WORKSHOP MEETING
AGENDA
Wednesday, April 15, 2020 - 6:00 p.m.

Please join the meeting by clicking https://global.gotomeeting.com/join/221994725.

For those who would prefer to join by phone or those without a microphone on your computer, please dial in using your phone. (For supported devices, tap a one-touch number below to join instantly.)
   Call: +1 (872) 240-3311
   Access Code: 221-994-725
   - One-touch: tel:+18722403311,,221994725#

When participating remotely, please wait until you are recognized by the Chair before you speak. For each agenda item, the Chair will make sure to ask if anyone participating remotely would like to speak.
   a. Use the “chat” feature, raise your hand if on video, or ask the Chair to request to speak. To ensure everyone is heard, only one person should speak at a time.
   b. When recognized by the Chair, introduce yourself each time.
   c. Speak up so everyone in person and on the phone can hear clearly.
   d. When participating remotely, take steps to avoid background noise, and make sure your microphone/phone is muted when you are not speaking.

AGENDA
1. Clean Water Service Provider Draft Proposal Review* (Discussion)
2. Members’ Items, Other Business (Discussion)

*= Attachment

The April 15, 2020 Chittenden County RPC meeting will be recorded and be available at https://www.ccrpcvt.org/about-us/commission/agendas-minutes/ by Monday, April 20th.

In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext. *21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.
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(c) (1) A detailed scope of work, no more than 10 pages in length, describing how the deliverables will be met. The plan shall include at a minimum:
A proposal for how the entity will implement the items listed in the Scope of Work section, above, including how the applicant will oversee identification, prioritization, development, construction, verification, inspection, operation, and maintenance of clean water projects.

The CCRPC is seeking to serve as the Clean Water Service Provider (CWSP) for the Northern Lake Champlain Direct Drainages Basin (herein after “Basin 5”).

The Chittenden County Regional Planning Commission (CCRPC) will comply with the forthcoming final rules and guidance, as a condition of relevant grants issued under Act 76.

Our Vision:

Our Vision is to couple CCRPC’s well-honed skills in group facilitation, grant administration, and program management to support the on-the-ground expertise of partner organizations and municipalities in developing and implementing non-regulatory water pollution control projects. We will be assisted on a regular basis with these administrative and programmatic tasks by the Northwest Regional Planning Commission (NRPC). In coordination with the Vermont Department of Environmental Conservation (DEC), the Northern Lake Champlain Direct Drainages Basin Water Quality Council and assisted by numerous partner organizations and municipalities, the CCRPC and NRPC will implement a systematic and open process to bring cost-effective projects from concept through development to installation to annual ongoing operation and maintenance.

Project Identification and Prioritization:

Start-up activities:

Upon designation by the State of Vermont and issuance of a contract or grant agreement, the CCRPC will first set up a dedicated webpage at www.ccrpcvt.org to host all relevant content related to acting as the Clean Water Service Provider for Basin 5. Secondly, the CCRPC will organize three separate informational meetings, one each in Chittenden, Franklin and Grand Isle.
counties so that the CCRPC and NRPC staff can meet with water quality partners and the public so that everyone is brought up to speed about the anticipated and planned operations of the CCRPC as the CWSP for Basin 5. Finally, the CCRPC will formally begin tracking expenses and activities related to CWSP-services so as to be able to meet any financial or programmatic requirements the DEC may prescribe in its agreement with CCRPC.

Formation of Basin Water Quality Council:

If we are designated as a CWSP, our first step will be to form the Basin Water Quality Council for Basin 5. This Council will be developed in accordance with applicable statute, rules and guidance. The CCRPC and the NRPC will first invite three different groups to select members consistent with Act 76, as follows:

- to: Franklin County, Grand Isle County and Winooski Natural Resource Conservation Districts (NRCDs) and Vermont Association of Conservation Districts to select two (2) persons representing NRCDs;
- to: Addison County, Chittenden County and Northwest Regional Planning Commissions (RPC) to select two (2) persons representing RPCs; and
- to: Addison County River Watch Collaborative, Friends of Northern Lake Champlain, Lake Champlain Committee, Lake Champlain International, Lake Iroquois Association, Lewis Creek Association, St. Albans Area Watershed Association, Watersheds United Vermont (WUV), and any other similar organizations that may self-identify or be identified by Watersheds United Vermont to select two persons representing local watershed protection organizations.

