

## Lake Champlain Fish and Wildlife Management Cooperative

### Cooperative Agreement Addendum for Sea Lamprey Control Operations

This addendum establishes a mutual agreement between U.S. Fish and Wildlife Service (USFWS), Vermont Fish and Wildlife Department (Vermont), and New York Department of Environmental Conservation (New York) on restructuring a program of sea lamprey assessment and control on Lake Champlain. This addendum will remain in effect for a period of three (3) years following its approval by the parties named above, after which time it may be extended in its current form or amended by unanimous agreement. Specific objectives include:

1. Ensuring that sea lamprey control continues on lake Champlain consistent with the selected alternative described in the 2001 Final Supplemental Environmental Impact Statement developed by the Lake Champlain Fish and Wildlife Management Cooperative titled A long term program of sea lamprey control in Lake Champlain, for the benefit of game and non-game fish in the lake and in a way that ensures risks to the nontarget environment are acceptable.
2. Assigning primary responsibility and authority for sea lamprey assessment and control on Lake Champlain and its tributaries to the USFWS.
3. Establishing sea lamprey control responsibilities to be met by New York and Vermont.
4. Establishing mutual agreement among the three agencies about resuming responsibility for sea lamprey control operations as it existed prior to this Cooperative Agreement Addendum, in the event that Federal funding to support adequate operational capacity in the USFWS becomes unavailable.
5. Continuing, and when possible accelerating, the search for non-lampricide management alternatives.

#### U.S. Fish and Wildlife Service

The USFWS will enter into a Memorandum of Agreement with the Great Lakes Fishery Commission (GLFC) each year that Federal funds are available to the Commission for Lake Champlain activities. The Memorandum of Agreement will identify how the funds will be spent during the fiscal year. This is consistent with the administrative procedures used in the Great Lakes and allows accounting to be handled internally by the USFWS.

Under the Memorandum of Agreement, the USFWS will conduct the Lake Champlain sea lamprey control program in New York, Vermont, and Quebec and assume the roles and responsibilities specified below. Technical assistance from key state biologists will be needed during the transition period, and a minimized level of state assistance will continue for long-term program implementation. Depending on the size and timing of lampricide treatments, up to 16 professional and technical state staff may be called upon for various supporting roles in the field. New York and Vermont will continue to receive and store lampricides in State facilities. The USFWS will add full-time staff and seasonal technicians to address its increased roles and responsibilities.

If USFWS appropriations are increased sufficiently to allow continuation of the operations described below without GLFC funds, the USFWS will enter into a new agreement with Vermont and New York.

## Specific roles that the USFWS will assume under the Federal leadership model

Assessment and Control: Conduct larval and adult sea lamprey population assessments. Prepare and execute lampricide treatments and other lamprey control methods. Take lead responsibility for all aspects of treatments, but rely on field staffing assistance from New York and Vermont for lampricide application and related activities during treatments. Take primary responsibility, in cooperation with Vermont and New York staff, to monitor wounding rates, analyze wounding rate and lamprey population data, and provide periodic updates to the public through press releases and public events. Conduct non-target assessments as required by permits or otherwise determined as valuable for sustainable resource management. These may include experimental designs to examine potential cumulative effects of otherwise relatively minor impacts to sensitive and rare or endangered species.

Permitting: Apply for all required Federal, State and local permits in New York and Vermont. ~~En~~Ensure that all permit conditions are adhered to. Conduct landowner notification and consent surveys in accordance with New York Bureau of Pesticide Management and Vermont Department of Environmental Conservation regulations as permit renewals and/or modifications warrant. Key state personnel will continue to serve in an advisory role during the initial permitting effort by the USFWS in each state.

Notifications: Take lead responsibility for landowner notification and posting of advisories in both states, development of Public Service Announcements and newspaper advertisements, low-level sampling and analyses, maintenance of a toll-free "800" number, arrangements for alternate water sources, installation and maintenance of temporary livestock fencing as needed, and purchase and delivery of bottled drinking water to affected households. Maintain landowner databases and make updates to those databases as treatment schedules and locations warrant. Implement the "Prior Notification, Posting, and Water Supply" plans in New York and Vermont and update those plans as needed.

