

Otter Creek BWQC Agenda Packet

July 23, 2025

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2025-04-23 Otter Creek Basin Water Quality Council Agenda

Present: Ellen Cronan (ACRWC), , Kate Kelly (LCA), Hilda Haines (Danby), Barbara Noyes-Pulling (RRPC), Katie Stiles (RNCD-vice-chair), Adam Piper (VLT), Gioia Kuss (Weybridge), Pam Stefanek (OCNRCD)

Absent: Arabella Holzapfel (ACRPC-chair),

Public: Chris Rottler (DEC)

Staff: Mike Winslow, Danelle Birong, Leander Ruhl

1. Amendments to the Agenda. The original agenda called for approval of minutes from the January meeting. That should be March. The January minutes were approved in March.
2. Election of Officers: Chair and Vice Chair. **Ellen moved to approve the slate of Arabella as chair and Katie as vice chair. Barbara seconded. All in favor.**
3. Approve Minutes of March meeting. **Moved by Gioia, Second by Ellen. All in favor. Adam abstained.**
4. Review role of BWQC and project review process - led by Mike
 - a. Review project scoring and consider modifications
 - i. The scoring system allocates 70% of the score to phosphorus reduction cost efficiency, 10% to project likelihood of success, and 20% to co-benefits.
 - ii. Phosphorus score
 1. The phosphorus reduction score is applied as a formula. Projects with cost effectiveness below \$13,149/kg P reduction (DEC formula grant cost efficiency (FGCE) target) receive the full 70 points. Point totals decrease with multiples of the FGCE up until projects at 8x the FGCE get only 5 points.
 2. Chris Rottler pointed out that the FGCEs are being reviewed
 3. The CWSP recommended revising the scoring so that there were more scoring levels below \$13,149, and setting a cost efficiency



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threshold. Other CWSPs have set thresholds at \$30,000/kg or \$50,000/kg.

4. The CWSP will come back to the BWQC with a draft revised P scoring methodology
- iii. Likelihood of success
 1. The CWSP recommended allocating more points to the likelihood of success category. This is the scoring area where BWQCs can weigh in if they feel projects have flaws. An increase in points here could come from the P cost efficiency category
 2. The CWSP will increase the weight given to “likelihood of success” and reduce the weight of P reduction cost efficiency in its scoring
- iv. Co-benefits
 1. The current co-benefits policy is complicated and confusing. The CWSP recommended simplifying it
 2. The BWQC would like to keep the weighting of different co-benefit categories and providing guidance to applicants about how to achieve those scores
 3. The next funding round will utilize the existing co-benefits scoring, and the CWSP will develop a recommended revision for future consideration
- b. Review application process and consider modifications
 - i. Mike reviewed the 10 categories of information requested in applications and asked if the BWQC would like any changes or additional information
 - ii. The BWQC discussed whether project applicants should be required or encouraged to attend meetings where their projects were considered. All BWQC meetings are public meetings, so applicants will always be allowed to attend
 1. **Ellen moved that the BWQC, in their written application materials, would not require nor encourage applicants to appear before the BWQC, and that the BWQC should propose questions at least one week in advance to the CWSP and the CWSP would attempt to have them answered prior to project consideration. Pam seconded the motion. Ayes: Ellen, Pam, Adam, Hilda, and Katie. Nays: Gioia, Kate, and Barbara. The motion carried.**



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- iii. The next RFP will have a due date of June 20. Upon RFP closure, the CWSP will email the BWQC to inform them how many applications were received. The CWSP will prepare a memo and share it with the BWQC two weeks prior to the BWQC meeting on July 23. BWQC members should be prepared to provide questions about applications at least one week prior to the meeting.
- iv. Bylaws. The BWQC by-laws suggest that projects should be discussed and forwarded individually, but voted on as a block. The by-laws were created with an assumption that we would have more projects than dollars, but that has not proved true. The CWSP suggests the by-laws be amended now that we have more experience. Amend can be done by having the CWSP make a proposal, or by creating a by-law subcommittee.
 - 1. **Ellen moved to create a by-law committee consisting of herself and Kate and Arabella (ex-officio). Barbara seconded. All in favor.**
- v. The BWQC discussed the role of the Natural Resources Screening Form in the applications and asked that the CWSP include documentation of attempts to reach out to regulatory entities and those entities responses in the project application packets that get sent to the BWQC.

