**Welcome**

Chairman Marvin Moriarty was unable to attend, but sent Rick Bennett in his place. Rick deferred to Gerry Barnhart to serve as acting Chairman for the meeting. Gerry called the meeting to order. Introductions were made and an attendance sheet was passed around. The following members were in attendance:

<u>Policy Committee</u>	<u>Fisheries Technical Committee</u>	<u>Advisors</u>
Gerry Barnhart (NYSDEC) <sup>1</sup>	Bill Schoch (NYSDEC)	Gavin Christie (GLFC) <sup>5</sup>
Rick Bennett (USFWS) <sup>2</sup>	Bradley Young (USFWS)	Dale Burkett (GLFC)
Wayne Laroche (VTFWD) <sup>3</sup>	Madeleine Lyttle (USFWS)	Marc Gaden (GLFC)
	Nicholas Staats (USFWS)	Bill Archambault (USFWS)
	Wayne Bouffard (USFWS)	
<u>Fisheries Management Committee</u>	Chet MacKenzie (VTFWD)	
Doug Stang (NYSDEC)	Steve Smith (USFWS)	
Dave Tilton (USFWS)	Bernie Pientka (VTFWD)	
Eric Palmer (VTFWD)	Ellen Marsden (UVM) <sup>4</sup>	

<sup>1</sup>New York State Department of Environmental Conservation

<sup>2</sup>U.S. Fish and Wildlife Service

<sup>3</sup>Vermont Fish and Wildlife Department

<sup>4</sup>University of Vermont

<sup>5</sup>Great Lakes Fishery Commission

**Discussion of Agenda Items:**

**1. Review of meeting with Vermont State Agencies that occurred on July 7<sup>th</sup>, 2006**

Wayne Laroche reviewed the purpose of the meeting and the resulting outcome. The intent of the meeting was to examine and discuss permitting problems and issues in Vermont. This meeting included representatives from Vermont Department of Fish and Wildlife, Vermont Department of Environmental Conservation (VTDEC), and Vermont Department of Health along with representatives of the Lake Champlain Fish and Wildlife Management Cooperative.

Following that meeting a memo was distributed among the involved parties to confirm the discussion with a specific goal of creating a MOA to aid in the permitting

process. Additional discussions occurred about the memo and no agreements could be reached on what was said at the meeting. Therefore, no MOA was created.

To better understand the specifics of Vermont Permitting Process a few details were provided to the Policy Committee. Within Vermont statutes VTDEC issues an aquatic nuisance species permit (ANS permit). One of the specific components of the permit is a condition that “there is negligible risk to public health”. Since VTDEC is not the experts on human health risk they just requested an evaluation of human risk from Vermont Department of Health. VT Department of Health has continued to ask question for additional details. This has included Environmental Fate and dioxin studies. Each time a question is addressed from Health Department another question comes forward.

Question: Seemed like earlier summary of meeting sounded good?

Answer: People left the meeting thinking it went well but when the confirmation process started people disagreed what was discussed and decided. Multiple attempts to work out details failed. Additionally it still appears that upper political support exists. Example: Issues with Burlington Drinking water during Winooski River treatment 2004 – Were quickly able to find money to install activated charcoal into treatment plant.

Question: How will the GLFC model make the permitting process better?

Answer: Vermont and USFWS have had discussions this situation. Internal working of Vermont Permit process may still be a problem under GFLC Model. Since Vermont Fish and Wildlife is not the applicant the decision can be appealed and VTFDW can actually voice support for the permit. Under current process neither of these options can be done.

Question: How does GLFC model help?

Answer:

- More staff time available
- Ability to bump it up within the USFWS and to have access to many more experts.
- Could contest the Vermont Health Department – By statute the Health Department is just advising VT DEC. Under current conditions VT DEC just accepts the VT Health Recommendations.

