

Northern Lake Champlain Basin Water Quality Council Regular Meeting, May 18, 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	<i>Don McFeeters, FNLC</i>
	Andrea Morgante, Lewis Creek Association	<i>Suzanne Magee, Lake Iroquois Association</i>
NRCDs (2)	Casey Spencer, Winooski NRCD	
	Molly Varner, Grand Isle NRCD, CHAIR	
Municipalities (2)	Tom Briselden, North Hero, VICE-CHAIR	<i>Ken Mirvis, Grand Isle</i>
	Dave Wheeler, South Burlington	<i>Lisa Schaeffler, Milton</i>
RPCs (2)	Dean Pierce, Northwest RPC	
		<<<Miles Waite, Chittenden Cty RPC
Land Conservation Organizations (1)	Emily Alger, South Hero Land Trust	
Primary Clean Water Service Provider Staff		Secondary CWSP Staff
<i>Dan Albrecht, Manager (at CCRPC offices)</i>		
Guests		
<i>Karen Bates, DEC, Watershed Planner</i>	<i>Joe Bartlett and Evan Fitzgerald, Fitzgerald Environmental</i>	
<i>Dea Devlin, Northwest RPC</i>	<i>Adam Frazier, UVM</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 April 20, 2023

After a brief recap by Albrecht, members asked various questions about the process for reviewing pre-proposals. Albrecht explained 85% of the overall Basin 5 CWSP Formula Grant goes towards projects and direct administration of discrete, funded projects. If the Council were to adopt the CCRPC proposals, the handful of hours of his staff time would come out of that 85%. Albrecht explained that he had conducted the procurement for the engineers ahead of time so that he had a firm cost estimate for the CCRPC proposal. Applicants can either solicit bids ahead of a grant deadline or after the grant is awarded. He also explained that previous pre-proposals were not voted on and that the purpose was to provide feedback and discussion so applicants can write a responsive proposal. It is not in our policies or in Act 76 or in the Act 76 Guidance that the Council must vote to advance a pre-proposal. Albrecht agreed with Varner's comment that it is a risk for a consultant or a project manager if they spend time writing a proposal but that does not get funded. Albrecht agreed with Henderson that indeed at the 4/20 meeting no formal motion was made by the Council regarding all three pre-applications. After this discussion on a motion by Wheeler, with a second by Henderson, the 4/20/2023 draft minutes were approved unanimously, with Waite abstaining, with a correction to add "Vice-Chair" to Briselden notation and that Lisa Schaeffler was in attendance.

3) Brief discussion to affirm voting policies

Albrecht walked through points, a)-d) Based upon latest info from DEC, proposals can be voted on one at a time and BWQC members or their alternate may vote on a proposal unless they have a conflict-of-interest The process for BWQC review at meetings is first, a presentation by the Applicant, then comments by DEC staff, and then questions/discussion/action by Council members. Lastly, he prepared a memo for some Considerations regarding today's vote on a received application for funds for Project ID/Assessment rather than Preliminary Design or Implementation, the latter of which has a discrete phosphorus reduction score.

The chair asked for feedback on the memo. Pierce asked if there should have been a vote on the pre-proposal? Albrecht explained that the Call for Applications only requires that a pre-application be submitted but does not state nor imply that the Council has to vote to allow it to advance. Additionally, no Council policies, nor Act 76 nor the Act 76 Guidance require that the Council must vote to advance a pre-proposal. Briselden agreed that the pre-proposals are a "preview" provides a chance for feedback and that a vote is not required. Alger and Waite agreed. Waite noted that it is like a pre-bid meeting. In response to Morgante, Albrecht noted that the Colchester Pond project and the Savage Point Road proponents have not yet submitted a proposal. He also explained that he had solicited proposals from all 8 of his pre-qualified firms, 2 bids were received, and he then selected the best proposal and that CCRPC as the procurer attached that bid to CCRPC's proposal/application to the Council. He noted that this is exactly what Lewis Creek Association did three months ago with their proposal regarding McCabe's brook.

