

**Department of Environmental Conservation
Request for Approval to Subgrant/Subcontract**

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|------------------------------|--|
| Date of Request: | October 2, 2015 |
| Original Grantee/Contractor: | Chittenden County Regional Planning Commission |
| Address: | 110 West Canal St, Winooski, VT 05404 |
| Phone Number: | 846-4490 |
| Agreement #: | CW2016-TBP-01 |

| | |
|---------------------|---|
| Subcontractor Name: | NA – lead. This is to clarify what will be done in CCRPC region. |
| Address: | |
| Phone Number: | |
| Contact Person: | |
| Scope of Services: | Please see Scope attached as <i>Schedule A. Performance Table</i> |
| Maximum Amount:: | \$37,000 |

| | |
|--|--|
| Original Grantee/Contractor Signature: | |
| By signing above, the Grantee/Contractor certifies that the subcontractor has been selected using their procurement policy, as required by the original agreement, and certifies that any conflict of interest has been disclosed in writing as required by the original agreement (Attachment C, Section 22). | |

DEC Financial Operations Office Review

Approval: _____ **Date:** _____

On the reverse side of this form there is language that must be included by the contractor in all subcontracting agreements.

Language to be included in all subcontracting agreements:

11. Taxes Due To The State:

- a. Contractor understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- b. Contractor certifies under the pains and penalties of perjury that, as of the date the contract is signed, the Contractor is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- c. Contractor understands that final payment under this contract may be withheld if the Commissioner of Taxes determines that the Contractor is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- d. Contractor also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Contractor has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Contractor has no further legal recourse to contest the amounts due.

12. Child Support: (Applicable if the Contractor is a natural person, not a corporation or partnership.) Contractor states that, as of the date the contract is signed, he/she:

- a. is not under any obligation to pay child support; or
- b. is under such an obligation and is in good standing with respect to that obligation; or
- c. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Contractor makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Contractor is a resident of Vermont, Contractor makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

13. Subcontractors: Contractor shall not assign or subcontract the performance of this agreement or any portion thereof to any other contractor without the prior written approval of the State. Contractor also agrees to include in all subcontract agreements a tax certification in accordance with paragraph 11 above.

1) Municipal Outreach and, Education, and Cross-program Integration and Coordination, related to the VCWA

- a) **Education (Required):** RPCs will provide educational programming to all subject municipalities about the requirements of the new VCWA, and related regulatory requirements. To complete this, the RPCs will, in collaboration with State staff, prepare a comprehensive municipal outreach presentation on the requirements and timelines in VCWA, and provide at least two opportunities for relevant municipal bodies to participate. This outreach will be coordinated with the Vermont League of Cities and Towns (VLCT) efforts as determined to be appropriate by the State. The RPCs shall track which municipalities have participated in these outreach sessions. The State shall specify the components of this training which will include all municipally-relevant components of VCWA.

Deliverables:

The CCRPC will work with state staff to develop the standardized presentation.

The CCRPC will provide a list of presentations delivered as well as documentation of municipal participation.

The CCRPC will publish a Standardized fact-sheets published on its website. The CCRPC will provide least one web post per quarter describing activities undertaken, to be published in the State's blog entitled "FLOW".

- b) **Staff Training (Required):** The Grantee will consult with the State to ensure that training provided to RPC staff and municipalities is appropriate to ensure RPCs' eligibility. Training and information sharing meetings of all of the contracting RPCs' staff will be scheduled monthly and held on an as needed basis by the State. All RPCs funded through this grant are required to participate in these training meetings.

Deliverables:

The CCRPC will participate in training and information meetings and provide a list of staff participating in each training and any other relevant training and certifications.

2) Municipal Planning Assistance

- a) **River Corridor (Optional):** RPCs shall, in consultation with State's Rivers Program staff, provide technical support, mapping and planning support and outreach to assist interested communities with municipal plan and zoning updates, hazard mitigation plans, and flood hazard area and river corridor regulations consistent with the mapping and regulatory standards established in the DEC *Flood Hazard Area and River Corridor Protection Procedures* (see Attachment D). The RPCs shall report on flood hazard area and river corridor-related engagements with municipalities using state indicators.

