



South Lake Champlain Basin Water Quality Council (BWQC)

April 28, 2023, 11:00 am

Online and in-person at the Rutland Regional Planning Commission offices.

MEETING MINUTES

Meeting called to order 11:09

Council Members present: Erin Rodgers, chair (TU); Adam Piper (VLT); Katy Crumley (PMNRCD); Mike Winslow (ACRPC); Paul Donaldson (Town of Poultney); Shayne Jaquith, vice-chair (TNC); and Bob Richards (RRPC); Murray McHugh (alternate, TNC).

Partners present: Angie Allen, DEC Basin Planner; Ethan Swift, DEC, Chris Rottler, DEC.

Staff present: Barbara Noyes-Pulling, RRPC/CWSP; Devon Neary, RRPC/CWSP, Hilary Solomon; PMNRCD/CWSP; and Toby Crispin, PMNRCD.

APPROVE AGENDA

Motion to approve agenda made Shayne Jaquith, seconded by Bob Richards. Motion carried.

APPROVE MINUTES

Motion to approve minutes as written from March 15, 2023, made by Mike Winslow, seconded by Shayne Jaquith. Motion carried.

REQUEST FOR QUALIFICATIONS UPDATE (Barbara Noyes Pulling)

- Received 13 pre-qualifications submissions from organizations.
 - 3 entities have applied as subgrantees.
 - 10 entities have applied as subcontractors
- Small additional requests or clarifications will be requested of six of the entities.

FORESTRY SECTOR UPDATE (Ethan swift, DEC)

Ethan joined us to give an update on both the forestry sector projects overall (which are eligible?) and the work being done by UVM and Watershed Consulting Associates (WCA) using GIS to remotely identify potential projects in the forestlands. The goals of this work include creating BMP efficiencies for the types of projects that exist in the forest that we might be trying to fund with the Formula Grant. This would allow us to assign phosphorus reduction amounts for certain project types. The outcome will

hopefully include a web-based tool (like FFI for the forest elevations) for clean water project partners to use to identify projects in the forested landscape using remote sensing tools.

As background, Ethan explained that there were several phases of work being conducted. Phase 1 of the GIS project included the UVM GIS spatial analysis lab trying to use variations in elevation from remote sensing data (LiDAR) to identify erosion or gullying. They adapted a Forest Service model designed for forestland accounting. However, the original model needed more work; it generated some incorrect information and required ground truthing.

Currently the UVM Spatial Lab and WCA are working to refine the original study and improve the data outputs. The next phase of work involves: 1) Field verify and calibrate the model. Work with local stakeholders to help understand the model's errors and trial the model on ten parcels involving ground truthing the results in the field. 2) Develop a framework for project prioritization for our various funding sources, especially for the gap watersheds which have extra reductions added to the forest sector. 3) Pilot the framework with partners, which would hopefully lead to a 'populated hopper of projects.'

The earlier study (also associated with Cold Hollow to Canada) used LiDAR to try to identify erosion of forested roads. This is important because there is an assumption in DEC that most phosphorus reductions needed for the TMDL will be made through implementation of regulations, such as the logging AMPs. For that reason, in most locations, except Missisquoi and the South Lake Basin, the reductions needed in the forestry section are minimal.

Question from Mike Winslow: Why were these basins singled out?

Ethan Swift: Because modeling shows that the South Lake Basin cannot make the phosphorus reductions through AMPs (and other regulations) alone, the extra phosphorus reductions were added to the forest sector, because it is the predominant land use in the watershed. This plays out in Act 76, as the funding in our formula grant is about half for forest projects.

Ideally, this work will eventually assist us with identifying and prioritizing clean water projects in the woods. Types of projects that we may be able to fund include decommissioning legacy forest roads, not associated with a recent harvest, or correction of water bars and other project close-out features after 3-5 years have passed since the logging job if the job was closed out properly to begin with. The model may identify incised streams that could be restored in conjunction with the roads type projects. The funding cannot help landowners meet AMP regulation compliance.