5. Funded Projects Status update

- a. Quarterly reports have been received for all but one project. Mike has reached out to the project implementer for a report
- b. One additional project has been completed, the Sargent Brook preliminary design.
- c. Three identification projects are waiting for actions from municipalities
- d. Three forest road projects are awaiting release of the Vermont Forest, Parks, and Rec. assessment tool. Trainings on that tool have been scheduled. The Mendon forest road project received two bids for consulting foresters.

6. Next Meeting - July 23, 2025 at 2PM

Adjourn 3:29PM



MEMO

TO: Otter Creek BWQC

FROM: Otter Creek CWSP Staff

DATE: July 7, 2025, Revised July 16, 2025

RE: Round 6 Proposals Received

The Round 6 call for project proposals for the Otter Creek CWSP closed on Friday June 20th. We received six proposals. The proposals came from Otter Creek Natural Resources Conservation District (OCNRCD - 2), Lake Dunmore Fern Lake Association (LDFLA), Lewis Creek Association (LCA), Trout Unlimited (TU) and ACRPC. The projects will be reviewed and voted on at our BWQC meeting on July 23rd. DEC has confirmed that all but the Lewis Creek Association project are eligible for funding via email on 6/27; the LCA project required additional information. The rest of this memo will provide background information on each of the proposals, links to more information on the proposals, and a status update on CWSP funding.

The Draft Scores in this memo are based on the current scoring system. Recall at our last BWQC meeting we discussed amending that system. The scores based on a proposed amended system are included in the linked scoring spreadsheet.

OCNRCD - Tup's Crossing: OCNRCD has requested **\$24,830 (\$19,630 and \$5,200 for O&M)** for a riparian planting at Tup's Crossing Farm on the Lemon Fair in Orwell. Tup's Crossing is a commercial goat dairy with over 400 goats on approximately 242 acres. Most of the fields are in dairy pasture and receive manure from goat grazing rotations. Overall, the plantings would involve 1.6 acres in two strips along the stream. The Agency of Agriculture determined the project is eligible for funding via email on 7/1. The project has been assigned WPD-ID # 12988. When completed, the project would lead to an estimated phosphorus reduction of 4.31 kg/yr. **Draft Score: 80**

The CWSP recommends funding this project as presented with a provision that O&M funding be treated in a separate contract following project installation.

OCNRCD - Deer Valley: OCNRCD has requested **\$18,765 (\$8,365 for planting and \$10,400 for O&M)** for a riparian planting at the Deer Valley Farm on the South Slang of Little Otter Creek. The farm itself is located on Little Chicago Rd. in Ferrisburgh. Deer



Valley Farms is a medium farm operation with approximately 600 Holstein and 1200 acres of crops. The plantings would occur over 6.06 acres on both sides of the Slang. The Agency of Agriculture determined the project is eligible for funding via email on 7/1, but they noted the possible presence of reed canary grass which may impede buffer establishment. They encouraged pre and post site preparation. The project has been assigned WPD-ID # 12987. When completed, the project would lead to an estimated phosphorus reduction of 16.22 kg/yr. [Draft Score: 80.](#)

The CWSP recommends supporting the project as presented with a provision that O&M funding be treated in a separate contract following project installation.

LDFLA - Silver Lake Trail Erosion Control: LDFLA is requesting \$27,057 to address erosion along the Silver Lake Trail in Salisbury. LDFLA utilized previous CWSP funding to develop an implementation plan for a steep section of the forest road that serves as the Silver Lake Trail. Erosion from the Trail has created a flow path down a steep bank and into Sucker Brook upstream from Lake Dunmore. This project involves grading, installing water bars, and adding a drainage culvert along the trail to address the erosion. The project was previously identified as high priority in the LDFLA Watershed Action Plan. The USFS owns the land and has been involved in the planning process. The District Ranger has expressed support. The project has been assigned WPD-ID # 12989. Successful completion of the project would lead to an estimated reduction of 2.27 kgP/yr. [Draft Score: 71](#)

The CWSP recommends funding this project as presented.

LCA - Common Ground Road Erosion: LCA is requesting \$56,100 for implementation of erosion control measures on a private road at the Common Ground Center in Starksboro. LCA utilized previous CWSP funding to develop an implementation plan for the road. Common Ground Center is a nonprofit arts, education, and outdoor recreation center. The Center is located on a private section of Tatro Road that bisects Lewis Creek. There are approximately 1,100' of road that do not meet Municipal Roads General Permit standards. The project would involve adding gravel to the road, grading, replacing undersized culverts, adding a swale, and removing grader berm. The project has been assigned WPD-ID # 12992. When completed, the project would lead to an estimated phosphorus reduction of 1.58 kgP/yr. [Draft Score: 20](#)



The CWSP does not recommend funding this project, as the cost per kg/P is quite high. The overall cost of the project is not so high that the CWSP would refuse to fund it.