4) Action on Proposals by 5/10/23 Deadline

a) Project ID/Assessment: Mill River, Stonebridge Brook, Mallets Creek, Allen Brook (CCRPC)

Albrecht first noted that over several prior BWQC meetings he had mentioned that he was working on the idea of having a consultant look at the old stream geomorphic studies to look at the projects identified then as well as other projects they might identify. He also spoke with the NRC and FNLC about the project. He met with Staci Pomeroy and Karen Bates of DEC and got great feedback from DEC and the various partners on the RFP. He noted they told consultants not to bother with culvert projects (too expensive) and to focus on projects with a cost-benefit of less than \$20,000 per kilogram per year with at least a 10-year design life. The project will result in identification/assessment of at least 20 projects. There are about 28-30 hours of his staff time budgeted. He noted that part of the reason he selected Fitzgerald was that their proposal took the time to dive into some of the old studies and noted some of the projects previously identified.

Joe Bartlett from Fitzgerald Environmental spoke next and said they were excited about it and they are familiar with the watershed. Karen Bates noted that she is here for technical assistance. She understands the need to get projects towards the implementation phase and she and Ms. Pomeroy provided feedback to Albrecht. She asked if the study will look at gullies. Albrecht noted that they will focus on the stream corridor but may note if they see a gully as they conduct LIDAR analysis. In response to Briselden Albrecht explained how the four streams were selected. He had a meeting with Pomeroy and Bates and they reviewed the entire basin. In Grand Isle County it was noted that GINRCD was already looking at Keeler Bay area streams and many streams in the county are very small and within agricultural fields. He also talked to Varner separately and she indicated that they were already studying two streams in Alburgh. Moving clockwise, several streams in St. Albans were excluded because they are part of MS4s permits and have Flow Restoration Plans already and thus harder to find a discrete, non-regulatory project. Moving south that left Mill River and Stonebridge Brook. He checked in with FNLC and FCNRC and they indicated that they were pretty busy, and it was okay for CCRPC to proceed with this project identification/assessment work. Milton and Colchester are both MS4s, but Milton does not have an impaired stream. Stonebridge is located in a pretty rural area and likely not much impaired but perhaps they can find some good projects there. For Mallets Creek and Allen Brook, they are not designated as impaired, and we want to be sure to keep them that way. We have done a lot of work with both towns to

address runoff from the regulatory sector but not much as far as non-regulatory. For the rest of Chittenden County in Basin 5, it is more complex as there are many impaired streams, they are subject to Flow Restoration Plans and much of the area is subject to Phosphorus Control Plans required by their MS4 permit. He noted that some locations on the four study streams have project identification numbers, but they were chosen on the basis of stream geomorphic improvements not through a phosphorus reduction lens, e.g., culvert reduction projects. Henderson noted that they are familiar with the area, and they see the problem as sediment movement, and they see that Mill River creates a big delta when it discharges into Lake Champlain. Bartlett noted that sediment is addressed if one is designing a floodplain restoration project.

In response to Briselden, Albrecht noted that this proposal this will generate a list of 20 projects with robust data, that will be available to all the partners (such as those of you in the room) to “adopt” as project managers to move them forward through design and implementation. He then walked the Council through the three metrics noted in the memo for addressing Project Identification/Development. He noted that the 6/30/22 DEC memo states it does “not dictate how Formula Grants are allocated year-to-year” and notes a CWSP may increase the amount of funds for project identification and development.

Pierce made a motion to approve funding of the proposal, seconded by Morgante. Morgante noted that this is worth pursuing. She noted that we should at some future point discuss whether there is enough capacity in the Basin to manage these projects and move them forward. Henderson stated that he is in strong support of the project. This is a good way to use our money. He has stated in the past and states now that thinks we should raise the amount for project identification and development at least in these early years to at least 20 percent. They have some grant money from WUV, but they need more funds. Pierce noted he is supportive of the application and noted that the NWRPC may be a potential sponsor/manager for some of the projects that come out of this although not as a competitor to other potential managers. Briselden expressed his support, and we need more of this type of work. Wheeler expressed his support and if we get 20 good projects out of this, this is a good problem to have. The motion carried 8 to 0 with Waite abstaining as he represents the CCRPC.

