

TRANSMITTAL MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: MATERIALS FOR MEETING ON 6/5/24
DA: 5/30/24

=====

Greetings, Missisquoi BWQC members and others. The next meeting will take place on June 5. Meeting materials are attached. Please let me know if you have any questions. Also please let me know if you will be unable to attend the meeting.

Conflict of interest disclosures, if any

As a reminder, this recurring agenda item provides BWQC members and others opportunity to note possible conflicts of interest regarding agenda items. Owing to the agenda item concerning applications for funding, I anticipate at least one recusal.

Seating of any new representatives or alternates

This standing agenda item allows BWQC members to acknowledge new representatives or alternates.

Budget Adjustments

No budget request has been received since the last meeting. If one is received and requires action, I will provide an update before the meeting.

Application Review/Prioritization

The CWSP for the Missisquoi Basin announced a fifth call for project applications on April 17. The filing deadline was May 22, and one application was received. The application is for Preliminary design (specifically, Floodplain/Stream Restoration – Preliminary Engineering Design). The sponsor of the application is the Franklin County Conservation District. Staff have reviewed the application and recommend it for funding. The amount of funding requested is \$57,505.51. The future implementation costs are estimated at between \$150,000 and \$300,000. The estimated annual phosphorus reduction is an impressive 92.16 KG per year, meaning the project has strong cost effectiveness. (The midpoint of the range is assumed until a final implementation cost estimate is available.) You will find additional information attached.

Discussion of proposed increase in Project Development funding allocation

This agenda item will feature an introduction by staff regarding the proposed increase in Project Development funding allocation. The proposal, outlined in the email from Chris Rottler dated April 30, 2024, effectively suggests increasing the allocation from 7% to 14% for the year, with a retroactive adjustment for the previous two grants. The mechanism for achieving this will be a one year increase from 7 percent to 28 percent. This change will provide additional financial support for project identification and development, addressing the capacity issues faced by partners and the system. The relevant materials, including the email and Project Development SOP, are attached for your review. I expect there could be a fair amount of discussion of this issue at the meeting.

Solicitation / Appointment of BWQC Member and Alternates

The BWQC will also be discussing the process we must follow for (re) appointment of members and alternates for the Council. As I have noted elsewhere, this agenda item addresses the need for the Council to have a diverse and representative membership, capable of effectively guiding water quality projects in the basin. Attached please find excerpts from Chapter 4 of DEC Guidance Document, which spells out procedures for the appointment, reappointment, replacement, and dismissal of BWQC members. For contrast, I am also provide an excerpt from the BWQC's bylaws. An up to date version of the Member Status Table will be used to track the current status of BWQC members and alternates.

Future meetings, including annual meeting and hybrid meetings

As part of this agenda item, members of the BWQC will discuss the scheduling and format of future meetings, with particular attention to the upcoming annual meeting in July and the possibility of hybrid meetings. Resources provided for the discussion include BWQC bylaws and a summary of S. 55, recently enacted by the Vermont legislature. Regarding the annual meeting, the BWQC will need to conduct elections for the Chair and Vice Chair positions. The process for nominating and electing a the Chair and Vice Chair will be discussed. A Nominating Committee, if established, would present a slate of nominations, and additional nominations will be taken from the floor during the meeting. If the BWQC does not see the need to create a nominating committee, it must vote to relive the chair of the need to establish one. Regarding S. 55, staff will provide an introduction to the question: Is the BWQC required to conduct hybrid meeting?

Updates and conclusion

This time will be available for discussion of future meeting topics and updates. If you would like to mention any of your own, please let us know. Some topics identified to date include: presentation by Chris Smith of USFWS, a discussion of the process to obtain watershed project ID numbers, Operations and Maintenance, and an extended discussion of the Project Development process.

Thanks to all who participate.

AGENDA

Missisquoi Basin Water Quality Council (BWQC)

Wednesday, June 5, 2024

11:00AM -1:00 PM

Remote /Zoom meeting

(Zoom details below)

1. Welcome and introductions
2. Meeting protocols
3. Conflict of interest declarations, if any
4. Review/adjust and approve agenda
5. Approval of minutes
6. Public comment not related to items on agenda
7. Seating of any new reps or alternate(s)
8. Report on budget adjustments, if any
9. Review of application filed in response to round 5 "Call for Projects"
10. Discussion of proposed increase in Project Development funding allocation
11. Solicitation / Appointment of BWQC Member and Alternates
12. Future meetings, including annual meeting and hybrid meetings
13. Updates and conclusion

Please Note: The schedule for the upcoming application round in Missisquoi Basin is as follows:

| Round # | Open |
|---------|-------------------|
| 6 | August 14, 2024 |
| 7 | December 18, 2024 |

Join Zoom Meeting

<https://us02web.zoom.us/j/81332571725?pwd=UktCekQ5R2ZSbVNtMXlUc1pYnVl3UT09>

Meeting ID: 813 3257 1725

Passcode: 103651

One tap mobile

+13052241968,,81332571725# US

+13092053325,,81332571725# US

Staffing provided by Northwest Regional Planning Commission (NRPC), the Basin 6 Clean Water Service Provider. NRPC's physical / mailing address is 75 Fairfield Street, St. Albans, Vermont 05482.

NRPC will ensure public meeting sites are accessible to all people or provide an opportunity to request accommodations. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Amy Adams, NRPC Title VI Coordinator, at 802-524-5958 or aadams@nrpcvt.com. NRPC will accommodate requests made no later than 3 business days prior to the meeting for which services are requested, and will strive to accommodate all other requests. This support is provided in accordance with provisions of the Americans with Disabilities Act (ADA) of 1990.

Review/adjust and approve agenda

Approval of minutes

Missisquoi Basin Water Quality Council (BWQC)

MINUTES

Wednesday, April 3, 2024

11:00 AM-1:00 PM

Virtual Meeting/Held Via Zoom* (computer/smartphone/tablet etc.)

Meeting video posted at <https://youtu.be/qG8aFFD5t9k>

A VIDEO RECORDING OF THE MEETING IS AVAILABLE THROUGH THE NRPC YOUTUBE CHANNEL (Link above). THE WRITTEN MINUTES ARE A SYNOPSIS OF THE DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED. MINUTES WILL BE SUBJECT TO CORRECTION BY THE COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COUNCIL

Council Members: Lindsey Wight (Q), Ted Sedell (Q), Barry Lampke (Q), Beth Torpey (Q), Kent Henderson (Q), Allaire Diamond (Q), Dan Seeley (Q), Mel Auffredou (Q Alternate counting), Dave Allerton (Q Alternate non counting as rep was present), Bridget Butler (Q Alternate non counting as rep was present)

(Q= towards quorum unless otherwise indicated)

Staff: Dean Pierce

Others present: Ellen Fox, July Medina-Triana, Karen Bates, Jim Pease (and Jim's Otter Pilot AI)

1. Welcome and Introductions

Lindsey Wight opened the meeting as Chair at 11:02 am.

2. Meeting protocols

Lindsey reviewed meeting protocols.

3. Conflict of interest declarations, if any

There were no declarations of conflicts of interest.

4. Review/adjust and approve agenda

The agenda was approved by consent.

5. Approval of Minutes

Ted Sedell made a motion to approve the minutes, which was seconded by Dan Seeley. The motion was approved.

6. Public comment not related to items on agenda

Ted Sedell asked about the process for quarterly reporting in relation to invoicing. He also inquired about streamlining the reporting process. Dean Pierce responded that CWSP is attempting to keep the process simple and does allow progress reporting as part of its newly developed invoicing form.

7. New rep or alternate seating (if required)

No new reps or alternates were seated.

8. Budget Adjustment Requests

Dean Pierce indicated that, at this time, there were no budget adjustment requests to report or consider. He then shared the experience of the Lamoille Basin Water Quality Council, which recently had its first instance of a budget adjustment request report.

9. Brainstorming session /discussion of obstacles to project advancement

Dean Pierce introduced the topic by highlighting the opportunity presented by the upcoming Clean Water Network Summit. He suggested that the session could serve as a platform for the Basin Council to share insights on the project development process with a wider audience. The aim was to not only present dry facts about project numbers and cost-effectiveness but to delve deeper into the processes and developments, highlighting what's working and what's not.

Dean proposed a brainstorming session for Basin Council members to discuss the project development process. The aim was to identify successful elements worth retaining, potential areas for improvement, and suggestions for future actions. The session was designed to be informal yet structured.

Participants discussed challenges related to project identification and the capacity to carry out projects. There was a consensus on the need for more resources dedicated to exploring potential projects and ensuring organizations have the capacity to implement them. Ideas for funding mechanisms and structural adjustments were proposed to address these challenges.

The discussion touched upon the complexities of funding and executing culvert projects, especially distinguishing between town and private road culverts. The conversation highlighted the need for clear guidelines and potential for funding to support small-scale, impactful culvert projects as part of larger restoration efforts.

10. Potential changes for Round 5 Call for projects

Dean Pierce shared updates and clarifications regarding the upcoming call for project submissions, scheduled to open on April 17th, with a deadline of May 22nd.

Dean highlighted that the call for applications form had been slightly updated to ensure clarity and ease of application for potential project proposers. This included corrections to the eligible project types and fixing broken links to the funding policy.

One significant change was the increased emphasis on the importance of including cultural resource assessments in project planning and budgeting. This was identified as an area that previously caught applicants by surprise, either by not budgeting for it or underestimating the costs involved. The updated call for projects documentation now highlights this requirement more prominently to ensure applicants are well-informed and prepared.

Dean emphasized that the CWSP remains open to receiving applications for all stages of project development. This openness aims to encourage a wide range of project proposals, from initial assessments to full-scale implementation projects, provided they align with eligible activities.

Dean concluded that while the current call for projects does not limit the types of applications that can be submitted, there is openness to potentially focusing on specific project types in future rounds if deemed necessary. This would be based on identified priorities or strategic needs to address specific water quality challenges.

There was limited discussion.

11. Clean Water Network Summit

Dean Pierce sought to gauge the council members' attendance plans by requesting a show of hands. Some members, like Bridget Butler, were undecided due to possible inclement weather.

Karen Bates offered to carpool, suggesting she could meet participants at designated locations with her well-equipped vehicle for snowy conditions. Karen provided her email for those interested in this offer, emphasizing community support for those attending the summit.

Dean discussed the prospect of using slides during the summit's "slam" portion, where each basin or council could share updates or highlights. He expressed concerns about the effectiveness of using visual aids in a large room, potentially with a small screen, and

how it might not serve the intended purpose if the audience couldn't clearly view the slides. Dean planned to consult further with the Chair and Vice-Chair on whether to proceed with slides, indicating a flexible approach to their presentation strategy.

12. Updates and Conclusion

Dean Pierce noted Karen Bates's request for a future agenda item dedicated to discussing the process of creating Project IDs. He also introduced BWQC members to a relatively new feature on the website – a pre-qualification list of consultants and contractors. The list is intended to aid project proposers in identifying qualified firms for design and implementation work, including those capable of conducting cultural resource assessments. Dean then reminded members about the upcoming timeline for receiving applications under Round 5.

Allaire Diamond made the motion to end the meeting, with Ted Sedell seconding. The motion was approved. The meeting adjourned at approximately 12:30.

Public comment not related to items on agenda

Seating of any new reps or alternate(s)

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: **Conflict of interest disclosures and Seating of any new representatives or alternates**
DA: 5/30/24

As a reminder, the agenda item regarding Disclosures provides BWQC members and others opportunity to note possible conflicts of interest regarding agenda items. Owing to the agenda item concerning applications for funding, I anticipate at least one recusal.

The agenda item regarding member seating allows BWQC members to acknowledge new representatives or alternates.

Report on budget adjustments, if any

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: Budget Adjustments
DA: 5/30/24

=====

As noted, no budget request has been received since the last meeting. If one is received and requires action, I will provide an update before the meeting.

