

Winooski Basin Water Quality Commission

Meeting Minutes – June 15, 2023

Winooski Basin Water Quality Council Members:

NRCDs		RPCs	
✓	Peter Danforth, Lamoille NRCD	✓	Darlene Palola, CCRPC
	Emily Porter-Goff, Alternate		Garret Mott, CCRPC, Alternate
✓	Casey Spencer, 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		
	B. Voigt Shupe, Alternate		
	Kinny Perot, Alternate		

CVRPC Staff: B. Voigt, L. Frasca

Guests: Royal DeLegge (CVRPC Commissioner), Chris Rottler (VT Department of Environmental Conservation), Keith Fritschie (VT Department of Environmental Conservation), Dan Albrecht (Chittenden County Regional Planning Commission), Chris Dubin (Chittenden County Regional Planning Commission), Allaire Diamond (Vermont Land Trust)

Meeting called to order: 1:01 PM

Updates to the agenda: None

Public comment: None

Review & Approve minutes from March 16, 2023 meeting

P. Danforth moved to approve the minutes of the March 16, 2023 meeting. I. Shadis seconded. No discussion. Motion carried unanimously.

Meet & Greet – Chris Rottler (Vermont Department of Environmental Conservation)

B. Voigt asked Chris Rottler to introduce himself. C. Rottler thanked the Winooski Basin Water Quality Council for giving him time on the meeting agenda before introducing himself as the Vermont Department of Environmental Conservation (DEC) Technical Project Manager of the Formula Grants. He is a lead contributor to the Guidance Chapters for implementing the Clean Water Service Provider Rule, but also mentioned the collaborative nature of this work and acknowledged the contributions of his colleagues. He acknowledged that the process is complex and requires adaptability, and thanked the Winooski Basin Water Quality Council (BWQC) for their engagement and commitment to phosphorous reduction.

P. Danforth asked how the funds for project maintenance will be distributed. C. Rottler noted that providing Operations & Maintenance funding is new for the DEC. Guidance on this topic is currently under internal review. A Clean Water Service Provider can “claim” the phosphorous-reduction credit of a project when it has been abandoned or does not have Operations & Maintenance funding if Formula Grant funding is used to support future Operations & Maintenance activities. He noted that over time the amount of Formula Grant funds used to support Operations & Maintenance versus project implementation will change and that the only way to meet the Total Maximum Daily Load phosphorous-reduction requirements will be to continue implementing new projects. Gianna Petito is the lead DEC staffer working on Chapter 7 Guidance (Operations & Maintenance). B. Voigt mentioned that the Winooski Clean Water Service Provider will administer funds to support attendance at DEC Operations & Maintenance training events that will occur later this calendar year. C. Rottler noted that other Clean Water Service Providers are asking similar questions about Operations & Maintenance guidance and funding.

B. Voigt asked about the effect of inflation on the Winooski Clean Water Service Provider funding allocation and phosphorous-reduction target. C. Rottler explained the targets were based on a cost-rate methodology (which evaluated the cost of past projects in each sector) and mentioned the upcoming release of Chapter 9 Guidance which addresses inflation and adequate annual progress. He noted that the DEC recognizes the need to account for inflation but explained that adjustments to targets may be reactive rather than proactive based on actual inflation numbers. He assured the BWQC that the DEC is working to address inflation and will provide guidance on adjusting targets accordingly.

A. Peal asked how the phosphorous-reduction value is calculated for a project and whether that value is updated annually. C. Rottler responded that the value is computed after a project is implemented. DEC staff collect all the necessary

information from the Clean Water Service Provider and use the available calculators to derive the phosphorous credit. A. Peal then asked if that credit is applied for the life of the project. C. Rottler responded that project inspection and verification will confirm a project's ongoing performance and that Chapter 7 Guidance will outline (funding) remedies for underperforming projects. Lastly, he noted the importance of Operations & Maintenance, explaining that although each project has a design life, a Clean Water Service Provider can continue to claim a phosphorous-reduction credit beyond the design life if it can be demonstrated that the project is still functioning.

B. Voigt introduced the Central Vermont Regional Planning Commission's new Planner, Lincoln Frasca.

Project Review

B. Voigt noted that the first project solicitation round closed earlier in the week. Two proposals were received: 1) Chittenden County Regional Planning Commission; and 2) Vermont Land Trust. B. Voigt clarified that the purpose of this meeting was to offer an opportunity for the BWQC to ask project proponents questions about their proposals. A decision on project funding will be made at the July 2023 BWQC meeting. B. Voigt offered summary slides for each of the proposals to help facilitate the conversation.

Dan Albrecht and Chris Dubin from the Chittenden County Regional Planning Commission provided a brief overview of their proposal for addressing erosion issues on a private road. They described the challenges faced by the landowners, the extent of erosion along the road, and the need for a consultant to assess the hydrologic connectivity of the road to the main stem of the Winooski River and potential impacts to water quality.