Deliverables:

The CCRPC will provide a summary of meetings held with interested municipalities, follow-up assessments of the effectiveness of those meetings,

The CCRPC will deliver recommendations for actions to be included in tactical basin plans to the watershed coordinator.

- b) **Stormwater Master Planning (LC):** The RPCs shall provide appropriate training, education and outreach to municipalities and the public to strengthen support for water quality investments and to insure integration of water quality management efforts into other areas of municipal planning and regulation as

appropriate. The RPCs shall promote the application of stormwater master planning for municipalities identified by the relevant Tactical Basin Plans as in need of such assessment.

Deliverables:

The CCRPC shall report, using state indicators, on the municipalities engaged and the follow-up assessments of the effectiveness of those outreach events.

The CCRPC will also report on applications for funding, the agreed approach and timeline for conducting master planning, the master plan template to be followed, and any barriers to executing the stormwater master planning work.

- c) **Municipal Plans/Bylaws (Required):** RPCs shall, in consultation with State watershed coordinator and/or River Program staff, provide outreach, and mapping and technical assistance to municipalities concerning adoption of water quality and flood and erosion hazard (river corridor) mitigation language in town plans. RPCs may also assist interested municipalities in developing water quality based ordinances, including the adoption of hazard mitigation practices (standards) for the reduction of fluvial erosion. Municipalities engaged shall primarily be those identified in tactical basin plans as in need of subject water quality based ordinance and hazard mitigation language.

Deliverables

The CCRPC will, using state indicators, provide a list of municipalities engaged and the follow-up assessments of the effectiveness of those outreach events. Potential municipalities to be engaged include the Towns of Bolton, Richmond, Williston and St. George as they will be working on updating their town plans during the grant performance period.

The CCRPC will provide a table of status of current and proposed plan and zoning/ordinance language change by municipality, and necessary next steps and challenges to achieve the change

- d) **Flood Ready Website (Required):** RPCs shall work with Rivers Program staff, other state agencies and consultants to enhance and maintain the Flood Ready website. For example, provide good examples of flood resilience elements from regional and/or municipal plans. Act 16 (2013) requires town and regional plans adopted after July 1, 2014 to include a flood resilience element. Such an element can reference an approved Hazard Mitigation Plan. The Flood Ready website is: <http://floodreadyvermont.gov>

Deliverables:

The CCRPC shall work with the partners identified above to enhance and maintain the Flood Ready website.

The CCRPC shall provide examples of adopted flood resilience language from its regional Plan and from municipal plans in Chittenden County.

- e) **Road Inventory (LC):** RPCs assists municipalities with compiling existing inventories of stormwater infrastructure, stream geomorphic information, culvert inventories, road erosion inventories and capital budgets, and Road Erosion Risk Analysis maps to assist in developing implementation plans under the municipal roads general permit.

Deliverables:

The CCRPC shall report, using state indicators, on the municipalities contacted, and provide a list of the compiled information.

- f) **Developed Lands (LC):** RPCs assist municipalities with planning for compliance with the existing developed lands general permit, and for compliance with the municipal separate storm sewer system permit.

Deliverables:

The CCRPC will conduct pilot work with one of its municipalities on planning for compliance with the existing developed lands general permit.

The CCRPC will, using state indicators, document meetings held with relevant municipalities and provide an assessment of the effectiveness of those meetings and summary of status and progress.

The CCRPC will assist its relevant municipalities with planning for compliance with the municipal separate storm sewer system permit.