Review of application filed in response to round 5 "Call for Projects"

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: Application Review/Prioritization
DA: 5/30/24

=====

The CWSP for the Missisquoi Basin announced a fifth call for project applications on April 17. The filing deadline was May 22, and one application was received. The application is for Preliminary design (specifically, Floodplain/Stream Restoration – Preliminary Engineering Design). The sponsor of the application is the Franklin County Conservation District. Staff have reviewed the application and recommend it for funding. The amount of funding requested is \$57,505.51. The future implementation costs are estimated at between \$150,000 and \$300,000. The estimated annual phosphorus reduction is an impressive 92.16 KG per year, meaning the project has strong cost effectiveness. (The midpoint of the range is assumed until a final implementation cost estimate is available.) You will find additional information in the following pages.

| | |
|--|---|
| TypeList | Floodplain/Stream Restoration – Preliminary Engineering Design |
| Basic Eligibility | Yes |
| Applicant Name | Lauren Weston |
| Applicant Organization | Franklin County Natural Resources Conservation District |
| Applicant Email | lauren@franklincountynrcd.org |
| Applicant telephone | +1 (802) 528-4176 |
| Project ID from WPD | 11866 |
| Description of Project | This project proposes to restore The Branch's floodplain access along two properties in Enosburg, VT to improve water quality and reduce erosion. This will include methods such as, but not limited to, floodplain lowering, bank stabilization via stone toes and tree revetments, and/or reconnection of historic channels to reduce the erosive strength of high flows on the river's eroding banks. Depending on the findings of the preliminary design process, this project could also include movement or replacement of the bridge indicated on the project map... |
| Project Latitude | 44.85454 |
| Project Longitude | -72.80226 |
| Project Phase | Preliminary Design |
| Annual P Reduction KG | 92.16 |
| Any one time P reduction KG | 163.60 |
| Total Cost of Proposed Phase | 57505.51 |
| Amount of Funding Requested (Proposed Phase) | \$57,505.51 |
| Non DEC Funding as part of Total Project Costs (a | \$0.00 |
| Total Project Costs (All Phases) | \$150,000 - \$300,000 |
| Design Life | 30 |
| Estimated Annual O&M cost total | \$3,000.00 |
| Conformance with Tactical Basin Plan TBP | 10 |
| Number of Co-benefit Areas | 3 |
| DEC Screening Form Uploaded | Yes |
| Map of Project Area Uploaded | Yes |
| Project Budget Uploaded | Yes |
| Project Schedule Uploaded | Yes |
| Landowner Support uploaded | Yes |
| Phosphorus Calculator Tool uploaded | Yes |
| Cultural Resource Review uploaded | No |
| Created | 05/21/24 1:06 PM |

CWSP Project Budget

The Branch Floodplain Restoration: Preliminary Design

| Personnel (Name, Title) | Tasks/Responsibilities | Hours | Hourly Rate | Salary Expense |
|--|--|-------|-------------|-------------------|
| Lauren Weston, District Manager | Grant management, staff oversight, field visits, design review and oversight | 35.00 | \$70.00 | \$2,450.00 |
| Mel Auffredou, Natural Resources Planner | Procurement process, coordination with contractor and landowners, field visits, review contractor's produced materials | 45.00 | \$65.00 | \$2,925.00 |
| Personnel Subtotal | | | | \$5,375.00 |

| Anticipated Travel | Purpose | Miles | Mileage Rate | Travel Expense |
|-------------------------|--|--------|--------------|----------------|
| Travel to Enosburgh, VT | 4 Site visits with contractor and landowners | 133.60 | \$0.67 | \$89.51 |
| Travel Subtotal | | | | \$89.51 |

| Contractual | Description/Use | # of Units | Unit Cost | Contract. Expense |
|-------------------------------|---|------------|-------------|--------------------|
| Engineering Design Contractor | Site visits, existing conditions analysis, alternatives analysis, conceptual design plans and cost opinion; cost estimates provided by three consultants to determine anticipated contract expense with 10% contingency | 1.00 | \$41,400.00 | \$45,540.00 |
| Historic and Cultural Review | Background research, field work, report writing, mapping, and production | 1.00 | \$6,500.00 | \$6,501.00 |
| Contractual Subtotal | | 0 | | \$52,041.00 |

Total Project Cost: \$57,505.51

The Branch Floodplain Restoration Preliminary Design Schedule

Task 1: Hire Consultants

July – August 2024

It is expected that two consultants will be needed for this project, including an engineering firm and an historical and archaeological consultant. FCNRCD will prepare requests for proposals for each scope of work, solicit proposals following CWSP guidelines, select consultants, and execute contracts with the consultants. Cost estimates for this proposed project budget are based off estimates from consultants likely to bid on this project if selected for funding.

Task 2: Initial Project Site Visit

August – September 2024

There will be a project kickoff site visit to discuss data collection needs and adjust any timelines as needed.

Task 3: Existing Conditions Analysis

September 2024 – January 2025

The engineering consultant will perform the following data collection: baseline survey, integration with LiDAR, and wetland delineation. The engineering consultant will draft an existing conditions report, model, and mapping.

An Archaeological Resources Assessment (ARA) may be needed for this project. At the time of submission of funding request, FCNRCD has contacted the Vermont Division of Historic Preservation but has not yet confirmed regulatory next steps. FCNRCD will ensure coordination with DHP and will secure a Signed VCDHP Project Review Form by the end of the project.

Task 4: Alternatives Analysis

January – March 2025

In addition, the engineering consultant will perform an Alternatives Analysis (AA) to evaluate costs/benefits of 3 alternatives. This AA will include a summary with an Alternatives Analysis matrix, evaluation of potential permits for each alternative and associated phosphorus (P) reduction estimates for each alternative; alternatives may include the combination of multiple practices to achieve stacked benefits. FCNRCD, the landowner, and other relevant stakeholders and regulators will then review and select the preferred alternative.

Task 5: Conceptual Design Plan & Cost Opinions

March – August 2025

The engineering consultant will create 30% Conceptual design sheets showing typical cross-section(s), longitudinal profile, and an aerial map showing existing conditions and the preferred alternative. They will also complete an initial engineer's opinion of probable cost and a Preliminary Design Report.

Task 6: Reporting

August – October 2025

FCNRCD will complete reporting for CWSP funding requirements. Deliverables will include DEC Programmatic staff comments on design, Signed VCDHP Project Review Form, Preliminary Design Report, Media Announcement, Final Performance Report of ANR Online Clean Water Project – Project Closeout Form (once available) and/or Batch Import File or ANR Online Clean Water Project – New Project Form (once available).

Legend

— Stream □ Parcels

West Enosburg Cemetery should not be disturbed by restoration efforts.



Eroding 10-15ft bank, approximately 50ft away from Route 108. Potentially area for stone toe and/or tree revetments for bank stabilization.

Landowner wants to keep this hayfield in production.

Landowner is willing to take this hayfield out of production to reduce erosion and land loss.

Historic channel. Potentially reconnect to reduce the strength of high flows on heavily eroded areas.

This bend is separated from Route 108 by ~70ft of trees. Less of a priority.

Bridge is slightly destabilized and potentially creating cinch point that increases water velocity. Explore options for replacement and/or movement to different area along the river.

Historic channel



Floodplain and Stream Restoration Estimated Phosphorus Reduction Calculator

kg of TP = Stream Stability P Reduction + Storage P Reduction

Stream Stability P Reduction = project type and basin P reduction factor (lb/acre/yr) * acres * kg per lb

Storage P Reduction = pre- to post- restoration change in connectivity factor (lb/acre/yr) * acres * kg per lb * 50% after year 1

| Variable | Value | Unit | Notes |
|--------------------------------------|-------|-----------|---|
| Unit conversion | 0.454 | lb to kg | Not all floodplain and stream restoration projects receive a storage P reduction credit. If a project does not effectively change the ability of a stream or river to access a floodplain, select matching floodplain connectivity ranking for pre- and post- restoration (ex: floodplain connectivity pre-restoration = low, floodplain connectivity post-restoration = low). For more detail on phosphorus credit allocations by project type, please refer to the Standard Operating Procedures for Tracking & Accounting of Natural Resources Restoration Projects available on the VT DEC website. |
| Consecutive year storage p reduction | 50% | of year 1 | The Functioning Floodplains Initiative (FFI) web application (coming soon) is equipped to generate the most accurate estimation of phosphorus reduction achieved through a floodplain or stream restoration project based on more detailed project specifications, and will ultimately be used for phosphorus accounting purposes by VT DEC. This tool was developed as an interim solution to provide high level estimation of potential phosphorus reductions and can be used to help compare potential project outcomes to inform prioritization. Phosphorus reductions calculated in the interim tool are based on FFI project simulations by project type and watershed. This interim tool cannot be used to accurately account for stacked practices (i.e. multiple project types implemented in a single location) however, the FFI tool will allow for calculation of estimated phosphorus reduction resulting from implementation of multiple project components, such as a river corridor easement layered on a floodplain restoration and buffer planting. |

| Input* | Dropdown* | Dropdown* | Input Value* | Input Value | Dropdown* | Dropdown* | Output value | Output value | Output value | Output value | Output value |
|----------------------------------|-----------|---|----------------|---|---|--|--------------------------------------|---------------------------------|--|-----------------------------------|---|
| Project Identifier | Basin | Project Type | Acres Restored | Number of Culverts Replaced (if applicable) | Floodplain Connectivity Pre-Restoration | Floodplain Connectivity Post-Restoration | Stream Stability P reduction (lb/yr) | Year 1 Storage P Reduction (lb) | Consecutive Year Storage P Reduction (lb/yr) | Estimated Year 1 P Reduction (kg) | Estimated Annual P Reduction After Year 1 (kg/yr) |
| The Branch Floodplair Missisquoi | | Floodplain Restoration with Buffer Revegetation | 15.75 | | Low | High | 45.68 | 315.00 | 157.50 | 163.60 | 92.16 |

APPENDIX A. CLEAN WATER INITIATIVE PROGRAM - PROJECT ELIGIBILITY SCREENING FORM

This fillable PDF form is designed to assist with project review by systematically walking through all eligibility criteria. It should be completed for all projects seeking funding for 30% + design or implementation work. It may be applied to projects seeking funding for assessment or development if helpful for determining their alignment with eligibility criteria 2, 3, 6, and 8.

Step 1: Conduct Eligibility Criteria #1 Screening: Project Purpose

| Table 1A: Project Purpose | |
|--|----------|
| From the drop-down list to the right, please select which of the four objectives of Vermont's Surface Water Management Strategy this project addresses. If multiple, please list below: Minimize anthropogenic nutrient and organic pollution, minimize flood and fluvial erosion hazards, protect and restore aquatic and riparian habitat | Multiple |

Step 2: Conduct Eligibility Criteria #2 Screening: Project Types and Standards

| Table 2A: Project Types and Standards | | | |
|--|--|---|--|
| Please select the most representative project type from the drop-down list to the right. ^{1,2} If multiple BMPs are included in the project, please list below: | Floodplain/Stream Restoration - Final Engineering Design | | |
| Is the project type an eligible project type for the funding program you are applying to as listed in column B of the CWIP Project Types Table ? (Answer must be YES to proceed) | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Yes <input checked="" type="radio"/></td> <td style="width: 50%;">No <input type="radio"/></td> </tr> </table> | Yes <input checked="" type="radio"/> | No <input type="radio"/> |
| Yes <input checked="" type="radio"/> | No <input type="radio"/> | | |
| Does the project meet the project type definitions and minimum standards as provided in column C of the CWIP Project Types Table ? (Answer must be YES to proceed) | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Yes <input checked="" type="radio"/></td> <td style="width: 50%;">No <input type="radio"/></td> </tr> </table> | Yes <input checked="" type="radio"/> | No <input type="radio"/> |
| Yes <input checked="" type="radio"/> | No <input type="radio"/> | | |
| Will the project result in the standard performance measures, milestones, and deliverables as defined by project type in columns D-F of the CWIP Project Types Table ? (Answer must be YES to proceed) | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Yes <input checked="" type="radio"/></td> <td style="width: 50%;">No <input type="radio"/></td> </tr> </table> | Yes <input checked="" type="radio"/> | No <input type="radio"/> |
| Yes <input checked="" type="radio"/> | No <input type="radio"/> | | |
| Is the project listed as an ineligible project or activity in the CWIP Funding Policy ? If Yes, please explain below how project meets the allowable exceptions within the CWIP Funding Policy. (Answer must be NO to proceed, unless reasonable justification is provided above) | <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Yes <input type="radio"/></td> <td style="width: 50%;">No <input checked="" type="radio"/></td> </tr> </table> | Yes <input type="radio"/> | No <input checked="" type="radio"/> |
| Yes <input type="radio"/> | No <input checked="" type="radio"/> | | |

Step 3: Conduct Eligibility Criteria #3 Screening: Watershed Projects Database

Verify project has been recorded in the [Watershed Project Database](#) (WPD). Each project must have a Watershed Project Database number specific to the proposed project phase (for example,

¹ Note that Road/Stormwater Gully project-types must not otherwise be considered intermittent or perennial streams by the DEC Rivers Program and therefore project proponent must show documentation of this determination in order to select this project type.

