

# TRANSMITTAL MEMO

TO: LAMOILLE BASIN WATER QUALITY COUNCIL (BWQC)  
FR: LAMOILLE BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: MATERIALS FOR MEETING ON 5/25/23  
DA: 5/18/23

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Greetings, Lamoille BWQC members. The next meeting is scheduled for one week from today. Please let me know if you have any questions regarding the following agenda items.

## 1. Meeting minutes

This is a standard agenda item that allows BWQC members to acknowledge new representatives or alternates.

## 2. Seating of any new representatives or alternates

This is a standard agenda item that allows BWQC members to acknowledge new representatives or alternates.

## 3. Deer Brook Gully update

As indicated in the materials attached, the Deer Brook Gully project previously approved for funding by the BWQC has been declared ineligible for CWSP funding. Representatives of one or more state agency may be in attendance on May 25 to answer questions.

## 4. High cost/low P Reduction projects (and implications of)

Projects like the Deer Brook Gully project illustrate how the work of the BWQC (and the CWSP) can be made complicated by applications for funding for projects with relatively high cost and relatively low P reduction potential. Time will be available on the agenda to explore this issue further by considering additional measures of project cost effectiveness. A brief introduction is provided by the materials attached.

## 5. Annual meeting

The BWQC's annual meeting is scheduled for July 27. Officers will be elected by a vote of the council members present and voting. Unless the Council decides otherwise, a nominating committee is required to prepare a slate of nominations for officers, and additional nominations will be accepted from the floor. The creation of a Nominating Committee will need to occur before the end of the meeting on May 25. On a related note, suggestions for possible locations and program topics for the annual meeting are welcome. One item anticipated is some consideration of a prioritized list of projects. The attached memo provides a few additional details.

## 6. Updates/other

Updates on Partner master agreements, subgrant awards, and operations and maintenance will be discussed, and members can suggest topics for future meetings.

Thank you all for your involvement in the Council. It is appreciated.

## AGENDA

### Lamoille Basin Water Quality Council (BWQC)

Thursday, May 25, 2023

9:00 AM-11:00 AM

#### Held Via Zoom\* (computer/smartphone/tablet etc)

<https://us02web.zoom.us/j/82336649019?pwd=K2ZNRkltTHBhZjdtc1NTMW1TU0NPZz09> (details below)

1. Welcome and Introduction
2. Review meeting protocol
3. Review/adjust and approve agenda
4. Approval of Minutes (March 23 and March 30)
5. Public comment not related to items on agenda
6. Seating of any new reps or alternate(s) (if required)
7. Update on Deer Brook Gully project
8. High Cost, Low P Reduction Projects
9. Annual meeting/Nominating Committee
10. Updates/ Conclusion

#### Lamoille Basin Water Quality Council March 2023 Meeting

<https://us02web.zoom.us/j/82336649019?pwd=K2ZNRkltTHBhZjdtc1NTMW1TU0NPZz09>

Meeting ID: 823 3664 9019

Passcode: 126489

Dial by your location

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 669 444 9171 US

Meeting ID: 825 0555 4349

Find your local number: <https://us02web.zoom.us/u/kel3kkpHKo>

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](mailto: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.***

**Lamoille Basin Water Quality Council (BWQC) Meeting  
DRAFT MINUTES**

Thursday, March 23, 2022, 9:00-11:00 AM  
Virtual Meeting/Held Via Zoom\* (computer/smartphone/tablet etc.)  
<https://www.youtube.com/watch?v=UPW22095e8g>

**A VIDEO RECORDING OF THE MEETING IS AVAILABLE THROUGH THE NRPC YOUTUBE CHANNEL. 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**

~~Attendance: Peter Danforth (Q), Kent Henderson (Q), Lauren Weston (Q), Emily Finnegan, Jed Feffer (Q), Sai Sarepalli, Richard Goff (Q), Meghan Rodier, Ken Minck (Q until Sarah Hadd joined the meeting, Brad Holden (Q), Casy Spencer, Bruce Wheeler (Q), Erin De Vries joined at 9:30am (Q), Sarah Hadd joined the meeting at 10am (Q), (Q=toward quorum).~~

Staff: Dean Pierce, Dea Devlin,

Guests: Rod Rodjenski, Branden Martin, Alison Spasyk, James King, Karen Bates

Members Not Present: None.

### **1. Welcome and Introduction**

Peter Danforth called the meeting to order at 9:05 a.m. as Chair of the BWQC. Everyone introduced themselves.

### **2. Review meeting protocol**

Peter Danforth reviewed the Zoom norms of the BWQC protocol.

### **3. Review/adjust and approve agenda**

Jed Feffer moved to approve the agenda for the meeting. Kent Henderson seconded the motion. Motion carried.

### **4. Approval of Minutes**

Lauren Weston moved to approve the minutes for the previous meeting. Jed Feffer seconded the motion with one edit to correct the of the meeting to January 26<sup>th</sup>, 2022. Motion carried.

### **5. Public comment not related to items on agenda**

No members of the public offered any comments.