The CCRPC and NRPC will also make a request to:

- applicable local land conservation organizations such as the Charlotte Land Trust, Hinesburg Land Trust, Richmond Land Trust, South Burlington Land Trust and statewide land conservation organizations such as Lake Champlain Land Trust, New England Forestry Foundation, Northeast Wilderness Trust, The Nature Conservancy of Vermont, Trust for Public Lands, Vermont Housing & Conservation Board, Vermont Land Trust and the Vermont River Conservancy and any other similar organizations that may be identified to select one (1) representative of those organizations.
- applicable municipalities in Chittenden County, Franklin County and Grand Isle County to select two (2) representatives. CCRPC and NRPC will likely use their existing clean water advisory committees to select a representative from each region.

The CCRPC and NRPC will assist the BWQC in establishing Council Rules of Procedure which will define member terms and charges of the BWQC including but not limited to project identification and prioritization. These rules will be consistent with the pending rules and guidance now under development.

Initial inventory of possible projects:
In order to be able to assist the BWQC with project identification and project prioritization, upon commencement of an agreement with the Vermont DEC, the CCRPC and the NRPC will first meet with the Vermont DEC Watershed Planner for Basin 5, Karen Bates, to identify likely high priority potential non-regulatory projects in the Basin. The primary source for these projects will be the DEC Watershed Projects Database, https://anrweb.vt.gov/DEC/cleanWaterDashboard_WPDSearch.aspx.

We will then review the initial list of projects with BWQC members and all other partners in the basin to identify additional projects that are not yet in the database or that will need project identification/development funding to be further scoped for consideration. Often watershed groups and RPCs receive project ideas organically through phone calls, emails, field work, stakeholder and municipal outreach and these projects at any given point in time may not be in the state database. The CCRPC and NRPC will make sure to include these projects during the identification phase. These project ideas might include, for example, stream reaches that may never have been formally assessed for fluvial erosion hazards or for floodplain restoration opportunities.

We will likely separate the potential project list into two broad categories, consistent with the rules and guidance to be issued by DEC: first, projects that need further Identification & Development and second, those ready for Design & Implementation. We anticipate that up to XX% of overall project funding will be allocated towards the Identification & Development phase based on data developed by the Friends of the Winooski and other partners’ project experience.

One option which offers good potential for displaying the project priorities will be the utilization of an ArcGIS Dashboard. CCRPC already uses this option to assist its municipalities with identification and tracking of each town’s progress in meeting the requirements of the Municipal Roads General Permit, see: http://map.ccrpcvt.org/reidashboard. The CCRPC and NRPC therefore will develop a watershed project dashboard to easily identify eligible projects and share with the BWQC for prioritization. Project data within Basin 5 will be imported into this dashboard from the watershed project database and/or Clean Water Project Explorer. This ArcGIS online dashboard will be used to display information on project status, eligibility determinations, projected phosphorus reduction, cost (both project and Operations and Maintenance), and feasibility factors (landowner willingness, etc.). Additionally, any projects that are currently in the watershed database that are deemed “ineligible” by the DEC will be recorded as such and an explanation included in order to track that information. Finally, through regular communication with DEC, we will work to assure that our Basin 5 non-regulatory projects database and the DEC Watershed Projects Database are mutually updated on an ongoing basis.

Prioritization of Projects:
As prescribed in Act 76, the responsibility for prioritization of projects rests with the BWQC. After the Basin 5 Water Quality Council is formally convened, the CCRPC and the NRPC will assist the Council with developing the best mechanisms to present and analyze the potential projects to make for the most efficient process for the BWQC to prioritize investments in Basin 5 to meet the assigned reduction target.

The CCRPC and NRPC will act in administrative and technical capacity to assist the BWQC with this process. This prioritization process will also be informed by and consistent with the 2020 update to the Basin 5 Tactical Basin Plan which should be completed this summer. The BWQC, CCRPC and NRPC will also use DEC’s Clean Water Project Explorer https://anrweb.vt.gov/DEC/cleanWaterDashboard/ProjectExplorer.aspx as well as DEC’s Clean Water Roadmap: https://anrweb.vt.gov/DEC/CWR/CWR-tool to inform this process.

