

Lamoille Basin Water Quality Council (BWQC)

Wednesday, December 4, 2024 (this is an adjusted meeting date due to Thanksgiving)

9:00 -11:00 AM

Remote /Zoom meeting

Meeting video posted at <https://youtu.be/HHA5ycyGSSU>

**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), Meghan Rodier (Q), Ken Minck (Q), Christine Armstrong (Q), Erin De Vries (Q), Richard Goff, Daniel Koenemann

Q= towards quorum

Staff: Dean Pierce, Cliff Jenkins, Nora Brown

Others present: Peter's AI Notetaker, Jessica Louisos, Mike Wichrowski, Karen Bates, Ted Sedell

1. Welcome and introductions

Dean Pierce opened the meeting at 9:07 am as CWSP staff member.

A discussion was had about who should run the meeting, as both the Chair and Vice Chair were unable to attend. Members agreed to allow Dean Pierce to run the meeting in their absence.

A round of introductions was made.

2. Meeting protocols

Dean Pierce reviewed norms for meeting on Zoom.

3. Conflict of interest declarations, if any

Meghan Rodier indicated that she would be recusing herself from discussion of the application filed in response to the sixth round Call for Projects as staff of the applicant, Lamoille County Planning Commission.

Richard Goff also indicated that she would be recusing himself as a Lamoille County Planning Commission board member.

4. Review/adjust and approve agenda

Erin De Vries motioned to approve the agenda. Dan Koenemann seconded. Motion carried.

5. Approval of minutes

Dan Koenemann motioned to approve the minutes. Ken Minck seconded. Erin De Vries abstained as she was not at the meeting. Motion carried.

6. Public comment not related to items on agenda

No public comments were made.

7. Report on budget adjustments, if any

No budget adjustments reported.

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

Dean Pierce reviewed the application made by Vermont Fish and Wildlife Department for the implementation phase of the Dorothy Smith Access Area Floodplain Restoration Project. He noted that VFWD was recently pre-qualified to implement CWSP projects through NRPC’s rolling pre-qualification process.

Meghan Rodier presented the project as regional planner for the Lamoille County Planning Commission. She reviewed the project’s eligibility for CWSP funding, background, scope, timeline, benefits, and funding to date for design and permitting. The project is seeking implementation funding of \$219,265, which includes construction, construction oversight, project management by LCPC, and 3-years of post-monitoring and O&M costs. LCPC has not secured other implementation funding, but the project is considered to be “shovel-ready.”

Mike Wichrowski provided a historical overview of VFWD’s acquisition and stewardship of the site. He described past stormwater erosion and subsequent restoration work at the site that led VFWD to identify and develop this floodplain restoration project.

Jessica Louisos shared more about SLR Consulting’s past work in the area that identified the site as a priority for floodplain restoration through both hydrological mapping and the stormwater management plan.

Dean Pierce noted that the project does not meet CWSP cost effectiveness standards. He also mentioned an outstanding question for DEC about whether the requirement for a site access easement rather than a license because funding cost is over \$200,000 still applies when site is owned by a state agency.

Dan Koenemann shared that other CWSPs have dealt with these situations by funding partially up to cost effectiveness. Dean Pierce added that this doesn’t totally solve the problem, because phosphorus credits may have to be shared with other funders.

Jessica Louisos shared that the amount of impervious surface removal that the project involves provides a major benefit that might not be captured in the phosphorus reduction numbers.

Ken Minck expressed confusion about the project's classification as non-regulatory, as it involves a site owned by a state agency.

Meghan Rodier clarified that the project is entirely voluntary and thus non-regulatory.

Dean Pierce explained that projects are regulatory when the practices being implemented are required by legislation and/or rules rather than chosen by a landowner. He also noted that DEC funding policy explicitly states that state agencies are eligible for CWSP funding.

Dan Koenemann shared that he would be open to funding the project if the CWSP is otherwise in a good position in terms of meeting its phosphorus reduction quota with available funding.

Dean Pierce noted that only one project has been completed that included a phosphorus reduction, namely the Ten Bends tree buffer planting, which along with several other projects in process leaves the CWSP in a good place quota-wise. He noted that the target cost of phosphorus reduction when DEC developed the formula for distributing Clean Water Funds was approximately \$14,000 per kilogram, with stream-oriented projects generally being the most cost effective. Cost effectiveness for this project is poorer than the CWSP is generally comfortable with, particularly if credits would have to be shared. Thus, CWSP approval may depend on whether remaining funding comes from an entity that also reports phosphorus credits. He stated that \$75,000 in total CWSP funding for the project might be tolerable, with any higher figures causing concern.

Ken Minck shared that he thinks \$219,000 is outside of the BWQC's recommendations for 3kg of reduction.