² One project may include multiple best management practices (BMPs) that cross “project types.” For example, a single project may include both stormwater and lake shoreland BMPs. Proponents should use their best judgement in selecting the most representative project type for the purposes of eligibility screening and reporting.

a final design will have a different WPD-ID from a preliminary design even if for the same project). If the project, or the specific phase, is not yet in the Watershed Project Database, follow directions provided in the CWIP Funding Policy to secure a WPD-ID. Please see [CWIP Funding Policy](#) for more information on the WPD-ID.

| Table 3A. WPD-ID | |
|---|-----------------------------------|
| Watershed Project Database ID number assigned | 11866 |
| Watershed Project Database Project Name | The Branch Floodplain Restoration |

Step 4: Conduct Eligibility Criteria #4 Screening: Natural Resource Impacts³

Agency of Natural Resources (ANR) permit screening for natural resource impacts includes 1) an initial desktop review to identify which ANR permitting programs should be contacted, 2) a review by the relevant ANR permitting staff, and 3) a response summary from the project proponent addressing any permitting staff concerns. ⁴

- 1) **Table 4. Natural Resource Impacts** facilitates a high-level desktop review of the most likely ANR permits to apply to clean water projects. Project proponents should answer all the questions to identify likely permit needs. ⁵ Please note that “project site” may include both the active restoration location as well as any additional impact footprint related to staging, site access, or storage of waste or disposed materials.
- 2) If responses to the **Table 4. Natural Resource Impacts** desktop review trigger a permitting staff consultation, **Table 4** provides appropriate contact information.
 - a. Proponents should send the identified permitting staff the following:
 - i. The watersheds project database identification number (WPD-ID) (if available),
 - ii. Project location (GPS coordinates)
 - iii. Summary of proposed scope of work, and
 - iv. Any other relevant information they request that will be utilized in their review.
 - b. **Proponents should clarify they are seeking permitting staff input on potential permitting needs, permit-ability of proposed scope of work, and other design considerations but they are NOT seeking a formal permit determination.**
 - c. Project proponents must attempt to communicate with the permitting staff and provide them with at least thirty days to review the project and provide a

³ Easements and Riparian Buffer Plantings are excluded from this eligibility requirement/step.

⁴ In cases where this screening may have already occurred in a prior project phase, project proponents may supply attachments or links to relevant permit needs assessment documents in place of completing Table 4.

⁵ Entities selected for funding are expected to perform due diligence to ensure all applicable permits (including non-ANR state, local, and federal permits) are discovered and secured prior to implementation. The [ANR Permit Navigator](#) and an Environmental Compliance Division Community Assistance Specialist can help confirm ANR permitting needs for any projects once selected for funding.

response. Project proponents are encouraged to perform this screening during a project development phase as opposed to during a project solicitation round to allow for more time for feedback. Permitting feedback may be up to one year old.

- 3) Proponents should summarize permitting staff feedback and how the proposed scope of work will address this at the bottom of **Table 4**. Specifically, please include:
 - a. Which permits or permit amendment are needed or might be needed?⁶
 - b. What type might be needed? (e.g., a general or individual permit?)⁷
 - c. What concerns were voiced by permitting staff?
 - d. How will the proposed scope of work address these concerns?⁸

| Table 4A: Natural Resource Impacts | | |
|--|------------------------------|--|
| I. Act 250 Permits | | |
| 1. Have any Act 250 (Vermont’s Land Use and Development Control Law) Permits been issued in the project site’s parcel location? ⁹ | Yes <input type="radio"/> | No <input checked="" type="radio"/> |
| If yes , please provide the permit number and list any water resource issues or natural resource issues found ¹⁰ : PermitNumber: _____ ResourceIssues: _____ If yes , use the Water Quality Project Screening Tool to identify the appropriate regulatory contact for an Act 250 consultation. Regulatory Point of Contact Name/Position: _____ | | |
| II. Lake and Shoreland | | |
| 1. Is the project site located within 250 feet of the mean water | Yes <input type="radio"/> | No <input checked="" type="radio"/> |

⁶ Occasionally permit staff may indicate they need a field visit or to see more completed designs prior to making a permit need determination.

⁷ Design phase projects that require an individual wetlands permit must have the permit in hand at the close of the final design phase. Implementation phase projects must have the individual permit in hand to be eligible for funding.

⁸ Examples could include planned design changes or inviting permitting staff to stakeholder meetings.

⁹ An Act 250 Permit is required for certain categories of development, such as subdivisions of 10 lots or more, commercial projects on more than one acre or ten acres (depending on whether the town has permanent zoning and subdivision regulations), and any development above the elevation of 2,500 feet. The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located on an Act 250 parcel. Note that the layer to activate in ANR Atlas is now named “Clean Water Initiative Program Grant Screening.”

¹⁰Note that Act 250 permit amendments may require more extensive review of project impacts to natural resources including wildlife habitat, significant natural communities, and riparian zones. Please consult with the Act 250 District Coordinator regarding the nature and scope of that review and what bearing it may have on your project design.

| | |
|--|--|
| level (shoreline) of a lake or pond? ¹¹ | |
| <p>If yes, you might need either a Shoreland Protection Act Permit or a Lake Encroachment Permit. Use the Water Quality Project Screening Tool to find the Lakes and Ponds Program contact for your project's region.</p> <p>Regulatory Point of Contact Name/Position:</p> | |
| III. Rivers, River Corridors, and Flood Hazard Areas | |
| <p>1. Is there any portion of the project site located within 100' of a river corridor and/or mapped Federal Emergency Management Agency (FEMA) flood hazard area¹²? (e.g. a stormwater pond's pipe draining into a river corridor area)? Any permanent excavation/filling or construction within a flood hazard area or river corridor may trigger regulatory requirements through municipal bylaws or through state authorities.</p> | <p>Yes <input checked="" type="radio"/> No <input type="radio"/></p> |
| <p>If yes, you will need to speak with a Floodplain Manager. Use the Water Quality Project Screening Tool to find the Floodplain Manager for your project's region.</p> <p>Regulatory Point of Contact Name/Position: Rebecca Pfeiffer</p> | |
| <p>2. Is any portion of the project site within a perennial river or stream channel? ¹³</p> | <p>Yes <input checked="" type="radio"/> No <input type="radio"/></p> |
| <p>If yes, you will need to speak with a Stream Alteration Engineer. Use the Water Quality Project Screening Tool to find the Stream Alteration Engineer for your project's region.</p> <p>Regulatory Point of Contact Name/Position: Staci Pomeroy</p> | |
| IV. Wetland | |

¹¹ The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located in the jurisdictional zone to trigger a Lakeshore permit. Note that the layer to activate in ANR Atlas is now named "Clean Water Initiative Program Grant Screening."

¹² FEMA mapped Flood Hazard Areas are not available statewide on the ANR Natural Resources Atlas. For projects located in Grand Isle, Franklin, Lamoille, Addison, Essex, Orleans, Caledonia, and Orange Counties, maps are available via the FEMA Flood Map Service Center: <https://msc.fema.gov/portal/home>. ANR Floodplain Managers are available to provide technical assistance if needed.

¹³ Stream Alteration Permits regulate all activities that take place within perennial river and stream channels. Examples of regulated activities include streambank stabilization, dam removal, road improvements that encroach on streams, and bridge/culvert construction or repair. The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located in the jurisdictional zone to trigger a Stream Alteration permit. Note that the layer to activate in ANR Atlas is now named "Clean Water Initiative Program Grant Screening."

| | |
|--|---|
| <p>1. Does the Wetland Screening Tool¹⁴ provide a result of wetlands likely, very likely, or present at the project site?</p> | <p>Yes <input checked="" type="radio"/> No <input type="radio"/></p> |
| <p>2. Does your project site involve land that is in or near an area that has <u>any</u> of the following characteristics:</p> <ul style="list-style-type: none"> o Water is present – ponds, streams, springs, seeps, water filled depressions, soggy ground under foot, trees with shallow roots or water marks? o Wetland plants, such as cattails, ferns, sphagnum moss, willows, red maple, trees with roots growing along the ground surface, swollen trunk bases, or flat root bases when tipped over? o Wetland Soils – soil is dark over gray, gray/blue/green? Is there presence of rusty/red/dark streaks? Soil smells like rotten eggs, feels greasy, mushy or wet? Water fills holes within a few minutes of digging? (See Landowners Guide to Wetlands for additional information on identifying wetlands onsite.) | <p>Yes <input checked="" type="radio"/></p> <p>No <input type="radio"/></p> <p>Not Sure <input type="radio"/></p> |
| <p>If you answered <i>yes</i> or <i>not sure</i> to <u>either</u> of the above questions, you will need to contact your District Wetlands Ecologist using the Wetland Inquiry Form. The District Wetlands Ecologist can help determine the approximate locations of wetlands and whether you need to hire a Wetland Consultant to conduct a wetland delineation. Alternatively, if you answered <i>yes</i> or <i>not sure</i> to <u>either</u> of the above questions, you can simply budget for a Wetland Consultant in the proposed scope of work. Any activity within a Class I or II wetland or wetland buffer zone (minimum of 100 feet and 50 feet respectively) which is not exempt or considered an “allowed use” under the Vermont Wetland Rules requires a permit. All permits must go through review and public notice process, which takes at minimum 6 weeks for a General Permit and 5 months for an Individual Permit.</p> <p>Regulatory Point of Contact Name/Position:</p> <p>Julie Follensbee</p> | |
| <p>1. Is your project a Wetland Restoration project type?</p> | <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p> |
| <p>If you answered yes, under the Vermont Wetland Rules you will need an “allowed use” determination from the DEC Wetlands Program. Contact your District Wetlands Ecologist using the Wetland Inquiry Form.</p> <p>Regulatory Point of Contact Name/Position:</p> | |
| <p>V. Fish and Wildlife</p> | |
| <p>State law protects endangered and threatened species. No person may take or possess such species without a Threatened & Endangered Species Takings permit.</p> <p>1. Does your project involve cutting down trees larger than 5 inches in diameter in any of the following towns? Addison, Arlington, Benson, Brandon, Bridport, Bristol, Charlotte, Cornwall, Danby, Dorset, Fair Haven, Ferrisburgh, Hinesburg, Manchester, Middlebury, Monkton, New Haven, Orwell, Panton, Pawlet, Pittsford, Rupert, Salisbury, Sandgate, Shoreham, Starksboro, St. George, Sudbury, Sunderland, Vergennes, Waltham, West Haven, Weybridge, Whiting</p> | <p>Yes <input type="radio"/> No <input checked="" type="radio"/></p> |

¹⁴ To view the Wetland Screening Tool introduction video, see <https://youtu.be/6lv5en0AB1o>

| | |
|--|---|
| 2. Is the project site within 1 mile of a mapped¹⁵ Significant Natural Community or Rare, Threatened, or Endangered Species? | Yes <input type="radio"/> No <input checked="" type="radio"/> |
| If yes to either of the above questions, connect with the VT Fish and Wildlife department (everett.marshall@vermont.gov 802-371-7333) to discuss your project and any necessary permitting. Regulatory Point of Contact Name/Position: | |
| VI. Stormwater | |
| 1. Will the project disturb more than an acre of land during construction, add or redevelop impervious surface, create new development or otherwise require a Stormwater permit? | Yes <input type="radio"/> No <input checked="" type="radio"/> |
| If yes , forward to the appropriate Stormwater specialist to ensure necessary permitting. Use the Water Quality Project Screening Tool to find the Stormwater specialist for your project's region. Regulatory Point of Contact Name/Position: | |
| VII. Solid Waste | |
| 2. Will you be creating any debris (including construction and demolition waste, stumps, brush, untreated wood, concrete, masonry, and mortar) with your project that you intend to bury on site? ¹⁶ | Yes <input type="radio"/> No <input checked="" type="radio"/> |
| If yes, connect with the Waste Management & Prevention Division (dennis.fekert@vermont.gov 802-522-0195) to discuss your project and any necessary permitting. Regulatory Point of Contact Name/Position: | |
| Provide below or attach a narrative summary of Table 4 findings. Please include: <ol style="list-style-type: none"> Which permits or permit amendment are needed or might be needed? What type might be needed? (e.g. a general or individual permit)? What concerns were voiced by permitting staff? How will the proposed scope of work address these concerns? <p>A. Floodplain, stream alteration, wetland B. Individual C. Rivers Program expressed caution over channel reconnection and bank stabilization without incorporating natural restoration components. Wetlands Program staff advised that bridge movement and ground disturbance would require permitting. D. FCNRCD will incorporate natural restoration as a primary component of this project and will work closely with DEC permitting staff throughout this process to ensure this project aligns with permitting requirements</p> | |
| Is the project, as proposed, reasonably considered permit-able by all applicable | Yes <input checked="" type="radio"/> No <input type="radio"/> |

¹⁵ Find both of these layers on the ANR Atlas under Atlas Layers/Fish and Wildlife. Use the Measurement tool to 1) Plot Coordinates for your project 2) select the coordinates from the left panel 3) select the Radius Tool 4) click on your project location 5) Indicate 1 mile distance 6) look for overlap with either of these mapped layers.

