

TRANSMITTAL MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: MATERIALS FOR MEETING ON 5/3/23 MEETING
DA: 4/27/23

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Greetings, Missisquoi BWQC members. Our next meeting is scheduled for May 3. Please let me know if you have any questions regarding the following agenda items. My apologies for the delayed distribution of this meeting packet.

1. Seating of any new representatives or alternates

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

2. Culvert issues

During the last meeting, Allaire Diamond requested training for BWQCs on better understanding culverts. Sarah Downes also suggested waiting to vote on projects until the members have a better understanding of culverts. The upcoming agenda item on culverts will include a representative from DEC's Rivers Program and an engineer from the VTrans hydraulics team to address the need for information.

3. Project prioritization

The BWQC postponed voting on projects 11323 and 11360, which were included in the prioritized project list presented on March 23. Although these projects were expected to be discussed on May 3, we have recommended deferring the discussion. Please refer to the short memo in the packet for additional details.

4. Public participation policy

The BWQC approved an interim public participation policy in 2022 with the intention of creating a more substantial policy at a later date. A draft was completed in December, and NRPC has reviewed it and expressed gratitude to the Committee and Council for their work. The CWSP plans to develop a public participation plan to comply with Act 76 and encourages the BWQC to use the draft proposal as a framework while keeping the current Interim Public Participation Policy in place.

5. Annual meeting

The BWQC's annual meeting is scheduled for July 12. 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 end after the meeting on May 3. Suggestions for possible locations and program topics for the annual meeting are welcome.

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 for your attention.

AGENDA

Missisquoi Basin Water Quality Council (BWQC)

Thursday, May 3, 2023

11:00 AM-1:00 PM

Virtual Meeting/Held Via Zoom* (computer/smartphone/tablet etc)

<https://us02web.zoom.us/j/83143418116?pwd=WDdHQklhVkpHNmRiSUxsSjZpd0dOZz09> details below)

1. Welcome and Introduction
2. Review Zoom meeting protocol
3. Review/adjust and approve agenda
4. Approval of Minutes
5. Public comment not related to items on agenda
6. Seating of any new reps or alternate(s) (if required)
7. Culvert issues
8. Project prioritization
9. Public participation policy
10. Annual meeting
11. Updates
12. Conclusion

Missisquoi Basin Water Quality Council May 3 2023 Meeting

Topic: Missisquoi BWQC meetings

Join Zoom Meeting

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Dial by your location

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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.

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Missisquoi Basin Water Quality Council (BWQC) Special Meeting DRAFT MINUTES

Wednesday, March 23, 2023, 11:30-1:30 PM

Virtual Meeting/Held Via Zoom* (computer/smartphone/tablet etc.)

<https://www.youtube.com/watch?v=tmdVFj0A6gc>

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

Council Members: Dan Seeley (Q), Sarah Downes (Q), Ted Sedell (Q), Beth Torpey (Q), David Allerton, Lauren Weston (Q), Lindsey Wight (Q), Allaire Diamond (Q), Barry Lampke (Q), Tucker Malone, Kent Henderson (Q) Tom Briseldon, (Q=toward quorum).

Staff: Dean Pierce, Dea Devlin

Guests: Jim Pease, Parker Eversoll, Alison Spasyk, Karen Bates

Voting Members not present: None

1. Welcome and Introduction

Lauren Weston opened the meeting as BWQC Chair at 11:32. Everyone on the call introduced themselves.

2. Review Zoom meeting protocol

Lauren Weston reviewed the Zoom norms.

3. Review/adjust and approve agenda

No adjustments offered to the agenda. Lindsey Wight moved to approve the agenda as presented, Sarah Downes seconded the motion. Motion carried.

4. Approval of Minutes

Lindsey Wight moved to approve the minutes from the last meeting. Sarah Downes seconded the motion. Motion adopted with two abstentions due to absence by Allaire Diamond and Ted Sedell.

5. Public comment not related to items on agenda

No public comment was offered.

6. Seating of any new reps or alternate(s) (f required)

Dean Pierce shared there was no seating to be present to the BWQC.

7. Voting Process

Dean Pierce shared slides that explain the role of prioritization as established by the rule. Dean Pierce 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.

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 provided a glimpse at a dashboard tool he is preparing via Smartsheet that will be useful for future project application rounds. Beth Torpey asked about the ability for alternates to vote in the case of recusal. Dean Pierce offered some clarification on recusal and when it's suggested by the rule.

Dean Pierce shared the three ID and Assessment Project applicants that submitted projects during this funding round. Allaire Diamond asked for details on the projects that the Missisquoi River Basin Association submitted. Lindsey Weight provided clarification on the project.

