

Northern Lake Champlain Basin Water Quality Council Regular Meeting, June 15, 2022 10 a.m. (Online) Minutes

See meeting recording & 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 10:02 a.m. by Chair Ken Mirvis. A quorum of 9 seats out of 9 were represented as noted in Bold. Shannon Kelly, Jared Carpenter and Staci Pomeroy introduced themselves.

(# seats)	Members Present	Alternates Present
Watershed Protection Organizations (2)	Kent Henderson, Friends of Northern Lake Champlain	<i>Don McFeeters, Friends of Northern Lake Champlain</i>
	Andrea Morgante, Lewis Creek Association	
NRCDs (2)	Remy Crettol, Winooski NRCD	
	Molly Varner, Grand Isle NRCD	<i>Lauren Weston, NRCD</i>
Municipalities (2)	Ken Mirvis, Grand Isle, CHAIR	
	Dave Wheeler, South Burlington	<i>Dave Allerton, Milton</i>
RPCs (2)	Dean Pierce, Northwest RPC	
	Karen Adams, Chittenden County RPC	
Land Conservation Organizations (1)	Emily Alger, South Hero Land Trust	
Clean Water Service Provider Staff		Secondary CWSP Staff
	<i>Charlie Baker, Director Dan Albrecht, Manager</i>	
Guests		
	<i>Dea Devlin, Northwest RPC</i>	<i>Kate Kelly, Lewis Creek Association</i>
	<i>DEC: Karen Bates, Staci Pomeroy, Jim Pease</i>	<i>Jared Carpenter, Lake Champlain Committee</i>
	<i>Shannon Kelly, Lake Iroquois Association</i>	

No changes to the agenda. No public comment provided.

2) Review and approval of Minutes for Meeting of May 18, 2022

On a motion by Henderson, with a second by Wheeler, and the draft minutes of May 18, 2022, were approved unanimously.

3) Recognize new Alternates (Allerton, Pierson, Malone) for Municipalities, NRCDs and Land Conservation organizations, respectively & Confirm pairing of Alternates

On a motion by Henderson, with a second by Alger the recognition of the new Alternates (Allerton, Pierson, Malone) (thus the final the pairing of Alternates), were approved unanimously as follows:

	WATERSHED ORGANIZATIONS	Two (2) seats
MEMBER	Kent Henderson	Friends of Northern Lake Champlain
MEMBER	Andrea Morgante	Lewis Creek Association
<i>Alternate</i>	<i>Don McFeeters (for Henderson)</i>	Friends of Northern Lake Champlain
<i>Alternate</i>	<i>Roger Crouse (for Morgante)</i>	Lake Iroquois Association
	MUNICIPALITIES	Two (2) seats
MEMBER	Dave Wheeler	South Burlington
MEMBER	Ken Mirvis	Grand Isle
<i>Alternate</i>	<i>Dave Allerton (for Wheeler)</i>	Milton
<i>Alternate</i>	<i>Thomas Briselden (for Mirvis)</i>	North Hero
	NRCDs	Two (2) seats

MEMBER	Molly Varner	Grand Isle County NRCD
MEMBER	Remy Crettol	Winooski NRCD
<i>Alternate</i>	<i>Lauren Weston (for Varner)</i>	Franklin County NRCD
<i>Alternate</i>	<i>Oliver Pierson (for Crettol)</i>	Winooski NRCD
	RPCs	Two (2) seats
MEMBER	Dean Pierce	Northwest RPC
MEMBER	Karen Adams	Chittenden County RPC
<i>Alternate</i>	<i>Catherine Dimitruk (for Pierce)</i>	Northwest RPC
<i>Alternate</i>	<i>Miles Waite (for Adams)</i>	Chittenden County RPC
	LAND CONSERVATION ORG	One (1) seat
MEMBER	Emily Alger	South Hero Land Trust
<i>Alternate</i>	<i>Tucker Malone</i>	Vermont Land Trust

4) Review of Draft Council Policies and Procedures

Albrecht update the Council on the 2nd drafts of two of the policies. The Council should hold off on voting for now because DEC is still working on the Guidance document.

a) Conflict of Interest Policy, 2nd review

With an acknowledgment to Adams for providing an example from Howard Center, Albrecht proposed new text as follows: a definition of conflict of interest, outlines in what situations a member should declare an interest and text regarding solicitation of any thing or action of monetary value. He also confirmed that members do not need to sign it. Adams supported the proposed additions. Morgante noted that conflicts mostly apply to a watershed group that implements a project (and thus gets a grant and gets compensated). A recused member should not vote on funding and should not advocate but they can still answer questions about a project. Morgante noted just for information that BWQC members are making decisions on money but are not accountable to voters. Charlie noted that the BWQC will be accountable to the state. Baker noted that if you feel the recusal language being required by DEC is too strong and it becomes a problem and needs to be fixed in the legislature, please let him know. He was in the committee discussions in Montpelier when Act 76 was being worked on and to him this is deviating from the legislature's intent to have all the parties participating in decisions. This strictness on recusal is stifling you, the experts on the council. Henderson noted that yes he work for FNLC but he also sits on other boards. He is also concerned about privacy, but Albrecht and Baker noted that yes, potential conflicts should be made at a public meeting of the BWQC. Regarding the \$50 gift threshold, Henderson raised concerns about the potential if FNLC accepted a donation at one of its fund raising events. Albrecht indicated he will look into that further.

b) Public Participation Policy, 2nd review

Albrecht noted the addition of proposed timeframe language (see yellow highlighting) in the last paragraph. Members had no comment.

