

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NATIONAL PARK SERVICE
NATIONAL SEA GRANT COLLEGE PROGRAM
NATURAL RESOURCES CONSERVATION SERVICE
UNITED STATES ARMY CORPS OF ENGINEERS
UNITED STATES FISH AND WILDLIFE SERVICE
UNITED STATES FOREST SERVICE AND
UNITED STATES GEOLOGICAL SURVEY

FOR COOPERATION AND COORDINATION TO IMPLEMENT

***OPPORTUNITIES FOR ACTION:
AN EVOLVING PLAN FOR THE FUTURE OF THE LAKE CHAMPLAIN BASIN***

Whereas in 1990 Congress passed the Lake Champlain Special Designation Act in Title III of the Great Lakes Critical Programs Act of 1990, which authorized establishment of the Lake Champlain Management Conference to develop a comprehensive plan and provided funding, administered through the United States Environmental Protection Agency (EPA) to support these activities, and

Whereas the Consolidated Appropriations Act of 2023 reauthorized and amended Section 120 of the Federal Pollution Control Act, and

Whereas *Opportunities for Action*¹, was completed in 1996 and signed by the Governors of New York and Vermont and the Regional Administrators of EPA Regions 1 and 2, and

Whereas *Opportunities for Action* was amended in 2022², and

Whereas *Opportunities for Action* identifies priority actions to restore and protect water quality and the diverse natural and cultural resources of the Lake Champlain Basin, and

Whereas the Patrick Leahy Lake Champlain Basin Program is a partnership of federal, state, and local agencies, organizations, businesses, academics, farmers and individuals working together to protect and restore Lake Champlain and its Basin as outlined in *Opportunities for Action*, and

Whereas *Opportunities for Action* charges the Lake Champlain Steering Committee and its subcommittees, including representatives of several of the signatory agencies on this Memorandum of Understanding, with the responsibility for overseeing activities of the Patrick Leahy Lake Champlain Basin Program and for guiding and coordinating among partners to encourage implementation of *Opportunities for Action*, and

¹Lake Champlain Basin Program. 1996. *Opportunities for Action: An evolving plan for the future of Lake Champlain*. 92 pages.

²Lake Champlain Basin Program. 2022. *Opportunities for Action: An evolving plan for the future of Lake Champlain*. 152 pages.

Whereas the Patrick Leahy Lake Champlain Basin Program's Federal agencies recognize the benefits to be obtained by effective cooperation and coordination, and

Whereas the Lake Champlain Federal Work Group was established as a subcommittee of the Lake Champlain Steering Committee in 2001 to provide a framework for cooperation and coordination between Federal agencies,

NOW THEREFORE, because it is in the public interest that Federal agencies continue to work together through cooperation and coordination to ensure timely, efficient use of Federal capability, this Memorandum of Understanding establishes a nonbinding collaborative agreement to facilitate implementation of priority actions identified in [*Opportunities for Action: An evolving plan for the future of the Lake Champlain Basin*](#). The Workgroup is sanctioned by the Lake Champlain Steering Committee as defined within *Opportunities for Action* but operates independently. Partners identified in the Workgroup inform the Steering Committee at regularly scheduled meetings. In accordance with this Memorandum of Understanding, the Federal agencies intend to cooperate and coordinate their activities related to the Lake Champlain Basin in accordance with the following terms and conditions.

Article 1. Authority. EPA enters into this Memorandum of Understanding pursuant to Section 104(b)(2) of the Clean Water Act, 33 U.S. Code § 1254 which authorizes EPA to encourage and cooperate with, and render technical services to, individuals, as well as public and private sector entities, including but not limited to federal entities, to promote the coordination and acceleration of demonstrations, studies and training related to the causes, effects, prevention, and elimination of water pollution. See also Clean Water Act Section 120(g)(1) (“The term ‘Patrick Leahy Lake Champlain Basin Program’ shall mean the coordinated efforts among the Federal Government [...] to implement the Plan.”).

Article 2. Lake Champlain Federal Work Group. The Lake Champlain Federal Work Group will continue to operate as a subcommittee of the Lake Champlain Steering Committee.