TU - Wainwright Dam Planting: TU seeks \$25,000 to plant the former impoundment of the Wainwright Dam on Hanlon Brook in Salisbury. When the dam was removed in 2024 the sediment behind it, including the seed bank, was also removed. The area originally seeded with a wetland seed mix, but needs additional seeding and plantings in the adjacent riparian area. The proposed budget allows for two plantings, the second in 2026 to accommodate natural senescence and channel evolution. The original dam removal project was funded using Flood Resilient Community Funds and did not claim P credits. The project has been assigned WPD-ID # 13015. When completed, the project would lead to an estimated phosphorus reduction of 7.45 kgP/yr. [Draft Score: 71](#)

The CWSP recommends funding this project, pending confirmation of landowner support and commitment to allowing O&M.

ACRPC - Forest Road Project Identification: The CWSP has now funded four forest road erosion projects. In general, the projects are quite cost effective with regard to P reduction credits. ACRPC would like to invest some of the CWSPs project identification funds in finding and developing additional forest road projects. We would focus on municipal forests to maximize the return on public dollars expended, identify towns interested in participating, hire a consulting forester to conduct inventories of roads within the town owned parcels, and create a running list of road segments where future projects could be developed. The project has been assigned WPD-ID # 13016. **Draft Score:** NA - identification and development projects do not receive a score.

The CWSP recommends funding this project as presented.



TABLE 1: Summary of proposed round 6 projects

Project Sponsor	Project Name	Funding Request	P Reduc.	\$/kgP	P Score	Likelihood Success	Co-Ben.	Score	P Score	Likelihood Success	Co-Ben.	Score
OCNRCD	Tups Crossing Farm Riparian Planting	\$11,920	4.31	\$2,766	70	10	0	80.0	65	12	0	77
OCNRCD	Deer Valley Farm Riparian Planting	\$17,625	16.22	\$1,087	70	10	0	80.0	65	12	0	77
LDFLA	Silver Lake Trail	\$27,057	2.27	\$20,853	60	10	1.11	71.1	45	10	3	58
LCA	Common Ground Road Erosion	\$56,100	1.58	\$77,977	10	10	0	20.0	5	12	0	17
TU	Wainwright Dam Riparian Planting	\$25,000	7.45	\$11,186	70	10	1.85	81.9	55	12	4	71
ACRPC	Municipal Forest Project ID	\$20,000	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Total Round		\$157,702	31.83									



TABLE 2: Status of CWSP funding and P load reductions (Cumulative FY23-FY25)

	# of Projects	Dollars	P Reductions (kg/yr)	P Reductions Developed (kg/yr)	P Reductions from previously developed (kg/yr)
At CWSP Contract		\$2,902,351	231.1 (target)		
Round 1	8	\$107,359	10.5	61.0	
Round 2	3	\$111,200	7.4		
2.5 Youngs Brook Dam	1	\$305,400	13.6		
Round 3	5	\$134,197	47.0	87.6	
Round 4	2	\$19,509	0	1.3	
Round 5	3	\$186,889	72.6		
Total	22	\$864,554	131.1	159.9	0.0
Requested Round 6	6	\$156,610	31.8		3.9



Questions from BWQC Members and Responses:

OCNRC Riparian Buffer Planting at Tup's Crossing Farm

1. There was a question about the budget total in the memo. The CWSP had accidentally used a budget from an early draft of the application. The correct budget number has been added to the memo. The scoring has not changed.
2. Multiple BWQC members raised questions about the inclusion of O&M costs in the proposal. The CWSP recommendation has been modified to clarify that O&M should be managed through a separate contract following completion of the project.
3. Questions were raised about the appropriateness of the CWSP as a funding source. Otter Creek NRCD and VACD have CWIP sub-awards which cover technical assistance to farmers but not tree plantings. These plantings could be partially funded through Trees for Streams, but the RFP will not go out in time to allow plantings in 2025 or 2026 plantings due to the need to order trees in advance. Both sites directly address tactical basin areas of concern, and fit the targeted goals of the Clean Water Projects in the Otter Creek Basin. Both DEC and AAFM have determined the project is eligible for CWSP funding.
4. Questions were raised about the general eligibility of the project for funding and specific eligibility of livestock fencing (\$9,907.72) for CWSP funding. AAFM reviewed the project for eligibility and responded, "Though this project is located on a jurisdictional farm, based on our review your project is determined to be eligible in accordance with section § 39-403 of the Clean Water Service Provider Rule for funding through the Formula Grant Program as a natural resource project. Please ensure buffer regulations are taken into account in the planning and design of the project, and that there is no possibility that the installed project would cause a violation of section 6.07 of the Required Agricultural Practices." The fencing is included in order to prevent goats from grazing up to the edge of the field. The fencing offers protection in the first years to ensure tree establishment and survival while the



