

# Northern Lake Champlain Basin Water Quality Council Regular Meeting, May 16, 2024, 10 a.m. (Virtual) **DRAFT** Minutes

See meeting materials at:

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

## 1) Introductions, Changes to the Agenda & Public comment on items not on the agenda

The meeting was called to order at 10:02 a.m. by Chair Molly Varner. A quorum of 8 seats out of 9 were represented as noted in Bold. The meeting was held virtually via Zoom. One item, Solicitation / Appointment of BWQC Member and Alternates for FY25, was added by unanimous consent. No public comment was received on items not on the agenda.

(# seats)	Members Present	Alternates Present
<b>Watershed Protection Organizations (2)</b>		<<<<<Don McFeeters, Friends of Northern Lake Champlain
	Andrea Morgante, Lewis Creek Association	
<b>NRCDs (2)</b>	Molly Varner, Grand Isle NRCD, CHAIR	
<b>Municipalities (2)</b>	Tom Briselden, North Hero, VICE-CHAIR	
		<<<<Lisa Schaeffler, Town of Milton
<b>RPCs (2)</b>	Dean Pierce, Northwest RPC	
	Brett McCreary, Chittenden County RPC	
<b>Land Conservation Organizations (1)</b>	Rebecca Roman, VLT	
<b>Clean Water Service Provider Staff</b>		
Dan Albrecht (at CCRPC offices), Sarah Muskin		
<b>Guests</b>		
Matt Schley – Fuss & O’Neill		Adam Frazier - UVM
Joe Bartlett – Fitzgerald Environmental		Chris Rottler - DEC
Caroline Foley - FNLC		Lisa Cicchetti - Williston
Kristen Godfrey- SWCA		Bridget Butler-FNLC
Maddie Yandow, NRPC		

## 2) Review and Approval of Minutes for Meeting of April 16, 2024

D. Albrecht reviewed the minutes from the March meeting. L. Schaeffler made a motion to approve the minutes as drafted and T. Briselden seconded and the motion was approved unanimously.

## 3) Consideration of Proposal

### **Two Heroes Stream Restoration –Final Design – South Hero, Grand Isle County NRCD (\$25,340)**

M. Varner passed the Chair position to T. Briselden for this agenda item.

#### Overview of proposal by GICNRCD, CWSP staff comment, DEC comment and public comment

D. Albrecht introduced the project and reminded the BWQC that M. Varner briefed the project at a previous meeting. M. Varner described the NRCD’s proposal. She shared that this project was identified by the Keeler Bay Watershed Action Plan. The project is on an unnamed tributary that runs between the Community Lane development and Two Heroes’ Brewery. The project serves dual purposes: the stream is eroding (there is a head cut that is eroding around the development’s septic force main and steep channels), and is not able to access

the floodplain, so pollutants and debris head straight to Lake Champlain. M. Varner shared a map of Keeler Bay and the tributary and area in question. By the standards of the Lake Watershed Action Plan, this was identified as a high-priority project. It is a highly visible area, so there are great educational opportunities. There is interest in installing a boardwalk with signage. There is also land ownership support.

An RFP went out last week, and Fitzgerald was the only consultant to bid. J. Bartlett, from Fitzgerald, stated Fitzgerald is excited to keep working on this project if everything goes through. He discussed that some of the riparian buffer plants will have to be done due to a wetlands permit which will reduce p-credits for the project. However, there may be an opportunity to do additional upstream head cuts, which would maximize p-reduction credits. There are shifting issues that would change cost and p-reduction potential, but he thinks there is a lot of opportunity. D. Albrecht asked what the maximum p-reduction removal might be. J. Bartlett responded that with additional bench cuts, an additional 1 kg of phosphorus removal is possible.

C. Foley asked if the FFI tool was usable on an unmapped tributary. J. Bartlett said yes. A. Morgante asked if the agricultural fields on the other side of the road are contributing to this tributary's head cuts. J. Bartlett responded that the impact is minimal (just additional run-off). A. Morgante asked what started the head cut to begin with? J. Bartlett suggested historic agriculture and ditching. M. Varner said that this was a recent monitoring site and in the past year the phosphorus loading at this point is on the higher end. D. Pierce asked how much time pressure there is for this project? He wants to ensure that the p-reduction assumptions are likely true (the FFI tool is being updated, it may currently be over estimating p-reduction). T. Briselden asked if J. Bartlett could give a p-reduction number that he is confident in, and also what might be possible. J. Bartlett stated that the project's expected p-reduction number would likely increase.