5) Brief presentation of pre-applications

a) UVM Horticultural Farm Dam Removal / Stream Restoration Project

Fitzgerald explained the project. This is the headwaters of Bartlett Brook and there are series of ponds and dams on the brook that were used for irrigation. The dam was damaged during the Halloween storm in 2019. UVM was considering rehabbing the dam but decided to do a floodplain restoration project. They have a 60 percent design done and are moving towards construction and are working out their final permit with the Dam Safety officials. The embankment will stay in place, but a box culvert will be put under the embankment so that it no longer is classified as a dam. To make it also a natural resources restoration project, floodplain restoration work will occur in the former impoundment, and this will comprise the project “ask” to the CWSP and the Council while the dam removal, embankment and culvert work will be separate. This project would yield 3 kilograms of phosphorus at a cost of \$45,000. Frazier indicated that the project would go out to bid soon and the floodplain restoration work is included as part of the bid packet. UVM’s intent is to have the construction project occur this fall or early next year. Fitzgerald explained that there is an accumulation of fine sediment behind it, anywhere from 1 to 3 feet of fine sediment. That is generally removed and then replaced with a different type of soil. In other words, don’t just open the dam and let the sediment be carried downstream. Bartlett Brook is a stormwater impaired stream, and this project would be on its north branch. Yes, UVM is an MS4 but because the Hort farm is an agricultural use it is not subject to the MS4 permit. Albrecht suggested to Fitzgerald that he check in with the Ag Department to be sure they don’t want to claim the p-reduction credits for the ag program and secondly, he will check in with DEC with regards to how we as Basin 5 CWSP can claim the 3 kilograms of credit. If we funded the O&M element, this would mean we would fund a subcontract or subgrant for someone to conduct this work. Wheeler noted there is a condo development called Overlook at Spear that is subject to the 3-acre permit. They do not have a formal HOA. He is working on getting all the permissions from the owners

to file their Notice of Intent. We are looking right now at the feasibility of putting in some bump-outs in the roads as well as investigating work to put in some flow control at existing in-stream ponds that are on the property. Frazier hopes to get bids in early July with construction starting in August.

6) 1 minute updates on water quality projects

- a) **Current CWSP-funded projects: Mill River, SE (FNLC), Falls Road Trail (Georgia CC), McCabe's Brook (LCA)**
- b) **Other related non-regulatory water quality project work by partners and guests**
- c) **Other updates by staff, members and guests**

- a. Henderson noted that they just put out an RFP for a contractor for the Final Design work at the Mill River, SE project. There was a slight delay due to turnover in the Georgia Selectboard and they are having some issues with one landowner and therefore there may be some design changes. Albrecht noted that he has received the necessary waiver forms from the Town. For McCabe's Brook, there was a kickoff meeting a few weeks ago and the first site walk will happen in a week or two.
- b. Henderson said they had a kickoff meeting for the Polly Hubbard Road project. Varner said they identified 25 projects in the Keeler Bay sub-watershed and they are looking to have six of them with high p-reduction advance through 30% design later this summer.

7) Set 3rd call for applications deadlines and June-August meeting schedule

Albrecht presented one option with no meeting in mid-June, he puts out a call next week with apps due around July 7 and then meet on July 20th and then take August off. Pre-proposals would still be required to be sure that at minimum applicants have a conversation with him. Or the other option would be to also meet in June (in this case June 20th). He likes the pre-application process, but it does make more work for the Council members. Varner wants to keep meeting in June as a benefit to applicants. Alger recommended we keep it on the schedule and then cancel if needed. Briselden noted that he found the pre-application process to be valuable. Albrecht asked if pre-applications should still be required? Alger said yes we should and no members objected. Morgante stated and Albrecht agreed that the pre-application form will be further slimmed down.

Motion made by Wheeler to not have a pre-application required. The motion was not seconded.

Albrecht indicated he will set a deadline of Noon on June 12th for pre-applications and a final deadline of around July 7-10 since we meet on July 20th.

- 8) Adjournment:** *On a motion by Alger with a second by Wheeler, a motion to adjourn the meeting was approved unanimously at 11:37 a.m.*