Sarah Downes moved to approve project 1924 for funding. Kent Henderson seconded the motion. Motion adopted with one abstention by Lindsey Wight, as so noted by the Chair.

Allaire Diamond moved to approve project 11350. Kent Henderson seconded the motion. Motion adopted with one recusal by Lauren Weston.

Sarah Downes moved to approve project 1657, Allaire Diamond seconded the motion. Motion adopted with one abstention by Lindsey Wight, as so noted by the Chair.

Dean Pierce shared the four design and implementation projects that were submitted during this funding round.

Alison Spasyk provided some explanation for the project submitted by Friends of Northern Lake Champlain.

Ted Sedell provided some explanation for the project submitted by the Orleans County Conservation District, sharing that the total project cost is incorrect. Dean Pierce adjusted the numbers showing the correction.

Tom Briseldon asked about multiple sources of funding and how that relates to phosphorus. Jim Pease followed with a question on how that would be reflected when submitting a total project cost in an application. Dean Pierce shared that for now, projects are being assessed on the total project costs to phosphorus ratio, but this could be changed in the future if funding sources can be attributed to specific portions of a project not pertaining to the phosphorus reduction.

Allaire Diamond requested training for BWQCs on better understanding of culverts. Sarah Downes indicated preference for holding off on voting about projects until there is a better understanding of culverts.

Kent Henderson moved to approve project 11352 for funding. Allaire Diamond seconded the motion. Motion carries with one recusal by Lindsey Wight.

Lauren Weston entertained and a motion to approve project 11054 for funding. Kent Henderson raised his hand to indicate his plans to recuse himself from such a vote. A vote was taken upon call of the chair and the project approved. Kent Henderson formally recused himself from the vote.

Allaire Diamond moves to postpone voting on project 11323 and project 11360. Lindsey Wight seconded the motion. Motion carried with one abstention by Ted Sedell.

10. Schedule for next Call for Application(s)

Dean Pierce highlighted several different ways that project applications can be rolled out, explaining the pros and cons of rolling applications versus quarterly.

Dan Seeley moved to make the May 3rd meeting have a focus on reviewing the two culvert projects that were presented but not voted upon in this meeting. Lindsey Wight seconded the motion. Motion carried with one abstention by Ted Sedell, as so noted by the Chair.

Lauren Weston indicated a preference for having the application form stay open for convenience, with the deadline remaining firm. Dean Pierce shared a tentative plan for announcing the next application round in mid-April, with a deadline in end of May and early June.

The BWQC agreed to change the July meeting date from July 5th to July 12th at 11am.

11. Updates

There were no updates offered.

12. Conclusion

Lindsey Wight moved to adjourn the meeting. Allaire Diamond seconded the motion. Motion carried.

CULVERT ISSUES

Questions Regarding Culvert Projects

(Raised by BWQC member and to be addressed by invited speakers at upcoming meeting)

- Who is responsible for replacing culverts on different types of non-private roads? Ex. Town roads vs state roads, other relevant classes of roads.
- My understanding is that when culverts are replaced, state law requires they be replaced with appropriately sized structures that allow for AOP. Is this true, and is it true for all types of roads/culverts?
- Where does funding come from for culvert replacements? Is there sufficient funding for supporting the law referenced above? What is the process for funding a culvert replacement?
- I'm curious to get the perspectives of people close to this work at the state level, on the appropriateness of using clean water funding to replace culverts on public roads. It would be great to hear from someone on the transportation side as well as from the rivers program or a river management engineer.

The Funding Policy directly applies to the following CWIP-administered clean water funding programs:⁶

1. Water Quality Restoration Formula and Operation and Maintenance Grants.
2. Water Quality Enhancement Grants (includes both state-administered contracts and grants as well as block grants issued under this funding program and excludes wetlands incentive payments).
3. Municipal Stormwater Implementation Grants (includes Municipal Separate Storm Sewer System (MS4) Community Formula Grants, and Municipal Roads Grants in Aid Equipment Grants and excludes the Green Schools Initiative).
4. New funding rounds under existing or open CWIP block grant agreements from State Fiscal Year 2022 or earlier (includes the Woody Buffer Block Grant, Design and Implementation Block Grant, Dam Removal Design and Implementation Block Grant, Watershed Work Crew Block Grants, and the Project Development Block Grant).

CWIP may determine whether the Funding Policy applies to additional funding programs on an ongoing or as needed basis, as part of funding program development and design (e.g., Lake Champlain Basin Program-funded initiatives administered by CWIP). Funding Policy applicability will be clearly indicated in CWIP requests for proposals (RFPs) and agreements.