## **2. Update – Activities in Progress**

There are multiple activities in progress and they were reviewed at the meeting. Wayne Bouffard commented in his current work to amend the EIS to include new streams. He requested some additional help since currently he is working on it alone. Brian Chipman reviewed the current status on two Vermont tributaries. The Missisquoi River (Proposed Treatment 2008) has yet to be treated but the QAS have been showing increased numbers of sea lamprey in the river. The land owner database is nearly complete for Vermont land owners and discussions have started about the best way to

contact Quebec landowners. There is also a need for a plume study on Missisquoi River and the Bay for Water use advisories. Currently it appears possible that with a few modifications to the existing phosphorus transport model it could be used instead of a dye plume study. The consulting company which created the model has been contacted and they have provided an estimate of cost. The Lamoille River (Proposed Treatment in 2009) is also in progress. The land owner database is in progress. There is a proposed dye study in 2008 but it will also be evaluated to see if a model similar to Missisquoi River could be used instead of the dye study. Discussion mentioned that it seemed that in earlier meetings the Missisquoi and Lamoille Rivers items were to be addressed in 2006. Discussion followed. There was also discussion about why in Vermont permits for “Sonar” treatments to control Eurasian Milfoil appear to easily go through the permitting process but permits for TFM treatments are very difficult.

Question: How will using the GLFC model solve this permitting problem?

Answers: Sea Lamprey treatments (GLFC) in Great Lakes are **Not** required to get state permits but they do work with states to get agreeable conditions. The situation that they are not required to get a permit goes back to the initial setup of the GLFC (~50 years ago) and even if Lake Champlain does adopt the GLFC model they may not have this option. Overall, since the application is submitted by an outside agency this will increase the burden of proof and require that just cause.

### **3. Review of Summit Agenda**

The handouts for the summit (blue folder) were reviewed. No comments were made on the handouts. There was then a discussion about any special guests that would be attending the meeting. A total of 26 people registered to make comments during the comments period. Based on the number of people and the potential interest to ask questions, a slight adjustment was made in the summit schedule to allow a question-answer period. To do this, the early break was removed from the schedule.

### **4. Review of Lamprey Control Scenarios – Current Scenario**

A handout was provided which included many items. Under the current scenario we are still experiencing high wounding rates on Salmonids, and actually higher rates than Pre-Control levels. There have also been low returns in the Fish Ways throughout the lake. The current control scenario has created a limited Lake Trout fisheries but not a landlocked Atlantic salmon fishery.

#### **a. Review of 2006 Treatments**

In 2006 treatments occurred on Putnam Creek, Salmon River, Little Ausable, Ausable River and Lewis Creek. Post treatment surveys were completed on all of these rivers and it appears that the treatments are successful killing lamprey. All river except the Lower Ausable River (South Fork) had a better than 95% treatment success. The lower Ausable River (South Fork) had an area where effectiveness was around 86%. Planning is

ongoing to do a cleanup treatment on of the South Fork of the Ausable River either fall or maybe spring 2007.

b. Proposed Treatments in 2007

The 2007 treatment plan includes a followup treatment of the South Fork of the Ausable River, regular stream treatments of Beaver brook, Boquet River and Poultney/Hubberdton Rivers (If objectives for lakewide walleye wounding rates are not met). Additionally, Ausable Delta is also proposed. A summary map including control methods and proposed years was handed out.

c. Additional Updates and timelines

A sea lamprey barrier has been proposed on Morpion Stream in Canada. The project has a good design for a seasonally removable barrier and fish trap. There are still a few remaining issues to resolve with the largest being related to finding a pathway to get funds into Canada for the actual construction. Under current proposed schedule construction will likely start in 2008 but some pressure will be applied to start in 2007. Recent QAS on LaPlatte River show current population estimates as low, but a barrier option similar to Morpion Stream may be pursued at a later date. A TFM treatment on the LaPlatte River would be a problem due to the presences of stonecats - a Vermont State listed species. Work continues on the preparations for a treatment on Lamoille River. Currently, a land owner list is being compiled and discussions have started with the consulting company who performed the phosphorus transport model for Missisquoi River/Bay. Depending on how the discussion develops it may be possible to create a similar transport model for the Lamoille River. If a model cannot be developed, then a dye study will have to be performed. The last discussion items were a review of the summary of current larval estimates (Handout).

Under the current method (No Change option) of sea lamprey treatment on Lake Champlain the goals for controlling sea lamprey are not being achieved. There needs to be more done. The current staff work loads are requiring some project prioritizing. In New York, this prioritizing has resulted in a lack of other fisheries work within Region 5. On the Vermont side, the big job is related to permitting issues. Based on recent experiences, providing additional staff to work on permitting may not help the situation. Outside of permitting other staff can be applied if needed. Under the current scenario staff is already pulled into treatments. Wayne Laroche stated he will commit the required staff to get the job done.

Question: Once permit is issued, are future permits easier?