¹⁶ If your project will result in the transfer and disposal of debris (including construction and demolition waste, stumps, brush, untreated wood, concrete, masonry and mortar), you do not need a permit from this office as long as you hire a [licensed solid waste hauler](#) and bring the material to a certified facility.

| | |
|--|--|
| ANR permitting programs? (Answer must be Yes to continue) | |
|--|--|

Step 5: Conduct Eligibility Criteria #5-8 Screenings

| Table 5A. Eligibility Criteria 5-8 | |
|---|---|
| Landowner and Operation and Maintenance Responsible Party Support. Project identifies and demonstrates commitment from a qualified and willing operation and maintenance responsible party. Project demonstrates landowner support for the proposed project phase. (Answer must be YES to proceed) | Yes <input checked="" type="radio"/> No <input type="radio"/> |
| Budget. Project budget includes ineligible expenses. (Answer must be NO to proceed) | Yes <input type="radio"/> No <input checked="" type="radio"/> |
| Leveraging. Proposed leveraging meets required leveraging levels (if applicable), meets the definition of leveraging, and comes from eligible sources (Answer must be YES or N/A to proceed) | Yes <input type="radio"/> No <input type="radio"/> N/A <input checked="" type="radio"/> |
| Funding Program Specific Eligibility. Project meets additional funding program eligibility requirements*. Please list applicable funding program below: (Answer must be YES to proceed) *If Water Quality Restoration Formula Grant, complete Step 6 below | Yes <input checked="" type="radio"/> No <input type="radio"/> |

Step 6: Screening Projects on Agricultural Lands (Water Quality Restoration Formula Grants Only)

For Water Quality Restoration Formula Grant projects, please complete the following information as part of your Funding Program Specific Eligibility Screening (Criteria 8). Please note this must be completed for all projects located on agricultural lands regardless of project type. See [CWIP Project Types Table](#) for eligible project types.

| Table 6A. Screening Projects on Agricultural Lands | |
|---|--|
| 1. Is the proposed project located on a jurisdictional farm operation ¹⁷ ? Complete a preliminary review to | <input checked="" type="radio"/> Yes - Proceed to next question below. |

¹⁷ Jurisdictional farm operations are required to meet Vermont’s Required Agricultural Practices (RAPs).

| | |
|---|---|
| <p>determine if it is a jurisdictional farm operation, and any case that requires consultation with AAFM will occur via the farm determination process. Please note this form must be submitted by the farm operation/landowner seeking the determination.</p> | <p><input type="radio"/> No¹⁸ - There is no additional requirements related to agricultural review for these projects.</p> |
| <p>2. Is the proposed project an agricultural project?</p> <p>Examples of agricultural projects include but are not limited to Production Area Practices – (e.g. Waste Storage Facilities, Heavy Use Area, Diversion) Fence, Livestock Exclusion, Filter Strip, Cover Crop, Reduced Tillage, Manure Injection, Rotational Grazing. Please note this is not an exhaustive list of all agricultural practices.</p> | <p><input type="radio"/> Yes - Agricultural Projects on jurisdictional farms are not an eligible project type. You can provide a referral to an applicable state or federal agricultural assistance program, or a local organization.</p> <p><input checked="" type="radio"/> No- The natural resource, innovative, or other project type will require an agricultural project review and approval from the Vermont Agency of Agriculture, Food and Markets (VAAFAM) to ensure a consistent approach on farms statewide that follows rules, regulations, and laws in place. Please follow Steps 1 & 2 below.</p> <p>Step 1- Please submit a detailed description of the project, project site, project details, landowner, farm operation, and any other relevant information to VAAFAM at AGR.WaterQuality@Vermont.gov .</p> <p>Step 2- Once you complete this Agricultural Project Review, please allow 30 days for a response. Once that response has been received, please include a summary of the response in the next section.</p> |
| <p>Agricultural Project Review Status & Summary:</p> | |
| <p>Check as Applicable</p> | <p>Status</p> |
| <p><input checked="" type="checkbox"/></p> | <p>Submitted/ Pending</p> |
| <p><input type="checkbox"/></p> | <p>Approved</p> |
| <p><input type="checkbox"/></p> | <p>Denied</p> |

¹⁸ Note CWIP’s Agricultural Pollution Prevention project type eligibility is limited to land where owner or operator is not a jurisdictional farm (i.e., not required to meet the Required Agricultural Practices (RAPs)). As such, projects that meet the definition of the Agricultural Pollution Prevention project type in the Appendix B. Project Types Table are not subject to review by VAAFAM.

Please include a summary of the response here:

Please note that it is expected that all projects with the status “submitted/pending” will be “approved” prior to a project approval for funding.



Mel Auffredou <mel@franklincountynrcd.org>

The Branch Floodplain Restoration

Don Tobi <DTobi@burlingtonelectric.com>
To: Mel Auffredou <mel@franklincountynrcd.org>

Thu, May 16, 2024 at 10:07 AM

Hi Mel,

I've been doing some work at the property over the last two weeks and have taken two pickup loads of garbage out of there. I think I finally have most everything cleaned up. Also, the field edge is continuing to break off and fall into the stream. We (I) need to do something soon to slow or stop that erosion process.

So, yes, I highly support this floodplain restoration project and will help get this done to the best of my abilities. I would like to see the streambank stabilized as well as the restoration of a healthy and functional riparian buffer zone. I am also very interested in improvements to the in-stream aquatic habitat and structure which hopefully can enhance and support healthy aquatic insect and fish populations.

Thank you for your efforts,

Don

From: Mel Auffredou <mel@franklincountynrcd.org>
Sent: Thursday, May 16, 2024 9:46 AM
To: Don Tobi <DTobi@burlingtonelectric.com>
Subject: The Branch Floodplain Restoration

Warning: This email is from a source outside BED.

Check the Following: ✓ **Name** ✓ **Subject** ✓ **Links** ✓ **Attachments** ✓ **Grammar** ✓ **Tone**

Do you know this sender?

Hi Don,

I hope you are well! I am currently working on an application for funding to create a preliminary design for floodplain restoration on your parcel, which we discussed with Trout Unlimited and Kevin Marvin. Would you please reply to this email with confirmation of your support for this project so that I may include it in our application?

Thank you in advance!

Mel Auffredou (*she/her*)

5/16/24, 10:07 AM

Franklin County NRCD Mail - The Branch Floodplain Restoration

Natural Resources Planner

Franklin County Natural Resources Conservation District

[50 South Main St., Suite B-20](#)

St. Albans, VT 05478

802-528-4159

Mel@FranklinCountyNRCD.org

FranklinCountyNRCD.org

*

| DATA ENTRY /Prelim results | | | | | | | | C | | D | E | F |
|----------------------------|---|-----------------------|-----------------------------|--------------------------------------|------------------------------------|--|--------------------------------|------------------|------------------------------------|---|--|---|
| WPD ID | Project type | Annual p reduction kg | Any one time P reduction kg | Funding request (next project stage) | Proposed cost (next project stage) | Estimated Total cost (all project stages) using midpoint of ranges | cost per kg annual P reduction | design life (yr) | Estimated annual maintenance costs | Est Annual Cost of Operations and maintenance \$/kg (lower is better) | Conformance with the Basin plan (Imp. Table, elsewhere in TBP, or not) | Cobenefits (How many of six CoBenefit elements) |
| 11866 | Floodplain/Stream Restoration – Final Engineering Design | 92.16 | 163.60 | \$57,505.00 | \$57,505.00 | \$282,505.00 | \$3,065 | 30 | 3000 | \$33 | 10 | 3 |
| Description | This project proposes to restore The Branch’s floodplain access along two properties in Enosburg, VT to improve water quality and reduce erosion. This will include methods such as, but not limited to, floodplain lowering, bank stabilization via stone toes and tree revetments, and/or reconnection of historic channels to reduce the erosive strength of high flows on the river’s eroding banks. Depending on the findings of the preliminary design process, this project could also include movement or replacement of the bridge indicated on the project map... . | | | | | | | | | | | |

| Scoring comparison | | | | | | |
|--------------------|------|-------|--|----------|-------------|--------|
| Point | Rank | ID | Description | Annual p | cost per kg | Points |
| 92.5 | 1 | 11866 | Floodplain/Stream Restoration – Final Engine | 92.16 | \$3,065 | 92.5 |

Discussion of proposed increase in Project Development funding allocation

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: **Discussion of proposed increase in Project Development funding allocation**

DA: 5/30/24

=====

This agenda item will feature an introduction by staff regarding the proposed increase in Project Development funding allocation. The proposal, outlined in the email from Chris Rottler dated April 30, 2024, effectively suggests increasing the allocation from 7% to 14% for the year, with a retroactive adjustment for the previous two grants. The mechanism for achieving this will be a one year increase from 7 percent to 28 percent. This change will provide additional financial support for project identification and development, addressing the capacity issues faced by partners and the system. The relevant materials, including the email and Project Development SOP, are attached for your review. I expect there could be a fair amount of discussion of this issue at the meeting.

Solicitation / Appointment of BWQC Member and Alternates

The BWQC will also be discussing the process we must follow for (re) appointment of members and alternates for the Council. As I have noted elsewhere, this agenda item addresses the need for the Council to have a diverse and representative membership, capable of effectively guiding water quality projects in the basin. Attached please find excerpts from Chapter 4 of DEC Guidance Document, which spells out procedures for the appointment, reappointment, replacement, and dismissal of BWQC members. For contrast, I am also provide an excerpt from the BWQC's bylaws. An up to date version of the Member Status Table will be used to track the current status of BWQC members and alternates.

Future meetings, including annual meeting and hybrid meetings

As part of this agenda item, members of the BWQC will discuss the scheduling and format of future meetings, with particular attention to the upcoming annual meeting in July and the possibility of hybrid meetings. Resources provided for the discussion include BWQC bylaws and a summary of S. 55, recently enacted by the Vermont legislature. Regarding the annual meeting, the BWQC will need to conduct elections for the Chair and Vice Chair positions. The process for nominating and electing a the Chair and Vice Chair will be discussed. A Nominating Committee, if established, would present a slate of nominations, and additional nominations will be taken from the floor during the meeting. If the BWQC does not see the need to create a nominating committee, it must vote to relive the chair of the need to establish one. Regarding S. 55, staff will provide an introduction to the question: Is the BWQC required to conduct hybrid meeting?

Updates and conclusion

This time will be available for discussion of future meeting topics and updates. If you would like to mention any of your own, please let us know. Some topics identified to date include: presentation by Chris Smith of USFWS, a discussion of the process to obtain watershed project ID numbers, Operations and Maintenance, and an extended discussion of the Project Development process.

Thanks to all who participate.

