

Winooski Basin Water Quality Council (BWQC) Meeting Minutes – 19 September 2024

Winooski Basin Water Quality Council Members: ✓

NRCDS		RPCs	
✓	Peter Danforth, Lamoille NRCD	✓	Garret Mott, CCRPC
	Emily Porter-Goff, Alternate	✓	Lisa Cicchetti, CCRPC alternate
✓	Daniel Koenemann, Winooski NRCD	✓	Royal DeLegge, CVRPC
	Vacant, Alternate		Rich Turner, CVRPC alternate
Land Conservation Organizations		Municipalities	
	Erin De Vries, VT River Conservancy	✓	Annie Costandi, Essex
✓	Remy Crettol, Alternate		Sarah McShane, Stowe, Alternate
Watershed Protection Organizations		✓	Alice Peal, Waitsfield
✓	Michele Braun, Friends of the Winooski River		Vacant, Alternate
	Taylor Litwin, Alternate		
	Sam Puddicombe, Alternate		
✓	Ira Shadis, Friends of the Mad River		
	B. Shupe, Alternate		
✓	Kinny Perot, Alternate		

CVRPC Staff: Brian Voigt & Lincoln Frasca

Guests: Keith Fritschie (Department of Environmental Conservation)

Call to order & Roll call: B. Voigt called the meeting to order at 1:02 PM.

Updates to agenda: none

Public comment: none

Review & Approve minutes from 18 July 2024 meeting

A. Peal moved to approve the minutes of the 18 July 2024 meeting. P. Danforth seconded. Remy abstained, all others were in favor, and the motion carried.

Project Proposal Initial Review (discussion) – See slides

Lamoille Natural Resources Conservation District: Upper Little River Project Development

P. Danforth spoke to the calls he has received from landowners along the Little River who are interested in pursuing clean water projects. Since submitting his application, he has received estimated budgets from engineering consultants with an average of \$25,000. When appropriate he would like to modify his budget request of \$15,000 to reflect the quotes he has received.

B. Voigt explained the project will not be voted on until next meeting and a more accurate budget may be included in the project proposal at that time.

M. Braun inquired about the logistics of soliciting budget estimates and going through procurement before the BWQC votes to fund a project. She would have done procurement last spring if she knew this was an option.

B. Voigt responded that procurement could happen at any time. He acknowledged there is a certain level of uncertainty for an organization going out to procurement if their project has not yet received funding.

M. Braun described the planting project Friends of the Winooski was asked to do by the Town of Stowe along the bike path. The Town ultimately canceled the project due to unresolved conflicts with landowner agreements. The Town then asked to have an enhancement planting in the same area that was completed last year. However, Friends of the Winooski River cannot get paid for this work because the Town is going to dig it up. They are developing plans for a compensatory planting to make up for the \$5,000 of planting that is now being dug up. The "Quiet Path" may be a compensatory site. Friends of the Winooski River also completed project development based on the projects in the Little River Corridor Plan a couple years ago. Are you planning on using the River Corridor Plan and or checking in with Friends of the Winooski River?

P. Danforth will be reaching out to all partners involved with clean water projects in Stowe as part of this project development effort. Lamoille County Conservation District would likely not have the capacity to implement all the projects they identify. They would like to work alongside Friends of the Winooski River and will be using a combination of the River Corridor Plan and Tactical Basin Plan to inform this project. They would be subcontracting out with an engineer. Whenever there is an initial meeting, they will invite Friends of the Winooski to join.

M. Braun stated Friends of the Winooski River is currently at their limit with work. They have already had a consultant out doing this work and wouldn't want to duplicate efforts.

P. Danforth proposed that if this project gets approved, they should have a preliminary meeting to avoid duplicating efforts.

A. Peal asked why did the Town remove the planting?

M. Braun explained how the river was eroding two bridge abutments along the bike path. The Town needed to secure the abutments with a stonewall parallel to the bike

path and the plantings had to be dug up. M. Braun believes this work has been done but has not checked in with Stowe since the 2024 flood.

