



FEDERATION OF VERMONT LAKES AND PONDS, INC.  
MINUTES - TENTH ANNUAL MEETING  
JULY 25, 2011

The tenth annual meeting of The Federation of Vermont Lakes and Ponds, Inc. (FOVLAP, or the Federation) was held at The Steak House in Berlin, Vermont on July 25, 2011. President Perry Thomas called the meeting to order at 9:10 AM, welcomed member associations, and reviewed the agenda for the day and details of the facility. Officers and Board members in attendance included President Perry Thomas, Vice-President Andy Dales, Treasurer Judy Davis, Secretary Ginny Garrison, and Board members Art Brooks, Joe Ciccolo, Bruce Durgin, Dick Simpson, and Don Weaver. Also in attendance were representatives from 23 lakes and ponds and representatives from the VT Agency of Natural Resources' Water Quality Division.

**VTDEC COMMISSIONER DAVID MEARS:** President Perry Thomas introduced David Mears, Commissioner of the VT Department of Environmental Conservation, who spoke about the false dichotomy of economic development and environmental protection, and the challenges facing Vermont's environment. Vermonters want to protect the working landscape AND water quality. He noted that land use changes are the most challenging issues to address for water quality protection, and environmental groups like the Federation are key to assuring such protection. Land use around lakes is managed locally. Towns need information and a counterweight to balance individuals or groups seeking simply to make money. Another challenging issue is the changing hydrologic cycle, which was highlighted this spring by the flooding around the state (including Lake Champlain) and the negative impacts that occurred due to the flooding. In response to a question about what programs are available to help towns with local zoning, Commissioner Mears mentioned the Vermont League of Cities and Towns' model shoreland ordinance, with Milly Archer as a contact. He also mentioned that there are grant funds available to give towns technical tools to identify flood-prone areas (such as using LiDAR). He stated that he is not opposed to statewide shoreland zoning, however he does not feel that should be the only avenue of protection pursued. Roger Crouse from Lake Iroquois remarked that there are multiple towns on Lake Iroquois, so local shoreland zoning results in inconsistent requirements. Commissioner Mears responded that it does make sense to have some minimum standards so landowners aren't impacting others along the shore. A concern was expressed regarding rented camps with existing "grandfathered" septic systems that may be overloaded with renters. The Commissioner agreed that this could be a problem in some areas, and said perhaps the state should be re-thinking the "grandfather" provision for septic systems. Another concern was expressed regarding enforcement – zoning regulations may be great, but enforcement can be very difficult locally. The Commissioner noted that the Vermont League of Cities and Towns does not support the state doing enforcement of local zoning, and he doubts it will happen unless towns request it. He would like to focus his efforts on getting more resources to towns.

**VTDEC/WQD LAKES AND PONDS SECTION REPORT:** Susan Warren, VTDEC Lakes and Ponds Section Chief, introduced the Water Quality Division staff in attendance - Ann Bove, Leslie Mathews, Kellie Merrell, Amy Picotte, Jeff Crocker, Mark Mitchell and Ethan Swift - as well as Milly Archer (VT League of Cities and Towns), Mary Clark (Yankee Onsite Wastewater Association), and Julie

Moore (previously VTANR Clean and Clear, now Stone Environmental, Inc.). Section staff made the following announcements:

- Susan announced that Milly Archer from the VT League of Cities and Town was in attendance and would be available during the day to talk with folks about shoreland buffer ordinances.
- Susan noted that the Water Quality Division is looking at encroachment permitting on Lake Champlain in light of the flooding this year. There may be changes introduced in the Legislature next year, such as changing the state's legal jurisdiction of 95.5 feet above sea level – is it too low an elevation to assure effective shoreline stabilization projects? She also brought handouts with shore stabilization recommendations.
- Ann has developed a new handout summarizing the chemical treatments used in Vermont to manage Eurasian watermilfoil, which is available at the meeting. She also brought copies of a handout that is updated annually summarizing all Eurasian watermilfoil management efforts in Vermont.
- Leslie reminded Vermont Invasive Patrollers to do their lake surveys. She also indicated that there is still time available to schedule a VIP workshop.
- Amy announced that there are 50 inland lakes in the Lay Monitoring Program this year, as well as 20 stations on Lake Champlain, all monitoring for chlorophyll-a and Secchi disk transparency. Some monitors are also measuring chloride and/or water temperature and/or rainfall.
- Kellie announced that the 2007 National Lake Assessment Report for Vermont has been completed. She also announced that a new round of monitoring will occur in 2012. They are conducting reference lake sampling this year to help make the results more relevant to Vermont. (The 2007 assessment used reference lakes from the Adirondacks and Maine.) They are also looking into using these Vermont reference lakes as sentinel lakes for monitoring climate change.