### **6. Seating of any new reps or alternate(s) (if required)**

Dean Pierce confirmed there was no seating of representative or alternates to present to the BWQC at this time.

### **7. Voting process**

Dean Pierce shared some slides that explained the rule surrounding proper practices for the BWQC to vote upon. Dean Pierce explained that there are some options for organizing the order and process when voting to approve projects. Peter Danforth confirmed that he would continue to facilitate the meeting as Chair even in the instance where he must recuse himself from a vote. Ken Minck expressed preference for voting for projects individually versus on a slate.

## **8. Cost effectiveness “threshold”**

Dean Pierce shared slides to provide further information and context for the BWQC to consider when evaluating cost effectiveness in project applications.

## **9. Prioritized project list**

Dean Pierce reviewed the project list for the applications that were submitted in the funding round that closed in March.

Richard Goff moves to approve the funding for a project submitted by the Town of Jericho (11322). Brad Holden suggested that motions for approving funding have language that indicates that this is based off CWSP analysis.

Jed Feffer moved to accept the project submitted by the Town of Jericho based upon CWSP scoring. (Richard Goff indicated he withdrew his initial motion.) Richard Goff seconded the motion, and a vote was taken. Motion carried. Sarah Hadd, who had arrived mid discussion, abstained.

Dean Piece shared a dashboard tool to the BWQC that shows the application information and explained this tool will be available in the future.

Richard Goff moved to approve the CWSP ranking and analysis of project 11361. Erin DeVries seconded the motion. Richard Goff explained the reasoning behind his support for the project. Peter Danforth provided further details about the project. James King elaborated on how the practice helps preserve floodplains. Karen Bates provided further details. Motion carried with one recusal by Peter Danforth.

Dean offered that the group might want to consider delaying discussion of project 9041. Doing so would allow further evaluation of cost effectiveness. Discussion of the project was in fact delayed. Brad Holden then moved to approve the CWSP ranking of design projects 9536 and 11358 and fund them. Richard Goff seconded the motion. Motion carried with one abstention by Sarah Hadd and one recusal by Peter Danforth.

## **10. Schedule for next Call for Application(s)**

Richard Goff moved to schedule a second meeting for March 30<sup>th</sup>, 2023, at 9am. Jed Feffer seconded the motion. The meeting date was set by apparent consent.

Branden Martin indicated preference to connect with Karen Bates and James King regarding phosphorus credits.

## **11. Updates**

This agenda item was skipped for time.

## **12. Conclusion**

Jed Feffer moved to close the meeting. Richard Goff seconded the motion. The meeting was adjourned at 11:10 a.m.

**Lamoille Basin Water Quality Council (BWQC) Meeting  
DRAFT MINUTES**

Thursday, March 30, 2022, 9:00-11:00 AM  
Virtual Meeting/Held Via Zoom\* (computer/smartphone/tablet etc.)  
<https://www.youtube.com/watch?v=iirWVLSAyb0>

**A VIDEO RECORDING OF THE MEETING IS AVAILABLE THROUGH THE NRPC YOUTUBE CHANNEL.**

**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**

**Attendance:**

Brad Holden (Q), Jed Feffer (Q), Kent Henderson (Q), Richard Goff (Q), Peter Danforth (Q), Erin DeVries (Q), Lauren Weston (Q), Meghan Rodier (Q=toward quorum).

Staff: Dean Pierce, Dea Devlin

Guests: Staci Pomeroy, Parker Eversoll, Alison Spasyk, Branden Martin, Karen Bates

Not Present: Bruce Wheeler, Sarah Hadd (by prior notification)

**1. Welcome and Introduction**

Peter Danforth called the meeting to order at 9:02 A.M. Dean Pierce offered the opportunity for people to introduce themselves.

**2. Review meeting protocol**

Dean Pierce briefly shared the meeting protocol on a slide.

**3. Review/adjust and approve agenda**

Dean Pierce shared the meeting agenda with council members.

**4. Approval of Minutes**

Dean Pierce suggested the group defer action on this agenda item since the committee did not have time to review the minutes for the last meeting.

**5. Public comment not related to items on agenda**

Staci Pomeroy introduced herself as a Vermont ANR river scientist.

**6. Continued Discussion of Funding Request Regarding Deer Brook Gully Project**

Kent Henderson shared some of the historical context for the Deer Brook Gully Project. Dean Pierce expanded on the phosphorus reduction calculation for the project. Branden Martin shared information about current phosphorus loading and pollutants other than phosphorus that the project will reduce entering the gully. Staci Pomeroy provided additional information about the project circumstances, the cost and phosphorus crediting.

Dean Pierce shared that the BWQC may wish to consider adopting a motion asking DEC to provide flexibility for complex project applications such as the Deer Brook Gully project. The currently low cost effectiveness of the application would be improved if phosphorus reduction of the entire project could be considered.

Jed Feffer asked about the remaining funding if this project is approved, which Dean Pierce shared would come out to around \$68,000.

Branden Martin shared that the bid for contractors for this project will likely not be until 2024.

