

# Winooski River Basin Water Quality Council Meeting

18 July 2024

# Agenda

**1:00 Call to order & Roll call**

1:05 Updates to agenda

1:10 Public Comment

1:15 Review & approve minutes from 20 June 2024 meeting (action)

1:20 Election of Officers (action)

1:35 Bylaws & Policies review (discussion)

2:00 Final Proposal Review (action)

2:15 Budget Amendment Request (action)

2:30 Budget Amendment Policy (discussion)

2:50 Announcements (discussion)

3:00 Adjourn

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# Election of Officers

## ◆ **Article VI Elections**

- ◆ Section 601 – Nominations: Nominations will be taken from the floor at the Annual Meeting.
- ◆ Section 602 – Election of Officers: Officers shall be elected by a majority vote of the BWQC at its Annual Meeting.
- ◆ Section 603 – Terms of Office: The terms of office for the Chair and the Vice Chair shall be 1 year beginning at the Annual Meeting. Officers shall hold office until their successors have been elected and installed. BWQC members may serve as officers for a maximum of three consecutive terms.
- ◆ Section 604 – Vacancies: In the event of a vacancy in the office of Chair, the Vice Chair shall become the Chair until such time as the vacancy is filled. All Officer vacancies shall be filled by election at the next regular meeting. A member elected to fill a vacancy shall hold that office until the term of the original appointment expires.

# Election of Officers

## ◆ **Article VII Duties**

- ◆ Section 702 – Chair: The Chair of the BWQC shall guide the planning and facilitation of BWQC meetings in coordination with the CWSP. The Chair may perform other duties customary to the office. Unless the Chair chooses to abstain or recuse themselves, they shall cast a vote on all issues voted on by the BWQC. Whenever possible, the Chair will pursue decision making by consensus.
- ◆ Section 703 – Vice Chair: The Vice Chair shall act as Chair in the absence of the Chair.



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# BWQC Bylaws

## ◆ **ARTICLE III Purpose**

### ◆ The Winooski Basin Water Quality Council:

1. establishes policy and makes decisions for the CWSP regarding the most significant water quality impairments that exist in the Winooski Basin;
2. prioritizes the clean water projects that will address those impairments based on the Winooski Basin Tactical Basin Plan; and
3. participates in the Winooski Basin Tactical Basin Planning process.

## ◆ **ARTICLE IV Membership**

- ### ◆ Section 404 – Attendance: BWQC members shall attend all BWQC meetings, unless good cause prevents attendance. Failure to attend one-half or more of the scheduled meetings per year without good cause shall constitute grounds for replacement of the member. The Chair shall notify the appointing entity when any BWQC member fails to attend two consecutive meetings without notice.

## ◆ **ARTICLE VII DUTIES**

- ### ◆ Section 701 – BWQC Members: Each BWQC member shall make annual and periodic reports of the activities of the BWQC to the sector they represent.

# BWQC Bylaws

## ◆ **ARTICLE IX Rules of Procedure**

### ◆ Section 904 – Code of Conduct for BWQC Members

#### ◆ BWQC members shall abide by the following code of conduct:

- ◆ Respect other points of view;
  - ◆ Be committed to resolving disputes respectfully and professionally;
  - ◆ Be willing to compromise to achieve consensus;
  - ◆ Represent the watershed and its health over individual and organizational objectives when making decisions; and
  - ◆ Seek fair, equitable and timely resolution of any disputes.
- ◆ Pursuant to Section 408 of these Bylaws, failure of a member to abide by this code of conduct may be cause for removal.



