

Winooski River Basin Water Quality Commission Meeting Minutes – August 18, 2022

BWQC Members:

NRCDS		RPCs	
✓	Peter Danforth, Lamoille NRCDS	✓	Darlene Palola, CCRPC
	Emily Porter-Goff, Alternate	✓	Garret Mott, CCRPC, Alternate
✓	Remy Crettol, Winooski NRCDS	✓	Alan Quackenbush, CVRPC
	Russ Barret, Alternate		Robert Wernecke, CVRPC, Alternate
Land Conservation Organizations		Municipalities	
✓	Steve Libby, VT River Conservancy	✓	Annie Costandi, Essex
	Vacant, Alternate		Sarah McShane, Stowe, Alternate
Watershed Protection Organizations		✓	Nigel Hicks-Tibbles, Northfield
✓	Michele Braun, Friends of the Winooski River		Alice Peal, Waitsfield, Alternate
	Shawn White, Alternate		
✓	Corrie Miller, Friends of the Mad River		
	Brian Shupe, Alternate		

CVRPC Staff: Brian Voigt

Guests: Ira Shadis (Friends of the Mad River), Karen Bates (VT Department of Environmental Conservation).

Meeting called to order: 1:06 PM

Updates to the agenda: none

Public comment: none

Review & Approve minutes from July 21, 2022 meeting

A. Quackenbush moved to approve the minutes of the July 21, 2022 meeting. P. Danforth seconded. Motion carried unanimously.

Recognition of Alternate Representative

Ira Shadis, Stewardship Director, Friends of the Mad River introduced himself. The Friends of the Mad River would like to appoint I. Shadis as the second alternate for the seat they currently occupy. B. Voigt sought clarification from C. Miller (Friends of the Mad River) regarding whether B. Shupe would remain as the first alternate for the Friends of the Mad River seat. C. Miller confirmed that to be the case.

P. Danforth moved to recognize Ira Shadis as an alternate representative to the Winoooski BWQC for the seat currently held by the Friends of the Mad River. R. Crettol seconded. Motion carried unanimously.

Discuss draft bylaws & vote to adopt

The most recent draft of the bylaws was distributed by the CWSP via email on August 4, 2022. N. Hicks-Tibbles (Chair) described the update process between the last meeting and the current draft and then opened the floor to discussion. No comments were offered. N. Hicks-Tibbles detailed the changes to the "Appointing Entity" language, including its relocation to Article I and the reference to statutory language. The BWQC needs some language for this term for later provisions regarding the removal of members (under Section 408). M. Braun supported this change. N. Hicks-Tibbles also noted the addition of a signature block at the bottom of the document.

B. Voigt noted that once the bylaws are adopted and signed that they will be available through the CVPRC BWQC website.

D. Palola moved to adopt the bylaws as drafted. S. Libby seconded. Motion carried unanimously.

Discuss public participation policy & vote to adopt

The most recent draft of the bylaws was distributed by the CWSP via email on August 4, 2022. N. Hicks-Tibbles noted that the primary topic of discussion during the previous BWQC meeting was centered on how the public can comment on projects that come before the BWQC. He asked B. Voigt to describe the flow of a meeting and where public participation might fit into that flow. B. Voigt reiterated the BWQC's obligation to hear from the public and the responsibility to host public deliberation regarding individual projects. He recommended that as new projects are proposed to the BWQC that a public comment period be offered at that time. The conversation would then shift from the public to the BWQC, who would account for public input as well as their own expertise, to rank and prioritize the projects before them. The suggestion was endorsed by N. Hicks-Tibbles, D. Palola and R. Crettol.

B. Voigt then clarified that this is a CWSP policy and as a result the BWQC recommends the policy for adoption by the CVRPC Executive Board. C. Miller asked if the title of the policy would change to CWSP Interim Public Participation Policy, and B. Voigt confirmed that it would.

D. Palola moved to recommend the Winooski CWSP Public Participation Policy for adoption by the CVRPC Executive Committee. A. Quackenbush seconded. Motion carried unanimously.