**PLENARY SPEAKER: JOHN MAGNUSON – POTENTIAL IMPACTS OF CLIMATE CHANGE ON LAKE SYSTEMS:**

After a brief break, President Perry Thomas introduced Art Brooks, FOVLAP Director, who introduced his former colleague, Dr. John Magnuson, Professor Emeritus at the University of Wisconsin-Madison. Dr. Magnuson received a Nobel Prize (~ 1/5,000 of one) for his work as part of the Intergovernmental Group on Climate Change (along with Al Gore and many others). Dr. Magnuson noted that one problem with recognizing climate change is the “Invisible Present.” People tend to look at near-term changes and not long-term changes. Using lake ice cover data, he showed that El Nino, a cyclical event, causes changes relatively frequently (every 3-5 years) – resulting in short winters after an El Nino event. Other large-scale climatic drivers that cause cyclical variability in our weather include solar activity (about every 9-11 years) and the North Atlantic Oscillation, Pacific Decadal Oscillation, and Arctic Multi-decadal Oscillation (each cycle every 20-50 years). However, there is a difference between cyclical weather patterns and climate change, which occurs very slowly. Over the last 150 years, the climate has changed so there is on average now one month less of ice cover on lakes in Wisconsin (from 4 months to 3 months). Another problem with recognizing climate change is the “Invisible Place.” People tend to look at what’s happening in the local area vs. looking broadly at global changes. The longest ice record comes from the Japanese Alps (beginning in the 1400s). An ice ridge on a lake there has been forming 19 days earlier every 100 years since 1800. He showed ice records for lakes all over the world that exhibit a similar trend. He showed that the change is due to a warming change in the mean – there are more short-ice-cover winters and fewer long-ice-cover winters now – rather than an increase in the variability in the length of ice cover. Less ice cover on lakes has numerous recreational, economic and environmental ramifications. There is a loss of winter recreational opportunities and an economic loss for businesses depending on this recreation. Lakes experience increased evaporation from the open water, and thus a decrease in water level. While this is moderated by the increasing runoff that is occurring with climate change, the water level of Lake Michigan is predicted to drop 1-2 feet by the end of the century. Lake water temperatures are rising (even Lake Superior’s) and lakes are stratifying earlier. The resulting longer period of stratification means lakes are more likely to lose the dissolved oxygen in the bottom waters before fall turnover, which then brings about a loss of salmonid fisheries due to low dissolved oxygen. Earlier stratification means a shorter spring mixing period, which means less productivity for lakes. There will also be a loss of species due to changes in habitat and a move to species that can thrive in warmer lakes. On the potentially positive

side, shallow ponds that normally experience winter kills now due to low dissolved oxygen under the ice may not lose their oxygen during a shorter ice-cover period. And, in really large, deep lakes, there may be more habitat for salmonid fishes where the deep water may currently be too cold for them.

Following Dr. Magnuson's presentation, several questions were asked. Q: What is the relationship, if any, between climate change and acid rain? A: Dr. Magnuson wasn't sure. He hasn't thought that question through. Q: How can we get politicians to address climate change? A: Public policy is advised by information. Science is ridiculed in the U.S. right now, and that needs to change. People individually react differently to risk information. Using the Precautionary Principle, if we don't know for sure that something is happening but it might be, we should be more stringent on protecting against it. Alternative reactions can be, if we don't know something is happening, then who cares, or even worse, if we can't prove it's happening, then it isn't. One management concept not often used in lake management is triage. If science suggests that certain resources are going to be lost, then don't waste time/funds protecting lost causes or working on ones that don't have problems. Spend the time/funds where you can have a positive impact. Q: What's happening on the federal level? A: Environmental programs are seeing large cuts. In the most recent federal budget proposal, funding for wetlands restoration was cut 47%, and funding for endangered species was cut 95%. Q: Could the recent increase in toxic blue-green algae populations around the U.S. be related to climate change? A: Warmer water for a longer season could benefit blue-green algae populations, and the increase in storm events due to climate change will increase nutrient inputs to lakes, also benefitting blue-green algae. The increase in algal toxins may also be due to an expansion in the range of *Cylindrospermopsis* spp., a toxin-forming blue-green alga.