From: Rottler, Chris <Chris.Rottler@vermont.gov>

Sent: Tuesday, April 30, 2024 1:23 PM

To: Hilary Solomon <pmnrkd@gmail.com>; Barbara Noyes-Pulling <barbara@rutlandrpc.org>; mwinslow@acrpc.org; Brian Voigt <voigt@cvregion.com>; Dan Albrecht <dalbrecht@ccrpcvt.org>; Dean Pierce <dpierce@nrpcvt.com>; n.johns <n.johns@vhcb.org>

Cc: Copans, Ben <Ben.Copans@vermont.gov>; Swift, Ethan <Ethan.Swift@vermont.gov>; Madden, Claire <Claire.Madden@vermont.gov>; Petito, Gianna (she/her) <Gianna.Petito@vermont.gov>; Wood, Rachel <Rachel.Wood@vermont.gov>; Bates, Karen <Karen.Bates@vermont.gov>; Allen, Angie <Angie.Allen@vermont.gov>; Fritschie, Keith <Keith.Fritschie@vermont.gov>

Subject: FY25 Formula Grant awards and target allowance for development

Dear CWSPs,

At the Summit, and elsewhere, we have heard the call for more support for project identification, development, and for partners. Accordingly, we would like to make an adjustment to your FY25 award that will provide the system with some additional support in these areas. More specifically, we are proposing to adjust the targets for your FY25 awards for 'project identification and development' to better support you, as well as your implementer partners doing this work. If you recall, for years 1 and 2, you each received a 'credit' of 7% for these items, which lowered your target accordingly. We recognize that 'looking for projects' has taken some time to ramp up, as available funding has exceeded partner and system capacity, and that more support is needed – for both you and your partner project implementers. As such, we are proposing to double the allocation for project ID and development from 7% to 14%, for the year, *as well as retroactively for the previous two grants*. When you add 7% for year one, plus 7% for year 2, to year 3 adjustment of (now) 14%, the net adjustment we are proposing is 28% for the FY25 grant.

I don't have final grant numbers in hand as I write this, but you can guesstimate what this would mean assuming FY25 grants are the same size as your FY24 grants, but targets would be 22% lower. See the table below – which isn't final as we need to double check the math – but it's very close and in the ballpark. Note that going forward, we will look to incorporate the need for additional project ID and development in the Cost Rate Methodology. I understand that Claire, Ben and others will be revisiting the Methodology in the coming year, so that the results of that process would be included in the FY26 awards. We will of course include you in that discussion (as required!) so you can provide feedback, but also so that you can your awards with your implementers accordingly. On the award values – I want to note that due to the way we calculated the 7% 'credit' in previous awards (by sector, not by amount of your award), this adjustment will affect your overall grant awards by a small amount. I understand these adjustments are in the \$10k-\$20k range. Ben is doing some analysis to confirm the numbers and we can hopefully look at this at the May CWSP meeting. So, more to come on this.

As 'development' funding is especially flexible, it is our hope that this adjustment to your target, when combined with the forthcoming partner capacity development awards, will facilitate even more funding to support partners to hire staff and support your efforts to find and develop projects, providing some much needed support and relief in the system. I look forward to hearing your feedback on this in May, and how this can help you and project implementers with developing projects and building capacity.

Chris

| CWSP SFY2025 DAFT Awards | Proposed FY 2025 Targets | Total annual cost design/engineering and construction | 28% total annual cost project ID/dev distributed based on total TP reduction targets per watershed | O&M | Project Completion Funds | Admin | Total Awards (not rounded yet...) | FY 2024 Total Awards (rounded) | Adjustment from award amount in Fy2024 |
|--|--------------------------|---|--|--------------|--------------------------|----------------|-----------------------------------|--------------------------------|--|
| Basin 2 & 4 - Poultney, Mettawee, South Lake Champlain | 60.5 | \$593,388.56 | \$258,755.33 | \$46,795.18 | \$898,939.07 | \$158,636.31 | \$1,057,575.38 | \$1,032,223.00 | \$25,352.38 |
| Basin 3 - Otter, Lewis, Little Otter | 64.5 | \$667,235.08 | \$275,688.82 | \$49,193.14 | \$992,117.04 | \$175,079.48 | \$1,167,196.52 | \$1,152,517.00 | \$14,679.52 |
| Basin 5 - Northern Lake Champlain Direct | 34.9 | \$428,400.00 | \$149,197.39 | \$39,543.00 | \$617,140.39 | \$108,907.13 | \$726,047.52 | \$741,808.00 | (\$15,760.48) |
| Basin 6 - Missisquoi, Rock, Pike | 158.7 | \$1,679,038.51 | \$678,486.62 | \$86,559.96 | \$2,444,085.09 | \$431,309.13 | \$2,875,394.23 | \$2,852,275.00 | \$23,119.23 |
| Basin 7 - Lamoille | 33.2 | \$428,400.00 | \$141,853.76 | \$39,349.02 | \$609,602.78 | \$107,576.96 | \$717,179.74 | \$739,592.00 | (\$22,412.26) |
| Basin 8 - Winooski | 53.9 | \$640,537.84 | \$230,502.83 | \$47,294.34 | \$918,335.01 | \$162,059.12 | \$1,080,394.13 | \$1,097,235.00 | (\$16,840.87) |
| Lake Memphremagog | 36.9 | \$428,400.00 | \$157,615.25 | \$39,765.36 | \$625,780.61 | \$110,431.87 | \$736,212.48 | \$744,350.00 | (\$8,137.52) |
| Total | 442.6 | \$4,865,400.00 | \$1,892,100.00 | \$348,500.00 | \$7,106,000.00 | \$1,254,000.00 | \$8,360,000.00 | \$8,360,000.00 | |



Chris Rottler, J.D., Water Investment Coordinator (he/him)
 Vermont Agency of Natural Resources | Department of Environmental Conservation
 Water Investment Division
 1 National Life, Davis 3 | Montpelier, Vermont 05620-3510
 802-461-6051 office/cell

"Note: Written communications to and from state officials regarding state business are considered public records and will be available to the public for review."

Further Note: Do not submit any Personally Identifiable Information to this email address without using secure encryption.

Potential Change in Funds for Project Development

| DEC methodology | | | | | |
|-----------------------------|--------------|----------------|---------------------|-----------------------------|------------|
| | P TARGET | GROSS AWARD | ID & PROJ DEV IF 7% | ID & PROJ DEV IF Year 3 28% | Difference |
| YEAR 1 (AKA FY 2023) | 145.3 | 1950272 | 136519 | 136519 | 0 |
| YEAR 2 (AKA FY 2024) | 205 | 2852275 | 199659 | 199659 | 0 |
| YEAR 3 (AKA FY 2025) | 158.7 | 1975339 | 138274 | 678487 | 540213 |
| TOTAL | 509 | 6777886 | 474452 | 1014665 | 540213 |

Project Development Guidance¹

This guidance is directed towards DEC staff, Funding Program Administrators, and project implementers involved with project development efforts. The outline of the document is formatted to encourage project proponents to first understand whether their proposed scope of work aligns with the definition of Project Development and will result in the applicable performance measures, milestones, and deliverables. If yes, the document proceeds to inform project implementers on the requirements for securing a Watershed Projects Database (WPD)-ID for the project development efforts. Guidance is subject to change and DEC will provide updated materials to partners as appropriate.

Contents

| | |
|--|----|
| Project Development Guidance | 1 |
| What is Project Development? | 1 |
| Project Development Performance Measures, Milestones, and Deliverables..... | 3 |
| Data Management for Project Development: Watershed Projects Database (WPD) | 5 |
| Project Development Deliverables Management | 10 |
| TPM oversight considerations..... | 11 |
| What is NOT Project Development?..... | 11 |

What is Project Development?

The section provides a description of the Project Development Project Type and an overview of the type of work expected under the Project Development Project type. For more information on [what is not Project Development](#) please refer to the linked section.

Project Development as a project type must meet several eligibility criteria under the CWIP Funding Policy ([CWIP SFY23 Funding Policy](#), page 18). The Eligibility Screening Form may but does not have to be used to confirm this. This includes:

- a. Eligibility Criteria # 2: Project Types and Standards
- b. Eligibility Criteria # 3: Watershed Projects Database
- c. Eligibility Criteria # 6: Budget
- d. Eligibility Criteria # 8: Funding Program-Specific Eligibilities

Regarding Eligibility Criteria #2, Project Types and Standards, Project Development is a Project Type defined within the Clean Water Initiative Program’s State Fiscal Year 2023 Funding Policy.² Project Development is defined as “Scoping work on any non-regulatory project type³ to determine

¹ Applicable to any Project Development Block Grant funding subject to the Clean Water Initiative Program’s State Fiscal Year 2023 (CWIP SFY23) Funding Policy.

² See Appendix B: CWIP Project Types Table for reference: <https://dec.vermont.gov/water-investment/cwi/grants/resources>

³ Note that guidance on required additional milestones and deliverables for River Corridor Easement Project Development is still pending and as such it is not yet included as an eligible Child Project Type to receive Project Development support under applicable DEC Block Grants. Once this guidance is available, River

feasibility, constraints, and overall suitability for implementing the project. This typically includes reviewing site assessments or other project identification tools and prioritized plans, conducting site visits, refining project scope and phasing, developing conceptual maps and drawings, estimating pollutant reduction benefits, confirming landowner/municipal interest, identification of – and possible engagement with – other stakeholders, partners, and likely concerned parties (e.g. neighbors, funders, regulators), identifying the prospective responsible operations and maintenance party, consulting with DEC staff, and determining project budget and permit needs (local, state and federal), natural and cultural resource constraints, co-benefits, and other project considerations, site constraints and feasibility factors (e.g. rights-of-way, infrastructure, invasive species presence, hazardous materials concerns) in advance of design or between design phases.”

Project Development is understood by DEC as a two-fold process that may include *general project scoping* to select identified projects for development as well as *specific project development* to gather the information and commitments needed to determine project feasibility and readiness to proceed.

General project scoping does not require the identification of specific projects to develop at the outset. The results of general project scoping should be a list of projects to develop. *General project scoping* support can be included in any applicable Project Development sub-grant. *General project scoping* should lead to *specific project development* and a Project Development Findings Report (PD-FR) should be submitted for specific child projects developed as a deliverable.

Examples of Allowable General Project Scoping Activities (not an exhaustive list)

- Review the Watershed Projects Database or existing plans and prioritization documents or tools (such as Stormwater Master Plans (SWMP), Flow Restoration Plans, Phosphorus Control Plans,⁴ Lake Wise Assessments, River Corridor Plans, Tactical Basin Plans, Functional Floodplain Initiative tool, and the Watershed Projects Database) to find projects to develop,
- Discuss potential projects with Tactical Basin Planners to gauge priority,
- Respond as needed to landowner water quality questions and concerns and conduct landowner site visits to develop strategies for river restoration and protection opportunities that may turn into a project for development,
- Follow up regularly with potential project landowners to gauge interest,
- Educate and communicate with new municipal staff or town committee members on existing River Corridor or Stormwater Master Plans to gauge interest in selecting and pursuing top priority projects.

Specific project development activities include the research and communications necessary to advance a specific project. These communications and research activities between project phases may also be supported as Project Development. Specific project development may require revision or update to the project scope as it was originally identified. Specific project development findings should be reported through the PD-FR for every child project developed.

Corridor Easements will be added as an eligible project type for DEC Block Grants to support. Project development for River Corridor Easements continues under pre-existing Master Contracts administered by the Clean Water Initiative Program with Technical Project Management assistance from the Rivers Management Program.

⁴ Projects pulled from Phosphorus Control Plans or Flow Restoration Plans should be discussed with the applicable MS4 community to confirm the MS4 community does not plan to report on implementation of the project to comply with their permit requirements. If so, the project is considered regulatory and ineligible to receive project development support.

Examples of Allowable Specific Project Development Activities (not an exhaustive list)

- Work with DEC staff to refine project scope to ensure proposed project is the preferred cost-effective project/best management practice (BMP) solution for a given water quality concern.
- Identify and contact the appropriate landowner and secure landowner support.
- Identify and contact the operation and maintenance (O&M) responsible party and secure their support.
- Work with partners or available online tools to estimate potential water quality pollution benefits and project costs (if not already identified in prior-funded design/scoping work).
- Review potential natural and cultural resource concerns and permit needs for the project.
- Contact any other relevant stakeholders to review potential project barriers.
- Meet with town staff and select board (if a municipal project) to encourage implementation of specific high priority projects from a sector-based assessment and discuss potential grant funding.
- Develop very basic project concept drawings or preliminary designs for the purposes of communicating with stakeholders and landowners and securing support.