trees are small. Angie Allen wrote, "exclusion fencing can be funded if it's appropriate/needed at a given site." However, the CWSP can not receive P credit for the fencing as a Best Management Practice; only for the planting itself.

5. Questions were raised about the stem density of the plantings. The tree plantings will help extend the existing shrub buffers to meet the required buffer goals of 35ft. The applicant has increased the planting rate (and the budget accordingly) to reach a minimum of 300 stems/acre. The new budget is \$24,830 (\$19,630 and \$5,200 for O&M). This change did not affect the project scoring.

OCNRC Deer Valley Riparian Buffer Planting

1. Multiple BWQC members raised questions about the inclusion of O&M costs in the proposal. The CWSP recommendation has been modified to clarify that O&M should be managed through a separate contract following completion of the project.
2. Questions were raised about the stem density of the plantings. The budget has been adjusted to reach a minimum of 300 stems/acre. This will be a minimum of 1,818 trees. The new budget is \$18,765 (\$8,365 for planting and \$10,400 for O&M). This change did not affect the project scoring.
3. There was a question about whether pre and post site preparation was included in the budget. Additional funding (\$1,092) was added to the proposal prior to it going to the BWQC to account for site preparation.
4. There were questions about the species selection for the planting. Originally, the landowner was insistent on black pine/Austrian pine, which is not native to Vermont. Zapata Courage, the regional State Wetland Ecologist, noted that including non-native species would trigger the need for a wetlands permit. She suggested, "selecting either red pine (very similar to black pine and visually almost indistinguishable), hemlock or white pine. White pine should grow fast and do well in these conditions. Both red oak and shagbark hickory would also do well, although much more susceptible to deer and beaver browse." The landowner agreed to switch to red pine for the plantings, to



which Zapata Courage replied: "In which case, with the change of incorporating red pine into the planting plan, a wetland permit is not required."

Silver Lake Trail

1. There was a request for clarification about the project type. The project is Forestry and encompasses final design and installation.
2. There was a request to add O&M plan, access license, and clean water project sign to the applicants task table. Specific deliverables can be spelled out in the contract, and/or added as conditions of approval by the BWQC.
3. There was a question about whether VDHP review is required. Both roads and forestry projects are conditionally exempt from VDHP review. Qualifications include no new ground disturbance beyond the previously disturbed footprint, no impact on buildings greater than 50 years old, no impact on historic buildings, no intersection between project area and designated state or federal historic districts. The applicant is responsible for ensuring all applicable permits are in place.
4. There was a request for documentation that the Road Erosion Inventory assessment currently "does not meet" and that the project will result in "fully meets"? Completion of a pre-construction site summary, utilizing the Forest, Parks, and Rec. assessment tools, would be a deliverable within any contract on a forest road or private road project.

Wainwright

1. There was a question about the original funding for the dam removal. The dam removal project did come before the BWQC previously, but we did not fund that work. They ended up finding another funding source. The funders of the dam removal were: LCBP, Flood Resilient Communities, and USFWS. It is our understanding, based on communications with the applicant and with DEC/Angie Allen, that none of those entities claim P reduction credits.



2. There were questions about calculating the P reductions for the project, whether we could potentially be double counting those reductions, and whether this was a project adoption. On 7/3 the CWSP received notice from DEC/Angie Allen that they had reviewed and approved the planting project as a new project with the dam removal as a “parent project”. It is our understanding, based on communications with the applicant and with DEC/Angie Allen, that none of the funders of the dam removal claim P reduction credits. Angie also confirmed that the P reduction estimates as presented in the application were appropriate.
3. Questions were raised about the stem density of the plantings. The planting will meet the 300 stems/ac necessary according to the applicant.



