

Winooski Basin Water Quality Commission Meeting Minutes – October 20, 2022

Winooski Basin Water Quality Council Members:

NRCDs		RPCs	
✓	Peter Danforth, Lamoille NRCD	✓	Darlene Palola, CCRPC
	Emily Porter-Goff, Alternate		Garret Mott, CCRPC, Alternate
✓	Remy Crettol, Winooski NRCD	✓	Alan Quackenbush, CVRPC
✓	Russ Barret, Alternate		Robert Wernecke, CVRPC, Alternate
Land Conservation Organizations		Municipalities	
✓	Erin De Vries, 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		
✓	Ira Shadis, Friends of the Mad River		
	Brian Shupe, Alternate		
✓	Kinny Perot, Alternate		

CVRPC Staff: Brian Voigt

Guests: Keith Fritschie (VT Department of Environmental Conservation), Alexis Leacock (Warren)

Meeting called to order: 1:05 PM

Updates to the agenda: none

Public comment: none

Review & Approve minutes from September 15, 2022 meeting

A. Quackenbush moved to approve the minutes of the September 15, 2022 meeting.
P. Danforth seconded. Motion carried unanimously.

Introductions

B. Voigt explained that there have been two changes in the composition of the Winooski Basin Water Quality Council – S. Libby and C. Miller have moved on from the Vermont River Conservancy and the Friends of the Mad River, respectively. Keith Fritschie (DEC) introduced himself as the new Winooski Basin Planner. Erin De Vries

introduced herself as the new Conservation Director at the Vermont River Conservancy. She will serve as the Land Conservation Organization Member on the Winooski Basin Water Quality Council. Kinny Perot introduced herself as a long-time Board Member of Friends of the Mad River who will be serving as the second alternate for that organization's seat on the Winooski Basin Water Quality Council. N. Hicks-Tibbles noted that he has taken a new job and is working with his employer to arrange his schedule so that he is able to continue serving as the Chair of the Winooski Basin Water Quality Council.

Chapter 6 Guidance Document: Project Eligibility, Screening, Prioritization & Selection

B. Voigt explained that this is the first draft of the Chapter 6 guidance, that several meetings between Clean Water Service Providers and DEC have been scheduled over the next two months to discuss this guidance, and that the Clean Water Service Providers (and other interested stakeholders) have an opportunity to provide feedback to the DEC as they continue to develop the chapter.

He began his review of the Chapter 6 guidance by reminding the Winooski Basin Water Quality Council that Vermont already has existing water quality funding programs, separate from the Formula Grants administered to the Clean Water Service Providers, in place. Projects seeking state water quality funding must comply with the [Clean Water Initiative Funding Policy Eligibility Criteria](#), including those seeking funding from a Clean Water Service Provider. Additionally, projects funded by a Clean Water Service Provider must either be non-regulatory or must exceed a regulatory requirement. B. Voigt described the difference between regulatory and non-regulatory projects, and noted that projects that exceed a regulatory requirement may use Formula Grant funds to partially fund the non-regulatory component(s) of the project. P. Danforth described a flood chute project the Lamoille NRCD worked with VTrans to complete. The work in the right-of-way was required (regulatory), while the work adjacent to the right-of-way was not (non-regulatory). A. Peal asked for additional clarification on regulatory versus non-regulatory projects, and B. Voigt offered an example where a parking lot may be subject to the 3-acre permit rule and the land owner, in addition to meeting the requirements of the permit, decides to develop additional stormwater capacity. P. Danforth presented an additional scenario where a road may be exempt from the Municipal Roads General Permit and an outfall repair in this instance would not be considered a regulatory project.

The last consideration for project eligibility relates to work on agricultural lands. The project must be natural resource related and cannot be located on a farm that is subject to Required Agricultural Practices. A. Peal asked if Required Agricultural

Practices are included in municipal bylaws. B. Voigt responded that Required Agricultural Practices are administered at the state level.

Next, B. Voigt described project identification, prioritization and selection requirements under Chapter 39. The Winooski Clean Water Service Provider and Winooski Basin Water Quality Council collaborate to develop a project ranking schedule and scoring process. The Winooski Clean Water Service Provider consults with the Secretary to confirm a project is eligible prior to undertaking project scoring and ranking. The Basin Water Quality Council and project implementors may also consult the Secretary for eligibility determinations. For agriculture-related projects, a consultation with the Agency of Agriculture, Food and Markets to determine project eligibility is required.

To score projects, the Winooski Clean Water Service Provider considers empirical, project-specific factors as well as co-benefits. The Winooski Basin Water Quality Council will continue to contribute to the development of a co-benefits scoring matrix. Once the scoring process is established, the Winooski Clean Water Service Provider scores each project and provides that information to the Winooski Basin Water Quality Council for ranking and prioritization. N. Hicks-Tibbles asked for clarification regarding the Secretary's guidance and whether it was binding on the Winooski Basin Water Quality Council decision-making. B. Voigt responded that the guidance once completed will be adopted and at that point does become binding. The guidance cannot require the Winooski Clean Water Service Provider or the Winooski Basin Water Quality Council to do anything that is not specified in the Act or the Rule.