C. Foley raised that applying for formula grants is challenging when the 100% design phase is when we get the more accurate p-number because this really impacts the cost effectiveness.

Dan Albrecht recapped the staff memo and spreadsheet. He shared the budget which adjusts downwards from \$25,340 to \$22,305 due to Fitzgerald's bid coming in less than \$20,000. The cost per kg is \$59,000/kg (with no match). If Two Heroes contributes \$9,000 and the p-reduction increases to 1.5 kg, the cost per kilo reduces to the \$35,000 range. D. Albrecht said it is worth getting some match from Two Heroes. In conclusion, he recommend funding this Final Design proposal, adjusted for the true cost consistent with the winning bid of the RFP, and with the proviso that the CWSP and Council will only provide \$20,000 (slightly more if P-metric improves) towards a future Construction grant so as to encourage a strong match commitment from Two Heroes as well as a Final Design that focuses on cost efficiencies.

A. Morgante asked about the sewer line, M. Varner responded that it is just for the property, not municipal. D. Pierce suggested that the landowner should not need to pay match because it is the CWSPs job to reduce phosphorus and Two Heroes is already making a contribution as this a voluntary project. D. Pierce pointed out that there is a lot riding on the confidence of the phosphorus numbers. D. Albrecht responded that provisos could be added to approving funding for this project stage: for example, give a cap and require the consultant to check back before additional expenditures were authorized. T. Briselden stated that the BWQC has funded projects with less confidence, and in this case, it seems like the numbers can only get better. A. Morgante said approaching the landowner for some match is appropriate because this is a long-term solution for their infrastructure problem to address the problem the head cut is causing for the sewer line. D. Albrecht asked if the cost estimate for the planting assumes professional labor for the plantings? J. Bartlett replied that the RFQ from GINRCD asked for scoping of both installation by paid labor or by volunteers

## Deliberation and Action by Council

*L. Schaeffler made a motion that the BWQC recommend that the CWSP provide \$22,305 to Grande Isle NRCD to implement the proposal with the proviso that Fitzgerald update the p-reduction and come back to the council for further discussion. D.Mcfeeters seconded.*

D. Pierce stated that if the BWQC is inserting contingencies makes a recipe for a mess: There is too much left for interpretation right now. What happens when Fitzgerald returns? When does Fitzgerald return? D. Albrecht shared that he wants to get the contract started so that Fitzgerald can move forward. A. Morgante suggested that we need to get our consultants to refine how long it takes to get to a p-reduction number. There may need to be an interim step. A. Morgante suggested that there be an interim contract for spending up to \$7,000 to come up with a more concrete p-reduction number before they complete final design. J. Bartlett stated that \$12,000 is the current need to get final p-reduction number, but somewhere early in stage stages of their contract (\$6,000) into the budget could be a good check in point.

*A. Morgante made an amendment to add the proviso that costs (Consultant plus GINRCD staff costs) should not exceed \$10,000 of the budget of the total grand expenditure without checking. The amendment passed 7-0 with M. Varner abstaining.*

*All voted (except M. Varner who abstained) to approve the motion that the BWQC recommend that the CWSP provide \$22,305 to Grande Isle NRCD to implement the proposal with the proviso that costs should not exceed \$10,000 of the budget of the total grand expenditure before Fitzgerald reports back to the BWQC the updated the p-reduction amounts and return to the council for further discussion if needed.*

D. Albrecht clarified that if GINRCD and Fitzgerald reports back that the phosphorus numbers and efficiencies improve that he would not bring the project back to the Council for further review.