We expect that, consistent with draft guidance under development by DEC, potential projects for Implementation will receive a technical score using a system developed by DEC to evaluate pollution reduction and related water quality benefits related to cost. We also expect to supplement the technical score with additional scoring of co-benefits and project readiness done by the BWQC. As the CWSP, CCRPC and NRPC will develop the draft benefit scoring for review and action by the BWQC in a public meeting. Given the importance of this step, we intend to invite all partners in the basin to participate in this discussion and provide input to the BWQC as they make the decision about priorities for funding. Before any project will be approved for construction, the CCRPC and NRPC will ensure that necessary permits are in place with the project implementer.

It is expected that the investment of CWSP funds for Identification & Development of projects will go through a similar process but that it will be based more on prioritizing the problem as identified in the Tactical Basin Plan rather than a discrete project solution at this stage. It may be that investments in Identification & Development are done in more of a funding program style to a given partner or partnership rather than per project.

Development of formal partnerships between the CCRPC as CWSP and the broader water quality improvement community:

We anticipate that the vast majority of funding flowing through the CCRPC as a CSWP would be invested in partners to identify, develop, design, build, operate, and maintain the prioritized projects. Therefore, CCRPC proposes to enlist many partners in the basin to help us carry out these tasks. Consistent with rules and guidance developed by DEC, and in consultation with the BWQC, we anticipate the use of a request for qualifications (RFQ) process to solicit, identify and develop formal relationships (aka master agreements) with needed non-profit and governmental partners such as watershed associations, watershed groups, natural resource conservation districts, land trusts, land managers, municipalities and conservation organizations along with needed professionals We have already identified many of those (see list of BWQC invitees above) but we also need to find out if there are emergent groups or individuals that might be able to assist in this large endeavor. We may also use the RFQ process to identify and
develop agreements with individuals and firms with technical and scientific expertise as well as firms with experience in construction of water quality projects to assist project partners if requested.

The CCRPC will work closely with the BWQC and with the DEC in developing the details of the RFQ. The CCRPC already has good templates in place and already uses every few years to select firms for, for example, Transportation Planning, Public Participation, Water Quality Project Design & Construction Management, Land Use Planning, Brownfields Site Assessment and Archeological Assessment. Note that the intent of an RFQ process is not to select just a few partners. Rather, the purpose of this RFQ process is to be inclusive and welcoming and to find out the different capabilities of numerous organizations, municipalities and businesses in each of the various key tasks required of the CWSP. Establishing a pre-qualified list will allow for rapid deployment of funds to bring pollution control projects from concept to completion. Each partner funded would bundle multiple problem sites as individual task orders under one agreement with the CWSP.

Therefore, after consultation with DEC staff and the BWQC we anticipate that the RFQ would solicit organizations, municipalities, firms and individuals with expertise in one or more of the following:

- Project Identification and Development
- Project Design & Permitting
- Implementation/
- Verification and Inspection
- Operations & Maintenance

CCRPC anticipates that the Basin Water Quality Council will both authorize a package of projects for Construction for each summer/fall and also authorize projects on an ongoing basis for development and/or design. Once projects have been determined to be ready for either further development, design work, construction, inspection & verification or operations & maintenance task orders would then be issued to the partners that originally proposed the project and all necessary funds would be awarded to the same partner to both manage the development, design or construction project and pay any needed subcontractors such as engineers and construction firms and cover any administrative tasks required by the CCRPC as CWSP such as accounting, financial reporting, progress reporting, documentation, etc.

While CCRPC anticipates using this RFQ process, it will not be finalized until the BWQC is formed and they help influence the process for distribution of funds. In addition, the process may change in accordance with the rules as finalized by DEC.