3) Monitoring & Assessment - Coordination of water quality monitoring, and oversight of independently funded assessments

- a) **Monitoring (Optional):** RPCs may obtain from affected municipalities statements of comment or support for water quality monitoring or other assessments that municipalities view as necessary, brings that information back to State watershed coordinator for incorporation into monitoring round. RPCs, on behalf of these municipalities, shall engage local watershed association(s) or other entities within the State's LaRosa Partnership Program to identify partners in the application of monitoring or assessments of specific relevance to municipalities.

The CCRPC declines to undertake this task.

- b) **River Corridor Map Updates (Optional):** RPCs may conduct river corridor map updates consistent with the protocols outlined in the DEC Flood Hazard Area and River Corridor Protection Procedures using data consistent with the ANR Stream Geomorphic Assessment Protocols (see Attachment D).

Deliverables:

Extensive Fluvial Erosion Hazard mapping has already been undertaken in Chittenden County. However, the CCRPC may carry out some minor river corridor map updates and provide them as drafts for consideration by the State and shall use state indicators to track such effort.

4) Tactical basin planning phase: Plan Development (if there is a plan being updated in the fiscal year)

- a) **Basin Plan Intro (Required):** In Basins 6, 7, and 17, during the year prior to the basin adoption deadline, the RPCs shall reach out to affected municipalities, explain nature of State's water quality assessment, and identify key water quality issues specific to each member municipality. The RPCs shall employ a mutually agreed upon standardized presentation approach that also provides an overview of the state water quality standards. The RPCs shall report results of the outreach to the state's basin planner using an agreed-upon reporting template.

Deliverables:

The CCRPC shall participate in the planning process for Basin 7, the Lamoille River.

The CCRPC shall provide a summary of presentations in the reporting template and shall use state indicators to track effectiveness of meetings with municipalities.

- b) **Municipal Protectiveness (Required):** In Basins 6, 7, and 17, in the year prior to the basin plan adoption deadline, the RPCs shall catalogue municipal zoning protectiveness with respect to water quality and/or progress on adoption of flood hazard area and river corridor bylaws, flood resiliency plans, road and bridge standards, municipal compliance with criteria to receive public assistance under Emergency Relief and Assistance Fund.

Deliverables:

For Chittenden County municipalities in Basin 7, the Lamoille River, the CCRPC shall provide a matrix cataloguing zoning protectiveness using an agreed-upon template provided by State.

- c) **Basin Plan Draft (Required):** While the State’s watershed coordinator is responsible for drafting the tactical basin plan in consultation with the relevant RPCs and their municipalities, RPCs serve as a de-facto members of watershed coordinator’s external stakeholder group, alongside the engaged associations. As such, RPCs are involved at all stages of initial plan development.

Deliverables:

With regards to plan content concerning the Chittenden County municipalities in Basin 7, the Lamoille River the CCRPC shall provide a summary of comments and input to the watershed coordinator.

- d) **Project Priorities (Required):** RPCs assist with implementation of a science-based project prioritization system when developed by the State for basin plan implementation projects, and obtains an RPC board recommendation to the Secretary regarding the implementation priorities. RPCs will identify opportunities where transportation and hazard mitigation resources may also be leveraged.

Deliverables:

The CCRPC shall provide point-values for projects within tactical plan implementation tables, for RPC-led points following template provided by State.

The CCRPC shall also provide to the State the recommendations of the CCRPC Board.

- e) **Draft Plan Review (Required):** In Basins 6, 7, and 17, RPCs shall provide for public notice of a draft tactical basin plan, coincident with a full RPC board meeting, to obtain comments on draft plan content from municipalities, and work with State watershed coordinator to host at least one public forum on the plan. RPCs shall obtain an RPC board recommendation to the Secretary regarding the plan and its implementation priorities.

Deliverables:

The CCRPC shall provide for public notice of the Basin 7 draft tactical basin plan, coincident with a full CCRPC board meeting, to obtain comments on draft plan content from Basin 7 Chittenden County municipalities, and shall work with State watershed coordinator to host at least one public forum on the plan.