- A. Work Group Membership. The members of the Work Group shall be appointed by appropriate authorities in each agency.
- B. Meetings. The Federal agencies anticipate that the Work Group shall meet periodically at the convenience of the members to review the status of their activities in the Lake Champlain Basin, to assess future work that each agency may be conducting in the Basin, to coordinate with the Patrick Leahy Lake Champlain Basin Program budget process, and to identify opportunities for cooperative and/or collaborative work to implement priority actions in *Opportunities for Action*.
- C. Record of Meetings. Following the conclusion of each meeting, the Federal agencies expect that a memorandum will be prepared to record the matters discussed and agreements reached. This memorandum will be provided to the Steering Committee.
- D. Annual Summary. The Federal agencies expect that the Work Group will develop an annual summary consisting of a brief description of each agency’s accomplishments in the previous year.

Article 3. Limitations

- A. All commitments made in this Memorandum of Understanding are subject to the availability

of appropriated funds and each Federal agency's priorities. Each Federal agency will handle its own activities and utilize its own resources, including the expenditure of its own funds, in pursuing the objectives of this Memorandum of Understanding. Nothing in this Memorandum of Understanding, in and of itself, obligates the Federal agencies to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or other financial obligation. Each Federal agency agrees that it will not submit a claim for compensation for services rendered in connection with any activity it carries out in furtherance of this Memorandum of Understanding. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

B. This Memorandum of Understanding is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this Memorandum of Understanding will be handled in accordance with applicable laws, regulations, and procedures, and will be subject to separate subsidiary agreements that will be affected in writing by representatives of each Federal agency and contingent upon the availability of appropriated funds.

C. This Memorandum of Understanding does not create any right or benefit, substantive or procedural, enforceable by law or equity against the Federal agencies, their officers or employees, or any other person. This Memorandum of Understanding does not direct or apply to any person outside the Federal agencies.

D. Nothing in this Memorandum of Understanding shall be interpreted to modify or limit the rights and authorities of the Federal agencies or restrict them from participating in similar activities or arrangements with other public and private agencies, organizations, or individuals.

E. Nothing in this Memorandum of Understanding shall be construed as requiring a Party to expend funds in violation of the Federal Anti-deficiency Act codified at 31 U.S.C. § 1341.

Article 4. Modification/Duration/Termination

A. This Memorandum of Understanding shall remain in effect for five years from the date of the last signature or until modified by mutual written agreement of the Federal agencies. It may be renewed by mutual agreement of the Federal agencies at the end of five years.

B. Any Federal agency may terminate its participation in this Memorandum of Understanding, in whole or in part, at any time by providing written notice to the other Federal agencies at least 90 days in advance of the desired termination date.

APPENDICES

Note, the following appendices are not a formal portion of the Memorandum of

Understanding, but are attached for informational purposes only.

APPENDIX I - Lake Champlain Steering Committee

The Lake Champlain Steering Committee is responsible for overseeing activities of the Patrick Leahy Lake Champlain Basin Program. Its members all have a keen interest in Lake Champlain and include representatives from New York and Vermont State agencies, the Province of Quebec, Federal agencies including Department of the Interior, Department of Agriculture, U.S. Army Corps of Engineers, and Environmental Protection Agency, citizen representatives and local government representatives.

The Steering Committee created a Technical Advisory Committee composed of professionals from academia, management agencies, and others. Federal agencies represented on the TAC include the U.S. Fish and Wildlife Service, U.S. Geological Survey, U.S. EPA Regions 1 and 2 (non-voting) and Natural Resources Conservation Service. The TAC has the following functions:

- Presents the Steering Committee with technical information to be used for decision-making.
- Advises the Steering Committee about emerging management issues and prepares research or action to address those issues.
- Oversees and facilitates the technical aspects of implementation projects.
- Interprets monitoring program results and other technical information to help determine success or redirection of projects.

The Lake Champlain Steering Committee also created an Education and Outreach Committee to help educate the public on issues facing the Lake, publicize activities occurring in the Basin and gather input from citizens of the Basin, and an Executive Committee to oversee the day-to-day activities of the Patrick Leahy Lake Champlain Basin Program.

The Lake Champlain Steering Committee is responsible for recommending how the Patrick Leahy Lake Champlain Basin Program's funds are spent, including funds from Federal sources. The Steering Committee also evaluates activities of all the Patrick Leahy Lake Champlain Basin Program partners to ensure the maximum practicable and effective use of member agencies' public funding for high priorities within *Opportunities for Action*.

APPENDIX II - Statement of mutual goals and responsibilities

U.S. Environmental Protection Agency

The mission of the EPA is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends.