**Identification & Development:** Funding will be awarded to partners to help identify projects that are not yet known, or not yet ready to move forward. This project work will include work with landowners, development of project alternatives, identification of possible constraints and permitting issues, and development of conceptual solutions. The criteria for reviewing these projects include problem identification, expected pollution reduction, and other criteria that may be developed by the BWQC and/or DEC.
Design & Permitting: Respondents will have direct experience with development of conceptual or final designs, final cost estimate and bid documents, completion of applications for required permits and/or easements, access agreements. It is anticipated that the BWQC would review and select professionals for this work based upon qualifications no more than once per year and maybe for two- or three-year terms. Entities selected for this work could either: 1) be under subcontract with a partner who would oversee their work and also be responsible for overall management of a project or 2) be under contract with the CWSP and be available to provide ad hoc consulting assistance to partners for smaller projects.

Implementation: Respondents will have direct experience with actual physical implementation of projects or with the management of construction firms performing same. Respondents will have experience with the completion of progress and financial reporting and maintaining adequate records of same. Each project funded would have an agreement between the CWSP and a partner who is responsible for overall successful implementation of the project. If cash flow requirements were considerable, the construction firms assisting a project implementor could be procured and paid directly by the CWSP.

Verification and Inspection: As the CWSP, CCRPC will either develop the expertise in-house or hire firms, individuals, municipalities or organizations with experience in inspection of water quality projects are constructed in accordance with the Final Design and Project Specifications, DEC rules and/or permits and with accepted engineering or design practices. Dan Albrecht has received certificates from the American Stormwater Center as both a Certified Stormwater Inspector and as a MS4 Low-Impact Development / Green Stormwater Infrastructure Inspector and could handle inspections/verifications not requiring an engineer’s certification but consistent with DEC requirements. The proposed RFQ process will likely garner both engineering firms as well as other qualified individuals and organizations who can assist the CCRPC and NRPC in these efforts. Each selected entity would have an agreement with the CWSP, and work would be assigned via task orders.

Operations and Maintenance: Entities selected for this task will be expected to have experience in operations and maintenance of non-regulatory water pollution control projects as well as experience with record-keeping and reporting on same. As the CWSP, CCRPC expects to work with the BWQC on how to best invest in partners to operate and maintain installed projects and practices. The amounts of these investments are not known at this time, but we expect them to be some percentage of the cost of implementation or a flat annual fee, depending on the type of project. These entities will most likely be determined by the project sponsor earlier in the process. The first and preferred option would be for the partner to enter into a contract with the CWSP to provide these services for the design life of the implemented practice. If that is not desired by the partner or by the landowner, the CWSP in consultation with the BWQC would contract with a third party to perform these annual services.

(c) (2) A description of support systems – systems currently in use or proposed by the applicant to support their IT and financial systems, and, and a statement committing to use
DEC-developed IT solutions for project tracking and reporting.

CCRPC has well-developed IT and financial systems. Our IT system consists of a file server, 20+ laptops, 3 printers, a Network Attached Storage back-up system as well as an off-site back-up system. The back-up system runs hourly onsite and at the off-site location. Pam Brangan, CCRPC GIS Data & IT Manager helps troubleshoot minor IT issues as needed. CCRPC is also assisted by The Tech Group, an on-call tech support consulting firm based in South Burlington. The firm monitors the computer system (server and user laptops) 24x7 in an effort to minimize issues. Lastly, our email system is routed through a 3rd party SPAM/virus software to reduce the chances of virus’ or phishing programs infiltrating our system.

CCRPC has well established and proven accounting systems that meet all federal and state standards for managing federal and state awards. CCRPC currently manages around $5 to $6 million dollars a year in federal, state, local and non-profit grants. CCRPC uses QuickBooks accounting software, which is backed up on the file server and can be accessed in the office or remotely. Financial systems and procedures have been developed and updated periodically in CCRPC’s Administrative and Operating Policies and Procedures (see attachment X) as approved by the CCRPC Executive Committee and are available upon request. CCRPC is audited each fiscal year by an independent Certified Public Accounting firm and has been free of any significant findings for at least the last ten years. CCRPC expends more than the current threshold, $750,000, in a fiscal year, of federal funds and therefore undergoes a Federal Single Audit each year. CCRPC’s financial systems have consistently demonstrated the ability to manage state and federal funds and is considered a low risk auditee.

The CCRPC commits to using DEC-developed IT solutions for project tracking and reporting.