R. Crettol noticed easements are an included project type in the Upper Little River Project Development proposal. He asked after the scoping process if an easement project is going to move forward what funding source(s) would be used? and how would Phosphorus crediting work?

P. Danforth noted that the Lamoille County Conservation District has worked with land trusts in the past and would like to work with Vermont River Conservancy and Friends of the Winooski on implementing future easement projects. He asked if the Phosphorus crediting would it be any different than how buffer plantings are calculated?

K. Fritschie noted that easement projects are credited distinctly using the Functioning Floodplain Initiative tool. As of now easement projects would go to the DEC Rivers Program rather than using Formula Grant funding. However, this is a conversation currently happening amongst the DEC River Program, large land trusts, and the Clean Water Initiative Program.

G. Mott asked if the budget is going to change for this project should we table this until we vote next meeting?

B. Voigt noted that currently we have two rounds of review for all project types. October will be when the vote is made.

P. Danforth asked about the funding cycle and whether retroactive payments are possible if awarded?

B. Voigt responded this isn't something he is aware of. Are you asking about getting reimbursed for work you have already completed?

P. Danforth may be thinking of the Lamoille County CWSP policy. He would like to talk with Friends of the Winooski River about this scope of work before finalizing the project development application.

M. Braun stated there are projects that would be good to move on in Stowe, but the flooding and town relationships make things complicated for Friends of the Winooski River.

Central Vermont Regional Planning Commission:

Project Development in Berlin

L. Frasca introduced the project and solicited questions from the BWQC.

M. Braun mentioned the work of the Winooski Basin Aquatic Organism Passage Team who is working along the Dog River to scope potential culvert replacement projects.

L. Frasca mentioned the work CVRPC is engaged in with the Basin Planner to identify culverts with cost-efficient Phosphorus reductions. We should work together on any

culvert projects that may be priorities for Aquatic Organism Passage and Phosphorus reduction.

B. Voigt asked if the Basin's Aquatic Organism Passage Team is considering Phosphorus reduction in their assessment?

M. Braun we will be meeting next week all together with the Basin Planner to discuss this. We have not been assessing culverts for Phosphorus but are interested in the possibility of co-funding eligible culvert projects. In reviewing stream crossing assessments, we are looking for the greatest departure from stream geomorphic compatibility. There have been issues with the compatibility scores not accurately reflecting the real-world conditions of culverts that are negatively impacting stream health.

K. Fritschie stated that if Friends of the Winooski has a list of culverts, he can review them for Phosphorus potential. The Functioning Floodplain Initiative tool gives concrete Phosphorus numbers just by plugging in location. DEC River Scientist, Staci Pomeroy has noted the main driver of the score that Functioning Floodplain Initiative tool produces is the culvert width to bankfull width ration. Culverts are one of the more straight forward project types when it comes to assigning Phosphorus credits.

B. Voigt emphasized that we want to make sure we are not duplicating efforts with Aquatic Organism Project development. If there is overlap, we should decide who would develop the projects. The Berlin Buffer and Culvert Project Development effort is in large part to identify projects that others can take over. The Central Vermont Regional Planning Commission does not envision implementing all of these projects ourselves. Deciding on next steps should just be a function of who has the most capacity.

R. Crettol added that Vermont River Conservancy is also looking at the Steven's Branch to identify 12-18 high priority parcels for easements. This could be a complimentary effort and we should touch base as things move forward.

B. Voigt asked if these parcels have been identified?

R. Crettol will be finalizing parcels this fall / winter and will then be conducting initial landowner outreach into the spring.

L. Frasca mentioned that if awarded, the first step in this project development effort would be to reach out to partnering watershed organizations and state agencies such as the Agency of Agricultural and Food Markets and the Fish and Wildlife Department. We don't want to be duplicating efforts and we want to ensure that we are approaching landowners with the most appropriate funding source for their project needs.