The Funding Policy is subject to change. Agreements and sub-agreements funded under the above-listed initiatives must align with whichever Funding Policy version is the most current at the time of agreement, sub-agreement, or amendment execution. Questions on Funding Policy interpretation should be directed to and answered by CWIP staff.

DETERMINATION OF ELIGIBILITY

To be eligible for CWIP funding, clean water projects must meet a series of eligibility criteria outlined below. Please see the [Eligibility by Project Phase](#) section to learn which criteria may apply to a specific project. Please see the [Project Eligibility Screening Form](#) and the [Grant Recipient Responsibilities and Guidance](#) sections to learn more about how to document and confirm eligibility and who should do so.

Eligibility Criteria

Eligibility Criteria #1: Project Purpose

Project purpose must address at least one of the four objectives of Vermont's Surface Water Management Strategy:

⁶ Please see the CWIP website (<https://dec.vermont.gov/water-investment/cwi/grants/opportunities>) to learn more about these funding programs.

- (1) Minimize Anthropogenic Nutrient and Organic Pollution
- (2) Protect and Restore Aquatic and Riparian Habitats
- (3) Minimize Flood and Fluvial Erosion Hazards
- (4) Minimize Toxic and Pathogenic Pollution and Chemicals of Emerging Concern

Eligibility Criteria #2: Project Types and Standards

Definitions and Standards

The project must be listed as an eligible project type for the applicable grant funding program, meet the definitions and minimum standards, and result in the standard performance measures, milestones, and deliverables as listed in [Appendix B. Project Types Table](#).

Ineligible Projects or Activities

The project cannot be an ineligible project type or have a scope of work that includes ineligible activities, as follows.

- Projects that can be wholly funded through other grant sources.⁷ Projects may be eligible if other options are ill-suited, insufficient, or poorly timed and justification is provided. Projects that can be funded through other loan or financing sources may still be eligible.
- Operation and maintenance activities of prior implemented clean water projects (e.g., mowing, weeding, replanting, and road re-grading⁸) unless funded through Water Quality Restoration Formula Grants or otherwise described in an active legacy grant agreement.
- Large scale site mowing to manage for invasive species like Japanese Knotweed. Site-prep mowing is eligible if it's within the same footprint of the planted buffer and is used just to suppress competing grasses (i.e., not invasive management).
- Projects related to compliance with the Municipal Separate Storm Sewer System (MS4) Permit Minimum Control Measures, including street sweeping and catch basin

⁷ Specifically, agriculture projects should explore funding potential from Agency of Agriculture, Food and Markets, U.S. Department of Agriculture, and Vermont Housing and Conservation Board; forestry projects should explore funding potential from U.S. Department of Agriculture and Vermont Department of Forests, Parks and Recreation, and municipal roads projects should explore funding potential from the Vermont Agency of Transportation before pursuing CWIP funds.

⁸ Proper road crowning through re-grading, as well as re-grading to direct runoff into a treatment practice is acceptable work under the Roads project type as long as the scope of the full project includes water project installations and not general road maintenance.

cleaning.⁹

- Projects that treat stormwater associated with new, redeveloped, or expanded impervious surfaces, including but not limited to projects to comply with the operational stormwater General Permit 3-9050 associated with new development, redevelopment, or expansion of impervious surfaces.
- Retrofit projects to comply with the operational stormwater General Permit 3-9050 (“Three-Acre General Permit”) unless located on a public school three-acre site and funded through the Green Schools Initiative. No other Three-Acre General Permit projects are eligible for funding through CWIP, as other funding/financing programs are available to support these projects.¹⁰ See [Appendix D. Further Guidance for Three-Acre General Permit Project Types](#) for more information.
- Projects that solely address hazard mitigation and protection of infrastructure.
- Restoration or stabilization of in-gully channels caused by stormwater or road runoff unless the project also addresses precipitating upstream flow. See [Appendix D. Further Guidance for Roads/Stormwater Gully Project Types](#) for more information.
- Streambank hard armoring or “riprapping.” However, a *bioengineered* slope stabilization practice that includes a rock toe or other similar streambank stabilization practices may be eligible subject to DEC Rivers Program approval.
- Projects to comply with *Acceptable Management Practices (AMPs) for Maintaining Water Quality on Logging Jobs in Vermont* on active logging/harvesting sites.¹¹
- Projects dealing with wastewater management, as other funding/financing programs are available to support these projects.
- Land acquisition, as in, a fee simple purchase.¹²
- General outreach and education activities unrelated to a specific clean water project.