OTTER CREEK BASIN WATER QUALITY COUNCIL BYLAWS

ADOPTED: September 28, 2022

AMENDED:

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ARTICLE I: LEGAL BASIS

The Otter Creek Basin Water Quality Council (“the Council”) is established pursuant to and in conformance with Title 10, Section 924(g) of the Vermont Statutes Annotated hereinafter referred to as the (“Act”). The purpose of the Council is to establish policy and make decisions for the Otter Creek Clean Water Service Provider (CWSP) regarding the most significant water quality impairments that exist in the Otter Creek, Little Otter Creek, and Lewis Creek basins and to prioritize the clean water projects that will address those impairments based on the Basin 3 Tactical Basin Plan. The Council shall participate in the basin planning process established in 10 V.S.A Sec. 1253(d) pursuant to the powers and duties outlined below in Article III.

ARTICLE II: NAME

The name of this Basin Water Quality Council shall be the Otter Creek Basin Water Quality Council, hereinafter referred to as the “Council”.

ARTICLE III: POWERS AND DUTIES OF THE COUNCIL

1. As provided in 10 V.S.A. §924(g)(1), the Council shall:
2. Establish policy and make decisions for the Otter Creek Clean Water Service Provider (CWSP) regarding the most significant water quality impairments that exist in the Otter Creek, Little Otter Creek, and Lewis Creek basins;
3. Prioritize the clean water projects that will address those impairments based on the Basin 3 Tactical Basin Plan.
4. Participate in the basin planning process established in 10 V.S.A Sec. 1253(d); and
5. Perform such other acts or functions as it and the Clean Water Service Provider, with the consent of the Agency of Natural Resources, may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purposes of the Act.

ARTICLE IV: MEMBERSHIP

SECTION 401. Authorized Entities Eligible to Appoint Delegates.

The membership of the Council shall consist of nine (9) representatives of statutorily “Authorized Entities” including:

- two persons representing natural resource conservation districts in that basin, selected by the applicable natural resource conservation districts;
- two persons representing regional planning commissions in that basin, selected by the applicable regional planning commission;
- two persons representing local watershed protection organizations operating in that basin, selected by the applicable watershed protection organizations;
- one representative from an applicable local or statewide land conservation organization selected by the conservation organization in consultation with the clean water service provider; and
- two persons representing municipalities within the basin, selected by the clean water service provider in consultation with municipalities in the basin.

Additional BWQC membership is only allowed if unanimously approved by the BWQC and approved by the Secretary of the Vermont Agency of Natural Resources.

SECTION 402. Delegates Representing Authorized Entities

1. Delegates constitute the representatives appointed by the Authorized Entities listed in Section 401

prescribed to appoint representatives in the Act. The Authorized Entities shall appoint or re-affirm the appointment of its delegate(s) to the Council and shall notify the Council in writing by June 30 of each year, or immediately if there is a change during the year. Delegates shall have voting privileges and shall be eligible to serve as officers on the Council and to serve on or chair any committee as applicable.

2. Council delegates shall attend all Council meetings, unless good cause prevents attendance. Failure to attend one-half or more of the scheduled meetings per year without good cause shall constitute grounds for replacement of the member.
3. Council delegates shall be entitled to reasonable compensation for participation on the Council in accordance with the Secretary's guidance and applicable grant agreements.

SECTION 403. Alternates

Authorized Entities may appoint alternates to represent them in the absence of their regular delegate pursuant to the following conditions:

1. An Authorized Entity that appoints a delegate may annually appoint an alternate to serve in the absence of its delegate(s). At Council meetings, the alternate shall have voting privileges only when serving in place of an appointed voting delegate.
2. Alternates shall not be eligible to serve as officers.
3. Alternates may serve on any committee. Since all committee votes, apart from the Finance Committee, are advisory only and in order to encourage participation on committees, alternates may participate and vote on committees, apart from the Finance Committee, in addition to or in the absence of a delegate.

SECTION 404. Appointment and Resignation

All appointments of delegates or alternates shall be made by the Authorized Entities in writing to the Council. All resignations of the delegate or alternate representing the Authorized Entities shall be submitted to the Council in writing.

ARTICLE V: COUNCIL VOTING DELEGATES

SECTION 501. Composition

The voting representatives of the Council shall be composed of its delegates, or alternates representing absent delegates.

