

Missisquoi Basin Water Quality Council (BWQC)

Wednesday, October 2, 2024, 11:00 AM -1:00 PM

Remote/Zoom meeting

Meeting video posted at <https://youtu.be/EUzDOi2mF7g?si=J487WMBheAqQ-peG>

**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: Lauren Weston (Q), Ted Sedell (Q), Barry Lampke (Q), Lindsey Wight (Q), Kent Henderson (Q), Allaire Diamond (Q), Dan Seely (Q), Sarah Downes (Q), Bridget Butler (Q),

Q= towards quorum

Staff: Dean Pierce, Nora Brown, Cliff Jenkins

Others present: Jim's AI Notetaker, Julia Crocker (Franklin Watershed Committee), Peter Benevento (Lake Carmi Campers Association), Karen Bates (DEC)

1. Welcome and introductions

Lindsey Wight opened the meeting at 11:02 am as Chair. A round of introductions was made.

2. Meeting Protocols

Lindsey Wight reviewed meeting protocols and Zoom norms.

3. Conflict of interest declarations, if any

Lauren Weston of FCNRCD announced that she has a project application in for review by the council.

4. Review/adjust and approve agenda

No adjustments to the agenda were made. Sarah Downes motioned to approve the agenda, and Barry Lampke seconded. Motion carried.

5. Approval of minutes

Kent Henderson motioned to approve the minutes, and Dan Seeley seconded. Motion carried.

6. Public comment not related to items on agenda

Barry Lampke shared that he will be retiring on November 8th, and this will be his last BWQC meeting.

7. Report on budget adjustments, if any

No budget adjustments were made.

8. Review of application filed in response to round 6 “Call for Projects”

Dean Pierce provided an overview of the project proposal submitted by Lauren Weston on behalf of FNCRCDC, including budget, estimated P reduction, and timeline. Lauren Weston provided more detail about the project and the process used to calculate estimated P reduction and overall budget.

A detailed account of the discussion of this proposal can be found in **Appendix A** of this document. Discussion included:

- **Budget Concerns:** The proposed budget was deemed excessive by some attendees, given the project's potential cost-effectiveness.
- **Process Issues:** The current DEC funding application process was criticized for requiring applicants to estimate costs before obtaining bids, leading to potential inconsistencies.

- **Project Scope:** There was a consensus that project should focus on low-tech, process-based restoration and avoid overly complex engineering designs.
- **Funding Approval:** The meeting concluded with the approval of \$25,000 for project design, contingent on a revised budget reflecting a lower cost estimate.

Allaire Diamond motioned to approve \$25,000 for the design of the project.

Ted Sedell seconded. Lauren Weston abstained. Motion carried.

9. Operation and maintenance topics: landowner agreements

Dean Pierce reminded council members that a new site access agreement has been created by DEC specific to the operation and maintenance of CWSP-funded projects. Important to use right model. He reviewed the agreement's structure and key features.

10. BWQC member and subgrantee training: What types are needed most?

A discussion about the most-needed types of training for members and subgrantees was carried out among council members and Karen Bates of DEC. Notes from this discussion can be found in **Appendix B** of this document.

11. Proposed procurement changes (per DEC guidance)

Dean Pierce updated council members on new DEC procurement guidance for CWSPs allowing subawardees to potentially use their own procurement policies instead of following a three-bid requirement. The change also allows CWSPs to sole source awards up to \$25,000 to any entity with BWQC approval.

12. Updates:

a. "Expedited" funding for project development

Dean Pierce informed council members that that the latest call for proposals opened Sept 6 and is ongoing, using a simple online form for prequalified partners. He stated that the CWSP is working on obtaining WPDIDs, and notified members of an online tool in development to help partners create project descriptions.

b. Invoicing and Financial Updates

Dean Pierce reminded members that Q1 of the fiscal year ended on September 30 and requested Q1 invoices and a brief status report from each member.

c. NRPC Public Participation Plan

Dean Pierce announced that a draft of NRPC's new Public Participation Plan was released on August 19. Public comments were then incorporated into a revised version. The NRPC Executive Committee has reviewed the plan, but rather than putting the plan up for vote was going to send to whole Committee for vote in September but instead is carrying out another review in October.