# BWQC Bylaws

## **ARTICLE IX Rules of Procedure**

- ◆ Section 906 – General Activities
  - ◆ Regarding water quality impairments in the Basin, the BWQC shall:
    - Participate in the basin planning process established in 10 V.S.A. § 1253(d);
    - Review Tactical Basin Plan “Implementation Tables” which cross-reference surface water conditions and related implementation plan strategies and priorities; and
    - Review the Vermont DEC Surface Water Assessment produced in conformance with Sections 303(d) and 305(b) of the Federal Water Pollution Control Act ...
  - ◆ Regarding clean water projects not required by regulation, the BWQC shall:
    - Identify and prioritize clean water projects in consultation with the Winooski River Tactical Basin Plan and in accordance with the requirements of 10 V.S.A., Chapter 37, Subchapter 5, of the Rule, and Act 76 Guidance;
    - Consider the preliminary scoring and ranking of all proposed clean water projects as drafted by the CWSP based upon project priorities identified under § 39-403(d) and make adjustments to the co-benefits scoring as needed; and
    - Vote to advance cost-efficient clean water projects for both development, design and/or implementation to fulfill pollution reduction goals.



# BWQC Bylaws

## ◆ **ARTICLE X Conflict of Interest**

- ◆ A conflict of interest is defined in the Rule as “an interest, direct or indirect, financial or otherwise, of a person or entity with ... BWQC decision making-role, or such an interest, known to such person, of a member of that person’s immediate family or household, or of a business associate, in the outcome of a particular matter pending before the ... BWQC or which is in conflict with the proper discharge of the person’s duties under this Rule.”  
BWQC members who propose a clean water project must disclose any potential conflict of interest and shall recuse themselves from any BWQC decision-making subject to that conflict. Notwithstanding these limitations, a BWQC member who is conflicted because they are a project sponsor may answer questions regarding the project in an open meeting of the BWQC.

Pursuant to Section 408 of these Bylaws, non-disclosure of a known conflict of interest by a member, or continued action by a member in a matter that involves a conflict of interest may be cause for removal of the member.

# Outreach Policy

- ◇ AMENDMENT & REFINEMENT

- ◇ This policy shall be reviewed by the Clean Water Service Provider and Basin Water Quality Council **at their annual meeting**. It may be amended as deemed appropriate by the Clean Water Service Provider, in concurrence with the Basin Water Quality Council.

# Outreach Policy

- ◆ Strengthen Project Solicitation - How can we better reach "other entities?"
  - Current policy: "Develop best practices for distributing Project Solicitation materials to other entities eligible to receive Formula Grant funds from a Clean Water Service Provider, including State agencies, colleges, universities, public hospitals & medical centers, public schools and other non-profit organizations."
  - Program promotion – On the road ...
    - Current policy: "Seek opportunities to present an overview of the Clean Water Service Provider program, funding resources and opportunities for collaboration to interested organizations."
- ◆ Expand Technical Assistance - Can we help plug capacity gaps?
  - Current policy: "Offer technical assistance with proposal preparation, including pre-proposal project evaluation."
  - What else can we (Clean Water Service Provider AND Basin Water Quality Council) do to facilitate proposal development / encourage proposal submission?



# Public Participation Policy

## ◆ Broaden Public Participation - Ideas for implementation?

- Current policy: The BWQC will also make use of current and emerging best practices for justice, equity, diversity, and inclusion, such as:
  - identifying and compensating community connectors;
  - publicizing meeting notices using diverse communication channels;
  - scheduling meetings with due consideration given to accessibility;
  - translating materials (upon request) free of charge; and
  - engaging with and providing programmatic support targeted towards historically underrepresented communities (this includes giving consideration to the Agency of Natural Resource's Limited English Proficiency Accessibility Plan, Title VI of the federal Civil Rights Act).

## ◆ Solicit Public Input – Need a BWQC sub-committee?

- Current policy: Within 6 months of adoption of this Policy, the BWQC shall solicit input on the policy from BWQC partners and the public.