Project Development Performance Measures, Milestones, and Deliverables

Project Development efforts must meet standard milestones, performance measures, and deliverables as outlined in the CWIP Project Types Table:

| Performance Measures | Milestones | Deliverables |
|--|---|--|
| Number of projects explored for design and/or implementation | Project initiated A list of proposed projects to develop prioritized Ownership of site(s) identified and contacted Site visit(s) complete DEC staff consultations Identified site/design considerations and permitting needs Identification of supportive operation and maintenance (O&M) responsible party Project complete | Batch Import File⁵ or ANR Online Clean Water Project - New Project Form (once available) for any projects absent from the Watershed Projects Database. Project Development findings submitted to DEC in format requested |

Required Deliverables

The CWIP SFY2023 Funding Policy lists the following as required deliverables for the Project Development Project Type:

⁵ Note now that the ANR Online Clean Water Project – New Project Form is available, the Batch Import File is no longer an accepted deliverable.

1. ANR Online Clean Water Project - New Project Form (once available) for any projects absent from the Watershed Projects Database
2. Project Development findings submitted to DEC in format requested

Items 1 and 2 are clarified to the following:

1. ANR Online Clean Water Project - New Project Form (~~once available~~) for any **nonregulatory and feasible** projects **that underwent development work that are** absent from the Watershed Projects Database.
2. Project Development findings submitted to DEC in format requested, **which includes:**
 - a. **Completed Final Performance Report (or ANR Online Project Closeout Form once available)⁶**
 - b. **Completed Project Development Findings Report (PD-FR)**
 - c. **Completed Project Eligibility Screening forms for all developed child projects deemed feasible and ready to proceed**

Regulatory, feasibility, and readiness determinations

Project development efforts may not always result in the conclusion that a child project is non-regulatory, feasible, and ready to proceed.

Regulatory projects should not receive Project Development assistance. Sub-grantees should stop Project Development efforts for a child project if/when a regulatory driver is identified for a project and complete the PD-FR as much as possible with the information gathered up until the "regulatory" classification. If sub-grantees partially develop projects that are then found to be regulatory, and the projects are absent from WPD, these projects should not be added to WPD. If these projects are already in WPD, DEC staff will review and consider the project development finders report provided by the subgrantee and may update the child project status and information in WPD. The definition of a regulatory project is provided in the [CWIP SFY 2023 Funding Policy Question and Answer](#) document (question 18).

It is up to sub-grantees to review the weight of data collected during project development to determine whether a project is **feasible**. For the purposes of Project Development work, a "feasible" project is any project that has no identified insurmountable barriers or roadblocks to implementation. Examples of insurmountable barriers may include: known natural resource constraints that make any version of project design, in that location, incongruent with natural resource functions; projects that an ANR permitting program has identified as never or unlikely to be permissible without significant impact fees; or projects in conflict with state or federal law, rule, and guidance. If insurmountable barriers are identified the child project should be classified as infeasible, and not added to WPD (if not yet there). If these projects are already in WPD, DEC staff will review and consider the project development finders report provided by the subgrantee and may update child project status and information in WPD.

All feasible child projects should be added to WPD if not already there, whether or not they are ready to proceed. Feasible projects may still encounter potential barriers that make them not yet **"ready to proceed."** Some examples of surmountable barriers may include a currently unwilling landowner, or potentially high costs associated with cultural resource protections. In these cases, the developed

⁶ Should be 1 line for the Parent Project Development WPD-ID with number of projects explored for design/implementation as the performance measure. General Notes column should provide brief (2-3 sentences) describing the project development effort.

child project might be considered “feasible” but not yet “ready to proceed,” unless or until circumstances change.

The table below shows how required deliverables vary based on the child project finding/status.

| Applicable Deliverable | 1. | 2.a. | 2.b. | 2.c. |
|--|--|---|--------------------------|--|
| Child project Finding | If not yet in WPD – Add to WPD via New Project Form? | Count as part of Performance Measure for Parent WPD-ID in Final Performance Report? | Report finding in PD-FR? | Complete Project Eligibility Screening Form? |
| Found to be regulatory | N | Y | Y | N |
| Found to be non-regulatory but infeasible | N | Y | Y | N |
| Found to be non-regulatory and feasible but not yet ready to proceed | Y | Y | Y | N |
| Found to be non-regulatory, feasible, and ready to proceed | Y | Y | Y | Y |

Data Management for Project Development: Watershed Projects Database (WPD)

This section describes how project development projects are tracked in the WPD. This includes WPD-ID assignment, and relationship links between projects. This is important context for partners to ensure their Project Development projects comply with Eligibility Criteria #3 in the CWIP Funding Policy,

There are three generations of projects used to track Project Development with definitions as follows:

1. **Grandparent:** The grandparent is the grant agreement between DEC and a Funding Program Administrator (FPA) that allows Project Development as an eligible project type to be sub-awarded. The grandparent is typically a block grant or could be a bulk contract. Project Type in WPD is likely to be a “multi-sector block grant.” Examples include the 2022 Project Development Block Grant (not subject to this guidance), the 2023 Enhancement Development, Design and Implementation Block Grant, and the Clean Water Service Provider Formula Grants.
2. **Parent:** The parent is a project in WPD whose Project Type in WPD is “Project Development.” Each parent project has a unique timing, lead partner, grandparent, and/or geographic/project type scope. It describes a discrete effort undertaken by a specific subgrantee, over a specific timeframe, within a specific geographic region and/or to develop specific project types, with specific block grant funding. Each parent project development project is linked as a child to the appropriate grandparent to denote a funding relationship.

The project development effort associated with a single parent WPD-ID may include both *general project scoping* and *specific project development* work but cannot encompass only general project scoping.

3. **Child:** The child projects are all the individual projects that get developed under the specific parent project development effort. The project phase that is developed, or that is linked as a child to the parent project, is the one that has not yet been implemented, but may be made ready to proceed after the project development has happened. For example, if a partner develops a floodplain restoration project such that now it's ready to proceed with a 30% design phase, then the WPD entry for "Floodplain/Stream - Preliminary (30%) Design" is linked as a child project to the partner's project development parent project to denote a phasing/process relationship between the two.

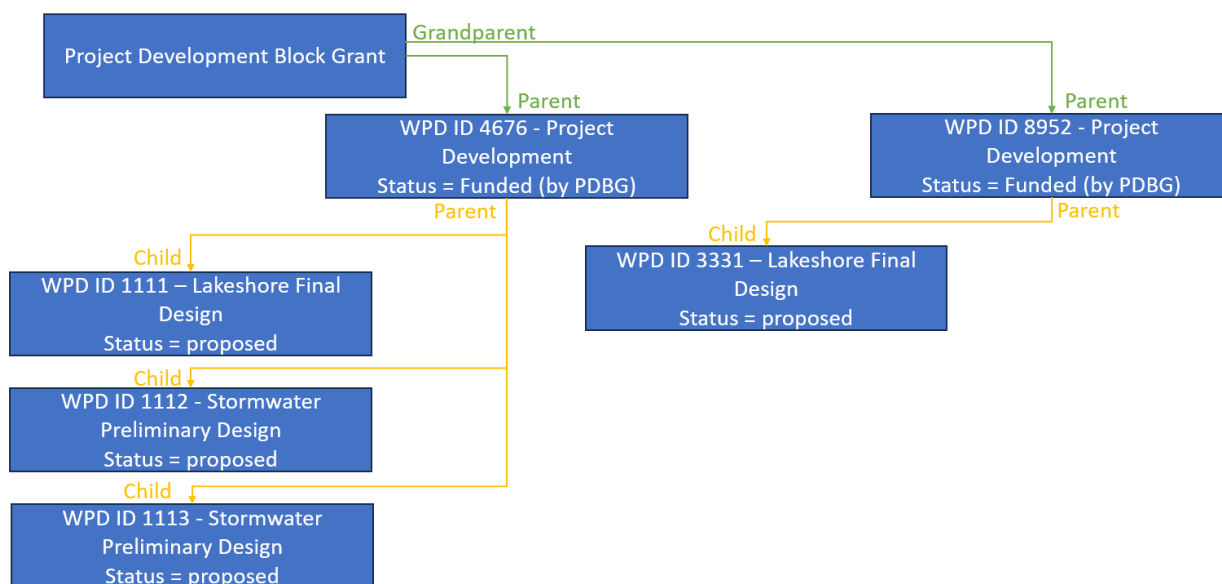


Figure 1. Figure above represents the relationship between Grandparent, Parent, and Child under Project Development efforts. Green lines denote a funding relationship. Orange lines denote a phasing/process relationship. Both types of relationships are acknowledged in WPD by linking project IDs through a Parent-Child relationship.

Each generation of project type across the Project Development effort has different roles, timing, and mechanisms by which they get added to the Watershed Projects Database.

1. **Grandparent.** When a block grant gets executed or amended, the details of the award are uploaded into DEC's Grants and Contracts Management System (GCMS). The WPD has a report query that finds any new agreements in GCMS that are not yet reflected in WPD. This report is typically run annually as part of the Clean Water Initiative Performance Report data compilation effort. To facilitate more timely assignment of WPD-IDs for grandparents, the CWIP Tracking & Accounting team will run this query quarterly, add new block grants and amendments to WPD, and alert the respective TPM of any newly assigned WPD-IDs. The TPM is then responsible for sharing the block grant WPD-ID with the FPAs. CWIP is responsible for adding the block grant funding information to the grandparent WPD-ID.

| Component | Task Description | Responsible Party | Mechanism | Timing/Frequency |
|------------------------------|---|---------------------------------|--|---|
| Block Grant (BG)/Grandparent | Create PD block grant entry in WPD | CWIP Tracking & Accounting team | WPD | Quarterly via GCMS query |
| BG/Grandparent | Alert TPM of BG WPD-ID | CWIP Tracking & Accounting team | Email | As soon as created |
| BG/Grandparent | Alert FPA of BG WPD-ID | TPM | During grant drafting (incorporated into agreement) or via email | As applicable |
| BG/Grandparent | Add new funding information (new awards for CWSPs and amendments for EEDIBG) to BG WPD-ID | CWIP Tracking & Accounting team | WPD | At same time of quarterly GCMS query listed above |

2. **Parent:** Project Development parent projects are added to the Watersheds Project Database by local partners when they are ready to seek or seeking funding as part of confirming alignment with Eligibility Criteria # 3. As part of Eligibility Criteria #3, partners should submit a proposed Project Development effort via the ANR Online New Project Form which routes the request to the applicable Watershed Planner for review and approval. Planner approval of the ANR Online New Project Form submission results in automatic creation of a WPD project entry and assignment of a WPD ID. Project proponents are alerted via email when their New Project Form submission has been approved and can then [search the WPD](#) for the project (by project name) to find the WPD-ID assigned to their proposed project. Please consult the CWIP Funding Policy for more information on Eligibility Criteria #3. The following are specific standards and guidance that should be followed by the partner when submitting an ANR Online New Project Form.
 - a. List the partner applying for subgrant from a grandparent block grant
 - b. Pick “Project Development” as the Project Type
 - c. Project descriptions should include:
 1. Proposed FPA/Block grant. The funding block grant grandparent WPD ID should not be added as a parent project as the funding is not yet official. Place proposed FPA in the project description.
 2. Geographic extent. Pick an extent that is as specific as possible (ideally towns and/or sub-basins) but that allows flexibility to switch child projects if desired. For example, an organization that serves a specific watershed could list that watershed or a few subwatersheds in which they plan to develop buffer planting projects. The geographic extent can be updated at project closeout if specificity is not possible up front.

3. Which child project types will be the focus of the project development work (include affirmation these will be non-regulatory)
 4. Source of potential projects if performing general project scoping
 5. Brief description of proposed activities
- d. Follow this proposed naming convention to the extent possible:
1. PD.Partner Organization - Geographic Extent Project Types
 1. E.g.. "PD.Friends of My River - Lamoille Headwaters - Stormwater"

Project proponents are encouraged to reach out directly to watershed planners before submitting a New Project Form to discuss project development proposals especially for larger scale project development efforts. Watershed planners will review project development New Project Form submissions to ensure they are consistent with the project development type description including reviewing that the project description:

- focuses on the development of non-regulatory project types
- would not be better characterized as a project ID or a design type project or otherwise covered in the “what is not project development” portion of the SOP.
- for specific child project development efforts, includes a description of the child projects and WPD-IDs for child projects (if available).
- for general scoping type project development where child projects are not known in advance
 - includes the geographic extent of the project development work
 - identifies which project types will be the focus for project development
 - identifies the report, assessment, or other source of potential projects to be evaluated

If the proposed Project Development effort is selected for funding, the FPA is responsible for facilitating updates in WPD to link the grandparent to the parent. Currently this involves quarterly reporting to the applicable TPM who works with CWIP staff to manually update the funding information and relational links in WPD. Once the ANR Online Project Update Form is available, FPAs or their delegates (funded Project Development subgrantees) will be expected to use this form to provide information on the funding amounts awarded through subagreements, dates, and relational linkages.

