

Northern Lake Champlain Basin Water Quality Council Regular Meeting, September 21, 2023 10 a.m. (Virtual) **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 Tom Briselden. Varner asked that Briselden chair the meeting as she was driving currently. A quorum of 8 seats out of 9 were represented as noted in Bold. The meeting was held virtually via Zoom.

(# 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)	Casey Spencer, Winooski NRC D	
	Molly Varner, Grand Isle NRC D, CHAIR	
Municipalities (2)	Tom Briselden, North Hero, VICE-CHAIR	
	Dave Wheeler, South Burlington	<i>Lisa Schaeffler, Milton</i>
RPCs (2)	Dean Pierce, Northwest RPC	
	Karen Adams, Chittenden County RPC	
Land Conservation Organizations (1)	Emily Alger, South Hero Land Trust	
Primary Clean Water Service Provider Staff		Secondary CWSP Staff
<i>Dan Albrecht, Manager</i>		
Guests		
<i>Karen Bates, DEC, Watershed Planner</i>		<i>Maddie Yandow & Sara Gratz, Northwest RPC</i>
<i>Ken Minck, Georgia Conservation Commission</i>		<i>Andres Torizzo & Chad McGann, Watershed Consulting</i>

Sara Gratz, the new ECO Americorps staffer for Northwest RPC introduced herself. Andres Torizzo and Chad McGann from Watershed Consulting Associates introduced themselves. After a walk-thru by Albrecht, the agenda was approved by unanimous consent. No public comments were made on non-agenda items.

2) Review and approval of Minutes for Meeting of August 17, 2023

After a brief recap by Albrecht, on a motion by Pierce, with a second by Alger, the 8/17/2023 draft minutes were approved unanimously with abstentions by Henderson and Morgante.

3) Budget amendment: Falls Trail Gully Repair, Final Design

Chad McGann of WCA explained the need for the budget amendment request, namely that the Vermont Department of Historic Preservation (VDHP) is requiring an Archeological Resource Assessment (ARA) based upon the submission of a project review form to VDHP. WCA then submitted a request for proposals to several archeological firms qualified by the State to carry out the ARA. One bid from Crown Consulting in Winooski was received for \$2,001. In response to Morgante, Albrecht explained the likely reasons (near a river and located on a former class IV road) why VDHP is requiring the ARA. Albrecht encouraged organizations to submit the Project Review Form to VDHP early on in the process and also budget accordingly as ARAs will likely be required. additional funds needed for a required Archeological Resource Assessment & coordination by Watershed Consulting Associates. McGann noted that the consultant and DEC rely on a map of Archeological Sensitivity which is not publicly available. Pierce agreed that he has tried to get access to that Sensitivity Map for years with no success. Morgante stressed that we both (VDHP and BWQC) need to learn each other's process and we should inquire with VDHP if they can do some screening early on. Albrecht expressed his frustration that VDHP

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does not even have a sample RFP to procure an ARA. In response to Minck's concerns whether this ARA should even be required that the gully is not impacting the river WCA staff indicated that they would make it clear to the consultant that the project is in the gully and not on the riverbank. In response to Varner, Albrecht noted that this (an Archeological Reconnaissance) basically a desktop exercise coupled with some photos. He indicated we may wish to push back on VDHP a year from now saying "here is a 30% design and here are numerous photos of the site, a map showing area of excavation, Bobcat activity, pile of rock, etc." Alger pointed out that in the Islands, because of extensive Abenaki presence, almost every project requires going to a full Phase I Archeological Assessment with actual excavation and not just the Recon. McGann recapped that for most every project WCA plans to submit a Project Review Form to VDHP who then determines whether a Recon is or is not required.

A motion was made by Henderson, with a second by Pierce to approve an increase of \$2,751 to cover the ARA consultant at \$2,000 and \$750 for WCA for supervision. In response to Pierce, WCA indicated that they did receive interest from another firm, but they did not submit a response to the RFP. Pierce suggested we ask RFP recipients to reply whether or not they plan to submit. The motion carried unanimously.

4) Set guidelines for CWSP to amend subgrants/subcontracts

Varner explained that she and Briselden met last week with Albrecht to discuss the need to have today's meeting (which was originally cancelled) as the BWQC needs to approve project related expenditures and then the idea of granting the CWSP some leeway to adjust project budgets so that the Council is not called into meet for such minor administrative tasks. As more projects come in, these types of issues for budget increases will happen more often. The three of us then worked out a potential process as follows:

Proposed guidelines for the CWSP to be able to increase/decrease project subgrants/subcontracts

- a) Up to 10% at discretion of CWSP staff
- b) 10.1% to 20% with concurrence of BWQC Chair and Vice-Chair
- c) Over 20% requires formal vote at a BWQC meeting

Albrecht noted that changes could also come into play such as more landowner outreach being needed.