SECTION 502. Powers and Duties

The voting delegates of the Council shall be its policy making body. In addition to the powers and duties set forth in the statute and ARTICLE III of these Bylaws, the voting delegates of the Council shall have the power to:

1. Exercise the authority of the Council as expressed in Article 3;
2. Oversee the operation of the Council;
3. Prescribe such operating procedures, in addition to those set forth herein, as are necessary to guide the Clean Water Service Provider or its appropriate staff in the performance of their duties as they relate to the Council.

SECTION 503. Voting Procedures on Projects

The Council shall determine which, if any, projects brought before it by the Clean Water Service Provider shall be implemented by the Clean Water Service Provider.

1. Upon determining that an application is complete, the Clean Water Service Provider shall score the project according to a matrix established by the BWQC, and share those scores with the

BWQC in advance of a scheduled meeting. The Council shall review each project presented individually on its own merits. It shall then vote on whether to instruct the Clean Water Service Provider to fund and implement the project presented. Individual BWQC members will communicate concerns and requests for additional information in advance of the BWQC meeting

2. At the meeting, the BWQC will discuss the appropriateness of the project scores, the ripeness of the projects being considered, and a threshold score for project funding. BWQC members will vote to approve all projects above the threshold established at the meeting. If more than one project is presented at the same meeting, the Council shall also vote to rank the priority order of preference for each project recommended. Priority ranking shall be decided using the following procedures:
 - a. ~~Council members will refrain from ranking those projects with which they have a conflict of interest~~
 - b.a. ~~Once all Council members present have ranked projects, the median score of ranked projects will be used to determine which projects are recommended for funding~~
3. Decisions shall be binding by a vote of the majority of the BWQC members, regardless of the number of members present for the vote;
4. Each BWQC member shall have one vote.
5. Proxy voting shall not be permitted.

ARTICLE VI: MEETINGS

SECTION 601. Conduct of Meetings

All meetings of the Council constitute public meetings and shall be warned, conducted and recorded to promote public participation, transparency and accountability in accordance with the open meeting law, Vermont's statutes governing public meetings (1 V.S.A. §311-314).

SECTION 602. Regular Meetings

The regular meetings of the Council shall be held a minimum of quarterly (four times a year).

SECTION 603. Annual Meeting

The regular meeting in the second quarter of the calendar year shall be known as the annual meeting and shall be for the purpose of electing officers, receiving reports of officers and committees, and any other business that may arise.

SECTION 604. Special Meeting

Special meetings may be called by the Chair on their own initiative. The Chair shall call a special meeting upon written request of three voting delegates of the Council.

SECTION 605. Notice of Meeting

Notice of regular or special meetings of the Council shall be mailed by the Chair or the designated Clean Water Service Provider Staff to voting members and alternates at least one week in advance.

SECTION 606. Minutes

The Clean Water Service Provider staff to the Council shall be responsible for the minutes of all Council meetings.

SECTION 607. Quorum

A majority of the voting delegates, or if the delegate is not present their appointed alternate, of the Council shall be represented in order for the Council to reach the quorum requirements necessary for it to

act.

ARTICLE VII: OFFICERS

SECTION 701. Composition

The officers of the Council shall be a Chair and Vice Chair.

SECTION 702. Powers and Duties of Officers

Chair. The Chair of the Council shall:

1. Be the chief executive officer; and shall represent the Council on other organizations or appoint a designated representative;
2. Call and preside at meetings of the Council;
3. Appoint the Chair and membership of all committees except the nominating committee;
4. Serve as an ex-officio member of all committees except the nominating committee;
5. Perform such other duties as are assigned by these bylaws and as are customary to the office.

Vice-Chair. The Vice-Chair of the Council shall act as Chair of the Council in the absence or incapacity of the Chair.

SECTION 703. Eligibility

A candidate for any office must be a delegate representing an Authorized Entity.

ARTICLE VIII: NOMINATIONS, ELECTIONS AND TERMS

SECTION 801. Nominations

At the first quarter Council meeting, the Chair shall request Nominations for officers for a vote at the second quarter meeting. Nominations may also be made from the floor at the second quarter meeting, with the consent of the nominee, at which elections take place.

SECTION 802. Elections

Council officers shall be elected by voice vote at the meeting held in the second quarter of the calendar year by majority vote of the voting delegates present, unless a secret ballot is requested by three voting delegates present. Voting delegates may vote for any eligible person. If no candidate for a particular office obtains a majority, the balloting shall be repeated for that office as many times as necessary to obtain a majority vote of those voting delegates present for a single candidate.