As part of Project Development closeout, partners should review the geographic extent originally proposed and update if a more refined set of town/s or subbasin/s can be provided. For example, imagine a Project Development Parent project was approved and funded by a block grant to perform Project Development work statewide. Once the Project Development work is complete, it is apparent that only 5 child projects were developed and all are located in the Winooski River basin. The parent Project Development WPD-ID can be updated to narrow the geographic location of the effort to the Winooski basin. In current state, this entails providing updated geographic information as part of the Final Performance Report. The TPM will work with CWIP to manually update the parent project WPD-ID information. In the future state, the partner will use the Project Closeout Form to refine the geographic extent and any other project information, like the project description, as well as provide final reporting on Project Development work completed.

| Component | Task Description | Responsible Party | Mechanism | Timing/Frequency |
|-----------------|---|-------------------|--|---|
| Subgrant/Parent | Add subgrant Project Development effort to WPD | Subgrantee | New Project Form | As part of eligibility screening step 3 – when seeking funding |
| Subgrant/Parent | Add subgrant funding details to WPD | FPA | Current state: quarterly report to TPM Future state: Project Update Form | Quarterly |
| Subgrant/Parent | Closeout – refine spatial data, report performance measures, submit required deliverables | FPA or subgrantee | Current state: Final Performance Report Future state: Project Closeout Form | At point of completing Project Development effort/scope of work |

3. Child: Child projects may or may not already exist as proposed in the Watersheds Project Database. Child projects do not need to have a WPD-ID for the Project Development parent project effort to be eligible for funding, they can be added to the WPD after a funding decision is made and/or at the close of the Project Development parent project effort. Child projects must be non-regulatory.

Child projects not yet in the WPD should be added via submission of an ANR Online New Project Form.⁷ For child projects already in the WPD, this step can be skipped.

At the end of the Project Development effort, the Project Development parent project WPD-ID will be linked as a parent to all child projects “developed” through the course of the project. In current state this is done through the PD-FR, which the subgrantee uses to report on all child projects that received development efforts. The TPM then works with CWIP to manually enter this data into the WPD. In the future, this should be done by the subgrantee via submission of ANR Online Form(s)child projects

⁷ If subgrantee developed a project found to be regulatory or infeasible it is acceptable not to request a WPD-ID for this project.

| Component | Task Description | Responsible Party | Mechanism | Timing/Frequency |
|-------------------------|---|--|---|---|
| Developed/Child project | Add newly identified, non-regulatory and feasible “developed” projects to WPD | FPA/subgrantee | New Project Form | Before the Project Development parent project closes |
| Developed/Child project | Link “developed” projects to parent project development project | Current state: DEC Future State: FPA/subgrantee | Current state: WPD Future State: Project Update Form | Current state: Annually upon review of subgrantee PD-FRs Future State: As part of Parent Project close out |
| Developed/Child project | Update status/information if child project found to be regulatory or infeasible | DEC | WPD | Annually as part of review of subgrantee PD-FR |

Project Development Deliverables Management

1. For Enhancement Development Block Grant Funding:
 - a. Completed Final Performance Report listing one row per Parent should be compiled across all funded subgrants and uploaded to GCMS as a single excel file deliverable under the block grant/grandparent award at the point of grandparent project closeout. Before a grandparent project is closed out individual parent Project Development WPD-IDs should be closed out on a rolling basis using data from the individual parent Project Development Final Performance reports (see data management section above for more information about parent Project Development project closeout).
2. For Water Quality Restoration Formula Grant Funding:
 - a. Include one row per parent across all funded subgrants as part of CWSP Water Quality Restoration Formula Grant Project Data Tracking Tool.
3. The completed PD-FR should be submitted to the TPM as a deliverable and will be uploaded as an attachment file to the parent Project Development WPD-ID
4. Findings documented in the PD-FR will be exported to individual and respective child projects into the Project Development Notes field of each child project
5. Completed Project Eligibility Screening Forms should be submitted to the TPM as a deliverable and will be uploaded as an attachment file to the applicable child project.
6. Child project Status Updates (only applies to child projects that already have a WPD-ID) will be made by DEC staff as necessary if child project is found to be regulatory or infeasible.

TPM oversight considerations

TPM oversight is focused on the FPA performance. The FPA should provide at a minimum quarterly updates on new funding decisions for Project Development parent projects, and on newly completed Project Development parent projects. Refer to other block grant program specific guidance to learn more about what the TPM will check and when as part of FPA oversight.

What is NOT Project Development?

Project Development is not assessment and planning work. Ineligible activities include performing Lake Wise assessments, road erosion inventories, stream geomorphic assessments, developing prioritized plans like stormwater master plans or lake watershed action plans. These activities are supported under separate CWIP spending initiatives.

Project Development is not design work, nor is it the work supporting the design or implementation phase of a project. Project Completion tasks for design and implementation phases are supported under separate Project Types. Project Development funds may support tasks between design phases but not within or during a design phase. Some limited concept drawings or designs are allowable if they are needed to determine project viability or secure landowner support, but work cannot result in completion of 30%+ designs.

Project Development is not any activity otherwise supported through active workplans under Tactical Basin Planning contracts to statutory partners pursuant to 10 V.S.A. § 1253(d)(3).

Project Development is not grant writing. Sub-grantees may use funds to gather all the necessary information that might be requested on a funding application but may not charge their time to any DEC Project Development block grant for writing any applications.

Project Development is not general, untargeted outreach and education.

Project Development is not outreach and partnership formation to establish a stormwater regulatory public-private partnership as defined in the CWIP SFY21 Funding Policy (https://dec.vermont.gov/sites/dec/files/wsm/erp/docs/2021-02-04_FINAL_FY21_CWIPFundingPolicy_signed.pdf).

Solicitation / Appointment of BWQC Member and Alternates

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: **Solicitation / Appointment of BWQC Member and Alternates**

DA: 5/30/24

=====

The BWQC will also be discussing the process we must follow for (re) appointment of members and alternates for the Council. As I have noted elsewhere, this agenda item addresses the need for the Council to have a diverse and representative membership, capable of effectively guiding water quality projects in the basin. Attached please find excerpts from Chapter 4 of DEC Guidance Document, which spells out procedures for the appointment, reappointment, replacement, and dismissal of BWQC members. For contrast, I am also providing an excerpt from the BWQC's bylaws. An up to date version of the Member Status Table will be used to track the current status of BWQC members and alternates.

EXCERPTS FROM DEC GUIDANCE CHAPTER 4

- c. Reappointment at the end of term/ Replacement - At least 4 months before the end of each BWQC member term, the BWQC member should inform the CWSP (and any relevant statutory partner) of their interest to stay on the BWQC for another term. At least 3 months prior to the start of the state fiscal year, the CWSP shall provide to ANR in writing if the BWQC member will continue as a BWQC member or who the new BWQC member will be. This is necessary to provide the funding to support BWQC participation by statutory partners.
 - i. For reappointment of Council members:
 - 1. The reappointment of a BWQC member shall be selected in a manner consistent with initial appointments.
 - 2. A CWSP shall post any BWQC vacancies on the CWSP website in a timely manner (i.e., within 4 months from which a vacancy is determined, or at the end of a member term who no longer wishes to serve on that CWSP) and shall conduct outreach and an open process following the processes described in the initial membership section above to make potential representatives aware of the opportunity to serve on the BWQC.
 - ii. For replacement of a Council member prior to term expiration:
 - 1. The replacement member shall be selected in a manner consistent with initial appointments, except that a BWQC's duly adopted rules of procedure may express a preference for replacement members to be drawn from previously designated Alternates.
 - 2. Replacement Members shall be selected based on their knowledge of clean water topics for the basin(s) served and interest and availability to attend BWQC meetings as required.
 - 3. The initial term of a Replacement member shall be the unexpired portion of the term of the Member being replacement.
- d. Dismissal – following a majority vote (e.g., quorum of the BWQC, a Council member can be dismissed following sufficient documentation that the BWQC member is failing to uphold their duty. An example would be the failure of a member to attend one-half or more of the scheduled meetings per year without good cause, which shall constitute grounds for replacement of the member.

EXCERPTS FROM BWQC RULES OF PROCEDURE

ARTICLE IV MEMBERSHIP

Section 401 Number

The number of BWQC members initially shall be nine, in accordance with the Act and Rule. Additional members may be added as allowed in the Act.

Section 402 Appointment

Representation on the BWQC shall be in accordance with the Act and Rule.

| MISSISQUOI BAY BASIN (BASIN 6) | | | Y, N, or ? | | | Y, N, ?, or NA |
|--|---------------------------------|---|----------------------|----------------------------------|---|----------------------|
| MISSISQUOI BAY BASIN | NAME OF REPRESENTATIVE | ORGANIZATION | WILLING TO CONTINUE? | NAME OF ALTERNATE*(S), IF ANY | ORGANIZATION | WILLING TO CONTINUE? |
| Natural Resources Conservation Districts | Lauren Weston | Franklin County Natural Resources Conservation District | Y | Melissa Affredou | Franklin County Natural Resources Conservation District | ? |
| Natural Resources Conservation Districts | Ted Sedell | Orleans County Natural Resources Conservation District | Y | Sarah Damsell | Orleans County Natural Resources Conservation District | Y |
| Regional Planning Commissions | Barry Lampke | Northwest Regional Planning Commission | Y | | | |
| Regional Planning Commissions | Beth Torpey | Northeast Vermont Development Association | Y | | | |
| Watershed Protection Organizations | Kent Henderson | Friends of Northern Lake Champlain | Y | Bridget Butler | Friends of Northern Lake Champlain | Y |
| Watershed Protection Organizations | Lindsey Wight | Missisquoi River Basin Association | | Ellen Fox | Missisquoi River Basin Association | Y |
| Land Conservation Organization | Allaire Diamond | Vermont Land Trust | | | | |
| Municipalities | Sarah Downes | Town of Enosburgh | | Dave Allerton | St. Albans Town | Y |
| Municipalities | Daniel Seeley | Town of Richford | Y | Jacques Couture | Westfield | ? |

Future meetings, including annual meeting and hybrid meetings

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: Future meetings, including annual meeting and hybrid meetings

DA: 5/30/24

=====

As part of this agenda item, members of the BWQC will discuss the scheduling and format of future meetings, with particular attention to the upcoming annual meeting in August and the possibility of hybrid meetings. Resources provided for the discussion include BWQC bylaws and a summary of S. 55, recently enacted by the Vermont legislature.

According to its bylaws, the BWQC’s calendar is to include an annual meeting. More specifically, “The annual meeting shall be the first regularly scheduled meeting of the CWSP’s fiscal year.” The CWSP fiscal year starts on July 1. Thus, the meeting currently planned for July 12 will be the annual meeting. The bylaws also indicate that the BWQC’s officers (Chair and Vice Chair) are to be elected at the annual meeting. Officers shall be elected by a vote of the “Council members present and voting”.

The process used to identify candidates for officer roles is governed by the bylaws as well. Unless the Council specifically votes to forego creating a Nominating Committee, such a committee is to be used to prepare a slate of nominations for officers. (Additional nominations will be taken from the floor at the annual meeting.) The meeting on May 3 is the remaining opportunity for the creation of a Nominating Committee, given that the bylaws require the Chair to appoint members of the committee “at the regular meeting preceding the annual meeting.”

BWQC members are encouraged to suggest possible locations and, if desired, special speaker or topics. CWSP staff are currently exploring where the annual meeting might be held. Last year we met in Enosburgh at the Emergency Services building, which might be suitable again this year. But please don’t be shy sharing your ideas.

Regarding S. 55, staff will provide an introduction to the question: Is the BWQC required to conduct hybrid meeting?

