



OTTER CREEK BASIN

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2023-10-25 Otter Creek Basin Water Quality Council Agenda

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

Absent: Barbara Noyes-Pulling (RRPC), Adam Piper (VLT)

Public: Angie Allen (VTDEC), Karina Dailey (VNRC), Mary Ann Goulette (W. Rutland), Jessica Louisos (SLR), Matt Witten (ACRWC)

Staff: Mike Winslow, Carissa Finnerty, Adam Lougee

1. Amendments to the Agenda
 - a. Update on membership
 - i. Mike reported that Erin had resigned as the Land Conservation representative due to changes in work load. Adam Piper has agreed to move from Alternate to full delegate
 - ii. Mike introduced Carissa Finnerty, ACRPC's newest EcoAmericorp volunteer.
2. Approve [Minutes](#) of July meeting. Moved by Ellen. Second by Kate. All in favor.
3. Project Status update
 - a. Addison County River Watch has completed their planting and has been monitoring the success of the new trees and bushes
 - b. Vermont Land Trust has completed both of their projects and submitted a final report
 - c. Lake Dunmore Fern Lake Association has hired a contractor and held on-site meetings for their three projects. They are working on final designs
 - d. Rutland Natural Resources Conservation District has hired a contractor and held a kickoff meeting for their stormwater planning
 - e. West Rutland has hired a contractor for their wetland restoration design. The contractor has met with regulators, delineated wetlands, and coordinated some invasive species removal.
 - f. Projects from the July funding round (Shoreham, Vergennes, and Middlebury College) are under contract. Their first quarterly report will be due in January.



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4. [Review of P reductions funded](#) - The CWSP has \$712,035 remaining from their FY23 appropriation and still needs 65.4 kg of P reduction. The West Rutland march project could lead to 60.55 kg of reduction.
5. Review Round 3 RFP
 - a. [Request for Proposals](#) - Mike reviewed some minor changes he made in response to comments from Kate. There were no additional comments at the meeting. The CWSP will release the call for proposals before the end of the month.
 - b. [Cover Page](#)
 - c. [VNRC request for funding](#). Since the proposal was received outside of a regular funding round, Gioia moved that the BWQC should consider it for funding; Kate seconded the motion. All in favor. Nanci's organization was involved with some preliminary design, but does not have a financial stake in the current project.
 - i. Mike reviewed his draft scoring for the project. He estimates a cost per kg P reduction of \$22,499. The project is estimated to lead to 16.2 kg of reduction per year. The CWSP will need to share reduction credits because a portion of the project is covered by a Dam Removal Design Implementation Block Grant. The project received co-benefit points in the categories of flood resilience/hazard mitigation, ecosystem improvement, and community support. The project received 10 points in likelihood of success since federal review has already been completed. The overall score was 76.7 which is a fairly high score compared to already funded projects.
 - ii. Karina gave a quick overview of the project. The dam used to be the water source for West Rutland. It was originally identified by the town and RNRCD. VNRC got involved in 2021 and became project manager. Project was one of about 10 earmarked projects from Senator Leahy; this was the only one that worked because it had a municipal partner. SLR's opinion of probable cost was used to shape the FEMA request. FEMA funds required a 10% local match which initially came from a Design Implementation Block Grant. Permits were obtained. Went to bid with four respondents, all well over the SLR estimate. FEMA has no flexibility for additional funding, which is why the sponsors are seeking CWSP funding.
 - iii. Applicants are seeking \$305,400 which would include a \$20K contingency over the bid amounts.



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- iv. Would like to use the second highest bidder due to the opinion that the low bidder was not qualified to complete the project. Have not contracted with anyone yet.
- v. All federal level review has been completed
- vi. Ellen was surprised by the range of costs for different sections which leads her to question the specifications in the bid. Karina said they too were surprised. May have been driven by the time of year the bid went out and the impacts of flooding. Jessica said this is the most wild bidding they've seen on a project in decades. Contractors are extremely busy with flood recovery work, which leads to higher bids. Contractors were concerned about the volume of material and where it would go. Haul distance has a dramatic impact on costs. Contractors were able to identify their own disposal sites. Mobilization costs varied; contractors sometimes boost this cost to account for wet sediments that they're unsure of how to work with.
- vii. Ellen was concerned about the negotiations that had taken place with the landowners. She wondered why Alternative 2, which was more expensive than Alternatives 3 or 4, went forward. Karina reported that the Benefit Cost Analysis, required by FEMA, only supported the selected alternative. Jessice noted that the lower cost options did not reduce the flood risk sufficiently to outweigh project costs. Karina shared the [benefit cost analysis](#) after the meeting.
- viii. Ellen asked if there are plans to resize the Dewey Ave. culvert. No, that would be a separate project. This project has not qualified for fish passage funds as a result of that. The culvert is appropriately sized, but perched. The system is very steep and may present a natural barrier. Jessica suggested removing the dam would help reduce potential for culvert damage.
- ix. Ellen asked what the Stairway to Heaven was - the landowner's wooden staircase to the pond. It actually prevented some bidders from accessing the site, which may have affected their bids.
- x. SHIPO review completed. The dam was built circa 1920.
- xi. Gioia asked who owned the other side of the river from which they would be accessing. Both sides of the river are owned by the same landowner.
- xii. Ellen asked what the subwatershed was. Clarendon River.



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- xiii. Kate moved to approve funding for West Rutland to complete the project. Gioia seconded. Ellen and Hilda abstained. Hilda's son works for Fabian Construction. Motion carried 5-0.

- 6. Project [budget amendment policy](#)
 - a. BWQC members discussed the appropriate levels for minimum change.
 - b. Ellen moved to accept the policy as proposed by the CWSP. Gioia seconded. 5-1
Hilda voted no. Pam had left the meeting at this point.
- 7. [Status report from other BWQCs](#) - the Otter Creek CWSPs is performing comparably to other CWSPs.
- 8. Adjourn: Moved Hilda. Second Hilda Adjourn 3:15PM
- 9. Next Meeting - January 24, 2023 at 2PM