M. Varner stepped back into the Chair role.

### **4) Project I.D. & Development: CWSP funding, partner capacity, etc.**

Dan introduced the topic. He reminded members that they can apply for project development funds. He reviewed with other regions are doing. M. Varner suggested that the points C. Foley raised about project development and identifying p-reduction can be added as an agenda item for the next meeting. T. Briselden asked if D. Albrecht can put some parameters around the project development funding. T. Briselden suggested that RPC's could manage some of these funds to increase efficiency. C. Rottler shared that with a lot of money flowing from the state there is a need for development, so they have made some adjustments to support that. He also stated that there is a need for additional capacity, and development money is flexible, so maybe some staff time can be dedicated to development work.

D. Pierce asked when money gets a project id number and if D. Albrecht is looking for the BWQC to authorize him to spend money on project development at this time. D. Albrecht responded that he is looking for a separate process that allows him to give money out so he doesn't need to return to the council for specific approval. For example, the Council authorizes \$10,000 for a project development grant to an organization and he can just issue individual task orders (e.g. go ahead and visit specific sites or hire a consultant to accompany you on a site visit) rather than having the Council having to vote on discrete work scopes. D. Albrecht said he is just tee-ing up this conversation today for further discussion later.

### **5) Updates from staff members, DEC and guests**

#### Updates on current projects

**i) Falls Trail Gully – Final Design**

D. Albrecht said archeo fieldwork has been done and nothing was found, so the final design can wrap up. D. Albrecht will send paperwork to the landowner for a site access and operations & maintenance and then hopefully it can be constructed this year.

**ii) Mil River SE – Final Design**

C. Foley shared that the historical assessment was done and nothing was found. However, this was done before 100% designs were complete, so one more visit is needed.

**iii) Project Decision Tree – Project Development**

M. Yandow shared the project has started up again. Two sites have been identified for concept design, but there is a need to look for some additional project sites.

**iv) Wolcott Family NA, Prelim Design**

D. Albrecht shared that Winooski Valley Park district will have a kick-off meeting next week.

**v) McCabe’s Brook – Prelim Design**

D. Albrecht received an email from Kate Kelly at LCA. The concept design is complete ARA should be done by mid-June with the hope to apply for final design funding. There are three Act 250 permits on 3 parcels, so 3 amendments are needed, so it is taking longer than expected. The p-reduction estimate of about 7 kilograms is still holding up.

**vi) Fairfax St. Culvert – Prelim Design**

D. Albrecht received an email from the Town of Saint Albans. They shared that Fitzgerald Environmental has done the survey and the kickoff meeting between the Town and Fitzgerald was held a few weeks ago.

**vii) Colchester Pond Natural Area – Project Development**

D. Albrecht said this small project has been completed. Fitzgerald put together a memo and D. Albrecht requested a new project id number from DEC via their online portal.

**viii) UVM Hort Farm - Construction**

D. Albrecht said the Task Order and Master Agreement have been signed. UVM needs to sign operations and site access agreements before he will transmit the Order. Construction should begin in June.

**6) Solicitation / Appointment of BWQC Member and Alternates for FY25**

Dan noted that everyone’s term ends on June 30<sup>th</sup>. He recapped the process by which members are solicited and appointed/selected which consists of email reach outs to the 5 types of BWQC members: RPCs, NRCDs, land conservation organizations, municipalities and watershed organizations. He would look to have nominations completed prior to the June 20<sup>th</sup> meeting. M. Varner asked if members were comfortable with the process D. Albrecht shared. M. Varner shared that she is looking to step down in her role as chair but would be willing to continue as Vice-Chair. A. Morgante expressed appreciation for M. Varner’s leadership.

**7) Affirm schedule of upcoming meetings & subgrant application deadlines**

Dan gave a reminder on these calendar dates and deadlines.

Next meeting scheduled for June 20<sup>th</sup>, subgrant applications for that meeting due by June 10<sup>th</sup>.

He reminded all that the grant process is collaborative. He can provide feedbacks on draft up thru the submission deadline date, help craft RFPs for consultants and also distribute the Natural Resources Screening Form and the VDHP project review request form.

**8) Adjournment**

*L. Schaeffler made a motion to adjourn that was seconded by D. Pierce and the meeting was adjourned at 11:37 a.m.*

*Respectfully submitted by Sarah Muskin and Dan Albrecht.*