Erin De Vries disagreed, stating that \$219,000 is reasonable when including additional co-benefits and all implementation costs.

Dan Koenemann agreed with Erin De Vries but noted that DEC regulation essentially means only phosphorus reduction numbers can be considered.

Erin De Vries asked about the process for calculating co-benefits.

Dean Pierce shared there is a calculation in ranking system that considers co-benefits, but that it is really most useful when choosing between projects.

Lauren Weston expressed strong support for funding this project. She felt that otherwise the message would be sent that BWQCs can't get anything done, even on state-owned land in a flood-prone area. Since much work and money has already gone into this project, and since not a lot of projects are submitted to the BWQC for funding, she felt it is important to get something done rather than nothing, particularly for community engagement.

Dan Koenemann asked whether, were the project to be funded as proposed, a message would be sent that the BWQC is willing to fund projects at any level of phosphorus reduction and cost effectiveness.

Lauren Weston shared that she is willing to live with a bad precedent in that case.

Ken Minck asked about what was spent on the preliminary phases leading up to implementation, since these phases were not funded by the CWSP.

Meghan Rodier shared that \$40,000 was spent for final design and SLC's time for permitting, plus an additional archaeological assessment funded by VFWD. She couldn't provide figures for preliminary design, as it was completed as part of the stormwater master plan and hard to separate from the rest of the plan.

Ken Minck again expressed a desire to stay within cost effectiveness guidelines, even for otherwise attractive projects.

Dean Pierce noted that cost effectiveness numbers are best practices and not rules. He reminded members that while the CWSP needs BWQC approval to issue a task order, BWQC recommendations are not a mandate to the CWSP.

Lauren Weston noted that these cost effectiveness standards are based on outdated construction projects and incomplete plans meaning it might be unlikely to ever get a proposal that meets cost effectiveness standards given increasing costs. She shared that while she understands that CWSP needs to follow these rules, she finds it frustrating that CWSP staff ultimately decide rather than BWQC, which doesn't seem to be what legislators intended for community ownership of projects.

Dean Pierce pointed out it did not appear the council would meet quorum requirements to hold a successful vote (five votes required to approve).

Ken Minck suggested approving \$195,000 to avoid the requirement for a site access easement. Dean Pierce clarified that under current DEC policy the project would still require an easement if total implementation costs exceed \$200,000 in state funding. Mike Wichrowski shared that VFWS lawyers were of the opinion that an easement likely isn't required for a project on state lands and an alternative could be negotiated.

Discussion then followed of the structure of alternates for absent council members, particularly whether each alternate may only replace one specific member or fill in as needed.

A straw poll of council members was conducted to gauge support for the project. The project was not determined to have enough votes in favor to receive funding at this time, but as quorum was not met an official vote could not be held.

Lauren Weston motioned to table the application and call a special meeting to discuss the project at the soonest possible date. Erin De Vries seconded. Motion carried.

9. Training: O&M procedures and systems and costs

With limited time, Dean Pierce suggested moving forward to the project status round table. Members agreed to revisit this agenda item at a future meeting.

10. Round Table: Status of projects

Ted Sedell provided an update on Orleans County NRCD's project on the Barr Property on Caspian Lake. He shared that the NRCD had contracted with Fluid State for design and permitting. They had also successfully delineated the wetland and conducted site visit with Staci Pomeroy of DEC. They have scheduled a meeting on January 21 to discuss design, after which they would have a good sense of 60% design for review.

Erin De Vries shared that Vermont River Conservancy will start work on a planning grant for the Lamoille River basin from Lake Champlain Basin Program in January. The project will include geomorphic assessments in river corridors for prioritization mapping, followed by ground truthing in the summer. VRC is hoping to start bringing projects identified through this process to the BWQC by the end of 2025.

Dean Pierce shared that Ken Minck was recently involved in a completed gully project in Basin 5. He expressed interest in finding more of these projects in the Lamoille Basin since they score so well with phosphorus reduction, even if they can be hard to fund.

11. Updates/Brief announcements

Dean Pierce reminded members that the next two funding rounds open February 6 and April 3, respectively.

12. Future meeting topics

The next regular meeting of the Lamoille BWQC is scheduled for January 23, 2025. Dean Pierce agreed to send a poll to members to schedule a special meeting for continued discussion of the Dorothy Smith Floodplain Restoration project.

Ken Minck requested future discussion to provide more clarity on the use of alternates for absent council members, namely whether alternates may only replace one member or whether they may replace whoever is absent.

13. Conclusion

Meghan Rodier motioned to adjourn. Ken Minck seconded. Motion carried. Meeting adjourned at 10:49am.