



## 2022-04-26 Otter Creek Basin Water Quality Council Agenda

Present: Ellen Cronan (ACRWC), Arabella Holzapfel (ACRPC-chair), Kate Kelly (LCA), Gioia Kuss (Weybridge), Barbara Noyes-Pulling (RRPC), Adam Piper (VLT)

Absent: Hilda Haines (Danby), Nanci McGuire (RNCD), Pam Stefanek (OCNRCD)

Public: Angie Allen (DEC), Karina Dailey (VNRC), Chris Robbins (ACRWC), Chris Rottler (DEC)

Staff: Mike Winslow, Zach Roberts

1. Amendments to the Agenda - none
2. **Approve [Minutes](#) of February meeting. Moved by Ellen Second by Barbara (Chris Robbins noted that the minutes should reflect that the ACRWC project had a WPD Number. Motion carried without dissent.**
3. Project Status update
  - a. Mike reported that the first fully executed contract was returned yesterday for the West Rutland project. The contract from VLT was also returned just prior to the meeting. Contracts with Rutland NRCD, LDFLA, ACRWC are still being reviewed.
4. \*Review of [OCNRCD - Halnon/Wainwright Dam removal project](#).
  - a. Mike noted that the BWQC had received application materials and a memo from ACRPC on the project. The CWSP had also learned that the project had applied for other funding as well. Karina from VNRC was available to answer questions.
  - b. Karina Dailey described the project as in the final design phase, and partners were trying to raise funds for implementation. Probable cost was about \$280K and \$55K had been secured from the Lake Champlain Basin Program.
  - c. The BWQC had questions about the budget: what was the full cost of removal, what was the actual request through the CWSP, what was the nature of project implementation costs?
    - i. OCNRC and VNRC had not coordinated the applications, which led to some budget discrepancies.
    - ii. The bulk of the request is funds for actual removal: contractor, heavy equipment, etc.



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- iii. \$280K reflects estimated project costs, minus the \$55K in-hand from LCBP, leaving the remainder for expenses. However, that does not include any funding for project management
    - iv. Mike pointed out that project management expenses are eligible through the CWSP
  - d. Chris Rottler spoke about the implications of having LCBP funding included. Chapter 6 of guidance on project selection and advancement has not been completed. However, he anticipates that it will require splitting of phosphorus credits between different funders. Chris pointed out multiple irregularities with this project proposal, in particular the lack of coordination between the OCNRCD and VNRC on the application.
  - e. Mike asked if the project was anticipated to be completed in 2023. Karina thinks it's unlikely they will go to implementation this summer, because of challenges in securing funding and finalizing design. A 2024 project is more likely.
  - f. Mike asked for details about the alternative funding the project team has sought. Karina reported that they applied for a Flood-resilient communities fund through VEM and FEMA in February. They do not know the timeline for those award announcements. The grant program priority is floodplain buyouts, but they encouraged dam removal projects to apply. Stephanie Smith is their contact there
  - g. Karina: would be very unfortunate if co-funding with federal partner was not an option given the expense of these dam removal projects
    - i. \$280K is estimated cost, they have \$55K, so \$225K is what would be asked for
    - ii. Meets wetlands restoration floodplain mitigation, P benefits and other water quality benefits, floodplain reconnection, almost 10 miles of aquatic organism passage
  - h. **Kate moved to invite the applicants to resubmit their application in the CWSPs next funding round. That would give them an opportunity to clarify the budget, finalize the design, and find out about the other funding options they've pursued. Ellen seconded. Motion carried unanimously.**
5. Discussion of Round 1 process
- a. Draft Round 2 RFP. Mike shared a draft Round 2 RFP with the BWQC prior to the meeting.
    - i. Kate Kelly submitted suggested that the RFP should include:
      - 1. More detail about ineligible expenses