SECTION 803. Term

The terms of office of the Chair and Vice Chair shall begin ~~upon their election July 1~~ and shall end June 30, but both officers shall hold office until their successors have been elected and installed. Both officers shall be elected for a term of one year, but may not serve more than ~~three~~ five consecutive terms in the same office.

SECTION 804. Vacancies

A vacant office shall be filled by a majority vote of the delegates at the next Council meeting. Officers so elected shall hold office only for the balance of the current term or until their successors are elected and installed.

ARTICLE IX: COMMITTEES

SECTION 901. Composition

1. Upon assuming office each year, the Chair shall appoint the chairperson and membership of any sub-committees as the Council deems necessary to fulfill its responsibilities.
2. Committee chairs must be delegates. Any person shall be eligible to serve on a committee. Voting on committees shall be limited to duly appointed delegates and alternates ~~(even if a delegate from the same municipality is present).~~
3. The Chair shall make Committee appointments from a list of the delegates and alternates. Any delegate or alternate may make requests or add recommendations to that list. The Chair shall review the requests and make appointments such that balanced representation occurs within each committee.
4. No committee shall consist of fewer than three members.
5. Vacancies on committees shall be filled using the same procedures regarding appointment to the Committee as noted above.

SECTION 902. Powers and Duties

Committees shall have the power to gather information, prepare reports and make recommendations to the Council through the Chair. No committee may take unilateral action on behalf of the Council without approval of the voting delegates to the Council.

SECTION 903. Standing Committee Meetings

Quorums for committee meetings shall consist of a simple majority of committee members.

ARTICLE X: CONFLICTS OF INTEREST

Section 1001. Purpose

The purpose of this policy is to ensure that this Council conducts its business in the best interests of the Otter Creek Basin and preserves the public trust of the Basin. No delegate of the Council may participate so as to gain a financial advantage from his or her work for the Council. It is also the intent of this policy to ensure that all decisions made by Council delegates must be based on the best interest of the Council and/or the Basin. Within this context, these bylaws recognize that Act 76 designated representatives of organizations with an interest in clean water to serve on the Basin Water Quality Council. Members of the Council may not vote on any project scores for projects which organizations that they are affiliated with have a financial interest in. However, they may vote on project scores for other water quality projects brought before the Council. ~~Projects shall be voted on individually to ensure a quorum of the council able to vote exists at all times.~~

Section 1002. Definitions

For the purposes of this policy, the following definitions shall apply:

1. “A direct or indirect financial interest of a delegate” means the financial interest of the delegate, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, in law, close business associate, employer or employee, in the outcome of a project, proceeding, application or any other matter pending before the Council.
2. “Appearance of conflicts” means conduct which may be construed to constitute a conflict. In order to preserve the public trust, all Councilors are encouraged to disclose relationships or interests that may appear to be conflicts in order to allow the Council to make a timely decision concerning whether an actual conflict exists.

3. “Public interest” means an interest of the Otter Creek Basin as a whole, conferred generally upon all residents of the Basin.

Section 1003. Disclosure

A delegate who has reason to believe that he or she has or may have an appearance of a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the appearance of a conflict of interest shall, prior to participating in any official action on the matter disclose to the Council at a public hearing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. The Council shall determine whether an actual conflict of interest exists by majority vote. In the event a delegate is uncertain whether he or she or any other delegate has a conflict of interest in any matter, he or she may notify the Chair, prior to action taken by the Council, and request the Council to determine whether a conflict of interest exists as to another delegate or him/herself. The Council shall resolve the question by a majority vote. If the Council concludes that a delegate has a conflict the Council shall exclude that delegate from participation, voting or taking action on the subject matter in his/her capacity as a Council member. He or she shall retain all rights as a citizen and may participate as a member of the general public.

Section 1004. Disqualification

1. A delegate shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
2. A delegate shall not personally, or through any member of his or her household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application or other matter pending before the Council in which the delegate holds office or is employed.
3. Council members or employees shall not accept gifts or other offerings for personal gain by virtue of their public office.

Section 1005. Recusal

A delegate shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:

1. Any delegate may request that a member recuse him or herself due to a conflict of interest. Such a request shall not constitute a requirement that the member recuse him or herself; If the member refuses to recuse him or herself and the issue of conflict remains, the Full Council shall make the decision regarding whether an actual conflict exists using the process outlined in Section 1003 above.
2. A delegate who has recused him or herself from a proceeding shall not sit with the Council, deliberate with the Council, or participate as a delegate while that proceeding is pending;

He or she shall retain all rights as a private citizen and may participate as a member of the general public.