A. Peal asked how many people this affects and whether the road has washed out completely in previous storms. D. Albrecht responded that the primary impacts are to residents along the top one-third of the road (approximately eight households). N. Hicks-Tibbles asked for more details on the budget. D. Albrecht responded that the budget accounts for staff time to issue a Request for Proposals, the indirect rate charged by the Chittenden County Regional Planning Commission and funding for a sub-contractor to perform the assessment (consistent with previous expenditures for similar work).

Allaire Diamond (Vermont Land Trust) provided a brief overview of a berm removal project along the Winooski River. She noted the complexity of the project and the need to understand potential impacts on adjacent lands, the Winooski River and US Route 2 through hydrologic modeling, engineering analysis, wetland assessment, and archaeological evaluation. The proposal aims to explore different alternatives to

enhance floodplain function, including complete and partial berm removal. This proposal is for Preliminary Design and the Vermont Land Trust intends to seek continued Formula Grant funding for the project through the Implementation phase.

N. Hicks-Tibbles asked for clarification regarding the berm location on the aerial photograph. A. Diamond responded that the berm starts on Vermont Fish & Wildlife property just north of the bridge and extends in a north-northeast direction towards a sharp bend in the river. D. Palola asked if the agricultural legacy of the project area increased the complexity of the project. A. Diamond noted that some of the project area continues to be actively managed for hay production. The McClay family, who live nearby, has been managing the field for years, and the Vermont Land Trust is working closely with them to ensure minimal disruption to their haying operation. A. Diamond also mentioned the intention to utilize material from the berm to improve the field's surface in areas where it is uneven. She also explained that the land is currently protected through a river corridor easement which required a 50-foot vegetated buffer. The Vermont Land Trust will work with Friends of the Winooski River and the Vermont Fish & Wildlife Department to plant trees following berm removal.

B. Voigt commented on the significance of the potential phosphorous reduction resulting from this project. A. Diamond acknowledged the preliminary nature of this estimate. She plans to investigate further using the Functioning Floodplains Initiative tool. B. Voigt offered to work with A. Diamond to revise the estimate in consultation with Vermont Department of Environmental Conservation staff and their consultants. M. Braun noted that she worked on a berm removal project previously that featured a similarly high phosphorous reduction rate. She also noted that Friends of the Winooski River will abstain from voting on this project since they are a project partner.

Scheduling: Meeting & Project Solicitation

B. Voigt described the schedule for completing the review of the first project solicitation round. The Clean Water Service Provider will provide the BWQC with a staff recommendation for project advancement on 6 July 2023. The next BWQC meeting will be held on 20 July 2023. The BWQC will rank and prioritize projects for funding at that meeting. B. Voigt also noted that the July 2023 meeting will be the Annual Meeting which includes the election of officers.

The 2023 Fiscal Year ends on 30 June 2023. Any remaining funds from the 2023 Fiscal Year will be carried over into the 2024 Fiscal Year. The first project solicitation round for the 2024 Fiscal Year will be issued on 7 July 2023. Submissions are due by 1 September 2023. Proposal pre-review will occur during the September 2023 BWQC meeting and projects will be ranked and prioritized for funding during the October 2023 BWQC meeting. The second project solicitation round for the 2024 Fiscal Year

will be issued on 12 October 2023. Submissions are due by 7 December 2023. Proposal pre-review will occur during the December 2023 BWQC meeting and projects will be ranked and prioritized for funding during the January 2024 BWQC meeting.

M. Braun asked about the plan to release a Request for Qualifications for Engineering and Construction Services. B. Voigt noted this had not happened yet, but the Request for Qualifications would be released shortly. B. Voigt asked BWQC members to submit contact information for firms they think would be a good fit for this program.

Announcements

B. Voigt noted that the CVRPC's Records Retention Policy is the last policy awaiting updates and that he has been meeting with Vermont State Records and Archives staff to understand the scope of recommended changes. Although the BWQC does not vote on the adoption of this policy, the policy will dictate how both the CVRPC (acting in its capacity as the Clean Water Service Provider for the Winooski River Basin) and sub-grantees maintain project-level records.

B. Voigt listed the six organizations who were pre-qualified as Project Implementors, including: Chittenden County Regional Planning Commission, Friends of the Mad River, Friends of the Winooski River, Lamoille County Conservation District, Vermont Land Trust and Winooski Natural Resources Conservation District. Per the requirements of the Rule, the pre-qualification process must be opened annually. B. Voigt recommends opening the pre-qualification process following the conclusion of the next project solicitation round (October 2023). I. Shadis asked if there is a time limit associated with pre-qualification. B. Voigt responded that pre-qualification lasts for three years.

B. Voigt concluded his announcements by advertising a DEC training on Clean Water Project Eligibility Screening. BWQC members not able to attend were encouraged to watch the recording available on the [Vermont Department of Environmental Conservation water investment division resources page](#).

M. Braun shared announcements about Friends of the Winooski's involvement in the following events: an exhibit at Fletcher Free Library in Burlington (through 15 August 2023) and a citizen science day event (22 July 2023), Do Good Fest in Montpelier (15 July 2023), a streamwise event in Huntington (27 July 2023) and river cleanups in Montpelier and Barre City (in September 2023).

Adjourn

A. Quackenbush moved to adjourn the meeting at 2:17 PM. P. Danforth seconded. Motion carried unanimously.