(c) (3) A description of current and proposed staffing and partnerships to meet CWSP obligations

Dan Albrecht, CCRPC Senior Planner will be the overall CWSP Program Manager and have oversight of individual projects in Chittenden County. Dan has been with the CCRPC since 2003 and has managed several relevant projects. Dan holds an M.S. in Natural Resources Planning from the University of Vermont and an M.A in Anthropology from McGill University. Through a subgrant to the Northwest Regional Planning Commission, Amanda Holland, NRPC Regional Planner, will assist the CCRPC with management of CWSP projects in Franklin and Grand Isle counties as well as serve as the primary liaison with NRPC region partners. Amanda holds an MS in Natural Resources from the University of Vermont and has been with the NRPC since 2013. See details in Attachments section (h) and Mr. Albrecht’s and Ms. Holland’s applicable work experience. Mr. Albrecht and Ms. Holland will be supervised by their respective Executive Directors, Charlie Baker and Catherine Dimitruk. At this time, neither CCRPC nor NRPC plans to hire new staff as part of this administrative and managerial effort. However, should the workload grow, consideration may be given to hiring persons with the needed expertise in project management.
CCRPC and NRPC will operate primarily in an administrative and managerial role for overall CWSP operations. CCRPC and NRPC staff on an ongoing basis will also meet regularly with the DEC and the Basin 5 Water Quality Council to both continually update the list of potential projects for identification and prioritization as well track ongoing projects as they move from prioritization to development to construction to operation.

Other CCRPC and NRPC staff will assist Mr. Albrecht and Ms. Holland on an ad hoc basis. Respective GIS staff will assist in maintenance of a project tracking database and an accompanying GIS dashboard. Forest Cohen CCRPC’s Senior Business Manager will have responsibility for overall financial reporting and compliance. Charlie Baker and Regina Mahony, CCRPC Executive Director and Planning Program Manager, respectively and Catherine Dimitruk and Bethany Remmers, NRPC Executive Director and Assistant Director will exercise overall program and staff oversight to assure compliance with state rules and guidance.

The CCRPC will rely on existing and potential water quality partners to carry out project development, construction, inspection, verification, operations and maintenance of water quality projects. These partners will come from the list of BWQC invitees noted above along with new partners who may be identified through the RFQ process.

(c) (4) A description of current or proposed operating policies, including internal controls, personnel, procurement, accounts payable, accounts receivable, fixed assets, reconciliation, governing board oversight (for corporate/corporate non-profit entities), records, implementation of Vermont Open Meetings laws, and payroll. Documented policies may replace descriptions as appropriate.

CCRPC has a formal “Administrative and Operating Policies and Procedures” manual (see Attachment X) which has been updated on a regular basis including most recently on April 2020. The document addresses in detail the required elements noted in the RFP as follows.

Part 2 – Procurement Policy, pages 71–79. To achieve transparent and competitive sub-granting and procurement, these policies and procedures have been developed in accordance with 2 Code of Federal Regulations (CFR) § 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and Vermont Agency of Administration Bulletin 3.5 – Procurement and Contracting Procedures, and Vermont Agency of Administration Bulletin 5 – Policy for Grant Issuance and Monitoring. CCRPC staff and all selected contractors will observe and comply with all relevant federal, state, and municipal laws, bylaws, ordinances, and regulations.

Part 3 – Accounting & Internal Controls Policies & Procedures. The CCRPC takes zero tolerance approach to fraud or any financial maleficence at any level of the organization. The CCRPC develops, implements, monitors, and enforces policies that prevent fraud and abuse and uphold the standards of the organization. Internal controls are interwoven into all financial operations of the CCRPC. Segregation of duties, multi-step approval processes, layers of oversight, and other proven controls are built into CCRPC daily operations. CCRPC develops,
implements, and practices accounting and internal controls and procedures according to 2 Code
of Federal Regulations (CFR) § 200 – Uniform Administrative Requirements, Cost Principles,
and Audit Requirements for Federal Awards, and Vermont Agency of Administration Bulletin 5
– Policy for Grant Issuance and Monitoring. CCRPC undergoes a Federal Single Audit each
fiscal year by a Certified Public Accounting Firm to assure practices and policies are in
compliance with Generally Accepted Accounting Procedures. More detail can be found as listed
below referencing pages in our Administrative and Operating Policies and Procedures.