The CCRPC shall provide attendance sheet(s) and summaries of comments received for both the full CCRPC Board meeting and the public forum or fora.

The CCRPC shall also provide a post for State’s blog “FLOW,”

- f) **Mapping (Optional):** RPCs may assist in mapping key intervention areas for specified project types: stormwater retrofits including low impact development opportunities, road-related erosion sites, easements, plantings, bridge and culverts, river corridor encroachments and constrictions. The RPCs shall employ a mutually agreed upon standardized presentation approach that also identifies the water quality

stressor (see Vermont Surface Water Management Strategy (see Attachment D) for stressor definitions) being addressed by key interventions. RPCs would identify and report on interactions between water quality activities with local, regional, and state transportation and hazard mitigation planning activities.

Deliverables:

For Chittenden County municipalities in Basin 7, the Lamoille River the CCRPC may as needed map key intervention areas for specified project types: stormwater retrofits including low impact development opportunities, road-related erosion sites, easements, plantings, bridge and culverts, river corridor encroachments and constriction and also identify and report on interactions between water quality activities with local, regional, and state transportation and hazard mitigation planning activities.

- g) **Shovel Ready Projects (Optional):** RPCs may assist in creation of the “shovel ready projects” database similar to what Lamoille County Planning Commission has developed. Watershed restoration and protection projects would be prioritized in coordination with State watershed coordinator, as well as with transportation and hazard mitigation planning opportunities, employing the project prioritization methodology for tactical basin planning.

Deliverables:

For Chittenden County municipalities in Basin 7, as the opportunity arises, the CCRPC may assist in creation of a “shovel ready projects” database. The CCRPC shall provide information such as project name, location, type, and results of criteria evaluation, for incorporation into the tactical basin plan implementation table.

5) Tactical basin planning phase: Plan Implementation

- a) **Establishing Management Objectives (Optional):** Using supporting documentation provided by the State or RPCs, the RPCs shall request from affected municipalities statements of comment or support for designation of candidate Outstanding Resource Waters, or candidates identified for re-classification to Class A(1) in existing tactical basin plans. For this grant agreement, the relevant tactical basin plans include: Basin 1, 3, 6, 9, 10, 11, 12, 16, and 17.

The CCRPC declines to undertake this task as none of the relevant basins are in the County.

- b) **Project Tracking (LC):** RPCs will track implementation of basin plan projects conducted by municipalities or as managed by RPCs annually in a form provided by the State, using state indicators, and provides the information to the watershed coordinator.

Deliverables:

The CCRPC shall track implementation of basin plan projects conducted by municipalities or as managed by RPCs annually using a form based upon state indicators.

6) Program oversight

- a) The Grantee shall negotiate subawards with the other RPC’s subject to the State’s approval, and review compliance with grant requirements by all sub-awardees. The Grantee shall serve as the communications conduit with the State for all task deliverables that involve developing common presentations, forms, etc. The State shall assist as needed with technical review to ensure consistent quality amongst the sub-awardees. The State shall notify the Grantee of any concerns with sub-awardees as soon as they become aware of a concern.

The CCRPC shall negotiate subawards with the other 10 RPCs. The CCRPC shall serve as the communications conduit with the State for all task deliverables that involve developing common presentations, forms, etc.

Reporting:

The CCRPC will document the results of its work using state indicators under each task in a consistent statewide format to indicate the value of the effort using the deliverable provided in Schedule A. The CCRPC will collate similar documentation from the other 10 RPCs and deliver them in a standardized format to the State.