EPA's purpose is to ensure that:

- All Americans are protected from significant risks to human health and the environment where they live, learn and work.
- National efforts to reduce environmental risk are based on the best available scientific information.
- Federal laws protecting human health and the environment are enforced fairly and effectively.
- Environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy.
- All parts of society—communities, individuals, business, state and local governments, tribal governments—have access to accurate information sufficient to effectively participate in managing human health and environmental risks.
- Environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive.
- The United States plays a leadership role in working with other nations to protect the global environment.
- Climate resiliency and especially environmental justice priorities are emphasized in future planning, solicitations and decision making to support the restoration and protection of Lake Champlain.
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Both EPA Region 1 in Boston, Massachusetts and EPA Region 2 in New York, New York have been actively involved with the Lake Champlain Basin Program since its inception in 1990. These offices have worked to provide grant funds and technical expertise to help advance environmental education and preserve and enhance the basin's ecological function.

United States Department of Agriculture

Natural Resources Conservation Service

The NRCS improves the health of our Nation's natural resources while sustaining and enhancing the productivity of American agriculture. We achieve this by providing voluntary assistance through strong partnerships with private landowners, managers, and communities to protect, restore, and enhance the lands and waters upon which people and the environment depend.

Originally established by Congress in 1935 as the Soil Conservation Service (SCS), NRCS

has expanded to become a conservation leader for all natural resources, ensuring private lands are conserved, restored, and more resilient to environmental challenges, like climate change. Seventy percent of the land in the United States is privately owned, making stewardship by private landowners absolutely critical to the health of our Nation's environment. NRCS works with landowners through conservation planning and assistance designed to benefit the soil, water, air, plants, and animals that result in productive lands and healthy ecosystems. NRCS believes that voluntary, incentive-based conservation is the best way to achieve positive environmental results.

NRCS in Vermont and New York work within a well-established conservation partnership. The partnership has a long history of advocating resource protection in the Lake Champlain Basin. In cooperation with State agencies, it has actively pursued a program of non-point source phosphorus and sediment reduction from agricultural sources. A variety of voluntary programs providing financial and technical assistance have been made available to basin farmers. USDA and the States of Vermont and New York provide a unique opportunity to farmers in the Lake Champlain Basin by combining state and federal funds on many projects. This has increased farmer participation by decreasing their share of project costs. Over the last twenty years NRCS has provided an estimated \$225,000,000 for the implementation of water quality related practices in the Lake Champlain Basin; matching funds provided by farmers, other private landowners and state agencies. The State Conservationists of Vermont and New York are members of the LCBP Steering Committee.

Forest Service

The phrase "Caring for the Land and Serving People" captures the Forest Service mission. As set forth in law, the mission is to achieve quality land management under sustainable multiple-use management to meet the diverse needs of the people.

The Green Mountain National Forest manages approximately 91,330 acres (37,888 hectares) of headwater lands in the Lake Champlain basin. With its large blocks of land in remote areas, the GMNF is particularly well suited to provide opportunities for backcountry recreation and Wilderness. Forest goals include:

- The management of watersheds in order to protect municipal water supplies, provide adequate flood control, ensure high water quality, sufficient quantity and benefit important fish and wildlife habitats.
- The preservation and enhancement of the diversity of plant and animal communities on the GMNF so that it is at least as great as that which would be expected in a natural forest.
- To provide a full range of high-quality recreational opportunities which are in harmony with the other resources and uses which the GMNF manages.
- The coordination of GMNF activities with goals and activities of the State of Vermont, regional planning commissions, town governments, conservation groups and neighboring landowners.

The Eastern Region State and Private Forestry programs collaborate with states, Tribes, landowners, and other partners to protect, conserve, and manage forests and community trees across the 20 Northeastern and Midwestern States and the District of Columbia. We provide leadership, technical support, sound science, grants and financial assistance to help ensure that the region's forests and trees continue to provide clean water, forest products, wildlife habitat, recreation, and other benefits for present and future generations. Our programs include:

- Cooperative Fire
- Forest Health
- Forest Legacy
- Community Forest and Open Space Conservation Program
- Forest Markets
- Forest Stewardship
- Urban and Community Forestry
- Watersheds

United States Department of Commerce

NOAA National Sea Grant College Program

The National Oceanic and Atmospheric Administration includes the National Sea Grant College Program whose mission is to enhance the practical use and conservation of coastal, marine and Great Lakes resources to create a sustainable economy and environment. The National Sea Grant Office administers funding to the Sea Grant programs throughout the nation and oversees several national funding competitions relevant to Lake Champlain and its basin.