- Internal Controls, page 83.
- Fraud Prevention Policy, page 92.
- Record Retention Policy, pages 96-98.
- Appendix C – Financials Procedures, pages 99-115, covering:
  - Accounts Payable
  - Accounts Receivable
  - Fixed Assets
  - Reconciliation
  - Payroll
  - Federal Awards Management

The CCRPC is governed by the CCRPC Board and CCRPC Executive Committee with the
guidance of the Executive Director. The CCRPC Board has general authority over all planning
documents, external policy positions, and the annual budget and work program. The Executive
Committee oversees the Administrative and Operating Policies and Procedures and supervision
of the Executive Director. The Executive Director has the responsibility of ensuring compliance
with all relevant federal and state laws, supervision of staff and budget oversight. (See attached
CCRPC Bylaws for more detail.)

As a subdivision of the State, CCRPC has always been required to follow the Vermont Open
Meetings Law. The CCRPC has established a dedicated webpage for its Commission and its
numerous committees and posts agenda packets and minutes in compliance with the Open
Meetings Law. We also have conducted numerous public engagement efforts around draft
planning documents. We expect that we will use our experience in this area to post draft policies
or priorities of the BWQC for review and comment by the public. We will compile comments
and propose suggestion to address the comments to the BWQC as applicable.

(c) (5) Identify staff and organization experience with facilitation, consensus building, water
quality projects, and project management.

With regards to facilitation and consensus building and bringing diverse stakeholders to
agreement, the CCRPC is well-suited to this role as it continually engages in this type of work on
an ongoing basis across the 19 communities of Chittenden County to develop and reach
consensus on a variety of regional plans and topic-based plans. Most notably are the 2018 ECOS
Plan (Ecology, Community, Opportunity, Sustainability) which includes the Regional Plan, the
Metropolitan Transportation Plan and the Comprehensive Economic Development Strategy for
the County and the Annual Unified Planning Work Program outlining CCRPC’s planned projects
totaling over $5 Million. Mr. Baker and Ms. Mahony are heavily involved in both of these
efforts. They work not only with representatives of the county’s 19 municipalities but also with 20+ partner organizations in health, human services, energy, transportation, natural resources and academia. Ms. Dimitruk, likewise, consults with numerous partners on regional plans for Franklin and Grand Isle counties.

Other major plans which we update every few years include the Chittenden County Multi-Jurisdictional All-Hazards Mitigation Plan, the CCRC Public Participation Plan, the Active Transportation Plan, and the County Energy Plan. In addition to monthly Commission meetings, CCRPC staff also facilitate and organize regular meetings of its Brownfields, Clean Water, MS4, Planning, and Transportation Advisory Committees. With their expertise in facilitating high-level multi-partner planning processes, Mr. Baker, Ms. Mahony and Ms. Dimitruk will assist the BWQC in their work to prioritize CWSP-administered funds for water quality projects.

Throughout his 27-yearin natural resources public policy, first in Alaska and second, here in Vermont (see attached résumé), Dan Albrecht has primarily functioned as a project/program manager. In recent years, he has managed or is managing the following broad-based programs for CCRPC including several related to water quality such as seven Clean Water Block Grants and two Design Implementation Block Grants, four ERP-funded Stormwater Master Plans, five DEC-funded Tactical Basin Planning outreach grants and fifteen years of stormwater outreach on behalf of the County’s twelve MS4 permittees (see details in Attachments section).

Amanda Holland of NRPC has 16 years of experience in natural resources management and has been working directly with municipalities and area watershed groups on water quality related issues for the past nine years (see attached résumé). At NRPC Amanda manages the water quality and natural resources program which encompasses: initiating an education and outreach program to comply with MS4 stormwater regulations; managing consultants and private landowners on a lakeshore stabilization mini-grant program; creating a simplified methodology to identify non-point source pollution for resource managers; providing municipal technical assistance on flood resiliency; and coordinating a group of forest industry professionals to develop regional policies on stewardship. She has been a member of the American Institute of Certified Planners since 2016.