

AGREEMENT

BETWEEN

THE GOUVERNEMENT DU QUÉBEC

AND

**THE GOVERNMENT OF THE STATE
OF VERMONT**

**CONCERNING
PHOSPHORUS REDUCTION
IN MISSISQUOI BAY**

THE GOUVERNEMENT DU QUÉBEC

represented by the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water, and Minister of the Environment, Mr. André Boisclair

AND

THE GOVERNMENT OF THE STATE OF VERMONT

represented by the Secretary of the Agency of Natural Resources, Mr. Scott Johnstone

Hereinafter designated the Parties,

WHEREAS the Missisquoi Bay watershed is shared between Québec and the State of Vermont;

WHEREAS pursuant to the August 18, 1992 Vermont–New York–Québec Environmental Cooperation Agreement on the Management of Lake Champlain, the parties signed a protocol on May 14, 1993, establishing total in-lake phosphorus concentration criteria for each segment of Lake Champlain, including a 0.025 mg/L (milligrams per liter) criterion for Missisquoi Bay;

WHEREAS in 1996, Québec, the State of Vermont and the State of New York endorsed *Opportunities for Action*, the basinwide management plan establishing target phosphorus loads for each segment of Lake Champlain that will result in meeting the corresponding in-lake concentration criteria; and

WHEREAS through the Québec-Vermont Missisquoi Bay Phosphorus Reduction Task Force, created in March 25, 1997, to implement the concentration criteria established on May 14, 1993, Québec and Vermont have been working to develop a fair and practical division of the load reductions needed to meet the target.

NOW, THEREFORE, the Parties hereby agree to the following :

ARTICLE 1

PURPOSE OF THE AGREEMENT

The Parties hereby undertake to reduce the loads of phosphorus entering Missisquoi Bay and to report on progress towards attaining the target loads mutually agreed upon.

ARTICLE 2

OBJECTIVES SOUGHT

The in-lake criterion for total phosphorus in Missisquoi Bay (0.025 mg/L) established on May 14, 1993, continues to be an appropriate goal for phosphorus management in the Missisquoi Bay watershed.

A total target phosphorous load of 97.2 mt/yr (metric tons per year) for the Missisquoi Bay watershed and the 20 year timeframe established in *Opportunities for Action* for reaching the target load, constitute an appropriate overall loading limit and schedule for attaining the necessary reductions by 2016.

The relative contributions of phosphorus from Québec and Vermont to Missisquoi Bay that were measured during the 1991 reference year provide the basis for a division of responsibility for reducing loads to the maximum allowable target load of 97.2 mt/yr.

Based on the report of the Québec-Vermont Missisquoi Bay Phosphorus Reduction Task Force, the phosphorus load to Missisquoi Bay during 1991 is apportioned at 60 % from Vermont and 40 % from Québec. Accordingly, the target load for Vermont will be 58.3 mt/yr, and the target load for Québec will be 38.9 mt/yr.

The Parties hereby commit to achieving their respective target loads for the Missisquoi Bay watershed in a manner consistent with implementation plans developed by the Lake Champlain Basin Program and with the Québec, Vermont and New York Memorandum of Understanding on Environmental Cooperation on the Management of Lake Champlain.

The Parties are free to choose the appropriate point and nonpoint source controls that will result in reducing phosphorus loads to the allowable levels.

ARTICLE 3

CONTROL AND MONITORING MEASURES

Specific actions and targeted areas will be identified by each jurisdiction in the context of the ongoing phosphorus reduction efforts being coordinated through the Lake Champlain Basin Program.

To facilitate the tracking and reporting of progress toward attaining the target loads, the Parties will enhance phosphorus monitoring of Missisquoi Bay tributaries and wastewater effluent from treatment facilities in the watershed.

The Parties will also work toward developing consistent methods for tracking nonpoint source best management practices implemented in the watershed.

ARTICLE 4

IMPLEMENTATION

To fulfil these objectives, the Parties agree :

- a) to each designate a person as liaison for the implementation of the terms of this Agreement; and
- b) to establish by September 2002 a joint task force that will meet at least once a year.

This task force will :

- work toward enhancing the phosphorus monitoring in Missisquoi Bay waters;
- work toward developing consistent methods for tracking nonpoint source best management practices implemented in the watershed; and
- report annually to respective authorities on the activities of the task force and on the progress towards attaining the mutually agreed upon target loads.

ARTICLE 5

AMENDMENTS

If new scientific information warrants, the in-lake phosphorus criterion or target load for the Missisquoi Bay watershed may be changed by written agreement between the Parties.

ARTICLE 6

COMING INTO FORCE

This agreement will be in force as of the date of its signing and will remain in force until December 31, 2016.

The Parties may mutually agree by exchange of correspondence to amend this agreement.

Either Party may at any time terminate this agreement by sending a written notice at least six (6) months in advance to the other party.

Signed in _____, this day of _____, 2002, in duplicate and in English and French, both versions being equally valid.

**FOR THE GOUVERNEMENT
DU QUÉBEC**

**FOR THE GOVERNMENT OF
THE STATE OF VERMONT**

André Boisclair
Minister of State for Municipal Affairs
and Greater Montréal, the Environment
and Water, and Minister
of the Environment

Scott Johnstone
Secretary of the Agency
of Natural Resources