Schedule A. Performance Table.

| Task | Scope with Deliverables | Estimated Time Frame | Budget |
|---|--|-----------------------------|---------------|
| 1. a Municipal Education | 1. Standardized Presentation 2. Publication of fact sheets on RPC websites 3. List of Meetings, with dates and municipalities reached 4. List of municipalities not reached 5. Four posts to the State “FLOW” weblog | 9/2015 thru 9/2016 | \$4,000 |
| 1. b RPC Staff Training and Certification | 1. List specifying the particular training and staff receiving training, and relevant certifications, by RPC | | |
| 2 a (optional) River Corridor Support | 1. Summary of meetings held with interested municipalities using State indicators 2. Assessments of the effectiveness of those meetings 3. Recommendations for actions to be included in tactical basin plans shall be delivered to the watershed coordinator. | 9/2015 thru 9/2016 | \$10,000 |
| 2 b (Lake Champlain Basin) Stormwater Master Planning | 1. Summary of meetings held with interested municipalities using State indicators 2. Assessments of the effectiveness of those meetings 3. Applications developed, including template followed. 4. Assessment of barriers to development of stormwater master plans. | | |
| 2 c Municipal bylaws | 1. Using state indicators, list of municipalities engaged 2. Assessments of the effectiveness of those outreach events 3. Table of status of current and proposed plan and zoning/ordinance language change by municipality 4. Necessary next steps and challenges to achieve the change, by municipality | | |
| 2 d Flood Ready Website | 1. Sample flood resilience language for regional and municipal plans 2. Proposed adoption schedule by each RPC | | |
| 2 e (Lake Champlain Basin) Road Inventory | 1. Using state indicators, list of municipalities engaged 2. Assessments of the effectiveness of outreach events 3. Status of progress. | | |
| 2 f (Lake Champlain Basin) Developed Lands | 1. Using state indicators, list of municipalities engaged 2. Assessments of the effectiveness of outreach events 3. Status of progress. | | |
| 3 a (Optional) Monitoring | <i>Declined.</i> | 9/2015 thru 9/2016 | \$1,000 |
| 3 b (Optional) River Corridor Map Updates | 1. Draft map updates for consideration by State | | |

| | | | |
|--|---|-----------------------|-----------------|
| 4 a Basin Planning Outreach | 1. Summary of meetings held with interested municipalities using State indicators 2. Assessments of the effectiveness of those meetings | 9/2015 thru 9/2016 | \$11,000 |
| 4 b (Basin 6, 7, 17) Municipal Protections | 1. Matrix cataloguing zoning protectiveness among all affected municipalities using an agreed-upon template provided by State | | |
| 4 c Basin Plan Draft Development | 1. Summary of comments and input provided to the watershed coordinator | | |
| 4 d Project Prioritization | 1. Delivery of point-values for projects within tactical plan implementation tables, for RPC-led points following template provided by State. 2. Commission recommendation delivered. | | |
| 4 e (Basin 6, 7, 17) Draft Plan Review | 1. Summary of meetings held with interested municipalities using State indicators 2. Post for State FLOW website 3. Summary of Comments Received | | |
| 4 f (Optional) Mapping | 1. GIS Data 2. Electronic and as necessary paper map products | | |
| 4 g (Optional) Shovel Ready Projects | 1. Electronic submission, in mutually agreed template, providing project name, location, type, and results of criteria evaluation, for incorporation into the tactical plan implementation table. | | |
| 5 a (Optional) Establishing Management Objectives | <i>Declined. No applicable basins in County.</i> | 9/2015 thru 9/2016 | \$4,000 |
| 5 b (Lake Champlain Basin) Project Tracking | 1. Documentation of basin plan project tracking information using state indicators. | | |
| 6 a Oversight | 1. Task and financial reporting 2. Final Summary Report | thru 9/2016 | \$7,000 |
| TOTAL | | | \$37,000 |

Partial payments will be permitted within each task area, based on documented incurred expenses and incremental achievement of the deliverables listed under the task areas in Schedule A, on a quarterly schedule. Proof of incremental achievement of deliverables shall be provided in support of requested partial payments. Subgrantee will submit a project final report at the project's conclusion (by or before 9/30/2016). The report will include but not be limited to a summary of efforts undertaken by the Subgrantee receiving or utilizing FY2016 grant funding and an assessment of what worked well and opportunities for improvement in future years. The report will also include measures using state indicators.