5) **Briefings on potential projects for submission to Basin 5 CWSP for Formula Grant funds**

Members and guests presented on potential project application to the CWSP as follows:

- Tommy Ott, Watershed Consulting Associates: they worked on behalf of FNLC and completed three 30% designs near the shoreline in Georgia. Henderson noted that they already got DIBG funds to complete the project at the Town Beach. Ott then described the two proposed projects at Mill River Road.
- Remy Crettol, WNRCD: they don't have any projects ready yet for design in Basin 5 but they are working jointly with LCA and LIA on the Lake Iroquois Action Plan which will result in identifying 40-50 projects and bringing about 5 projects through Preliminary Design and then they will bring them to the CWSP for consideration of funding for Final Design. They are also working with Winooski Valley Parks District to do a natural resource assessment of Colchester Pond and identify areas for shoreline restoration and trail improvements to reduce compaction and erosion.

- Shannon Kelly, Lake Iroquois Recreation District and Lake Iroquois Association: He described the proposed need for implementation/construction funds to complete drainage improvements to Beebe Lane, a private road on the north side of the lake. Final design is already complete. Unfortunately, projected costs continue to go up. 18 months ago, the cost was projected at \$275,000 but now the estimate is up to \$400,000. On the positive side, they have received pledges of \$50,000 of DIBG funds via WUV, \$10,000 each from LIRD and LIA and \$10,000 from a private landowner for a total of \$80k. It was noted that the project needs to come up with a good estimate of P reduction the project would generate.
- Dave Wheeler, City of South Burlington: He described two sites in the City they first began investigating opportunities in Potash Brook for floodplain reconnection projects. Two sites arose as the best candidates: behind the CWD plant off of Queen City Park Road and Grandview (condos) Common Land upstream of Dorset Street crossing. Albrecht noted that although many projects in MS4 towns are required to meet the goals of Flow Restoration Plans (FRP) within those projects are sub-projects or spinoff projects might be eligible if they are targeted at phosphorus reduction and not required by the FRP.

Morgante had a question if a town road was downgraded from a Class IV to a town trail (and thus not subject to MRGP) could it become eligible for CWSP funding. Albrecht indicated that might be possible although he noted that work on private roads and driveway has already been determined to be eligible.

- Albrecht brought up the issue of potentially using CWSP funds for updating old Fluvial Erosion Hazard assessments and River Corridor Plans done in the mid-2000s and early 2010s. He displayed an old list of several streams assessed in mid-Chittenden County. That prior work often identified projects to reduce erosion and restore stream functionality such as tree plantings, easements, culvert upsizing, removal of old, non-functional farm vehicle crossing foundations, etc. He thought there was potential to use CWSP funds to get consultants back out to visit the streams to see if these projects are viable. Pease noted that the reason many projects on the impaired streams have not been pursued is because there was a decision in the mid-2000s that those streams were also impaired for channel protection and thus towns must first get the stream hydrology under control and doing those projects before that is achieved would not make any sense, i.e. they would be at risk. Towns need to make progress on their FRPs and get flow under control. He thinks the data is still valid as the streams in Chittenden County have not experienced regime altering events like those in southern Vermont which were affected by Tropical Storm Irene for example. Bates noted that stream projects would be identified in the Tactical Basin Plan. Flood mitigation projects included in municipal hazard mitigation plans are not always included in the WPD because the main purpose of the project is infrastructure protection rather than supporting the river's movement towards equilibrium. If a discussion happens on which streams to focus on, people should be sure to work with her and River Scientists first to get them into the Watershed Projects Database. The Rivers program is looking to put more funds into a "geomorphic-assessment-lite." Morgante noted that watershed group still reference those old studies and the river corridor plans and maintain contact with landowners and they do keep them in the back of their minds.

6) Updates as needed from CWSP staff, DEC, BWQC Members and Guests

Albrecht noted responses on the RFQ for Subcontractors are due this Friday June 17th and that he hopes to issue the RFQ for Subgrantees (project implementors) in the coming weeks. CCRPC's official procurement policy was officially updated on June 1 by its Executive Committee.

7) Items for Next meeting agenda, July 20th

Potential final action on policies, initial discussion of how to apply for funding, additional show-and-tell on potential projects

8) Adjournment

On a motion by Pierce, seconded by Wheeler a motion was passed unanimously to adjourn at 11:21 a.m.