

# Winooski Basin Water Quality Commission Meeting Minutes – November 17, 2022

**Winooski Basin Water Quality Council Members:**

| <b>NRCDS</b>                              |  | <b>RPCs</b>           |                                   |
|---|--|-----------------------|-----------------------------------|
| ✓   | Peter Danforth, Lamoille NRC D               | ✓                     | Darlene Palola, CCRPC             |
|   | Emily Porter-Goff, Alternate                 |                       | Garret Mott, CCRPC, Alternate     |
|   | Remy Crettol, Winooski NRC D                 | ✓                     | Alan Quackenbush, CVRPC           |
| ✓   | Russ Barret, Alternate                       |                       | Robert Wernecke, CVRPC, Alternate |
| <b>Land Conservation Organizations</b>    |  | <b>Municipalities</b> |                                   |
|   | Erin De Vries, VT River Conservancy          | ✓                     | Annie Costandi, Essex             |
|   | Vacant, Alternate                            |                       | Sarah McShane, Stowe, Alternate   |
| <b>Watershed Protection Organizations</b> |  | ✓                     | 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), Karen Bates (VT Department of Environmental Conservation)

**Meeting called to order:** 1:04 PM

**Updates to the agenda:** none

**Public comment:** none

**Review & Approve minutes from October 20, 2022 meeting**

*A. Quackenbush moved to approve the minutes of the October 20, 2022 meeting. D. Palola seconded. Motion carried unanimously.*

**CWSP Updates: Formula Grant, Policy Development & Proposed Timeline (information)**

B. Voigt noted the Formula Grant funding the work of the Winooski Clean Water Service Provider / Basin Water Quality Council was signed on 3 October 2022. This provides FY23 funding in the amount of \$1,040,947 to reach a target Phosphorous

reduction of 9.94 kg (21.91 lbs). He offered a brief overview of the performance measures, including Project Identification & Prioritization (quantity and size of identified projects), Project Development (number of projects), Project Design (number of projects and estimated Phosphorous reduction) and Implementation (number of projects and estimated Phosphorous reduction).

Next, B. Voigt detailed progress on updates to CVRPC policies to meet the requirements of the Act, Rule and Guidance Chapters. He intends to forward the revised Procurement and Personnel Policies to the CVRPC Executive Committee for their approval at their December meeting. The Internal Controls and Records Retention Policies will be advanced for approval at the January CVRPC Executive Committee meeting.

B. Voigt then presented a proposed timeline of future activities. The CWSP will issue separate Requests for Qualifications for Project Implementors and Subcontractor Services in December (2022) with a mid-January (2023) submission date. A review of submissions will be completed by February (2023). A decision on when to issue subsequent RFQs to pre-qualify additional entities will depend on the number of applicants pre-qualified in the initial round. Pre-qualification is for a period of three years. The RFQs must be issued annually. He anticipates the BWQC continuing to meet monthly through January 2023 with less frequent meetings, perhaps quarterly, after that. It will be up to the BWQC to decide how much time is required for project ranking and whether more frequent meetings will continue until the BWQC is comfortable with this process. The method for scoring co-benefits must be finalized before project scoring, ranking and selection can commence. Ideally, the Project Solicitation process would begin following the January 2023 BWQC meeting.

P. Danforth asked what portion of the budget will be used for maintenance. B. Voigt responded that the CWSP is still awaiting guidance from DEC regarding Operations & Maintenance funding. He stated that there will be money budgeted for this in the future and that this topic has come up multiple times during CWSP – DEC check-in meetings. There is an Operations & Maintenance Guidance Chapter planned, but B. Voigt has not yet seen a draft.

D. Palola asked whether municipalities would submit their qualifications for consideration (per the RFQ). B. Voigt responded that municipalities could choose to do so and that he would encourage those municipalities that have the ability to manage contracts and grants to consider responding to the RFQ. He also mentioned the likelihood that there are already municipalities working with organizations (e.g. Friends of the Winooski River, the NRCDs) to advance clean water projects. These organizations have a wealth of experience in this arena and be well-positioned for pre-

qualification as a Project Implementor under the RFP. Lastly, CVRPC could also serve as a Project Implementor.