The Lake Champlain Sea Grant Institute is a cooperative program between the University of Vermont and SUNY Plattsburgh. Their mission is the use and develop knowledge to benefit the economy and the environment of the Lake Champlain basin, including Lake George. Each year the Lake Champlain Sea Grant Institute provides STEM education opportunities to over a thousand K-12 students and their teachers, provides hundreds of public and professional training opportunities, and supports research to ensure the long-term environmental health and sustainable economic development of the Lake Champlain Basin.

United States Department of Defense

United States Army Corps of Engineers

The United States Army Corps of Engineers' civil mission, to develop and manage the Nation's water resources, provides local communities and sponsors with opportunities to meet water resource needs where there is both a local and national interest. The Corps is committed to improving navigation in rivers and harbors, reducing flood damages, restoring degraded ecosystems, reducing hurricane and storm damages and various other water resource needs.

Through Section 542 of the Water Resource and Development Act, the Corps and the LCBP have developed a joint management plan through which the Corps works directly with local communities on ecosystem restoration projects recommended by the LCBP. Several Corps programs are available to the Lake Champlain Basin Program in order to meet water resource needs within Lake Champlain and its basin. The Corps is bound to observe existing laws and regulations and conduct project planning and implementation in a prescribed objective manner.

United States Department of the Interior

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service is authorized to provide assistance to and cooperate with Federal agencies to protect and increase fish and wildlife resources under the Fish and Wildlife Coordination Act. The Fish and Wildlife Service's mission is to conserve, protect, and enhance the Nation's fish and wildlife and their habitats for the continuing benefit of people. Its major responsibilities include conservation and management of migratory birds, threatened and endangered species, Fish and Wildlife Service lands, and interjurisdictional fisheries. In carrying out these responsibilities, the Fish and Wildlife Service operates several facilities active in the Lake Champlain Basin including the Lake Champlain Fish and Wildlife Resources Office, Dwight D. Eisenhower National Fish Hatchery, White River National Fish Hatchery, New England Ecological Services Field Office, New York Ecological Services Field Office and Missisquoi National Wildlife Refuge.

National Park Service

The National Park Service is responsible for managing a variety of national and international programs designed to help extend the benefits of natural and cultural resource conservation and outdoor recreation. In 2006, Congress designated and authorized the Champlain Valley National Heritage Partnership (CVNHP), as a new National Heritage Area. The Lake Champlain Basin Program was designated the management entity for the CVNHP, with support from the Northeast Regional Office of the NPS. In 2011, Interior Secretary Salazar visited the LCBP and announced approval of the CVNHP Management Plan. The CVNHP special liaison to the NPS is the Superintendent of the Marsh Billings Rockefeller National Historical Park, in Woodstock, VT, who also is a member of the LCBP Steering Committee. From fiscal 1991 to 2022, the National Park Service provided over \$5.5 million to the Lake Champlain Basin Program to assist with recreation and cultural resource programs, including the Champlain Quadricentennial, and the operations of the CVNHP.

United States Geological Survey

The U.S. Geological Survey (USGS) is responsible for providing reliable information and technology to describe and understand the Nation's earth and biological resources. The USGS mission is to monitor, analyze, and predict current and evolving dynamics of complex human and natural Earth-system interactions and to deliver actionable information at scales and timeframes relevant to decision makers. Functions of USGS include: sponsoring and conducting research in geology, hydrology, biology, cartography, and related sciences; coordinating Federal activities in the establishment and maintenance of geologic, hydrologic, biologic and cartographic databases; developing and applying technology for evaluating natural hazards associated with flooding, drought, earth movements, and the behavior of toxic materials in the environment; developing information and technologies to support the management of the Nation's water, biological, energy and mineral resources and to enhance our quality of life; and developing technology for, and producing geographic, cartographic and remotely sensed information in graphic and digital forms.

In the Lake Champlain basin, the USGS has Water Science Center offices in Vermont (part of the New England Water Science Center) and New York (New York Water Science Center) that focus on hydrologic and water-quality data collection and analyses, and geospatial liaison positions for Vermont and New York that address the development of digital spatial data. Also, the USGS has the Vermont Cooperative Fish and Wildlife Research Unit of the USGS Cooperative Research Units program, which conducts ecologically-based research addressing aquatic and terrestrial components of the basin.