BYLAWS AND RULES OF PROCEDURE FOR MISSISQUOI BAY BASIN WATER QUALITY COUNCIL

ARTICLE I LEGAL BASIS

Amendments to Title 10 V.S.A., Chapter 37, Subchapter 5, § 924, more generally known as the Clean Water Service Delivery Act, hereinafter called the Act, and the Clean Water Service Delivery Rule, hereinafter called the Rule.

ARTICLE II NAME

The name of this organization shall be the Missisquoi Bay Basin Water Quality Council ("BWQC"), hereinafter referred to as the BWQC or The Council.

ARTICLE III PURPOSE

The purpose of the BWQC is to accomplish the duties of a BWQC as detailed in the Act and Rule. The Department of Environmental Conservation (DEC) appropriates funds, by formula, to the Basin Clean Water Service Provider (CWSP) for projects to improve water quality in the Basin. The Council shall assist the CWSP in the prioritization of projects that may access these funds.

ARTICLE IV MEMBERSHIP

Section 401 Number

The number of BWQC members initially shall be nine, in accordance with the Act and Rule. Additional members may be added as allowed in the Act.

Section 402 Appointment

Representation on the BWQC shall be in accordance with the Act and Rule.

Section 403 Voting

At meetings of the BWQC, each Council member shall have one vote.

Section 404 Attendance

The Chair (elected as set forth below) shall notify the appropriate entity when any Council member fails to attend two consecutive meetings, excluding special meetings, without

notice. For the purpose of this section, appropriate entity is the applicable BWQC-appointing entity identified in statute.

Section 405 Eligibility for Office

Council members shall be eligible to hold any office of the BWQC subject to the conditions of Article VII.

Section 406 Alternates

BWQC member-appointing entities may designate one or more alternate statutory member(s) (“Alternates”) who may act in place of, or replace, an appointed member in the event of absence or disqualification of that appointed member. Alternate members shall be established at a meeting of the BWQC and may be changed with reasonable prior written notice to the BWQC and supporting Clean Water Service Provider (“CWSP”).

ARTICLE V ORGANIZATION

Section 501 Officers

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

Section 502 Meeting Convenor

In the absence or recusal of both the Chair and Vice Chair, meetings may be convened and/or presided over by the Executive Director of the NRPC or designee.

Section 503 Committees

The Council may by majority vote establish Committees to advance its work.

Section 504 Staff and Administrative Support

Staff and Administrative Support shall be provided to the Council by the Missisquoi Bay Basin CWSP, which is the Northwest Regional Planning Commission (NRPC). As the CWSP for the Missisquoi Bay Basin, the NRPC receives funding for these activities from the Vermont Department of Environmental Conservation (DEC).

ARTICLE VI ELECTIONS

Section 601 Nominations

In support of elections, a Nominating Committee made up of three Council members may

be appointed by the Chair at the regular meeting preceding the annual meeting. The Nominating Committee will prepare a slate of nominations for officers. This slate of nominations will be presented at the annual meeting. Additional nominations will be taken from the floor at the annual meeting.

Prior to the appointment of a Nominating Committee in any given year, the Council may vote to forego the establishment of a Nominating Committee in that year.

Section 602 Election of Officers

The officers shall be elected by the Council members present and voting at the annual meeting.

Section 603 Terms of Office

the terms of office for the Chair and the Vice Chair shall be 1 year, beginning immediately after the annual meeting. Officers shall hold office until their successors have been elected and installed. Council members may serve in an office for a maximum of three consecutive terms, beginning with their first election to the relevant office at an annual meeting.

Section 604 Vacancies

In the event of a vacancy in the office of Chair, the Vice Chair shall become the Chair. In the event of a vacancy in the office of Vice Chair, the vacancy shall be filled by election at the next regular meeting. The persons so elected shall hold office until the next annual election or until their successor is elected and installed.

ARTICLE VII DUTIES

Section 701 Council members

It shall be the duty of each Council member to make annual and periodic reports of the activities of the BWQC to the sector it represents.

Section 702 Chair

The Chair of the Council shall guide the planning and facilitation of BWQC meetings in coordination with the CWSP. The Chair may perform such other duties as customary to the office. The Chair shall cast a vote on all issues voted on at a Council meeting, unless the Chair wishes to abstain or has a conflict of interest. Whenever possible, the Chair will pursue decision making by consensus.

Section 703 Vice Chair

The Vice Chair shall act as Chair in the absence, recusal, or incapacity of the Chair.

ARTICLE VIII MEETINGS

Section 801 BWQC Meetings

The Council shall meet at least four times per year. Meetings will be held at a time and place to be determined jointly by the Chair and CWSP staff. Notification and conduct shall be in accordance with Vermont Open Meeting Law.

Section 802 Special Meetings

Special meetings of the Council may be called jointly by the Chair and CWSP staff. Special meetings shall be called if requested in writing by 5 or more Council members.

Section 803 Annual Meeting

The annual meeting shall be the first regularly scheduled meeting of the CWSP's fiscal year.

Section 804 Notice of Meetings

Notice of all regular and special meetings of the Board shall be distributed in accordance with Vermont's Open Meeting Law, with an agenda provided by the Chair or CWSP staff to all Council members.

Section 805 Minutes of Meetings

Minutes of all meetings of the Council shall be the responsibility the CWSP staff. Minutes shall be available in accordance with Vermont Open Meeting Law and provided to all Council members.

Section 806 Quorum

A quorum of the Council shall consist of five Members.

ARTICLE IX RULES OF PROCEDURE

Section 901 Decision making processes

The Chair shall rule on all questions of order or procedure. The Chair shall have the

authority to call the question and cease discussion or debate on a matter.

When motions and voting are required:

1. Motions shall be made in the affirmative;
2. The Chair has the same voting rights as other members and can make motions;
3. A second shall be required for a motion to have the floor;
4. All members present are expected to vote unless they have recused themselves or choose to abstain;
5. A member who wishes to abstain or intends to recuse him or herself shall so indicate, and his or her place during any vote shall be taken by the member's alternate, if present and able to vote.
6. For a motion to pass, it must receive the concurrence of a majority of the members of the Council.

Decision making by the BWQC shall operate following the current Roberts Rules of Order Newly Revised, unless inconsistent with the bylaws and rules of procedure of the BWQC or Vermont Statute. Decisions will be passed if a majority of the BWQC votes in favor of a motion; five of the current nine seated members.

BWQC members will thoughtfully consider each point raised during the initial discussion of a BWQC agenda item. When such consideration reveals substantial disagreement among members, the BWQC will allot one half-hour for dialogue aimed at addressing the disagreement. The time allotted for dialogue may be extended if a majority of the BWQC approves.

During the time allotted for dialogue, all BWQC members participating in a meeting will endeavor to reach agreement on a course of action. When pursuing a mutually acceptable solution, members will insofar as possible hold each other accountable, ensure all opinions are heard and considered, and demonstrate equity in the decision-making process. Simply put, they will demonstrate a commitment to building a productive and inclusive meeting environment.

The aim of the procedures outlined above is to support productive and inclusive-decision making without undermining the BWQC's effort to address the majority of items on any BWQC agenda. Note: The BWQC may move on from an agenda item without scheduling a dialogue if a motion is passed by a majority of the BWQC or if consensus is achieved without a vote.

Section 902 Meeting Agendas

Agendas shall be limited to three hours, unless by majority vote, an additional 30 minutes is allowed. Exceptions may be allowed, such as for time-sensitive matters that cannot be delayed. Business shall be conducted in the same order as it appears on the

agenda, except that by majority vote, the Chair may alter the order of items to be considered and/or the time allotted.

Section 903 Public Comment

The public will be afforded reasonable opportunity to give its opinion on matters considered by the Council so long as order is maintained. Public comment on issues discussed by the Council, if not offered during the open public comment period, may be offered at other times during the meeting relevant to the agenda item, when recognized by the Chair.

Section 904 Electronic Communications

Consistent with Vermont's open meetings law, E-mail, text message, or other similar forms of communication (E-communications) among a quorum of Council members may be used only for: 1. Scheduling and routine administrative matters, including the setting of the agenda; and 2. Distributing documents that will be discussed at a Council meeting, or otherwise made public.

Further, E-communications among a quorum of Council members may not be used for 1. Discussing or deliberating on Council business; and 2. Making decisions on Council business. E-communications between Council members and staff are public records.

ARTICLE X CONFLICT OF INTEREST

A conflict of interest is "an interest, direct or indirect, financial or otherwise, of a person or entity with ... BWQC decision making-role, or such an interest, known to such person, of a member of that person's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the ... BWQC or which is in conflict with the proper discharge of the person's duties under this Rule."

BWQC members that propose to implement a clean water project must disclose any potential conflict of interest and shall recuse themselves from any BWQC decision making subject to that conflict. Notwithstanding these limitations, a BWQC member who is conflicted because they are a project sponsor may answer questions on the subject project in an open meeting of the BWQC.

ARTICLE XI AMENDMENTS

Upon the authorization of five or more Council members, an amendment to these bylaws shall be presented to the Council. Any proposed amendment to these bylaws shall first be sent to the Council members in preliminary form for consideration and comment for a period of not less than 21 days. Not later than 21 days after this period, the CWSP staff shall submit to the Council a report summarizing the comments received as well as any

CWSP recommendations.

Adoption of any amendment(s) shall require the affirmative vote of two-thirds of the Council members present and voting at a duly constituted regular meeting.

HISTORY OF ADOPTION AND AMENDMENT

Adopted June 29, 2022.

Amended November 2, 2022 (changed "minority" to "all").

Summary of Vermont Senate Bill S. 55 (Enacted May 10, 2024)

Purpose: The bill aims to enhance the accessibility, transparency, and efficiency of public body meetings in Vermont by allowing electronic participation under Vermont's Open Meeting Law.

Key Provisions:

1. Legislative Intent:

- Ensure that all public body meetings, whether in-person, remote, or hybrid, are fully accessible to the public and members of public bodies.
- Maintain transparency in the deliberations and decisions of public bodies.
- Adhere to standard rules and best practices for meeting formats and methods of delivery.

2. Definitions:

- Introduces definitions for terms such as “hybrid meeting,” “public body,” and “undue hardship.”
- Clarifies that “public body” includes boards, councils, and commissions but excludes advisory groups to the Governor.
- Defines “Advisory body” as “a public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.”

3. Open Meetings and Electronic Participation:

- All meetings of public bodies must be open to the public.
- Meetings must be electronically recorded if they involve public hearings on proposed rules.
- Public bodies must provide a physical location for the public to attend if the quorum is not physically present.

4. Hybrid and Electronic Meetings:

- Non-advisory state public bodies must hold meetings in a hybrid fashion (both physical and electronic).
- Advisory bodies can meet electronically without a physical location.
- All meeting recordings must be retained for at least 30 days after the approval of meeting minutes and posted online.

5. Local Non-Advisory Public Bodies:

- Local public bodies must record meetings and post recordings online for at least 30 days, unless it imposes an undue hardship.

6. Requests for Access:

- Residents, public body members, or press can request physical or electronic access to meetings.
- Requests must be made in writing at least two business days before the meeting.
- Public bodies must comply unless there is an all-hazards event, local incident, or undue hardship.

7. Training Requirements:

- Annually, certain officers must participate in training on Open Meeting Law procedures.
- The Secretary of State is responsible for developing and providing this training.

8. Special Provisions During Emergencies:

- Allows affected public bodies to meet electronically without a physical location during local incidents or declared emergencies.
- Public bodies must use technology that permits public participation and access by telephone.

9. Penalties and Enforcement:

- Municipalities must post information on how to submit notices of Open Meeting Law violations and the relevant procedures.

10. Annual Meetings and Australian Ballot System:

- Video recording and posting requirements for informational meetings and hearings related to annual meetings and the Australian ballot system.

11. Working Group on Participation and Accessibility:

- Establishes a working group to improve accessibility and participation in municipal public meetings and elections, and to increase transparency and trust in government.

12. Effective Dates:

- The act takes effect on July 1, 2024, except for the training requirements, which take effect on January 1, 2025.

Updates and conclusion

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: Updates and conclusion
DA: 5/30/24

=====

This time will be available for discussion of future meeting topics and updates. If you would like to mention any of your own, please let us know. Some topics identified to date include: presentation by Chris Smith of USFWS, a discussion of the process to obtain watershed project ID numbers, Operations and Maintenance, and an extended discussion of the Project Development process.