

**Northern Lake Champlain Basin Water Quality Council
Regular Meeting, March 15, 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 10:02 a.m. by Vice-Chair Molly Varner. A quorum of 8 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	<i>Roger Crouse, Lake Iroquois Association</i>
NRCDs (2)	Adelaide Dumm, Winooski NRCD	
	Molly Varner, Grand Isle NRCD, CHAIR	
Municipalities (2)		
	Dave Wheeler, South Burlington	
RPCs (2)	Dean Pierce, Northwest RPC	
	Karen Adams, CCRPC	
Land Conservation Organizations (1)	Emily Alger, South Hero Land Trust	<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</i>
Guests		
	<i>Karen Bates, DEC Basin 5 Planner</i>	<i>Ken Minck, Georgia Conservation Commission</i>
	<i>Meghan Arpino, Stone Environmental</i>	<i>James King, Redstart Consulting</i>
	<i>Casey Spencer, Winooski NRCD</i>	

The draft agenda was adopted by unanimous consent. No public comments were made on non-agenda items. James King from Redstart Consulting and Meghan Arpino from Stone Environmental introduced themselves.

2) Review and approval of Minutes for Meeting of February 23, 2023 After a brief recap by Albrecht, on a motion by Adams, with a second by Pierce, the 1/18/2023 draft minutes were approved unanimously with the direction to add into the minutes that both FNLC and LCA were recused from all four votes and the correction on line 7 of page 3 to read Falls Trail Gully project instead of Georgia River Falls Gully project

3) Reflections on project review/voting process from February 23rd mtg

- a) **Conflict of interest issue: subcommittee to draft letter to DEC, etc.**
- b) **Process for some members to work with Dan on scoring of co-benefits and other considerations**

Albrecht noted that he would like to get some feedback from members about how the process went on their meeting on the 23rd and also talk about submitting a letter noting Council concerns about the conflict of interest policies inhibiting participation. He noted that before the Feb. 23 meeting he had gotten input from Rottler at DEC that not only should an organization not vote on its own proposal you should not be voting on other proposals since you are competing against them. He briefed Rottler after the meeting and Rottler suggested that it would be okay to vote on other proposals (but not your own) as long as you voted on projects individually. He suggested to Rottler that DEC needs to provide clear guidance and if the Council wants to draft a letter to send to DEC raising these and other concerns, he is happy to do so.

Pierce noted that he thinks Rottler’s feedback was a little more nuanced in that voting on other projects was okay as long as is there enough money available but if not then yes a recusal might be necessary if funds were

limited. He too feels that the conflict-of-interest language in the Rule is somewhat unworkable. Morgante noted that it is not just a money issue it can be a problem achieving quorum if a meeting considers many proposals. Albrecht agreed noting that some language in the Guidance chapters suggest voting on a package of proposals and furthermore, conflict is baked into the process because Council members often will be project implementers.

Henderson prefaced his comments are not based on the fact that one of their projects was not approved. He was surprised to not be able to vote on projects including the ability to show support for projects. His Board has concerns about having his time on the council be for naught if he can't vote then why should they be involved especially since they are a small non-profit with limited staff and resources. We knew this conflict of interest would be a challenge and it would have been good to talk about this issue a bit more before we got to the vote. He also expressed concerns about the time it takes to put together an application.

Albrecht said he feels slightly better that Rottler verbally said it was okay for members to vote on other organization's proposals as long as votes were done individually. Regarding assistance with the application, he is working on a 2nd Call to be released soon. Noting the requirement for VDHP review, he thinks that potentially they as a CWSP can take a more active role in assisting applicants.

Pierce noted that the Council is a policy making group but the conflict of interest rules are treating the council as if they were judges and the rules are overly broad as to what is a conflict. It needs to recognize that the council acts as legislators not judges. He suggested recusal only take place early on when ranking a set of proposals but once the slate is established (much like a budget) then all can vote. Albrecht noted that the RPC Board votes on a multi-million dollar budget every year with numerous detailed budget line items directly benefiting each town but all the RPC Board members get to vote. This process passes muster every year with the Feds and the State. Morgante recommended voting on a slate of projects. Wheeler said that still leaves the concern about having less desirable projects ride the coattails of better projects and therefore he would prefer voting individually. He suggested perhaps a rolling application process which might avoid not achieving quorum. Albrecht noted that we would still need some sort of benchmark otherwise if there is plenty of money available by default every project might get funded. Wheeler noted that we can use the p-reduction metric threshold (editor's note: the \$13k per kilogram of phosphorus reduced based upon the 41.9kg target vs the \$550k available).

After some more discussion, Henderson, Varner and Pierce volunteered to assist Albrecht with finalizing a letter.

Dan would like some members to assist him with scoring of co-benefits and other considerations, for example in early May before the Council votes on their mid-May meeting. Alger and Varner indicated that this is good idea. He would solicit help from members who did not submit a proposal. In response to Morgante, he stressed the need to continue with a pre-application process so he has a chance to make it clear to applicants that the project needs to be focused on the phosphorus and he wants to be sure that people submit good proposals, put in enough staff time, etc. He said that he would like to keep this preapplication process for this 2nd round and then can revisit it. For the next round, he will seek help from non-applicants in reviewing his draft scoring to see if it makes sense and he did not miss anything big. Varner noted that in the event he does not get any volunteer help in this regard, that Albrecht can still move forward with his recommendation.