Eligibility Criteria #3: Watershed Projects Database

⁹ Projects that contribute to MS4 community(ies) meeting MS4 permit flow and/or phosphorus reduction targets, including projects identified by the MS4 community in a flow restoration plan (FRP) and/or phosphorus control plan (PCP) are eligible for CWIP funds.

⁹ For information regarding the Municipal Separate Storm Sewer System (MS4) General Permit, see: <https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/ms4-permit>.

¹⁰ Please see available support for Three-Acre General Permit projects from the Water Infrastructure Finance Program here: <https://anr.vermont.gov/special-topics/arpa-vermont/treating-stormwater-runoff>.

¹¹ *Acceptable Management Practices (AMPs) for Maintaining Water Quality on Logging Jobs in Vermont* available at: <https://fpr.vermont.gov/forest/managing-your-woodlands/acceptable-management-practices>.

¹² River corridor and wetland easements are not considered land acquisition.

Projects must have a Watershed Projects Database (WPD) identification number (WPD-ID) to be eligible for funding. Each project must have a WPD-ID number specific to the proposed project phase (for example, a final design will have a different WPD-ID from an implementation phase even if for the same overall project). Please see [Appendix D. The Watershed Projects Database](#) for more information on the WPD-ID. DEC's Watershed Planning Program is developing standard operating procedures to support project review and will communicate updates to partners once available.

How Projects Are Assigned a WPD-ID

If the project, or the specific phase, is not yet in the Watershed Project Database, project proponents should complete a Batch Import File (BIF) or Clean Water Project - New Project Form in ANR Online (<https://anronline.vermont.gov/?FormTag=CWPNewProject>).¹³ The minimum data requirements to obtain a WPD-ID include project title, project type, description, location, and watershed or sub-basin. Please use the [WPD Search Tool](#) to ensure the proposed project is not already listed in WPD. The [Regional Watershed Planner](#) (Watershed Planner) will screen all projects to ensure they have a water quality benefit, and once approved, assign the WPD-ID.

It is strongly suggested that project proponents consult with their Watershed Planner in advance of or in conjunction with submitting a BIF or New Project Form for complex projects or projects where the project proponent is unsure of the water quality benefit. The Watershed Planner may request the following as part of this consultation:

- Project location (town/region, watershed, and GPS coordinates as applicable)¹⁴
- Summary of proposed scope of work¹⁵
- Other minimum data requirements to obtain a WPD-ID as listed above
- Documented comments on project or design plans from the applicable DEC Programmatic Staff (if applicable).
 - DEC Programmatic Staff bring valuable expertise to the comments they provide on project designs and may, at times, express concern. The Watershed Planner may want to see proof of communication with the applicable DEC Programmatic Staff for certain project types to ensure the proposed project and scope of work is well planned around natural resource needs and constraints.
 - Project proponents are encouraged to engage with DEC Programmatic Staff (if applicable) as early as possible, to invite them to stakeholder meetings, and to integrate their feedback into the design or project plans as much as feasible. The

¹³ A BIF should not be used once the New Project Form is available. For information on how to use the New Clean Water Project Forms in ANR Online, refer to the New Clean Water Project Form User Guide (available here: <https://dec.vermont.gov/water-investment/cwi/grants/resources>).

¹⁴ Proponents for project development may just suggest a general geographic area.

¹⁵ Proponents for project development should provide a tentative list of projects they would like to develop with the understanding this may change over time.

Watershed Planner is responsible for reviewing and considering DEC Programmatic Staff comments when deciding whether to assign a new WPD-ID.

- Applicable project types for DEC Programmatic Staff input include design or implementation for a stream/floodplain, lakeshore, wetlands, or dam removal project, as well as for stream geomorphic assessments or lake watershed action plans. Please see [Appendix C. DEC Programmatic Staff Engagement](#) for the appropriate points of contact for DEC Programmatic Staff organized by project type.
- In cases where the DEC Programmatic Staff have already provided written comments on a prior design phase, and the project design has not changed substantively since the prior DEC review, those may be submitted to satisfy this requirement.
- In cases where the proposed project was identified through a recently completed (within the last five years) sector-based or multi-sector assessment in which the applicable DEC Programmatic Staff were involved, additional staff commentary is not needed.
- In all other scenarios, project proponents should allow time to gather this input. Send DEC program contacts the location and description of the project, and any other relevant information they request that will be utilized in their review. Capture their comments in writing – an email will suffice.

