

Northern Lake Champlain Basin Water Quality Council

Regular Meeting, February 23, 2023 10 a.m. (Hybrid) **APPROVED** Minutes

See meeting materials at:

<https://www.ccrpcvt.org/northern-lake-champlain-basin-water-quality-council/>

1) **Introductions, Changes to the Agenda and Public comment on items not on the agenda**

The meeting was called to order at 10:01 a.m. by Vice-Chair Molly Varner. A quorum of 9 seats out of 9 were represented as noted in Bold. All attendees attended virtually except where noted.

(# seats)	Members Present	Alternates Present
Watershed Protection Organizations (2)	Kent Henderson, Friends of Northern Lake Champlain	
	Andrea Morgante, Lewis Creek Association	
NRCDs (2)	Adelaide Dumm, Winooski NRCD	
	Molly Varner, Grand Isle NRCD, VICE-CHAIR	
Municipalities (2)	Ken Mirvis, Grand Isle	<i>Tom Briselden, North Hero</i>
	Dave Wheeler, South Burlington	<i>Lisa Schaeffler, Milton</i>
RPCs (2)	Dean Pierce, Northwest RPC	
	Karen Adams, CCRPC	
Land Conservation Organizations (1)	Emily Alger, South Hero Land Trust, Left at 11:00 a.m.	<i>Tucker Malone, Vermont Land Trust</i>
Primary Clean Water Service Provider Staff		Secondary CWSP Staff
<i>Dan Albrecht, Manager (at CCRPC offices)</i>		<i>Chris Dubin, Charlie Baker</i>
Guests		
<i>Kate Kelly, Lewis Creek Association</i>		<i>Ken Minck, Georgia Conservation Commission</i>
<i>Branden Martin, Stone Environmental</i>		<i>Staci Pomeroy, DEC Rivers Management Program</i>

The draft agenda was adopted by unanimous consent. No public comments were made on non-agenda items.

2) **Review and approval of Minutes for Meeting of January 18, 2023** After a brief recap by Albrecht, on a motion by Henderson, with a second by Wheeler, the 1/18/2023 draft minutes were approved unanimously with the notation to correct the spelling of Adelaide's last name to read as "Dumm."

3) **Notice of appointment of new Alternate for Dave Wheeler (Information)**

Albrecht stated that Lisa Schaeffler is appointed to the municipal alternate seat for Dave Wheeler.

4) **Review Staff Recommendation and vote on selection of following projects for funding**

The Council reviewed the two Mill River Road projects. Both projects would go from 30% engineering to 100% Final Design. Projects identified in shoreland assessment in Georgia a few years ago. The Council discussed concerns about the cost effectiveness of phosphorus removal will stratify projects being approved. Henderson stressed the importance of the projects. For the NW project, Albrecht noted that DEC policy requires that any upstream problems that flow into a project area need to be solved first or concurrently and that 1.46 kilograms makes it an inefficient project in the context of \$ per kilo. He also noted that while the project does go above and beyond what is required by an MRGP permit, the road erosion inventory notes that the road segment immediately adjacent to the proposed plunge pool is deemed as only Partially Meets the standards in the MRGP. Morgante asked about MRGP compliance. Albrecht reiterated that there are enough issues that give him pause so we should get a formal quote for cost estimate for project for design life and MRGP overlap. Albrecht's recommendation is for FNLC to get a formal, updated bid for the design work and double check on MRGP

questions with Karen Bates and come back with a proposal with costs that will refine the estimate. Pierce asked if the Kg per phosphorus already recognizes that some initial P will be reduced by MRGP prelim work. Albrecht said no. Regarding the SE project, Albrecht noted that he supports funding this project but since the p-reduction numbers and design life are a bit below what is desired that the applicant checks in with the CWSP once a 60% design is done and then the BWQC can decide whether or not to halt the project or allow it to proceed.

The Council discussed design life, proximity to the lake, and co-benefits scoring. Regarding the issue of projects that are closer to the Lake being more valuable Wheeler stated that the TMDL has different targets and in Basin 5 all projects are within the same proximity to the lake based on how dissolved P works. Pomeroy agreed with Wheeler. It could be teased out some more depending upon where a project is located in a river system, for example whether or not there is floodplain downstream of a project where phosphorus might settle out before it reaches the lake. She can talk with her colleagues more about this issue.

The Council then reviewed the Falls Trail project. Minck stated that the Falls trail used to be a road that was downgraded to a trail. He stated that Friend of Northern Lake Champlain (FNLC) did an assessment of this area and handed the project to Georgia Conservation Commission. The Falls Trail discharges into the Mill River which has not received a TMDL yet. The project is 2 plus miles upstream from LC. The Gully has been eroding for a number of years. The Falls Trail has about 3% downgrade. The project calls for a minimum of 3 water bars, but this will need to be refined. Maintenance would be covered by the Conservation Commission.