2) Edits to co-benefits scoring metric

Albrecht walked through how co-benefits are scored and asked for feedback. For example, should the weighting be changed on certain metrics or certain metrics combined. Albrecht said it does need to change but he wanted some feedback on it. Wheeler noted that at least in the first round it did not make much of a difference. Albrecht noted that at the design phase it is hard to certain of co-benefits. Pierce felt that simplicity is a good goal to shoot for but don't have to change it yet and agreed that at the design phase, co-benefits are squishy.

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Given that it only counts for a small amount of points, that also is another reason to keep it simple. Lastly, he would be in favor of collapsing some of the categories.

Dumm noted that it would be good to give applicants more clarity on examples of how points might be scored. Albrecht agreed and that he would post those details for the coming 2nd Call for Applications (editor's note: This scoring system formed the detail when the council created its first co-benefits score sheet in the summer/fall of 2022.) Henderson definitely wants to hear from applicants on what they see as the co-benefits. Minck felt that the number of categories should be reduced.

In response to Minck, Albrecht noted how the various metrics were formulated both before and after Act 76 was adopted.

3) Edits to Other Considerations score sheet

Albrecht walked through the various Positive Scores and Negative Scores indices included in this Other Considerations score sheet which he had to develop in the last few weeks because DEC only recently included this requirement in the draft guidance. Varner indicated she and Briselden had talked about the benefits of spreading projects across the basin and how could that be incorporated in this score sheet. Albrecht said he did not know how to do that unless for example, gives a positive score for "project located in a town that has not yet had a project." Wheeler countered that if there is one single project that treats a lot of phosphorus we should go after those ones rather than distributing projects across the landscape. Albrecht noted again the 42 kilos reduced per year at an average cost of \$13,000. For example, if he gets one more comparable gully project in Georgia this year, the target is met, he has met his contract and he is happy.

Pierce noted that given this metric is only 10 points it could be simpler, and he did not think match is that relevant especially at the design phase. He brought up some larger points which the council should address. First, what is the threshold a project needs to meet in terms of phosphorus reduction. Second, how much money do we want to make available and spend responsibility each round. Lastly, he does not think there should be a benefit based upon geography. On the surface a portfolio has an appeal but the most important metric to keep in mind is what is the phosphorus reduction benefit, i.e. what is good project to invest in and what is not. Albrecht concluded noting that this scoresheet was an attempt to convert the subjective to the objective.

In response to Minck, Albrecht said he would send him information on the p-reduction targets for each sector. For Basin 5 non-regulatory sector, the overall target is about 160 kilograms in reduction with a budget of \$2.2 million. No further comments were made on the Other Considerations score sheet.

4) Updates on recent and upcoming trainings

Albrecht noted that there was a recent training on wetlands on February 23rd called *Wetland Desktop Training for Clean Water Project Screening and Development*. [Note: The video to that recording is posted at: <https://www.youtube.com/watch?v=n2pTGVWSeb4>.]

On Wednesday, April 19th, there will be an all-day training on the Functioning Floodplains Initiative. The meeting is in person and CCRPC may be hosted at CCRPC.

Not scheduled yet will be trainings on Operations & Maintenance. Stipends will be provided to attendees from the non-profit sector at a minimum.

Pierce noted that there was also a training held on March 8th called VT Division for Historic Preservation Review of Clean Water Projects - Public Training. [Note: The video to that recording is posted at: <https://youtu.be/96lsiteAjUw>

Albrecht encouraged people to read the CWIP Funding Policy closely for the details on when you need to get projects reviewed by VDHP. Given that many projects will be near streams, it is likely that VDHP may request further investigation.

5) Updates from staff, members and guests

Albrecht indicated that he would post the 2nd Call for Applications shortly. Pre-applications will be due in just over 3 weeks on April 7th with full applications being due by May 5th.

Albrecht noted to the consultants in the room that they could submit a proposal. During pre-application review he would then suggest potential organizations to serve as project managers or potentially it could be as a task order from CCRPC. [Editor's note: Any such procurement for a discrete task order would need to be competitively procured by CCRPC consistent with its procurement policy.] Finally, Albrecht noted that CCRPC may be issuing an RFI or RFP to consultants to identify & develop projects by looking at old Fluvial Erosion Hazard studies. He would look to have Karen Bates or someone else score a CCRPC proposal. Regardless any project would still be subject to council review.

Casey Spencer, the new WNRCD Executive Director introduced herself.

6) Confirm/set dates for April meeting and future regular meetings

Council members indicated their consent to moving the April meeting to Thursday, April 20 at 10 a.m.

Council members indicated their consent to having Regular Meetings every Third Thursday at 10 a.m.

Albrecht indicated he hoped to move to less frequent meetings after the May meeting and setting a regular schedule for proposal deadlines and Council meetings.

7) Adjournment

On a motion by Varner with a second by Pierce, a motion to adjourn the meeting was approved unanimously at 11:28 a.m.