Lauren Weston moved to approve the Deer Brook Gully Erosion project based upon the CWSP analysis and the feedback and review of the Lamoille BWQC. Erin DeVries seconded the motion. Motion carried with one recusal from Kent Henderson as noted by Dean Pierce.

### **7. Schedule for next Call for Application(s)**

Dean Pierce sought feedback on the length and timing of the next round for project applications. Meghan Rodier expressed preference for taking time between application rounds and Kent Henderson expressed interest in quarterly application rounds. Peter Danforth expressed a preference for rolling applications. The meeting ended due to a loss in quorum at 10:06am.

### **8. Updates**

This agenda item was skipped due to loss in quorum.

### **9. Conclusion**

This agenda item was skipped due to loss in quorum.

## MEMORANDUM

TO: LAMOILLE BASIN WATER QUALITY COUNCIL  
FR: CWSP STAFF  
RE: DEER BROOK GULLY PROJECT  
DA: MAY 18, 2023

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As indicated in the email attached, the Vermont Agency of Transportation (VTrans) has plans to claim any phosphorus reductions that would be achieved by the so-called Deer Brook Gully project. Members will recall that the project was the subject of an application discussed over two successive meetings and eventually approved by the BWQC.

VTrans would claim the credits to address requirements of the state TS4 permit. Because phosphorus credits would be claimed in response to a permit requirement, the work is considered regulatory. As a regulatory project, CWSP funding cannot be used.

Representatives of one or more state agency may be in attendance at the meeting to answer questions. CWSP staff will also be prepared to answer questions about the process used to review the application and implications for future project funding rounds.

**From:** [Rottler, Chris](#)  
**To:** [Dean Pierce](#); [cdimitruk](#)  
**Cc:** [Bird, Emily](#); [Swift, Ethan](#); [Bates, Karen](#)  
**Subject:** Deer Brook  
**Date:** Thursday, May 11, 2023 11:25:37 AM  
**Attachments:** [image001.png](#)

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Dean and Catherine,

I am writing to follow up on our conversation about this project. Our team has had a chance to check in, and we understand that because this project is in the VTrans right of way, that they will be claiming the phosphorus pollution credit from this project against their TS4 obligations. As a result, this is now a regulatory project, and is no longer eligible for funding under your formula grant.

I understand that this may be frustrating news, especially for Kent. As you share this news with your BWQC, and especially with Kent, we'd like to make ourselves available for discussion, including on potential next steps for funding. We understand there may be some capacity in the DIBG block grants, and there may be other funding opportunities available that we can help draw some connections to for Kent.

Kent can reach out to any of us, although Emily Bird specifically identified herself as interested and available to talk with Kent, and I have copied her here. I've also copied the WPP planning director Ethan Swift.

Know that we will also be looking to formalize the policy implications raised by this situation to help provide more clarity across the network going forward.

Regards,

Chris



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**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.*



## MEMORANDUM

TO: LAMOILLE BASIN WATER QUALITY COUNCIL  
FR: CWSP STAFF  
RE: HIGH COST/LOW P REDUCTION PROJECTS AND IMPLICATIONS THEREOF  
DA: MAY 18, 2023

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To date, much of the discussion of project prioritization has focused on cost effectiveness as measured by dollars spent per kilogram of phosphorus reduction. We continue to believe this is an important measure. But, as the reference costs for various project types have fallen out of date, we believe it is also important to consider other measures. Examples of such measures include: 1) the percent of annual P reduction represented by a project, 2) the percent of available annual funding a project would consume, and 3) the relationship between the percent of target achieved and the percent of funding consumed.

At the meeting on May 25, CWSP staff will briefly discuss some of the implications of funding High Cost and/or Low P reduction projects. They will also describe how the cost effectiveness of a project (in \$ per Kilogram) might be based on selected costs (such as those covered by the state's Clean Water Program) rather than all costs. Such a change could improve the cost effectiveness of projects by leveraging substantial amounts of funding from other sources.

## MEASURES OF COST EFFECTIVENESS

Primary Measure of Cost Effectiveness of Phosphorus Reduction:

Dollars per Kilogram of P reduced by a project

	P Reduction in KG	Dollars per Killogram
Example 1	3.00	\$ 13,333
Example 2	10.00	\$ 32,500

Alternative Measures:

Include comparing Percent of P target Reached to Percent of Available Funding used.

	Percent of annual P target	Percent of Annual funding allowance
Example 1	2%	1%
Example 2	7%	18%

The table below illustrates where numbers such as those show above might originate.



## MEMORANDUM

TO: LAMOILLE BASIN WATER QUALITY COUNCIL  
FR: CWSP STAFF  
RE: ANNUAL MEETING IN JULY/ELECTIONS/NOMINATING COMMITTEE  
DA: MAY 18, 2023

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Here a few things to mention in connection with the meeting to be held in July.

### Annual Meeting and Elections

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 27 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".

### Should a Nominating Committee be formed?

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 25 is the designated time 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."

### Meeting location and program

BWQC members are encouraged to suggest possible locations and, if desired, special speaker or topics. CWSP staff are currently exploring whether the annual meeting might be held in Fairfax or Morrisville. Please don't be shy sharing your ideas!