Wheeler asked about gully volume. Minck noted that the gully is indeed quite deep, but the estimate was based upon a brief site visit. Albrecht's recommendation is to approve as proposed because the project scores high due to high initial estimate of 20 Kg is and design life considerations are over 15 years.

Kelly reviewed the third project, a restoration on McCabe's Brook in Shelburne. The design practices will allow better access to the floodplain. The project is located on 3 properties. Albrecht noted that the project is pretty close to the average cost so it should be funded. Wheeler stated that this project feels more straightforward and less gray.

Briselden stated that he would like to vote for it as a whole and wants to wait until final design to really vote on them and that it would be nice to have something more formal from the basin planner on their perspective on these projects. It would also be nice to see what's in the pipeline as it may change our Yes/No to projects now. Wheeler stated that his preference is to look at projects individually and fund the good ones. Morgante asked how to fund projects if they aren't granted funding through this program. Albrecht said the alternative would be a basin plan grant or an enhancement plan.

The Council discussed voting for the full slate of projects versus one-by-one. Baker stated that he thought the guidance landed more on a project by project maybe due to conflict-of-interest issues. Albrecht noted that the Act 76 Rule as well as the BWQC's own policy requires recusal. The policy states " Persons engaged in CWSP decision making must disclose any potential conflict of interest and shall recuse themselves from any CWSP decision making subject to that conflict. BWQC members that propose to implement 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 conflicted BWQC member may answer questions on the subject project in an open meeting of the BWQC." Given that situation recusal is required from representatives of FNLC and LCA. Mr. Briselden also must recuse because he is a board member of FNLC. Mirvis, as his Alternate, however, can vote. These leaves seven members that can vote: NRPC-Pierce, CCRPC-Adams, Mirvis-Municipal, Wheeler-Municipal, Varner-GINRCD, Dumm-WNRCD and VLT-Malone

Motion by Adams, with a second by Wheeler, to not fund the Mill River NW project but to invite them back to future rounds after aspects of their application clarified. Motion passes 7-0 with Henderson and Morgante

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recused. Albrecht noted to Henderson that he is happy to help FNLC with crafting an RFP to obtain a more refined design bid.

Motion by Varner, with a second by Pierce, to fund the Mill River SW project. Motion passes 7-0 with Henderson and Morgante recused.

Motion by Wheeler, with a second by Adams, to fund the Falls Trail Gully project with a check-in at 60% design due to the concern over estimation of gully size. Motion passes 7-0 with Henderson and Morgante recused.

Motion by Mirvis, with a second by Wheeler, to fund the McCabe's Brook project. Motion passes 7-0 with Henderson and Morgante recused.

Albrecht noted he will be in touch with the three subgrantees. They will all need to sign the Subgrantee Master Agreement as posted on our website and they will all need to abide by the CWIP Funding Policy including the new requirements related to historic preservation.

5) Appointment of three Members to advise CWSP on scoring methodology

Varner stated that there is a need for appointment of 3 member to review scoring. Albrecht stated that the volunteers would help with scoring refinement for the other metrics besides Phosphorus Reduction. Briselden noted that it would be good for all of the Council to discuss and refine the scoring metrics for Co-Benefits and Other Considerations. The Council decided to discuss the scoring metrics at a future meeting.

6) Discussion of potential 2nd Call for Applications

The Committee discussed a potential second call for applications. In response to Varner asking if the Mill River NW project is resubmitted, he noted that, consistent with guidance, in general, projects should not be addressed piecemeal. He will check in with DEC on what they think about Albrecht noted that he will tweak the call to note that identification and development projects would be scored in a different manner as obviously less is known about potential p-reduction and design life at that stage. He also noted that CCRPC, as CWSP, may also develop its own projects. CWSP-managed projects would have to be weighed against other grant proposals in whatever round they were submitted under. The Council agreed with Albrecht's decision to do another project solicitation in early March for a 4-5 week timeframe.

7) Election of new Chair & Vice-Chair of BWQC

The Council discussed the Chair position.

Morgante motioned to appoint Varner as Chair, seconded by Pierce. Motion carried 9-0.

Pierce motioned to appoint Briselden as Vice Chair, seconded by Henderson. Motion carries 9-0.

8) Agenda Items for March 15th meeting

The Council decided to discuss the selection process and co-benefits. The April meeting may be moved due to a training on the Functioning Floodplains Initiative that same day.

9) Adjournment: *On a motion by Varner with a second by Wheeler, a motion to adjourn the meeting was approved unanimously at 11:38 a.m.*