ARTICLE XI: STAFF/CLEAN WATER SERVICE PROVIDER

SECTION 1101. Composition

The Council shall be staffed by employees of ACRPC in its capacity as the Clean Water Service Provider for the Otter Creek Basin as necessary and appropriate to support Council meetings and implement the work projects approved by the Council voting delegates.

SECTION 1102. Clean Water Service Provider: Powers and Duties

The Clean Water Service Provider shall:

1. Exercise the powers and duties assigned by the Council as necessary to support and facilitate Council meetings;
2. Direct a Clean Water Service Program implementing projects approved by the Basin Water Quality Council;
3. Sign contracts and perform such other management acts as necessary and appropriate to direct a Clean Water Service Program implementing projects approved by the Council.
4. Provide appropriate insurance covering the activities of itself, the Council, and council members conduct.

SECTION 1103. Equal Opportunity Employer

No person having business with the Council shall be discriminated against for reasons of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age or against a qualified individual with a disability. The Clean Water Service Provider and the Chair shall take affirmative steps to ensure this policy is followed.

ARTICLE XII: SUPPLEMENTARY PROVISIONS

SECTION 1201. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Council may adopt.

SECTION 1202. Amendment of Bylaws

These Bylaws may be amended at any regular meeting of the Council by a 2/3rds vote of delegates present and voting, provided that the amendment has been submitted in writing at the previous regular meeting and included in the notice of the meeting at which such vote occurs.

SECTION 1203. Separability

If any provision of these Bylaws is held invalid, the other provisions of the Council's Bylaws shall not be affected thereby.

SECTION 1204. Dissolution

In the event of dissolution of the Council, all assets, debts and obligations of the Council shall be transferred to an appropriately authorized entity in accordance with the Secretary of the Agency of Natural Resources' guidance and applicable grant agreements. Any assets and property directly obtained with Agency of Natural Resources funds shall be returned to the Agency as determined by law.

Proposed Otter Creek Basin Water Quality Council Project Scoring Policy

July 23, 2025

Overview

Cost Effectiveness of Phosphorus Reduction - 65 points

Likelihood of Success - 15 points

Co-Benefits -20 points

Total = 100 points

Cost Effectiveness of Phosphorus Reduction

DEC Formula Grant Cost Efficiency 2025 (FGCE) = \$13,149

Ratio to FCGE	Dollars/kg	Score
0.50	\$6,574.50	65
0.75	\$9,861.75	60
1.00	\$13,149.00	55
1.50	\$19,723.50	50
2.00	\$26,298.00	45
3.00	\$39,447.00	35
4.00	\$52,596.00	25
5.00	\$65,745.00	15
6.00	\$78,894.00	5

Projects with a P reduction efficiency more than 6x the DEC Formula Grant Cost Efficiency will not be considered for full funding from the BWQC. Such projects may be considered if other funds are available so that the CWSPs investment decreases below 6x FCGE per P reduction credit the CWSP receives.

Likelihood of Success

- Implementation > Final Design > Preliminary Design
- Assess ability of project to get permits
- Assess land owner engagement
- Assess track record of implementing agency
- Assess completeness of project application
- Assess overall complexity of project

Co-Benefits

- Ecosystem Improvement. Score one point for each of the following potential improvements (max. 6)
 - Water supply
 - Carbon sequestration
 - Reduced runoff/erosion/sediment
 - Habitat restoration/improved connectivity
 - Promotes native species/removes invasive species

- Protects RTEs
- Protects significant natural communities
- Promotes biodiversity
- Flood Resilience/Hazard Mitigation (max. 3)
 - Minor reduction - 1 point
 - Moderate reduction - 2 points
 - Significant reduction - 3 points
- Education (max. 3)
 - Ephemeral education products (pamphlets, web site, etc.) - 1 point
 - Short term public event(s) associated with project - 2 points
 - Long term embedded interaction with public - 3 points
- Local Pollution Control. Score one point for pollutants other than phosphorus that will be addressed (max. 3). Examples:
 - Nitrogen
 - Pathogens
 - Heavy metals
 - Microplastics
- Other Environmental Benefits (max. 5)
 - Recreation. Up to one point each for:
 - Public accessibility
 - Improved green space
 - Urban tree canopy
 - Environmental Justice. Project serves a disadvantaged community.
 - Community Support.
 - Vague reference to project in a local or regional plan (1 point)
 - Clear identification of project in a local or regional plan (2 points)
 - Other. Must be clearly defined by applicant