Alternative Sea Lamprey Control Methods: Continue to facilitate the effort to identify and implement non-lampricide treatment approaches. This effort will involve governmental and non-governmental parties including academic institutions, and be coordinated with the Great Lakes Fishery Commission.

Administration: USFWS will develop an annual draft sea lamprey control and assessment workplan, including an estimated budget for review by Vermont Fish and Wildlife Department and New York Department of Environmental Conservation. After considering recommendations from the two State agencies, USFWS will be responsible for final decisions about expenditures, disbursement of funds, and accounting through GLFC. USFWS will also annually prepare a report on final costs and expenditures for sea lamprey control and assessment activities.

The USFWS will be responsible for maintaining equipment and supplies in accordance with the Lake Champlain Fish and Wildlife Management Cooperative's Cooperative Agreement, record-keeping, coordinating requests for state staff assistance, authoring treatment reports, maintaining treatment records and maintaining and updating application and analysis standard operating procedures for use by control staff from all three agencies.

### New York

Sea lamprey control remains a high priority for New York. The New York Department of Environmental Conservation strongly supports this approach to restructuring the Lake Champlain

sea lamprey control program. Staffing and budget challenges made New York unable to maintain previous commitment levels and effectively conduct the Lake Champlain lamprey control program in New York.

New York is prepared to maintain its reduced roles and responsibilities for sea lamprey control until Federal appropriations become sufficient to support the Federal leadership model. Sea lamprey control and fisheries restoration work on Lake Champlain will continue to require the coordinated efforts of the USFWS, Vermont and New York. If the sea lamprey control program cannot be sustained by the Cooperative, New York will share responsibility for reduction or cessation of the program as it is very clear that only a comprehensive, whole-lake control effort will achieve success.

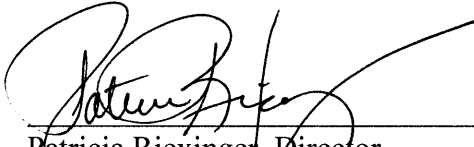
#### Vermont

Sea lamprey control remains a top priority for Vermont. The Vermont Department of Fish and Wildlife strongly supports the approach described in this Addendum to restructuring the Lake Champlain sea lamprey control program. Having the USFWS in the lead role will result in a more efficient and effective operating process. The long-standing challenge of having the Vermont Department of Fish and Wildlife apply within its own State agency for permits to conduct sea lamprey control activities has resulted in complicated administrative and legal procedures to avoid even the perception of any conflict of interest. This has sometimes hindered communications and even delayed permitting processes resulting in inefficient use of staff time, and postponement of control treatments.

In addition to the administrative hurdles described above, State budget constraints provide challenges to the Vermont Department of Fish and Wildlife. However, the Department remains committed to the program. To the degree that State appropriations allow, Vermont is prepared to maintain its roles and responsibilities for sea lamprey control until Federal appropriations become sufficient to support the Federal leadership model, and will resume its operations if the USFWS does not continue to receive the funds or staffing needed to lead the program. Sea lamprey control and fisheries restoration work on Lake Champlain will continue to require the coordinated efforts of the USFWS, Vermont and New York. If the sea lamprey control program cannot be sustained by the Cooperative, Vermont will share responsibility for reduction or cessation of the program as it has been very clear that only a comprehensive whole-lake control effort will achieve success.

Signatures


New York



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Patricia Riexinger, Director  
Division of Fish, Wildlife and Marine Resources

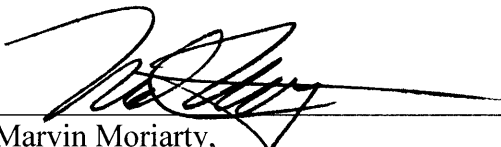
Vermont



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Patrick Berry, Commissioner  
Department of Fish and Wildlife

U.S. Fish and Wildlife Service



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Marvin Moriarty,  
Regional Director

DATE OF FINAL SIGNATURE APR 08 2011