Lauren Weston expressed a desire for the document to include plans for developing more project managers and supporting more groups and municipalities in submitting proposals to the BWQC.

13. Future meeting topics

Topics earmarked for more discussion in future meetings included incorporating the need for more project managers into the Public Participation, ways to help more groups bring projects forward, and the role of efficiency targets in determining funding (as in Appendix A).

14. Updates and conclusion

Allaire Diamond motioned to adjourn. Barry Lampke seconded. Motion carried. Meeting adjourned at 1:01pm.

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Appendix A: Discussion of FCNRCD Project Proposal

Budget Concerns:

Lauren Weston explained the process behind the P reduction and budget estimation calculations:

- Three bids were solicited from engineering firms, and the estimates received ranged from \$8,000 to \$40,000.
- The highest estimate was used to determine the proposed budget to account for unforeseen costs.

Allaire Diamond asked why the higher estimate was used when the lowest estimate seemed more realistic.

Lauren Weston added some extra cost is for making a hydrological model to guide the project, as requested by DEC.

Dean Pierce expressed a preference as the CWSP for the lower cost estimate. He said the project as proposed exceeded recommended cost effectiveness limits.

- The current benchmark cost effectiveness is \$16,000/kg P reduced, with maximum limits ranging from \$33-50,000.
- This project is proposing \$50,000 for preliminary design, plus up to another \$100,000 for implementation, with less than 1kg predicted P reduction.
- \$50,000 for this project would be a non-starter for NRPC without a significant increase in P reduction.
- Since it seemed like the costs could be amended down, he recommended discussion.

Process Issues:

Lauren Weston expressed frustration with the requirement applicants already have a cost opinion to write the grant application.

- If approved, they must then formally request bids without knowing whether firms are still available.
- Would the BWQC prefer applicants request the maximum a project *might* need or request a lower amount first and more later on.

Allaire Diamond asked whether capping the budget would help rein in costs by giving contractors realistic expectations.

- She felt this project could be done for \$16,000, maybe more if not using volunteers.
- The point of projects like this is that they are uncomplicated and reproduceable.
- This is a new project type, which will require more staff time for learning— could workforce capacity funding cover this?

Project Scope:

Lindsey Wight: Engineering-heavy clean water projects are not what's needed. How can BWQC fund these less technical projects without lengthy project development stages?

- Karen Bates of DEC: River program wants to do these low-tech, process-based restoration projects.
- Allaire Diamond: reduce the number of phases requiring design by an engineer, i.e. just for hydraulic analysis and P calculations. FCNRCD staff could probably do most design work and bring an engineer in only when needed to save money and time.

Lauren Weston: how much autonomy do BWQCs have to approve projects not recommended by CWSP/DEC?

- Dean Pierce: BWQCs can approve not recommended projects, but that doesn't bind CWSP to issue task order for it.
- Lauren Weston expressed frustration with this model.

Lauren Weston criticized the use of the 30% design plan to estimate cost effectiveness, as it's somewhat arbitrary.

- Karen Bates suggested estimating a cost effectiveness ratio based on similar past projects. She also emphasized that this stream and project are a priority for Lake Carmi.

Dean Pierce: it would be better for FCNRCD to ask for lower amount and come back than to ask for more than enough funding.

- Lauren Weston asked time needed to prepare that second request would be billed for, since that time would not be included in the original award.
- Dean Pierce: if design costs are going up, other costs will most likely need to go up too, so compensation for that extra staff time could be part of a second request for funding.

Funding Approval:

Lauren Weston asked if \$20,000 could be approved now to save time.

Allaire Diamond motioned to approve \$20,000 on the condition that FCNRCD resubmits a new budget reflecting this change.