Answer: Repeat permits not any easier – Example – Compelling TFM issues (Health). Biological issues are being handled and address but other still may appear. Health Risk Assessment – VT Health will not accept issues until an Environmental Fate Study is completed.

Discussion of the Vermont examples continued. During a meeting last July on the Lewis Creek treatment the same questions were asked again. The most current situation

is whether Dioxin persists in the system. In Vermont the issues can be divided into two general types, each with different staffing requirements. If the issue was a technical problem more staff would help address the problem but if it is a value question, additional staff will not solve the problem. Under the current process Vermont DEC critically evaluates every lamprey treatment at an extreme level. In conclusion the overall sense was that continuing in the current form with additional staff may not work to make the situation better.

## **5. Review of Lamprey Control Scenarios – Commission Model**

Under the Commission model different groups would be involved in the permit process, thus potentially reducing the within agency permitting conflicts that are currently occurring in Vermont. The commission model would have all resources in one office with staff for multiple purposes. This model works in the Great Lakes. For example, the USFWS was the permitting group. They have a large structure of technical experts which could be utilized if the situation required it. Also it would be possible to keep pushing the issue up within the organization which is not an option in the current method.

Under the commission model, some additional staff would be required. Four new positions with the USFWS would need to be created. States would still be involved in treatments and would help in permitting issues. For example Brad Young (USFWS) and Brian Chipman (VTDFW) may switch roles in the Vermont Permitting. With the additional staff annual costs would be around \$800,000. Under the current situation \$500,000 is targeted, so an additional \$300,000 would be required.

The Commission Model may also allow the examination of Vermont treatments as a whole. Currently permitting is river by river but historically, during the experimental program, a multiple river permit was issued and allowed for two treatments per river.

If the decision is made to proceed with the Commission Model some criteria will need to be met. An annual work plan will need to be defined and annual MOA between the USFWS and GLFC to get the funding transferred over. The MOA will need to include: tributaries for treatment, alternative control work, surveys and the cost of each. The specific details of the MOA still need to be worked out but in general it would most likely mimic the other MOA that the GLFC has.

Question: Why not go with full GLFC plan (i.e. treatment crews and everything)?

Answer: Historically GLFC defined to do everything related to Sea Lamprey Treatments (Goes Back 50 years). Going to full funds seems like it would require even more additions fund to do the staffing. This may not be that beneficial or productive in this situation. For example Lake Champlain treatment schedule is somewhat short so to bring on additional staff for this duration may not be very efficient. As the details get worked out there may even be able to include reimbursement funds for the states following completing of treatments. By using the Commission Model where 4 additional staff (USFWS) are added it is estimated that 300 staff day for New York 200 staff days for Vermont would be freed up.

Question: Does the Lake Champlain Fish and Wildlife Cooperative (LCFWC) exist as its own entity?

Answer: The Lake Champlain Fish and Wildlife Cooperative was formed by mutual agreement and does not have any formal structure.

Question: What happens when VT DEC asks some questions as they historically asked to VTDFW?

Answer: Under the Commission Model the USFWS will be the group applying for the permit. They will have additional year round staff to spend time on the questions. Also the USFWS will be outside of the permitting Agency.

Question: How is this different than just giving money to states?

Answer: In some cases even if the states had the money there may be other issues that prevent them from hiring additional staff. It also has an outside group applying for permit and will allow them to pull expert staff outside of agency. Having an outside applicant will create many different options.

In short – Having external applicant for permit application would make things easier and hopefully open it up to a more public process. Also the requested treatment conditions should be more acceptable. See Handout – Survey of Slide show.

#### **6. Review of Lamprey Control Scenarios – Discontinue Treatments**

There was a discussion about the option of discontinuing treatments and the resulting resource implications that may occur.

#### **7. Discussion of Social-Economic information**

Wayne Laroche commented that Agency feedback still shows a positive benefit for the expense and the benefits are a value. As noted in Gilberts study there is a 3:1 benefit-cost ratio. The salmon fisheries should see the highest benefit once the wounding rate goals are reached. Other fisheries have also suffered from the sea lamprey. The Commission model will also allow a more efficient coordination of resources and staff across states. Under the current scenario, the goals of the control program are not being met.

#### **8. Review of Presentation for Sea Lamprey Summit**

There was a short review of the presentation that Doug Stang was going to be providing at the Sea Lamprey Summit.

**Meeting Adjourned – 11:45; Minutes recorded by Bernie Pientka**