LAKE REPORTS: This year the lake reports were focused with a new format - one issue-one minute. President Perry Thomas announced that Joe Ciccolo, FOVLAP Board member, would be recording the issue that each lake association representative discussed, along with contact information. The list of issues reported on will be emailed to all attendees who provided email addresses. Joe was designated as the time-keeper to keep presentations to approximately one minute. Fifteen lake reports were given during the remainder of the morning: Lake Elmore, Harvey's Lake, Lake Iroquois, Lake Morey, Lake Memphremagog Watershed Association, South Pond, Caspian Lake, Lake Eden, Lake Bomoseen, Lake Willoughby, Seymour Lake, Halls Lake, Calais Lakes, Shadow Lake, and Peacham Pond. Following these reports there was an opportunity for attendees to ask questions or provide responses to questions raised during the lake reports. Three issues were discussed during this time: (1) INSURANCE for lake associations and Boards of Directors: some lakes have it, some don't; it is relatively expensive. The membership asked the FOVLAP Board to (a) determine if there is protection for Boards through Vermont state law as there appears to be in some states, (b) pursue statewide legislation to protect Boards, and (c) determine if FOVLAP can offer insurance to member associations; (2) GOOSE MANAGEMENT: Some suggestions for effective goose deterrent techniques included getting a resident osprey, running a string about one foot high along the shoreline, erecting coyote silhouettes on spinning pins, establishing buffer strips with native vegetation, and oiling the eggs (state permission needed); and (3) STORMWATER RUNOFF MANAGEMENT: There is a Vermont Rain Garden Manual available from the Winooski Natural Resources Conservation District. There is also a VT Low Impact Development Guide for Residential and Small Sites, and a Low-Risk Site Handbook for Erosion Prevention and Sediment Control, available from the VTDEC.

## LUNCH

LEGISLATIVE UPDATE: Ginny Garrison, chair of FOVLAP's Legislative Affairs Committee, referred attendees to a 2011 Legislative Affairs Committee Report that was handed out earlier in the day (attached). Two bills passed into law this year that may be of interest to FOVLAP members. H.024 (Act 28) transferred the ownership of the Maidstone Lake Road from the Agency of Natural Resources to the Town of Maidstone. H.026 (Act 37) regulates the use of fertilizers containing phosphorus on turf, prohibits the use of nitrogen fertilizers on turf, and places display requirements on retailers selling

phosphorus fertilizers. When asked if Act 37 applies to commercial landscape managers she indicated that it does. It is the use of fertilizers that is regulated. Ginny explained that the Legislative Affairs Committee sent out biweekly emails this past year providing updates on legislation of potential interest to people requesting to be on the distribution list. These updates were also posted on FOVLAP's website. Anyone interested in having their name added to the Legislative Affairs distribution list should email Cindy Swanson [cinswanson@gmail.com](mailto:cinswanson@gmail.com). As an aside, Ginny mentioned that the FOVLAP website also now contains a page with links to all known lake association websites in Vermont, so folks can network with other associations.

**PLENARY SPEAKER: JUSTIN JOHNSON – CURRENT PREDICTIONS OF HOW CLIMATE CHANGE WILL AFFECT VERMONT'S WATERWAYS:** President Perry Thomas introduced Justin Johnson, Deputy Commissioner of the VT Department of Environmental Conservation. Justin explained that climate (long-term) is different from weather (short-term). There are two responses to climate change that are needed – mitigation to reduce the process, and adaptation to adapt to it. There has been some reluctance to initiate adaptation, as it is expensive and some are concerned that it is “giving up.” But, climate change is already happening, so we need to adapt. Governor Shumlin has established the Vermont Climate Cabinet that will be looking at things that need to be done to enable Vermont to adapt to the changing climate. One example of adaptation is to move back farther from lakes that will now be flooding more, and more frequently. A key question is how far back is enough? An example of mitigation is the Regional Greenhouse Gas Initiative. As a member of the RGGI, Vermont has imposed a cap on greenhouse gas emissions from power plants in Vermont. Vermont has made \$8.5 M through the sale of carbon dioxide allowances, and this money has gone to weatherization programs in Vermont. The VT Agency of Natural Resources has a Climate Change website with lots of good information. The following changes are predicted for Vermont as a result of climate change:

- 3-4 degree increase in temperature by 2050
- 5-8 degree increase in temperature by 2100
- Significant increase in rainfall year-round (but droughts will still occur)
- More days above 90 degrees
- Increased length of growing season
- Less snow
- Earlier snowmelt
- Earlier ice-out/later freeze-up

These changes will lead to pest invasions, increased nutrients in runoff, the need for infrastructure changes (larger culverts, moving back from lakes/streams), more runoff and flooding. In response to a question, Justin indicated that the state is updating and changing flood zone maps, but it is a long process.

## FEDERATION OF VERMONT LAKES AND PONDS BUSINESS MEETING

President Perry Thomas called the Business Meeting to order.

**SECRETARY'S REPORT:** The minutes from the 2010 annual meeting were reviewed. Jackie Sprague moved that the minutes be approved as written. Dick Simpson seconded the motion and the motion passed.

**TREASURER'S REPORT:** Treasurer Judy Davis reviewed the financial reports that were distributed earlier in the day. She explained that 2010 showed a deficit for the year because income from the Watershed Grant was received in 2009 and the expenses occurred in 2010. When asked where the Federation's income comes from, Judy responded that about \$1,000 comes from membership, with the rest coming from two state grants and fees from the annual Lakes Seminar and Annual Meeting. Don Weaver asked if people would be okay with a small increase in the Federation's dues. Through a show of hands the majority indicated they would not have a problem with a small increase. Joe Ciccoli commented that he'd like to see an increase in participation of Vermont lake associations and be sure we

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have saturated the potential membership base before increasing dues. There was a subsequent comment that perhaps there could be a sliding scale of dues for small associations versus large associations. It was moved that the Treasurer's Report be accepted as presented. Don Weaver seconded the motion and the motion passed.

**BYLAWS AMENDMENTS:** President Perry Thomas explained the proposed Bylaws amendments that were sent to members with the announcement of the Annual Meeting and were also distributed earlier in the day. The amendments are primarily intended to make all language consistent with the Bylaws amendment that was approved last year and to bring the Bylaws up-to-date with current practices. Dave Weaver moved that the Bylaws changes be approved as proposed. Roger Crouse seconded the motion. The motion passed unanimously. The approved changes are attached to these minutes.

**ELECTION OF OFFICERS AND DIRECTORS:** Andy Dales, chair of FOVLAP's Nominations Committee, explained that he (Andy Dales) has completed his second term as Vice-President and cannot run again, Ginny Garrison has completed her first term as Secretary, and Ron Dreher, Al Muenster and Dick Simpson have completed their first terms as Directors. Ginny, Ron and Al have chosen not to run for re-election. Andy presented the following slate of nominations to fill these positions:

Vice-President: Art Brooks, a 2-year term (2011-2013)  
Secretary: Jackie Sprague, a 2-year term (2011-2013)

Directors:

3-year terms (2011-2014):

Julie Moore (Stone Environmental, Inc.), replacing Ron Dreher  
Andy Dales (Caspian Lake), replacing Al Muenster  
Dick Simpson (Lake Willoughby), re-elect

2-year term (2011-2013)

Bruce Barter (Seymour Lake), filling the remainder of Art Brooks' term as Art is on the slate for Vice-President

Carry-over officers and directors are:

Perry Thomas, President, term expires 2012  
Judy Davis, Treasurer, term expires 2012  
Cindy Swanson, Director, term expires 2012  
Don Weaver, Director, term expires 2012  
Greg Allen, Director, term expires 2012  
Joe Ciccolo, Director, term expires 2013  
Bruce Durgin, Director, term expires 2013

The nominations were closed. Joe Ciccolo moved that the slate be accepted as presented and that the Secretary cast one ballot for the slate. The motion was seconded, and the slate was voted as presented.

Perry Thomas thanked outgoing officers Andy Dales and Ginny Garrison and presented them with a gift.

**OTHER BUSINESS:** Roger Crouse asked for an update on Canadian boat washing station certificates. Ann Bove explained that due to scheduling difficulties, the meeting with Canada has not yet taken place. An update on naming a representative from FOVLAP to the Lake Champlain Basin Program was also requested. Perry Thomas indicated that there is nothing to report at this time. She will determine if a Board member is interested in being a representative.