Preliminary Design in Calais

L. Frasca introduced the project.

B. Voigt mentioned this will be going out to bid before next meeting and we will refine project costs at that time. The funding request is currently on the top end of design costs.

A. Peal asked what are gabions?

M. Braun responded they are baskets full of rock made from a sturdy chicken wire material.

L. Frasca emphasized that the culvert replacement noted on the project map is not a part of this application. This culvert is unmapped and along an unmapped perennial stream and therefore is currently ineligible for Formula Grant funding.

M. Braun asked if this is a road runoff situation?

K. Fritschie and DEC staff reviewed this project and determined it was eligible for Formula Grant Funding. The culvert replacement is not part of this application, but the stormwater gully project is and some of the runoff is from the road. The road currently passes Municipal Roads General Permit standards, and the project footprint is outside of the right of way. It is treating stormwater runoff from developed lands at a point location at the bottom end of a culvert making it eligible for funding. The DEC may update its eligibility determination for this gully project if major changes were made to project scope during the design phases.

Budget amendment policy (discussion & possible action) – See slides

B. Voigt presented a proposed budget amendment policy. He emphasized the percentages, dollar values, and those responsible for approving an amendment are all up for change based on the BWQC's opinion. Other Basins that have budget amendment policies that vary in dealing with percentages and absolute dollar amounts. It is important that the BWQC considers whether it wishes to cede some of its authority for budget amendments. He noted the CWSP director is the executive director of CVRPC.

I. Shadis asked how this relates to other basin budget amendment policies?

B. Voigt shared Basin 7 budget amendment policy (see slide). These are proposed amounts but it up to the BWQC to decide what they comfortable with.

G. Mott noted the first and third questions on the Budget Adjustment Policy slide (and below) are very similar. He stated if there is any conflict of interest and or possible recusal the decision should go to the full BWQC to promote transparency.

He asked about the second question regarding a maximum budget adjustment request amount? Isn't this covered in the proposed policy?

1. If a budget adjustment request requires Chair + Vice-Chair approval and one (or both) of those members have a conflict of interest, how do we proceed?
2. Does the BWQC want to establish a maximum budget adjustment request amount (dollars or percentage increase)?

3. If CVRPC is the Project Implementor, does the BWQC want additional guardrails (e.g. automatically include Chair + Vice-Chair, full BWQC) for budget adjustment requests?

B. Voigt responded with the question of whether or not there should be another threshold that would set a maximum allowable budget adjustment?

D. Koenemann doesn't think there should be an upper threshold. There could be an exception in the case of a very large project.

B. Voigt noted that we already have a \$30,000 threshold established, and to be consistent we should continue that threshold throughout the life of the project.

D. Koenemann asked if there are extenuating circumstances, such as a major weather event causing unforeseen work, will a project be terminated if it exceeds that \$30,000 per kilogram threshold?

B. Voigt noted DEC has an Act of God contingency fund to recover a site to the condition it was in before the unforeseen event, such as a major storm.

D. Koenemann asked if in this case we would be relying on other funding sources to move a project forward if it exceeds the Phosphorus threshold.

B. Voigt replied that potentially yes, that could be the scenario.

P. Danforth believes the three proposed questions on the Budget Adjustment Policy PowerPoint slides should always be addressed by the BWQC. It is not necessary to have any more guardrails. He supports this budget adjustment policy as is, which is similar to, but slightly more liberal than, the Lamoille County CWSP policy.

B. Voigt asked project implementors who have dealt with budget amendments, if these numbers seem reasonable and if we should set a time to revisit this as we do our other policies at the annual meeting?

G. Mott proposed adding the budget amendment policy to the annual review.

D. Koenemann believes budget amendments over \$20,000 are likely but he is ok with that decision going back to the full BWQC.

A. Peel added that reviewing this at the annual meeting is a good idea and will let us know if it is working and whether there are any conflicts arising.