B. Voigt then focused the discussion on project-specific factors and co-benefits. The Winooski Clean Water Service Provider will score the empirical, project-specific factors using tools provided by the DEC. The DEC will also provide trainings on these tools for Clean Water Service Providers, Basin Water Quality Councils and project implementors. He introduced the cost-effectiveness calculation, which produces a measure of the price per kilogram of phosphorous per year. The calculation is based on a maximum project design life of 15 years. He offered an example where two projects receive nearly the same score, one with a design life of 15 years, the other with a design life that exceeds 15 years. In this case, the Winooski Basin Water Quality Council may choose to revise the scoring to rank the latter project higher, thereby prioritizing the project with a longer design life. Operation and maintenance costs, although not explicitly accounted for in the cost-effectiveness calculation, should be considered. Additionally, B. Voigt highlighted the need to coordinate with the Basin Planner(s) to ensure projects are consistent with the goals and strategies of the Tactical Basin Plan.

E. De Vries asked for clarification about the meaning of “design life”. B. Voigt responded that the design life is the expected useful lifetime of the project operating under the assumption that project function decreases (i.e. phosphorous reduction) over time. M. Braun added that it represents the duration a project is expected to function effectively. She noted that this is not necessarily consistent across project types using the example of a riparian buffer planting project which is expected to function indefinitely (assuming no one cuts them down). N. Hicks-Tibbles referenced the Bill and noted that “design life” is defined as “... the period of time the clean water project is designed to operate according to its intended purpose”. He went on to state that since the Bill does not mention the design life duration, the language must come from the Rule or Guidance. (Note: It comes from the Guidance.) P. Danforth asked about the duration of the Operation and Maintenance agreements and whether the Clean Water Service Providers would use the same O & M agreement as other DEC projects. B. Voigt responded that Clean Water Service Providers are still waiting for guidance on that topic. M. Braun responded that she just saw a draft of that Guidance (Chapter 7) and that it looks dramatically different than what has been typically used for water quality improvement projects. She mentioned in particular the proposed requirement of a license or easement from the property owner. B. Voigt noted the pushback by the Clean Water Service Providers regarding the easement language. M. Braun concurred that project implementors have concerns about this as well.

Next, B. Voigt reiterated the requirement that co-benefits be considered as part of the scoring project and that the Winooski Basin Water Quality Council members, as local experts, will help determine the relative importance of individual co-benefits. Lastly, he noted confusing language in the guidance regarding co-benefit scoring when one (or more) of the co-benefits is negatively impacted. The confusion stems from whether the individual co-benefit is scored negatively or if the overall co-benefit score should be negative. N. Hicks-Tibbles offered a rationale for why an overall negative score might be justified in a case where a marginalized community might bear the brunt of the impact and stressed the need to consider environmental justice throughout this effort. P. Danforth and K. Perrot requested further clarification and B. Voigt will communicate with DEC about this. B. Voigt noted that it is likely that the various Basin Water Quality Councils will weight co-benefits differently based on their presumed importance within the watershed of interest. While he does not view this as problematic, he did express concern about Basin Water Quality Councils measuring co-benefits differently and the potential for this to prove confusing for project implementors working in multiple basins.

B. Voigt summarized the project prioritization process by noting that the Winooski Clean Water Service Provider applies the scoring process to all eligible projects and presents those results to the Winooski Basin Water Quality Council. The Winooski

Basin Water Quality Council reviews the scored projects and considers how to proceed. The Winooski Basin Water Quality Council may choose not to advance projects if, for example, they do not meet the necessary cost-efficiency standard required to meet the overall phosphorous reduction target.

B. Voigt then provided an example of the project scoring process. The phosphorous reduction and co-benefits scores represent 90 and 10 points, respectively, for a total score of 100 points. He walked the Winooski Basin Water Quality Council through the process of quantifying the relative weights for each of the co-benefits. Each Winooski Basin Water Quality Council member submits a co-benefit weighting matrix worksheet. Those values are averaged for all members and the final values represent the relative importance (weight) of each co-benefit for the purposes of project scoring. He completed the example by displaying the co-benefit scores for two hypothetical projects, noting the variations in co-benefit scores assigned by the Winooski Clean Water Service Provider and their overall contribution to the total co-benefit score based on the relative weights assigned by the Winooski Basin Water Quality Council.

K. Fritschie asked if there was any guidance on how to deal with a bi-modal distribution of relative weights for an individual co-benefit. B. Voigt responded that there was not, but that ideally the Winooski Basin Water Quality Council would discuss this result before proceeding.