Phase three of this work includes refined target setting for the forest sector.

Question from Shayne Jaquith: How will BWQC know if forest projects are not regulatory and are fundable?

Ethan Swift: Time. If closed out occurred at the time of logging and adequate time has passed, funds could pay for restoration projects to update the site close out conditions. We might work with foresters to identify good sites.

Question from Hilary Solomon: Are forest and wetlands projects scheduled to be considered by BWQC?

Ethan Swift: We should consider forest and wetlands projects on a case-by-case basis until the tool is complete and we can assign phosphorous reduction values to project types.

MAPPING TOOL FOR IDENTIFYING POTENTIAL MUNICIPAL PROJECT SITES (Otter Creek CWSP)

Mike Winslow presented a map created by one of his AmeriCorps staff. The map shows all municipally owned properties and color codes the parcels based on whether nearby waters are stressed waters or priority waters, etc. RRPC is working on a South Lake version to send out to the BWQC members and municipalities.

REQUEST FOR PROJECTS UPDATE (Hilary Solomon)

The RFP was posted last week, and the due date is May 15, 2023. Staff has heard from the Lake Bomoseen Association which inquired about funding a Lake Watershed Action Plan. Erin Rodgers noted that the turn around time from the CWSP receiving the project applications, scoring them, and getting the information to the BWQC is very tight and that we may need to push back our next meeting to accommodate the information sharing that we plan to provide. Staff encouraged partners to apply, and indicated the BWQC can work through questions as we go.

HISTORICAL AND CULTURAL SITE REVIEWS OVERVIEW (Scott Dillon, VDHP)

Barbara Noyes Pulling led with a slideshow that named the exempt project types as well as the conditionally exempt project types (and the criteria that needed to be met to retain the exemption), mostly minimal ground disturbance and not adjacent to historically designated districts.

Scott Dillon: Suggested we review the CWIP Funding Policy and the guidance on the VDHP website, which they worked with Gianna Petito of DEC to write. VDHP plans to create an MOU with DEC related to the relationship between VDHP and the CWIP funding policy. The threshold for review is at 30% design. As background, archaeology relates to structures/artifacts below the ground and architectural history relates to structural and above ground areas.

The following is from the information on their website about how to proceed with VDHP project review:

Step 1: Confirm project type and location. No comprehensive map of state historic districts. May need to reach out to Devon Coleman (contact at VDHP) to verify the historic district aspect.

Step 2: Complete VDHP preliminary project review form which is “robust.” One issue: the project review form is found on the DEC resource webpage and embedded in CWIP policy. (Not from their website). There is space on the form for preliminary feedback at 30% design.

If no recommendations are made by VDHP then plans need to be submitted for review at final design stage

Step 3: Proceed with cultural resource assessments, if necessary

Step 4: Address findings from above assessments and mitigate damage, if needed.

Step 5: VDHP final project review

Question from Shayne Jaquith: Notes that river and floodplain restoration projects are not exempt from VDHP review. If the project includes adding wood to rivers to raise the bed, this will not uncover historic elements. If there are no structures older than 50 years nearby, these projects should not be of interest to VDHP, and we should change the policy to include them as exempt or conditionally exempt.

Scott Dillon: Yes, and notes that VDHP provides a blanket letter to VFWD exempting their activities. In addition, projects such as riparian buffer restorations in which disturbance remains above the plow zone should also be exempt.

Question from Hilary Solomon: Do we need the CWIP review if fully permitted project (Army Corps, etc.)?

Scott Dillon: depends on where project is in process/ depends on federal partners.

Question from Mike Winslow: What is the time needed for review?

Scott Dillon: VDHP needs 30 days to respond.

PUBLIC COMMENT

None

NEXT MEETING: May 25, 2023, at 11:00 AM

- May 15 RFP deadline. Next BWQC meeting may review projects if any come in.

MEETING ADJOURNED AT 12:16 PM

Respectfully submitted by Hilary Solomon