M. Braun said this seems reasonable, the only reason the first project phase would increase would be if slightly more money was needed for the consultant. Permit fees are usually around \$10,000 during the design phase and Implementation is usually over \$150,000. Sometimes there is the situation during sediment disposal for a dam removal that a second site for dumping is necessary and that can be \$50,000 budget adjustment. In this scenario it is essential that a decision is made as soon as possible.

B. Voigt noted we can call an emergency meeting within 48 hours and then are only reliant on a quorum to decide.

D. Koenemann asked if public meeting laws allow for a vote by email?

B. Voigt responded we cannot vote over email.

P. Danforth made the motion to accept the budget adjustment policy with the rule that if there is a conflict of interest the decision will go before the full BWQC. The budget amendment policy will be reviewed to at each annual meeting.

D. Koenemann seconded. The motion carried unanimously.

Project Review Timeline (discussion) – See slides

B. Voigt introduced the question of whether or not project development proposals with fixed dollar amounts (from engineering consultants) should be able to be reviewed and voted on in just one meeting?

P. Danforth believes this should be decided on a case-by-case basis, based on the merits of the application. He proposed limiting review to a maximum of two meetings.

M. Braun inquired if this could fit into the budget amendment policy framework?

B. Voigt asked if project budgets are estimates should the BWQC wait for more accurate numbers? Or should the focus be on getting projects off the ground?

G. Mott mentioned public perception and asked if it would be seen as inconsistent if some project types are able to be approved faster than others? Is it onerous for project implementors to have a two-month waiting period?

R. DeLegge expressed that two months is not too long, these are all open meetings, and the materials are posted so anyone is available to attend and participate.

B. Voigt stated the CWSP has heard from implementors that anything we can do to shorten the timeline of awards is beneficial. For this reason, we have moved to rolling admissions. The Central Vermont Regional Planning Commission (CVRPC) Executive Committee also needs to approve BWQC funding decisions. It is approximately a six-week timeline from project submission to authorization by the CVRPC executive director. We don't want to be the barrier for implementors to access funds on an appropriate timeline for the work they are doing.

M. Braun asked about the difference between review of small and large dollar value projects?

B. Voigt noted larger dollar projects will always have two rounds of review. Project development, which is likely to be \$30,000 or less, may not always necessitate that same level of review.

P. Danforth shared the feedback he gets from the public which is usually that things are not moving fast enough. While he is not adamantly opposed to two months of review, if there was a set dollar threshold for which projects could be given an expedited review, he would be ok with that as well.

M. Braun agreed.

I. Shadis proposed a clause for expedited project approval based on needs such as seasonality or availability of partners.

G. Mott asked if our current process is in the bylaws?

B. Voigt responded that having two rounds of review was the consensus two years ago but is not in the bylaws.

G. Mott replied that in that case we should agree in general to have two rounds of review and if any project proponent wished for expedited approval they could make that case during the first round of review.

R. Crettol mentioned the benefit of having two rounds of review for project development is that we have similar partners working in the same area. Two rounds of review promote collaboration amongst implementors in agreeing upon the scope of work in proposals.

G. Mott responded that if that is the case it could automatically go into a second meeting for review. If someone needs to expedite a proposal, we can vote at that time. He believes not making a decision on this is the best-case scenario.

A consensus was made to make no decision at this time, allowing for flexibility in the number of meetings needed to review a project before voting. No formal vote was taken.

Project Adoption (discussion) – See slides

L. Frasca introduced project adoption as a possibility for earning Phosphorus credits through operating and maintaining completed DEC Clean Water funded projects. The system for assigning Phosphorus credits to adopted projects is still being developed by the DEC.

I. Shadis asked if is there any sense of timing for a DEC decision on Phosphorus crediting?

K. Fritschie noted that as of now the guidance is that the credits in the Watershed Project Database will be allocated for Operation & Maintenance of stormwater and riparian buffer projects. This will remain true for stormwater projects but crediting for riparian plantings will change. K. Fritschie has a list of potentially adoptable projects.