ENVIRONMENTAL STUDIES SCHOLARSHIP REPORT: This is the fifth year FOVLAP has offered a \$500 scholarship to a student pursuing a major related to environmental science/water quality protection. Jackie Sprague reported that this year's scholarship has been awarded through VSAC. She said the quality of applications seems to be going down. This year's recipient has not responded to inquiries from Jackie – very disappointing. Art Brooks encouraged attendees to get students they know to apply to VSAC for the scholarship!

The Business Meeting was adjourned at 2:28 PM.

LAKE REPORTS (CONTINUED): Six lake reports were presented in the afternoon: Burr Pond/Lake Hortonia, Lake Dunmore/Fern Lake, Greenwood Lake, Big and Little Hosmer Ponds, Lake St. Catherine, and Woodbury Lake. In addition, folks from Lake Parker and Lake Champlain were present at the meeting but did not give lake reports.

DOOR PRIZES: Perry reminded everyone to fill out the evaluation sheet for the meeting. Three door prizes handmade by a Vermont woodworker were awarded. Robert Martin from Woodbury Lake won a cutting board. Don Weaver from Lake Champlain won a napkin holder. Ray Lanier from Lake Willoughby won a coat rack.

Respectfully submitted,

Ginny Garrison, Secretary

# Federation of Vermont Lakes and Ponds

## Bylaws Changes Approved July 25, 2011

(Note: Only the subsections with amendments are shown.)

### Article II

#### PURPOSE

1. To perform all acts appropriate to a non-profit Federation dedicated to the conservation, ~~promotion, and development of environmental quality standards among of~~ our lakes and ponds Associations.

### Article III

#### MEMBERSHIP

Any bona-fide, active Lake or Pond Association, which is partially or completely within the Vermont borders, is eligible for membership. Lakes and Ponds with no Association may have one voting representative upon payment of Association dues. Any individual is eligible for Affiliated membership and will receive Federation benefits but not voting rights. Affiliates are eligible to serve and vote on the Board of Directors if elected by the membership.

#### DUES

The annual dues shall be fixed from time to time by the Board of Directors. Any Association, Represented Lake, or Affiliate may become a member upon payment of annual dues and shall continue as a member for succeeding years provided annual dues for each such succeeding year are paid on or before the Annual Meeting of such year.

### Article IV

#### OFFICERS

1. List of Officers. The Officers of the Federation shall be a President, a Vice-President, a Treasurer and a ~~Clerk~~Secretary.

3. Term of Officers. Terms for officers will rotate on the odd and even numbered years. President and Treasurer will be up for election in even numbered years after serving two (2) consecutive 2-year terms. The Vice-President and ~~Clerk~~Secretary will be up for election in odd numbered years after serving two (2) consecutive 2-year terms. Officers can only serve two (2) consecutive terms, but may continue as a Director if elected and return as an officer after a one year absence.

*The Federation is dedicated to the conservation and environmental quality of Vermont's lakes and ponds.*

5. Duties of the Treasurer. The Treasurer shall have custody of the funds of the Federation, shall receive dues and make disbursements as directed, and make a financial report at all Board meetings and to the membership at the Annual Meeting. ~~He/she~~The Treasurer shall prepare the annual budget and also file the ~~corporation~~Federal and State income tax returns as required for the Federation. The Treasurer shall compile a Biennial Report, which shall be filed as required by the Secretary of State.

6. Duties of the ~~Clerk~~Secretary. The ~~Clerk~~Secretary shall take minutes of all meetings, have custody of all records of the Federation, except financial, and provide for all communications either among the members or to outside parties. ~~The Clerk shall compile an Annual Report, which will be filed as required by the Secretary of State and distributed at the Annual Meeting.~~

## **Article V**

### BOARD OF DIRECTORS

6. Quorum of the Board. A majority of Directors ~~in attendance~~ shall constitute a quorum for the transaction of the Board's business at any Board meeting.

## **Article VI**

### ANNUAL MEETING

Unless otherwise determined by the Board of Directors, the Annual Meeting shall be held mid-state on the fourth Monday in July. At least three weeks advance notice of the Annual Meeting shall be mailed to all members via U.S. mail and/or email. Nominations for the coming year should be included in this mailing. Each dues paying Association or Represented Lake shall have one vote.