



OTTER CREEK BASIN

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2022-07-26 Otter Creek Basin Water Quality Council Agenda

Present: Arabella Holzapfel (ACRPC-chair), Ellen Cronan (ACRWC), Nanci McGuire (RNCD), Adam Piper (VLT), Hilda Haines (Danby), Gioia Kuss (Weybridge), Pam Stefanek (OCNRCD), Kate Kelly (LCA)

Absent: Barbara Noyes-Pulling (RRPC)

Public: Mary Beth Poli (OCE), Andy Sample (OCE), Angie Allen (VTDEC), Karen Shackett (Shoreham)

Staff: Mike Winslow, Zach Roberts, Adam Lougee

1. Amendments to the Agenda
 - a. Arabella asked that the procurement policy be discussed. An item was added to the end of the agenda.
2. Approve [Minutes](#) of April meeting
 - a. **Moved by Ellen. Second by Kate. All in favor. Hilda abstained.**
3. Review of [Round 2 Project Proposals](#)
 - a. Middlebury College - wetland restoration
 - i. Mary Beth Poli reviewed the project. They are working with Marc Lapin who is unable to attend today. Proposal is for a wetland restoration. Seeking funding for final design and implementation. The area is separated from Otter Creek by a culvert under the railroad, but it is hydrologically connected. Project involves addition of coarse woody debris to the floodplain.
 - ii. Mike noted that the P reduction calculation was completed by the CWSP. The project was changed from riparian restoration to wetland restoration which would require VDHP review.
 - iii. Kate asked about the phasing of the project. Should it be considered at the concept design phase instead? Applicants had considered a preliminary design phase, but since it's fairly small (~2 acres) decided to try and develop it all at once. They'd be open to dividing it but thought there would be economies of scale in a single funding round. Phasing



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- would continue with 1. Conceptual design, 2. Final, and 3. Implementation with implementation sub-phases of earthwork, coarse woody debris placement, and tree and shrub planting.
- iv. Ellen asked why change from riparian to wetland? DEC recommended the change. The area is mapped as a wetland and obligate wetland species have been identified there.
 - v. Why the two acres? The project area is between two fields and Middlebury College is balancing the farmers' use of the land and the project area. The proposed project area is not available for agriculture. Gioia suggested the project should be larger than two acres.
 - vi. Gioia asked for the name of the farmer. Mary Beth did not know.
 - vii. Kate suggested AAFM approval would be needed. She asked about the FFI calculation and how checking boxes for two types of planting actions interacted. Mike suggested that the boxes checked would not affect the project. Zach confirmed that was the case during the meeting.
 - viii. **Ellen moved to approve and fund the project. Gioia seconded. Kate encouraged the applicant to try and broaden the area covered during design. All in favor.**
- b. Shoreham - project identification and development
- i. Mike shared the DEC recommendation that project development be restricted to the portions of Shoreham within the Otter Creek Basin.
 - ii. Mary Beth noted that the original idea was to focus on the Farnham Property, but expanded after discussion with the town.
 - iii. Gioia wondered if there was too much emphasis on culvert replacements.
 - iv. Kate asked if there had been Stream Geomorphic Assessments in the area? Mary Beth was unsure, but that would be investigated during the assessment process. Kate asked about how projects would be prioritized. Mary Beth noted the primary driver would be P reduction followed by co-benefits. (Angie shared [a link to](#) STP calculator in chat, which is tied to the P calculator tool)
 - v. Nanci observed that this is more of Natural Resources Assessment rather than a Stormwater Master Plan
 - vi. Angie noted in the chat that there is one three-acre property in Shoreham
 - vii. **Pam moved to approve the project. Kate seconded. All in favor.**
- c. Vergennes - project identification and development



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- i. Mary Beth noted that the main difference between Vergennes and Shoreham is that there will be more stormwater involved in the Vergennes project.
 - ii. Angie shared a link to all [Stormwater Master Plans](#) in the state.
 - iii. Kate mentioned that there may be three acre properties in Vergennes that should not be prioritized as they would not be eligible for future CWSP funding. Mary Beth acknowledged that projects not eligible for CWSP funding would not be further evaluated. Angie noted in the chat that there are eight three-acre properties in Vergennes
 - iv. Ellen asked how the number of projects to be developed was determined. Mary Beth acknowledged it was somewhat arbitrary based on perceived capacity and potential.
 - v. Gioia asked if there were conservation easements on potential project areas. Mary Beth noted at least some of the properties are publicly owned.
 - vi. **Gioia moved to approve the project. Nanci seconded the motion. All in favor.**
4. Round 1 Project Status update
 - a. Mike reported on Round one projects. The three riparian planting projects have been completed, and VLT has submitted a final report for their two projects. A contractor has been hired for the West Rutland Stormwater Master Plan. The West Rutland wetland restoration project is progressing; 80% of the field work has been completed and consultants are working with DEC officials on permitting. For the Lake Dunmore projects, some landowners have expressed concern about the site access agreement, which has slowed the work. Mike did attend a pre-construction site visit for the private road project. A consultant has been procured for the gully erosion project.
 - b. Ellen asked if there was wiggle room with the site access agreements. Mike and Angie confirmed that there is not much wiggle room. Internal DEC conversations are on-going about whether the agreements are overkill or if they could be more user friendly, but no changes are on the horizon. Ellen shared that these agreements were making it harder to allocate funds to projects.
 - c. Gioia asked if a site visit to the West Rutland project could be arranged. Mary Beth affirmed that this was possible, and Andy would be the person to coordinate with. Andy was at the site earlier this morning and would be happy to coordinate a visit.



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- d. Mary Beth announced that she had accepted a position with Ducks Unlimited and Andy Sample would be taking over her work with OCE.
5. Procurement Policy discussion
 - a. Kate observed that there is a section in the rule about pre-qualification relative to procurement of services, but noted the Basin 3 CWSP has not used this process.
 - b. Mike clarified that the CWSP has not procured any services. The CWSP has only issued sub-grants. It is up to the subgrantee to then procure services.
 - c. Gioia asked about the OCE role in the project proposal phase. Mike noted that the CWSP does not contract with OCE. In assisting applicants in developing proposals, OCE assumes a risk that the project applicants would then hire their firm.
 - d. Mary Beth and Nanci related how they had responded to (Mary Beth) or initiated (Nanci) separate procurement processes after projects were funded in West Rutland during round one.
 - e. Kate asked if there was a situation where the CWSP might directly procure a service. Mike acknowledged that possibility, but noted the CWSP would rather have projects brought by applicants eligible to receive subgrants. The CWSP has not yet been convinced that the pre-qualification process yields any efficiencies. According to DEC guidance, even after pre-qualification, the CWSP would need to solicit bids from at least three pre-qualified entities before any funding could be allocated.
6. Next Meeting - October 25, 2023 at 2PM
 - a. Ellen asked that the next meeting include feedback from other BWQCs and CWSPs on progress to date. How have they done in meeting their P-reduction goals? What are their biggest roadblocks?
 - b. Arabella noted she attended a meeting of BWQC chairs. The next such meeting is in September.

Moved to adjourn by Ellen. Second by Kate. 3:01 PM