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2. Reference to the Functioning Floodplain Initiative tool currently in draft form
    3. A budget template
    4. More guidance on completing the Natural Resources screening tool. Too many round 1 applicants did it incorrectly.
  - ii. Ellen expressed concern that there's so much required already, too much detail will discourage smaller projects. Kate responded that the need for detail is coming from DEC so beyond the control of the CWSP.
  - iii. Chris R. suggested requesting photos of project sites.
- b. Suggestions to streamline approval process
  - i. Best practices for sharing project information
    1. Ellen asked if anyone had trouble accessing information via Google Docs. Gioia said it worked for her. Arabella asked if anyone objected to a Google Docs approach and heard no responses.
  - ii. Materials to BWQC two weeks before the scoring meeting
  - iii. CWSP to provide memo with preliminary scoring and recommendation
    1. Ellen - appreciated the memo, and looks forward to it moving forward. She asked if there is an option for a site visit; perhaps triggered by a dollar amount of the request. Gioia agrees. Mike expressed concern about the ability of the CWSP to coordinate such events, and the need to follow open meeting laws. The site visit for the Wainwright/Halnon Dam was coordinated by the project partners and meant mostly for permiters, rather than the CWSP.
  - iv. Time management for individual project discussion
    1. Ellen said larger projects deserve more discussion.
    2. Arabella suggested specifying the amount of time for overview, and capping it at 15 minutes for smaller projects. Arabella would serve as timekeeper. Barbara said we may not be ready to set limits and ground rules after only one round. More materials ahead of the meeting can decrease time required in the meeting. Gioia observed that BWQC members can reach out to CWSP in advance about clarifying questions. Mike suggested the CWSP can better allocate time on the agenda now that we know how long it takes to get through projects.



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- v. Best times and frequencies for BWQC project review.
  - 1. Mike suggested that the CWSP anticipates two rounds of project solicitation per year. He asked if this frequency seemed appropriate to the BWQC, and when would be the best times for such solicitations. Under the current BWQC calendar, project review would occur in January and July.
  - 2. Arabella asked if quarterly meetings were required by statute. Mike said no, but they are highly recommended. Meetings between project reviews can focus on BWQC processes and policies, and deal with overlap from review meetings like we did today with the dam project.
  - 3. Ellen observed that project review in January means applications need to be prepared before the end of the year. Organizations need time to get things together. She asked potential project applicants on the BWQC for their thoughts. Kate answered that it's fine to do RFPs twice a year. Groups doing field work prefer to have RFPs due not during field season, maybe Feb and Oct. Chris Robbins noted that towns put out requests for bids in winter to get better rates. Adam suggested that twice a year worked.
  - 4. Mike will take in this information and return to the BWQC with a proposed schedule at the July meeting.
  - 5. Barbara suggested planning longer agendas for meetings when projects are reviewed.
- c. Discussion of [scoring policy](#). Any changes?
  - i. Ellen said not before the next RFP, but that she would like to review the scoring we ended up with for each project from the first round, to assist with an objective review sense of projects.
  - ii. Kate asked about the importance of P reduction and cost efficiency of projects. She wanted to make sure that CWSP isn't being put in a bad place with the state if targets aren't met. Mike replied that, while the CWSP would like more efficient projects, we are not aware of additional projects in development and we have money as budgeted by the Clean Water Board for the purpose of reducing P. Angie also pointed out that the P efficiency scores used to judge projects are based on old data and DEC is actively reevaluating whether they are realistic. If targets aren't met this year, it will not be a problem. The information will be used to reach 5-year



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goals. An open exchange and feedback loop is on-going between DEC and the CWSPs

- iii. Barbara requested that the CWSP provide a general idea per project P reductions. Mike noted that the information is available in spreadsheets shared for the February meeting, but he will add the topic to the agenda for the fall meeting.

6. Next Meeting - July 26, 2023 at 2PM

- a. Ellen moved to adjourn. Second by Barbara. Meeting adjourned at 3:05 PM.