



South Lake Champlain Basin Water Quality Council (BWQC)

September 11, 2024, 3:30 pm

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

MEETING MINUTES

Meeting called to order 3:06 PM.

Council Members present: Erin Rodgers, chair (TU); Mike Winslow (ACRPC); Katy Crumley (PMNRCD); Dan Redondo (Town of Orwell); Paul Donaldson (Town of Poultney); Sarah Pelkey (RRPC); Shayne Jaquith (TNC), and Rob Terry, (Merck)

Staff present: Hilary Solomon (PMNRCD/CWSP) and Devon Neary and Barbara Noyes Pulling (RRPC/CWSP)

VTDEC present: Angie Allen, Basin Planner; Zapata Courage, DEC Wetlands Ecologist

Public present: Rob Mealey (LBA), Joanne Calvin and Jan Jones (LBEA), and Frank Piasecki (Fitzgerald Environmental Associates (FEA)), Frank Nelson, Pawlet Planning Commission.

CALL TO ORDER

The meeting was called to order at 3:32 pm by chair Erin Rodgers who informed the group that the meeting was being recorded per Open Meeting Law requirements.

APPROVE AGENDA

Dan Redondo moved to approve the agenda; Sarah Pelkey seconded. The motion was approved.

APPROVE MINUTES

Katy asked that the two misspellings of her name be corrected. Motion to approve minutes from May 29, 2024, with those changes was made by Erin Rodgers and seconded by Dan Redondo. The minutes were approved. Shayne abstained.

PUBLIC COMMENT

Rob Mealey (LBA), Joanne Calvin and Jan Jones (LBEA), and Frank Piasecki (Fitzgerald Environmental), introduced themselves.

EARLY-STAGE FUND BUDGET INCREASE

Hilary reminded the group that the idea behind the Early-Stage Project Fund was to have a quick and easy way to get information after a few hours of field and desktop work to help us determine the feasibility of a project. The work was capped at \$1,500 per project, but the consultants are telling us they put more time and materials into these projects than they're being compensated for, so the staff thinks we underestimated the amount. Should we issue a new cap, perhaps double the amount? Mike suggested hiring one firm to do all the early-stage work or batching them together somehow. Erin suggested that staff reach out to consultants regarding the source of overages, and Dan recommended checking with other CWSPs. The group's consensus was to put the fund increase on hold for now until more fact finding is done and to communicate with the subcontractors.

LAKE BOMOSEEN ASSOCIATION LWAP BUDGET INCREASE

Hilary reported that after the BWQC had approved this project last year and after a contract was executed with LBA, several lakes in the areas asked for more substantial involvement in the assessment plan: Glen and Echo Lakes and Beebe Pond. LBA consulted with FEA about increasing the amount of assessment and project deliverables. FEA is asking for \$21,000 more for a new total of approximately \$56,000.

Alison Marchione, DEC Lakes and Ponds Section, sent an email indicating the price increase is appropriate for the drainage area and the deliverables matched what DEC expects in terms of dollars per LWAP size. She also emphasized the importance of having the three new lakes end up with projects, but that an overall prioritization methodology be used watershed-wide to rank projects.

Frank indicated that Alison's request for keeping all four lakes in one prioritization method makes sense so that all projects are scored against each other.

Katy moved to approve the increase in funding to \$56,503 as requested. Shayne seconded her motion which passed unanimously.

GULLY PROJECTS UPDATE (Lake Champlain, Lake Road Gullies, Addison Poultney River, Route 22A Large Gully, Fair Haven and Mud Brook, Scotch Hill Gullies, Fair Haven)

Hilary explained that even though the BWQC had approved these gully projects in May, they were on hold because DEC doesn't have the methodology to justify the phosphorus reduction that were attached to the projects and the Rivers Program hasn't approved all of these. So, staff are trying to work through this process with DEC. Shannon Pytlik with DEC Rivers Program treating the runoff issues farther up the watershed instead of at the gullies. Hilary shared that the watersheds upstream of the gullies contain low intensity agricultural uses, low density housing, and forests. Hilary said slight land use changes would be all that's required in some cases to facilitate erosion, because of the soil types and that the gullies may be the best place to treat the runoff – as opposed to very disparate work on the watershed, where we do not have landowner permission, etc. This type of decision (no treatments of gullies or above gullies, but the need to go into very ambiguous watershed areas with low levels of widespread contributions) works to bog down the program and detracts from the CWSP's local control and flexibility.

Mike suggested petitioning the DEC so that it would develop phosphorus reduction standards for gullies even though they're not eligible projects in the CWIP Policy.

Shayne added that he can see the DEC perspective since some gully projects may not be able to be repaired or stabilized once they start forming; it's hard to shut the water off.

Barbara asked if there was an ask from the BWQC at this time; Hilary said the information provided at this meeting was for the group and a progress report of these projects.

PROJECT ADOPTION DISCUSSION

Hilary told the Council that the staff had projects we would like to adopt. These are existing projects, which would need verification and any maintenance that needed to be done. The projects are the Poultney High School rain gardens, a restorative bioretention pool on Lake St. Catherine, and a riparian planting on Lewis Creek on Saltis Road. Barbara added that since there is a complex agreement that landowners need to sign off on, the staff like to take advantage of those opportunities, which have landowner support.

Staff were asked if there is a cost to adoption. Hilary said there is dedicated funding for this work and there would be phosphorus reductions associated with the projects. Dan moved to adopt the three proposed projects and Shane seconded the motion. It passed unanimously.

O&M FUND

Staff would like to set up an Operations and Maintenance Fund and have a set amount of money set aside for verification and maintenance activities for existing projects. Staff mentioned that 10% of the FY23 funds might be reasonable and that estimated costs for the four projects potentially under our purview (includes Sugar House Lane) would potentially use roughly \$20,000 in maintenance work this year. Erin moved to create an O&M Fund capped at 10% of the total budget of each Formula Grant contract. Mike seconded and the motion passed unanimously.

VERIFIER RFQ DISTRIBUTION

Barbara announced that an RFQ was sent out on August 23 to find consultants interested in doing the verification work on new projects. The RFQ will stay open on a rolling basis. There is a DEC certification process for becoming a verifier. Not any response yet because forms are still being certified and we're waiting on final verification software and training.

Barbara also showed a slide with information on the 14 projects funded by the BWQC. Because of the questions regarding gullies, the budget and phosphorus reduction numbers will most likely go down. The first year's total for projects was \$831,000; \$246,000 has been awarded for a total 290 kilograms/year of phosphorus. (The CWSP has a total of \$2,765,966 available for projects and its total target for phosphorus reduction is now 216.8 kg/year).

NEXT MEETING

The consensus was December 16 at 3:00 pm.

ADJOURNMENT

Meeting adjourned at 5:05 pm

Respectfully submitted by Barbara Noyes Pulling & Hilary Solomon