Briselden noted that they did look at bit at the scoring matrix and once you get into increases of 20% or more it does have the potential to change a project's scoring. Henderson indicated he is in favor of simplifying the process to amend budgets. He wondered how DEC would view this measure from a procurement standpoint as well as how they would feel about using amounts instead of percentages. Alger noted that percentages makes sense to her as it takes into account the scope of the project. Briselden also noted that we are so early in the process that percentages made sense. Pierce noted that Watersheds United Vermont (WUV) has been able to make budget adjustments in managing their Design Implementation Block Grant subgrant process and we should do it similarly. CCRPC notes that they amend task orders all the time as long as there is a justification memo. Henderson reiterated his comments and added that anything to promote efficiency is a good idea.

A motion was made by Pierce, with a second by Adams to approve the following policy regarding increase/decrease project subgrants/subcontracts: a) up to 10% at discretion of CWSP staff; b) 10.1% to 20% with concurrence of BWQC Chair and Vice-Chair, and c) over 20% requires formal vote at a BWQC meeting. The motion carried unanimously.

5) Interim CWSP Outreach & Communications Policy, first review

Albrecht indicated that this proposed policy (see PDF at BWQC website) is to memorialize what we as a CWSP has been doing regarding Calls for Applications. He just wants to introduce this policy and then take formal action at our October meeting. Pierce asked for clarification, and Albrecht agreed, that yes, this is a proposed separate policy different than the Interim Public Participation Policy which mostly has to do with meeting the Vermont Open Meetings Law and yes, CCRPC is proposing this because a reference was made to an Outreach & Communications Policy in guidance from DEC. Pierce questioned the need for having this policy as he thinks it stems from an error in the guidance. Albrecht is inclined to creating this policy as it shows up in our required Annual Reporting and because he had a conversation with Lyn Munno of WUV who was inquiring about how we

transmit notices of Call for Applications as well as how to reach the other potential subgrantees such as State agencies-colleges-universities, public hospitals and medical centers, public schools, and other non-profit organizations. We can hold off on formal action if desired. Briselden noted this latter category does bring up the issue that we need more projects coming into us and how we market this program and get them to our website so that they reach out to us with a project idea. Morgante echoed Briselden. We need landowner cooperation and we need to reach the general public so that they know there is a unified effort and everybody can do their part especially with new and larger landowners coming to Vermont. Albrecht noted that engagement is key and Pierce has been leading the way in engaging with town conservation commissions in the Lamoille Basin and Albrecht indicated he should do the same in Basin 5 and he also proposed we (the CWSP and BWQC) should consider giving each applicable group in our region a small amount (\$5k, \$10k) to develop projects. Bates noted as part of the start-up of the update to the Basin 5 TBP DEC will be developing a more detailed Communications Plan. Briselden noted that each group on this call has a website. Maybe we should develop a discrete basin water quality website so that internally we know who we are and externally so that we extend our message outwards. Albrecht noted we do have a website (editor's note: see <https://www.ccrpcvt.org/northern-lake-champlain-cwsp/>) but we do need to market it.

6) Affirm schedule of upcoming meetings and project solicitations

The Council will meet on October 19th. Pre-proposals are due October 13th and full proposals are due on November 3rd. If we don't get any pre-proposals, we may not meet on October 13th. We may get one for the dam removal at the UVM Horticultural Farm in South Burlington or possibly one for construction of the Falls Trail Gully Repair. Rest assured; however, he will issue a 5th Call for Applications with proposals likely due in January. Varner indicated they might submit for a project related to their recently completed project Keeler Bay Watershed Plan.

7) Project Updates

Albrecht recapped the ongoing project where CCRPC hired Fitzgerald Environmental to identify potential projects on four different streams: Stonebridge Brook, Mill River, Malletts Creek and Allen Brook. Fitzgerald has created a map showing the results based upon a preliminary screening of old data. CCRPC and Fitzgerald will meet with various constituencies soon to get some feedback on this screening before they conduct field sites visits. When the project is concluded, we hope to present a list of 20 projects which groups such as yourselves at this meeting can then move forward on preliminary design.

In response to Minck, Albrecht indicated that the subgrantee (in this case, the Georgia Conservation Commission or GCC) is responsible for securing landowner agreement (aka, the Site Access Agreement) for the project to proceed. He suggested he check the list of the deliverables in the agreement between the GCC and the CCRPC. He suggested the next time that the GCC's consultant makes a site visit that they should see if the landowner would like to come along.

Pierce indicated NRPC has received the Notice to Proceed for its project in three Grand Isle County towns (DECISION TREE TO CATEGORIZE AND DEVELOP PROJECTS IN GRAND ISLE COUNTY – PROJECT DEVELOPMENT) and is just getting started.

8) Adjournment:

On a motion by Pierce with a second by Adams, to adjourn the meeting was approved unanimously at 11:13 a.m.

Respectfully submitted by Dan Albrecht.