B. Voigt encouraged Winooski Basin Water Quality Council members to consider whether the list of co-benefits proposed in the UVM white paper are sufficient and whether there are others to consider adding, deleting or combining in the list. Additionally, are the characteristics proposed sufficient to capture the co-benefits the Winooski Basin Water Quality Council has decided are important to consider in the project scoring process. Once a decision about what co-benefits to consider is made, relative weights can be assigned following the method described earlier in the meeting.

D. Palola asked for clarification about the co-benefit evaluation process. B. Voigt explained that the Winooski Basin Water Quality Council and Winooski Clean Water Service Provider jointly develop the scoring process. Once that's done, the Winooski Clean Water Service Provider scores all of the eligible projects by considering the cost efficiency and quantity of phosphorous reduction plus any project co-benefits. Some co-benefits may not exist for a particular project. They are not ignored, rather they are assigned a score of 0. D. Palola wondered why it is necessary to consider all co-benefits for every project. B. Voigt responded that this is the only way to consistently score all project proposals. N. Hicks-Tibbles concurred.

I. Shadis asked for clarification regarding the methodology for calculating the Winooski Clean Water Service Provider co-benefit score. B. Voigt responded that once the Winooski Basin Water Quality Council and Winooski Clean Water Service Provider have identified the co-benefits to consider and the characteristics that best represent those co-benefits that the Winooski Clean Water Service Provider will endeavor to quantify those characteristics with available data. In the absence of data, a method to ensure a co-benefit is considered equally across all projects must be developed.

P. Danforth asked for clarification about the clean water and sanitation co-benefit, suggesting the description seems regulatory in nature. N. Hicks-Tibbles responded by stating that the only nutrient of concern for the Winooski Basin Water Quality Council was phosphorous, but that there are many other contaminants of concern that may be mitigated by a project. B. Voigt responded that he was hoping for this level of consideration for each of the co-benefits by the Winooski Basin Water Quality Council to ensure what is being proposed adequately captures the conditions and concerns of the Winooski River Basin. N. Hicks-Tibbles noted the diversity of backgrounds and experiences and the importance of bringing individual perspectives to the table.

Watershed Projects Database: Winooski Basin Projects

B. Voigt highlighted sections of the rule which describe what to expect in the Secretary's Guidance related to the use of the Watershed Projects Database and the requirement for proposed projects to be entered into the database. Although project implementors are likely to have experience with this tool, it is equally important for the remaining Winooski Basin Water Quality Council members to understand what is contained in the database and how to access that information (if interested). He noted that one of the limitations of the database is that only DEC-funded projects are included. Given the various funding streams supporting water quality improvements, it will be important for project implementors to inform the Winooski Clean Water Service Provider of these projects and enter them into the Watershed Projects Database. B. Voigt demonstrated how to query the Watershed Projects Database to access project-level information. M. Braun mentioned that the project used for the example has been completed (even though the Watershed Projects Database lists the project Status as proposed), reinforcing the points B. Voigt made earlier regarding data quality and the need to collaborate with project implementors to keep data up to date. P. Danforth highlighted the importance of keeping the Tactical Basin Plan close and the Basin Planner informed of project work funded by entities other than the DEC. B. Voigt recalled a recent dam removal priorities meeting where participants reviewed each project on a list from the Watershed Projects Database to update project details for each. He envisions doing something similar for the water quality projects in the

Watershed Projects Database that might be eligible for funding by the Winooski Clean Water Service Provider. P. Danforth supported this idea.

E. De Vries asked about the timing and mechanics of projects being entered into the database. B. Voigt responded that there is an online form to facilitate this process. Currently this only allows for new projects, but the DEC is also developing a form for updating existing projects. She continued by asking about the various calculators and their role in the database. B. Voigt responded that the calculators are separate from the database, but can be accessed from the same DEC web portal.

Lastly, B. Voigt demonstrated an on-line interactive map developed by the Winooski Clean Water Service Provider to display eligible projects in the basin. He offered a brief demonstration of the functionality and then explained how a tool like this could be used during the project evaluation process. A. Peal asked about the database cleanup process and who is responsible for this work. B. Voigt responded that he will work with project implementors to identify updates and will facilitate the update process. A. Peal recommended that the map interface include completed projects so they can be compared against the proposed projects, an idea supported by B. Voigt.

Agenda items for next meeting

The next meeting is scheduled for November 17, 2022. Agenda items for the next meeting include continuing the co-benefits conversation and an overview of DEC tools and data resources. D. Palola asked if the list of pre-qualified vendors is complete. B. Voigt responded that the Winooski Clean Water Service Provider has not begun the pre-qualification process. E. De Vries asked for clarity on next steps regarding the Winooski Basin Water Quality Council co-benefits conversation and whether there should be an agenda item in the next meeting to cover this. B. Voigt responded that if there is only one thing a member does between now and the next meeting, it is to spend time considering the list of co-benefits and providing feedback / input to the Winooski Clean Water Service Provider. He will include this topic on the next meeting agenda.

Adjourn

D. Palola moved to adjourn the meeting at 3:09 pm; P. Danforth seconded. Motion carried unanimously.