Kent Henderson said he was not sure \$20,000 would be adequate. He suggested upping the approved amount to \$25,000 to avoid limiting the project.

Allaire Diamond pointed out that only contractor costs would change with the new budget using the lower estimate; FCNRCD staff time would stay roughly the same.

Lauren Weston shared her estimations:

- \$5,000 for staff time
- \$8,000 for the lowest preliminary contractor bid
- Historic cost \$2-6,000 (not included in the original budget)
- A total \$25,000 should be sufficient if the contractor is still available.

Allaire Diamond motioned to approve \$25,000 for project design. Ted Sedell seconded; Lauren Weston abstained. Motion carried.

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Appendix B: Discussion of Needed Training for Recommendation to DEC

Dean Pierce opened a discussion about what members felt their greatest training needs from DEC to be. He suggested the FFI tool as a potential topic.

Karen Bates of DEC asked whether members would prefer there were a resource to help them obtain information, such as a designated staff member, rather than just trainings they could access on their own.

Ted Sedell pointed out that the FFI tool doesn't work for the Memphremagog basin, so per DEC guidance the calculator is being used instead. He then asked whether the same is true for the Lake Champlain and Missisquoi basins. Dean Pierce answered that he had been advised to use the tool.

Bridget Butler said she found it difficult to find the information she needs and suggested dedicating a DEC staff member or comprehensive, well-organized page on the DEC website to making information easier to find. She also suggested more regular webinar trainings where questions can be asked, rather than relying on recorded past trainings.

Lauren Weston requested training on using cost effectiveness benchmarks to inform project proposals to avoid receiving costs opinions well outside the target range and wasted work in general.

Lindsey Wight asked about barriers to submitting proposals to the BQWC, given the low number of applications received.

Ted Sedell answered that his small team's limited bandwidth across multiple basins was the main barrier.

Allaire Diamond answered balancing the amount of effort put into planning with project scale/complexity. She felt many projects don't require all phases of preliminary design and overcomplicating them makes simpler projects less attractive.

Lindsey Wight asked whether the current preliminary phases of 30%, 60%, and 90% design are set in stone, as they can prolong implementation beyond what is acceptable for landowners.

Karen Bates answered that she believed there was flexibility, that although certain deliverables are needed before moving to next phase, the CWSP could tailor what deliverables it requires to project type. She said guidance that allows CWSPs to do that needed to be developed and that she would pass it along.

Lauren Weston asked for clarity on what project types require a licensed engineer.

Bridget Butler agreed and emphasized the need for training in DEC tools and onboarding of new staff.

Karen Bates said she was happy to meet with your new staff members for 1-2 hour training sessions. Members agreed this would be helpful but 1-2 hours is insufficient, need updated resources online as well.

Summaries Copied from Zoom Chat

Karen: Summary (majority by LCNRC D)

1. More assistance to project implementers by FPA – templates for deliverables upfront and for common email requests (bid requests), guidance for each step including historic preservation (WUV provides great support)
2. More Webinar trainings, including CWF eligible projects and improve those for understanding that exist (OM, older ones that GP did)
3. Interest more groups in becoming project implementers
4. Group agreed to Karen's proposal that some BWQC agendas include Project implementer discussion

Karen: summary from this meeting: Overall goals - reduce wasted work on everyone's part.
Bridget (all below and following)

– help finding information, one place or one person. Training for new staff
-Regular/annual webinar for certain topics with time for discussion and questions (recorded webinars not as valuable for some topics).

Lauren

-training how to use the cost effective ratio benchmarks to give consultants idea of boundaries.

ID projects that require (don't require) licensed engineer

For each CWSP have one person/group responsibility for calculating all P reduction numbers to ensure consistency in how calculated. Could CWSP hire an engineer?

Ted – for OCNRCD – large geographic area and just 2 staff – staff capacity some of it, but not all

Lindsey - Need guidance or change guidance to ensure effort is appropriate for project.

Example reduce # of design phase: small culvert replacement, buffer planting, or woody addition shouldn't need as many phases.