



OTTER CREEK BASIN

clean water service provider

2022-12-15 Otter Creek Basin Water Quality Council Minutes

Present: Ellen Cronan (ACRWC), Hilda Haines (Danby), Arabella Holzapfel (ACRPC, chair), Kate Kelly (LCA), Pam Stefanek (OCNRCD, vice-chair), Gioia Kuss (Weybridge), Barbara Noyes-Pulling (RRPC), Nanci McGuire (RCNRCD)

Absent:

Vacant: Land Conservation Organization Seat

Public: Angie Allen (VTDEC), Chris Robbins (ACRWC), Chris Rottler (VTDEC)

Staff: Mike Winslow, Adam Lougee, Zach Roberts

1. Amendments to the Agenda - none
2. Approve [Minutes](#) of October meeting - moved by Barbara; Ellen seconded. All in favor.
3. Project Solicitation Schedule
 - a. Mike reviewed the schedule. A draft RFP was released in early December with a due date of January 11. The timeline was driven by a desire to have a list of projects for the BWQC to consider at their January meeting.
 - b. Ellen expressed concern about the points being included in the RFP as they haven't been reviewed by the BWQC. Those are still under discussion. She supported moving forward as a means of communicating to the state that they are holding us back.
 - c. Barbara Noyes-Pulling - we are still waiting for the CWIP funding policy and a screening form. That was not included in the RFP.
 - d. Gioia - January 11 is really soon. Her conservation commission is not ready to submit proposals. Adam - January deadline was important to set up projects by the spring. This won't be our only round.
 - e. Kate has concerns about lack of communication and the ranking system. Also concerned about the timeline for the RFP - too condensed given the policies from the state which requires natural resources screening which isn't included in the RFP and takes at least three weeks. Consultation with the BWQC has not occurred and it is an issue. The RFP is not sufficiently clear to address those concerns. At a minimum the RFP should be modified or pulled back based on the new funding policy



OTTER CREEK BASIN

clean water service provider

- f. Chris R. tried to look at the application form but couldn't do so without filling in the forms.
- g. Nanci agreed with the other concerns. Was completely surprised by the RFP. Adam asked if it was really a surprise. Ellen - the CWSP talked about the RFP, understood we were working on it, but did not understand the timeline. Gioia understood this meeting would be to review the RFP. She is wondering if there's another date a little further out.
- h. Barbara - the group expected more give and take.
- i. Adam - we will review the scoring system today. Points of contention: 1. scoring, 2. funding policy and 3. ANR review of projects prior to submitting which will be a big process issue. A three week pre-review requirement is troubling.
- j. Chris R. had heard that the RFP lists ineligible project types but she wasn't sure which ones. Mike says the project lists come from one of ANR's various guidance documents and they can sometimes be contradictory.
- k. Ellen questioned the need for ANR review - she thought that was through Angie after projects came to the BWQC as had Mike. Kate says past grant rounds have required DEC approval beforehand. Angie - she is DEC's liaison, but not the final say so. Project applicants still need to do the screening. Kate thinks project review has to occur before the BWQC is involved because the level of permitting required affects cost, and such review adds checks and balances. Gioia - seems like a two tiered process. Barbara with WQ Block grants, DEC screening is part of the application process. Ellen asked if the DEC review can be informal? Sounds like permit receipt could happen after BWQC review. Kate - RFP needs to say natural resource screening should be included.
- l. Adam - would the BWQC be willing to move its January meeting to the end of February to allow time for the screening process, and let the CWSP revise the RFP and issue an amendment? Gioia, Pam, and Barbara indicated consent. Gioia also would like a pdf of the questions. Kate - pushing timeline back may work, but there may be additional issues. I.e. confirming compliance with the funding policy. Even if the BWQC agrees to a scoring system, it's not clear the BWQC can be sure other issues have been addressed. Would feel more comfortable reviewing the RFP before it goes out and comply with open meeting law. Adam CWSP needs to consult with the BWQC, but the BWQC doesn't have to sign off. We can take comments from individuals and not require action by the BWQC, or we could call a special meeting. Kate - agreed to those options. Adam - we'll try to work on this via email.



OTTER CREEK BASIN

clean water service provider

- i. Revised schedule: CWSP will revise the RFP based on new funding policy and ranking next week and send to BWQC; BWQC responds and CWSP incorporates feedback before the end of the year with a target releases by January 3 or 4; and a due date of February 8. The CWSP would review and share project information by 2/15 and the BWQC would meet on 22 to discuss.
- ii. Arabella reminded members that the first round is a work in progress and should be more relaxed. Let's just try and move forward. Adam - we believe there will be plenty more available for future rounds.
- iii. **Ellen moved that we accept the discussed revisions to the RFP including a new date for applications of February 8. Second by Kate. All in favor.**

4. Continue Walk Through of Project Funding Process

- a. [Overview of P calculator tool](#) by Zach - The calculator is the tool that will be used to determine P reduction values. Zach's presentation gave an overview of the tool so that BWQC members have an understanding of how the tool works.
 - i. Ellen - will there be future iterations of the calculator? Likely. Will we then need to re-calculate. Mike - what we have heard from DEC in other forums that we are bound by what's in place when we act, rather than what comes later.
 - ii. Kate - numbers will be difficult to calculate at scoping stages. There will need to be some level of understanding about how fluid the numbers are and they may change as the projects develop
 - iii. Gioia - it won't be possible to get measurements for some of these features during the winter, which makes applications more challenging. The tool is not simple or volunteer friendly. She doesn't know how the questions will be answered. Zack - DEC is making a separate Functioning Floodplain Initiative tool that hopefully will be easier to use. The CWSP does not know when that will be available. Adam - if applicants are having trouble developing data they should reach out to the CWSP to help develop them.
- b. Discussion of project Co-benefits and Scoring Example



OTTER CREEK BASIN

clean water service provider

- i. Mike reviewed a Dummy Scoring sheet, and explained how project cost efficiency would be determined. The Dummy sheet weighted project scoring such that 75% was for project cost efficiency, 12% for co-benefits, and 13% for project risk/likelihood of success.
- ii. Kate suggested more for co-benefits (20%) less for cost and likelihood of success
- iii. Chris R. indicated likelihood of success should be weighted pretty heavily
- iv. Gioia agreed co-benefits should be weighted more heavily, and perhaps broken out into separate co-benefits
- v. Adam noted our performance as a CWSP will be rated on the cost efficiency score, but 75% is not a line in the sand.
- vi. Barbara observed that the risk score is not qualitative, so perhaps could be worked into the cost score. That would give more points to work with.
- vii. **Arabella proposed to weight the scores as 70/20/10 cost/co-benefits/risk. Moved by Gioia; Second by Barbara. Kate had left the meeting by this time. Motion received 4 ayes (Gioia, Barbara, Nanci, Arabella), and 3 nays (Ellen, Pam, Hilda). Motion did not pass as five votes are required to pass a motion as per BWQC by-laws.**
- viii. Co-benefit discussion continued. Adam suggested individual BWQC members score co-benefits as they like, but just know that they only have 20 extra points to play with.
- ix. Ellen suggested that someone flesh out details of how the co-benefits would work prior to the February 8 meeting. Gioia requested the CWSP draft those details and include forest cover as one of those co-benefits.

5. **Ellen moved to adjourn. Hilda seconded. Motion carried. 2:17PM**