### **Watershed Projects Database: Winooski Basin Projects (information & discussion)**

B. Voigt recapped his work with the Watershed Projects Database to identify projects for consideration by the BWQC. The DEC prepared a [custom query](#) to extract projects that may be suitable for Formula Grant funding. This query identified more than 1,000 projects in the Winooski Basin. The results of this query may prove useful to BWQC members and / or Project Implementors as they develop project priorities within their own organizations (for pursuing Formula Grant and other funding).

B. Voigt provided a brief overview of the [Clean Water Project Explorer](#) including how to filter the results by basin, sector or project type. The Map Key (on the right of the screen) identifies the different types of project and a user can click on individual projects to request additional details.

B. Voigt introduced the Best Management Practices (BMP) Report that provides a list of completed projects within the Winooski Basin. He described his efforts to supplement the information in the BMP Report with additional information from the Watershed Projects Database. The type of project-level information returned by a search of the data depends on where (and how) you access that project-level information. He wants a more complete picture of the project-specific details to assess project costs (per unit phosphorous removed, for various project types and phases) to plan for future (budgetary) expectations. M. Braun asked if the database listed total project costs or just the state contribution. B. Voigt responded that there are separate columns representing the state amount and the matching funds amount. M. Braun noted these values do not reflect the total cost of the project because there may be grants and / or federal funds (which cannot be used as match) that are not tracked in this database. B. Voigt wondered if a potential solution to this issue might be to connect with Project Implementors to discuss the funding of past projects. K. Bates responded that there is information about Lake Champlain Basin Program (LCBP) funding included in the database and that this may include other federal funding as well. A. Peal asked what the End Date attribute represents. B. Voigt responded that this information reflects the expected useful lifespan of the project.

Lastly, B. Voigt described recently completed 604b work and how it relates to the BWQC. He recounted CVRPC's efforts to review all of the Stormwater Master Plans and Stormwater Infrastructure Mapping Reports for CVRPC member municipalities included on the [DEC Stormwater Infrastructure Mapping website](#). He presented the results of

this effort and described how the “orphaned” projects he identified will be entered into the Watershed Projects Database.

### **Project Eligibility, Screening, Prioritization & Selection (information & discussion)**

B. Voigt offered a brief recap of the co-benefits conversation from the previous meeting, including co-benefit weighting and scoring and the main points of the UVM White Paper. He asked BWQC members to consider if the list of co-benefits was complete and whether the listed co-benefits were well-defined.

A. Peal requested additional clarification about the environmental justice co-benefit. She also wondered about the benefits to nature from the projects and whether these should be represented as their own class of co-benefits. B. Voigt responded that aside from the benefit of Phosphorous reduction, the clean water and sanitation co-benefit might include factors such as the reduction of other pollutants or erosion mitigation, among others. M. Braun shared a similar reaction to A. Peal and stated that she prefers to characterize her work as restoring natural systems (for nature’s sake). She wondered if ecosystem services should be considered at all and if so whether benefits to nature should be similarly considered. B. Voigt responded that most of the factors included in the UVM White Paper in the ecosystem services section are not in fact ecosystem services. M. Braun asked if those should be included in a separate section and B. Voigt agreed that was a sensible approach. A. Quackenbush stated that he considers ecosystem services and co-benefits to be similar and that ecosystem services shouldn’t simply be lumped together. Instead a decision needs to be made regarding which ecosystem services should be considered and how those ecosystem services are to be characterized.

B. Voigt returned to A. Peal’s question about environmental justice and explained that the State Legislature passed a law that defines environmental justice in Vermont. The UVM Whitepaper includes a map of Social Vulnerability and there is also an effort at UVM to identify vulnerable communities in the state. I. Shadis asked if we must use the same “calculator” for the life of the BWQC. B. Voigt responded that although the “calculator” needs to be consistently applied through a round of project solicitation, the approach to project scoring can evolve based on lessons learned or with the availability of improved data resources. N. Hicks-Tibbles concurred with that approach. He then asked if the scoring criteria / approach were to change, would a public comment period be required before the new approach is adopted. B. Voigt responded that although the public is welcome at all meetings of the BWQC, there is not a separate public process required if / when the scoring approach changes. N.

Hicks-Tibbles proposed an annual meeting where an agenda item includes the review of the co-benefits matrix.