B. Voigt offered the Moretown Elementary stormwater project as a potentially eligible project for adoption.

L. Frasca asked if projects are not currently in the Watershed Project Database could they be assigned a Watershed Project Database number for the Operation and Maintenance phase and subsequently be adopted?

K. Fritschie explained that adopted projects must have been funded by DEC Clean Water funding to be adopted.

B. Voigt asked if that is true for every phase of the project?

K. Fritschie will check on this question. It is likely that at a minimum implementation would need to have been funded by DEC Clean Water funding.

A. Peal asked who would be adopting these projects and performing the Operation and Maintenance activities?

B. Voigt mentioned the scenario where project implementors bring a list of projects to adopt before the BWQC. The BWQC could also come up with an adoption list with the Basin Planner and CVRPC could take on the administration of Operation & Maintenance for those priority projects.

M. Braun noted that for buffer plantings Friends of the Winooski River was awarded a Watershed United Vermont grant in 2022 to assess all Friends of Winooski completed Clean Water funded plantings from the last 3 years for stewardship needs. Those projects have been assessed and Friends of the Winooski are actively maintaining those sites. Looking at plantings from 2018 or earlier would be where to start for identifying possible buffer sites in need of Operation and Maintenance. She is unsure what happens with the the Phosphorus credits associated with those projects identified through the Watersheds United Vermont grant?

K. Fritschie explained those credits count towards Lake Champlain's Total Maximum Daily Load progress, but Watersheds United Vermont is not a reporting partner that needs to track Phosphorus credits. Any Phosphorus related projects that Watersheds United Vermont takes on do not count towards the CWSP targets.

M. Braun asked why would any Phosphorus reduction work done in the Basin be counted towards the Total Maximum Daily Load but not towards the CWSP targets?

K. Fritschie asked about the operational period of Operation & Maintenance agreements on the pre 2018 planting projects?

M. Braun noted that the pre 2018 plantings may have been completed with other funding using non-DEC funding.

K. Fritschie acknowledged if the projects were not completed with DEC Clean Water Funds, they are not eligible for adoption. If there is a list of plantings, he can cross reference with the Watershed Project Database's eligible adoption projects.

M. Braun asked if a town stormwater project is being maintained by the town could we provide funding to allow them to continue work?

B. Voigt responded that in general that is the idea and then we can receive the Phosphorus credits. Moretown may be a good project because Stormwater crediting by the DEC has already been decided.

Announcements (see slides)

L. Frasca described the project development work CVRPC is engaged in with Plainfield, Barre Town, and Waitsfield. They are working on a project development application for Floodplain Restoration in Waitsfield that they plan to have ready for review by next month's meeting.

K. Fritschie mentioned the basin-wide project development meeting he is hosting next week to discuss cost-efficient culvert replacement projects.

D. Koenemann is developing a culvert replacement project in Washington. These projects are not being specifically being developed for Phosphorus reduction.

- A. Peal mentioned a potential slide on the border of Fayston and Waitsfield. This is being investigated by the Towns and there is broad awareness for this project.
- B. Voigt advised that this would most likely will be a separate hazard mitigation project with the possibility for co-funding with the CWSP.
- B. Voigt has had a conversation with the Winooski Valley Parks District about project development. Identified projects do not need to be CVRPC led and if any project implementor is interested in collaborating please reach out.
- M. Braun said Friends of the Winooski has been talking to the Winooski Valley Parks District about planting specific sites and moving the New American Farm. She will check to see if that is in the Basin.
- L. Frasca described the DEC Operation & Maintenance Verification Field Day opportunity. As well as the Emergency Watershed Protection Program work CVRPC is engaged with for towns in the Central Vermont Region.

Adjourn

I. Shadis made a motion to adjourn the meeting at 2:49 PM. Alice seconded. Motion carried unanimously.

Next meeting scheduled 17 October 2024.