Procurement & subgrant policy review

B. Voigt provided an overview of the Procurement & sub-grant policy, noting that this is a policy the CWSP develops and implements. He highlighted the statutory language governing subgrants and subcontracts, operating procedures, fiscal management and procurement. He noted that CVRPC has a set of policies governing their behavior, and that he is simultaneously reviewing these policies and the statutory language to ensure the existing CVRPC policies meet CWSP requirements. In cases where there are discrepancies, B. Voigt will work with B. Waninger to update policies and shepherd them through the CVRPC Executive Board adoption process.

B. Voigt continued with a primer on pre-qualification, noting that subgrantees and subcontractors may be qualified through a process implemented by the CWSP. The CWSP issues a Request for Qualifications (RFQ). Applicants that meet the minimum scoring threshold are then pre-qualified for a period of three years. The CWSP must open the pre-qualification process at least once per year. The number of qualified submissions received in the first call will determine the timing of subsequent RFQs. It is in the best interest of the CWSP to have a deep bench of pre-qualified entities to ensure sufficient capacity to pursue projects in a timely and cost-effective manner. Additionally, pre-qualified project sponsors can receive sole source awards if their project has been selected. B. Voigt proceeded with a general description of what the RFQ might include and how the review process would be conducted.

He continued his remarks with a discussion of the Chapter 3 draft guidance, noting in particular the language defining the respective roles of the CWSP and the BWQC when it comes to project selection and procurement, and the need for this separation of responsibilities to avoid potential conflicts of interest. Finally, B. Voigt discussed next steps for completing the pre-qualification process, noting the CVRPC standard practice of advertising opportunities on the VT Business Registry and inviting ideas for direct solicitation from the BWQC members.

D. Palola asked about the project evaluation process and whether the BWQC considers the Winooski Tactical Basin Plan and / or whether the project is needed compared to other projects being proposed (perhaps in an area that has received less attention in the past). B. Voigt described the project proposal process, noting the BWQC's role of in project ranking and the CWSP's role in project procurement. He highlighted scenarios where sole sourcing may not be appropriate, even when the project sponsor

is pre-qualified, including the project sponsor's existing workload or cost competitiveness.

Project co-benefits

B. Voigt introduced the UVM / DEC white paper entitled "Assessing Phosphorous Reduction Co-Benefits of Watershed Restoration Projects." He provided a primer on what co-benefits are (the Act 76 definition) and the potential to realize these co-benefits through phosphorous reduction projects. He continued with a brief description of the various categories of co-benefits outlined in the UVM document and linked the evaluation of co-benefits to the project ranking process. B. Voigt noted that this white paper is simply an idea of how the BWQC might consider co-benefits. He also presented two draft examples of how other BWQCs are considering formalizing co-benefit scoring, and encouraged members to consider how they might approach this problem.

P. Danforth asked if anyone was following the work of the Payment for Ecosystem Services group, noting the connection between their work and the work of the BWQC. C. Miller suggested looking for synergies between the BWQC and findings of the Vermont Climate Action Plan. R. Crettol reflected on the scope of the conversation ahead of us and appreciated the examples as a starting point.

Agenda items for next meeting

The next meeting is scheduled for September 15, 2022. B. Voigt suggested the following topics for the next meeting: Updated DEC Guidance – Chapter 6, CWSP Policy Updates, Interim Phosphorous Calculator Tool, Winooski Tactical Basin Plan Updates, the DEC Watershed Projects Database and a member / organization roundtable.

D. Palola questioned K. Bates (DEC) about the implementation table of the Tactical Basin Plan. K. Bates noted that if the BWQC wants to understand the projects that are in the pipeline, the best way to do that is to explore the Watershed Projects Database.

P. Danforth mentioned a survey that is under development for the Lamoille BWQC to identify projects that may be appropriate for funding under this program and what the needs are. He noted that this request is similar to a work plan. B. Voigt expressed concern over the burden this places on project proponents. P. Danforth shared that concern. B. Voigt will consider ways that he might be able to streamline this process using information extracted from the Watershed Projects Database, among other sources. B. Voigt will follow up with D. Pierce (NWRPC) regarding the draft survey. K. Bates expressed concern over the funding source that would be used to complete this

survey, suggesting that the Tactical Basin Plan funding is not an appropriate source of funds for this task.

Adjourn

A. Quackenbush moved to adjourn the meeting at 3:00 pm; R. Crettol seconded. Motion carried unanimously.