N. Hicks-Tibbles reasoned that he found the environmental justice section co-benefit criteria the most problematic, primarily because of its lack of specificity (e.g. what is a low-income community?) and expressed concern regarding the appropriateness of the BWQC as the body to make such determinations. He concluded by highlighting the inherent difficulty of evaluating religious benefits to others, although he did find the guidance in the UVM White Paper helpful. B. Voigt responded by stating that he hopes the BWQC does not decide to use the UVM White Paper verbatim. Instead consider it a jumping off point that provides rough co-benefit categories to consider. He encouraged the BWQC to develop their own definitions of the co-benefits they think are of greatest importance in the basin. Alternatively, the CWSP can draft this language for the BWQC. He also noted that the state defined low income in the context of their environmental justice law. P. Danforth mentioned work being done regarding payment for ecosystem services in an agricultural context and recommended consistency with their approach. D. Palola expressed her hope that the BWQC maintain a high level of community involvement, particularly in vulnerable communities, to ensure successful projects. N. Hicks-Tibbles responded that it would be incumbent on the project sponsor to coordinate broad participation and the BWQC could score that participation accordingly.

M. Braun expressed concern about the burden on Project Implementors to quantify co-benefits as part of the application for funds. B. Voigt responded that the CWSP would provide the initial review of the projects using the list of agreed upon co-benefits and assign the score according to the adopted method – a set of clearly defined metrics that rely on publicly accessible data. He does not think it appropriate to put the onus for quantifying co-benefits on the Project Implementor because it would likely reduce the number of good projects seeking Formula Grant funds. The co-benefit score should be emphasized as a tie-breaking mechanism to differentiate projects that score similarly for their Phosphorous reduction potential.

I. Shadis requested that the B. Voigt translate the UVM White Paper into a more usable format for the BWQC to consider, arguing that he is best positioned to take this on. K. Perot reminded the BWQC that B. Voigt offered to propose co-benefit definitions and suggested that it makes sense for the BWQC to respond to the way that the CWSP will be scoring project co-benefits. N. Hicks-Tibbles noted that B. Voigt

has been trying to engage the BWQC on this topic and encouraged members to offer feedback / responses to the questions he posed earlier in the meeting.

N. Hicks-Tibbles then proceeded through the list of proposed co-benefits to solicit member input. He reminded the BWQC of the issues he raised regarding environmental justice. No comments were offered regarding clean water and sanitation. He asked B. Voigt if additional information on ecosystem services would be helpful. B. Voigt responded that he will propose draft language but that he expects the BWQC will want to engage further on this co-benefit. Regarding recreation and community, M. Braun noted that increasing public access is often a goal of their work.

N. Hicks-Tibbles noted that he is comfortable with education as a co-benefit. M. Braun noted that DEC has not considered this previously. She asked if the scoring will only consider educational activities stemming from Formula Grant funds and whether educational programs would be eligible for Formula Grant funding. I. Shadis and P. Danforth wondered about those issues as well. M. Braun described a scenario where two Project Implementors propose culvert projects. One of the projects includes an educational initiative funded by other grant money. She asked if it is fair to consider the educational co-benefits in this case. N. Hicks-Tibbles thought it would be fair to consider this factor, but only in the context of a tie breaker, where the net phosphorous reduction is the primary consideration. I. Shadis suggested that if the educational co-benefit was weighted too highly it would disproportionately benefit more well-funded organizations and municipalities.

There were no comments regarding economic growth as a co-benefit. N. Hicks-Tibbles interpreted the silence as consent that economic growth should be considered a co-benefit. M. Braun responded that she does not think any of these factors are particularly relevant.

B. Voigt offered some concluding thoughts, including rebranding clean water and sanitation as ecological benefits, including moving some of the ecosystem services factors from the UVM White Paper into this co-benefit category. He also suggested eliminating the economic growth co-benefit, agreeing with M. Braun that it is not likely relevant here unless a single project is awarded the bulk of the FY23 allocation. He

invited BWQC members to reach out to him with comments and suggestions and that he would be happy to meet with members individually.

**Agenda items for next meeting (December 15, 2022)**

B. Voigt proposed CWSP Policy updates, wrapping up the co-benefits conversation and hearing from K. Bates and K. Fritschie about anything Tactical Basin Plan related that may help guide our work moving forward.

**Adjourn**

*P. Danforth moved to adjourn the meeting at 3:13pm; I. Shadis seconded. Motion carried unanimously.*