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# Final Proposal Review: Project Development in Huntington

- ◆ Primary Contact: Dan Albrecht, Senior Planner, Chittenden County Regional Planning Commission
- ◆ Project Type: Project Development
- ◆ Project Phase: Project Development
- ◆ Project Description: The project proposes to scope and develop projects along the Huntington River with cost-efficient phosphorus reductions and flood mitigation co-benefits.
- ◆ Project Deliverables:
  - ◆ Number of projects scoped: 15
  - ◆ Specific project development: 3 – 5 projects
- ◆ Project Budget:
  - ◆ Project Development: ~~\$36,000~~ \$20,058

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# Budget Amendment Request: John Fowler Road – Winooski Berm Removal

- ◆ Primary Contact: Allaire Diamond, Ecologist, Vermont Land Trust
- ◆ Project Type: Floodplain / Stream Restoration
- ◆ Project Phase: Final Design & Implementation
- ◆ Project Description: Complete final design of berm removal along the Winooski River & fund construction oversight. Project builds off previous work completed by the Vermont Fish & Wildlife Department & preliminary design work funded by the Winooski BWQC.
- ◆ P-reduction:
  - ◆ Preliminary design proposal: 118.95 kg / yr
  - ◆ Final design proposal: 14.9 kg / yr
- ◆ Project Budget:
  - ◆ Preliminary Design: ~~\$44,604~~ \$31,500
  - ◆ Final Design: ~~\$27,174~~ \$35,674
  - ◆ Implementation: \$85,703
  - ◆ Total Cost: ~~\$144,377 (\$9,690 / kg)~~ \$152,877 (\$10,260 / kg)



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# Budget Amendment Policy

- ◇ Why do we need a policy like this?
- ◇ Example - Basin 7 – Lamoille River
  - ◇ Project Assessment / Identification / Development
    - ◇ Up to 10% with a max increase of \$10k – CWSP Staff
    - ◇ 10% - 20% with a max increase of \$20k – CWSP Staff + 2 BWQC members
    - ◇ More than 20% or \$20k increase requires revote of BWQC
  - ◇ Design / Implementation Projects  $\leq$  \$150k
    - ◇ Up to 10% with a max increase of \$20k – CWSP Staff
    - ◇ 10% - 20% with a max increase of \$40k – CWSP Staff + 2 BWQC members
    - ◇ More than 20% or \$40k increase requires revote of BWQC
  - ◇ Design / Implementation Projects  $>$  \$150k
    - ◇ Up to 10% with a max increase of \$30k – CWSP Staff
    - ◇ 10% - 20% with a max increase of \$60k – CWSP Staff + 2 BWQC members
    - ◇ More than 20% or \$60k increase requires revote of BWQC

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# Announcements

- ◆ Meetings with Project Implementors
- ◆ Project Development
  - ◆ CVRPC Outreach - Specific Projects
    - Plainfield Buffer Planting at Recreation Fields (September 2024)
    - Calais Gully Stabilization / Culvert Replacement – Pending DEC approval
    - Calais Rt. 14 Buffer Planting / Floodplain Restoration - Hand-off to VRC
    - Berlin Conservation Commission - Buffer Planting Project Development, Dog River
  - CVRPC Outreach – General Program Awareness
    - Barre City River Access Taskforce - (July 2024)
    - Barre Town Selectboard (August 2024)
- Proposals to be considered at the 15 August 2024 BWQC meeting should be submitted by 8 August 2024

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# FY25 Formula Grant Funding

Annual Funding Based on Formula					
	Design, Engineering & Construction	Project Identification & Development	Total Project Funding	Maximum Administrative Costs	Total Project Funding + Max Admin
<b>FY23</b>	\$827,068	\$57,737	\$884,805	\$156,142	\$1,040,947
<b>FY24</b>	\$871,791	\$60,859	\$932,650	\$164,585	\$1,097,235
<b>FY25<sup>1</sup></b>	\$640,538	\$230,503	\$918,335 <sup>2</sup>	\$162,059	\$1,080,394

Phosphorous Reduction Targets (kg / yr)				
Farm Fields	Developed Lands	Forest	Streams	Total
9.2	23.9	0	36.4	69.6 <sup>3</sup>

1. Proposed award amount and funding distribution.
2. This amount includes \$47,294 for Operations & Maintenance costs.
3. Proposed p-reduction target: 53.9 kg / yr