Eligibility Criteria #4: Natural Resource Impacts

Agency of Natural Resources (ANR) permitting programs are established to mitigate project impacts to natural resources. Projects seeking CWIP funds must be screened against ANR permitting requirements to determine project “permit-ability” and/or to identify project design considerations necessary to ensure the project will be permit-able.¹⁶ Projects are eligible for CWIP funds if they are reasonably considered permit-able by all applicable ANR permitting programs and/or if the project proposal demonstrates how permitting staff feedback will be integrated into designs to ensure final projects are permit-able. Guidance for this process is provided in [Appendix A. Project Eligibility Screening Form – Step 4](#). Easements and Riparian Buffer Plantings are excluded from this eligibility requirement.

¹⁶ While some natural resource impacts are permit-able, projects are strongly encouraged to clearly demonstrate good faith effort to avoid/minimize impacts to natural resources. Project proponents should strive to avoid impacts to water resources whenever possible and proponents risk project delays or terminations if they fail to do so. For example, projects that require a wetlands individual permit must obtain the individual permit prior to the close of final design and prior to seeking funds for construction. In accordance with the Wetlands Rule, permits cannot be issued when alternative project locations and sizes (i.e., project footprint) are possible. Consequently, it is in the project proponent’s best interest to avoid wetlands impacts and seek alternative project locations early in the design process.

Eligibility Criteria #5: Landowner and Operation and Maintenance Responsible Party Support

Projects must identify and demonstrate commitment from a qualified and willing operation and maintenance responsible party. Projects must also demonstrate landowner support for the project and currently proposed phase. For earlier design phase projects, a letter of support or some other demonstration of commitment will suffice. For implementation phase projects, a signed Access License/Easement Agreement or Operation and Maintenance Plan (if available) may be used. This is a required deliverable by the close of the implementation phase. See Appendix C for more information on the [Access License or Easement Agreements](#) or [Operation and Maintenance Plans](#).

Eligibility Criteria #6: Budget

Ineligible Expenses

Agreement or sub-agreement and contract or sub-contract budgets may not include the ineligible expenses listed below as direct expenses¹⁷:

1. Project components that are above and beyond those necessary to achieve the project's clean water purpose (as listed under eligibility screen #1). For example, where a project's stakeholders prefer higher cost materials or a more complex design than what is necessary to achieve the project's clean water outcomes, the cost differential must be covered by another funding source. Budget proposals can provide reasonable justification if need be. These additional expenses may be considered leverage.
2. Expenses incurred outside award duration. Agreements must be fully executed (signed by both parties) before incurring expenses unless pre-award expenses are authorized by CWIP within the agreement. CWIP only authorizes pre-award expenses for specific funding programs at the program-level and does not accept case-by-case requests.
3. Annual fees associated with permits that require/compel implementation of the clean water project, such as stormwater operational permits (including General Permit 3-9050, Municipal Roads General Permit (MRGP), and MS4 Permit fees).¹⁸
4. Operational stormwater General Permit 3-9050 (i.e., Three-Acre General Permit) impact fees.
5. In Lieu Fee payments to mitigate wetland impacts.

¹⁷ Note some of these expenses may be part of a grant recipient's approved or de minimis Indirect Cost Rate or Cost Allocation Plan.

¹⁸ One-time/up-front permit fees associated with ANR natural resource permits to implement a clean water project are an eligible project expense. One-time/up-front operational stormwater General Permit 3-9050 (e.g., Three-Acre General Permit) application fees are an eligible project expense.

<p>clean water purpose or components that solely address co-benefits (includes outreach and education related to the project)</p> <ul style="list-style-type: none"> • Expenses related to equipment used or travel performed to complete project • Donated land or easement value for project location • AmeriCorps member or other volunteer time²⁰ • MS4 community investments in other clean water projects to meet Phosphorus Control Plan (PCP) goals (including O&M on other PCP clean water projects) <p>Cash from non-state funding sources</p> <ul style="list-style-type: none"> • Includes Clean Water State Revolving Fund (CWSRF) loans • Private donations • Federal grants directly awarded to the project and not administered by state agencies 	<p>Expenses related to political advocacy</p> <p>Expenses related to fundraising</p> <p>Expenses related to grant writing</p>
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Eligibility Criteria #8: Funding Program – Specific Eligibilities

In addition to the general CWIP eligibility screens, listed above, each funding program may have additional eligibility requirements. In the past, these would typically be baked into RFPs or passthrough agreements. However, for programs that are designed to operate longer term and utilize the block-grant model, we are defining program-specific eligibilities in a central location but retaining the ability to define program-specific eligibility requirements within RFP and grant agreement documents, as needed. Please refer to the following for further information on each respective program’s additional eligibility requirements.

1. Water Quality Restoration Formula and Operation and Maintenance Grants: Water Quality Restoration Formula Grant Guidance documents describe required project eligibility and prioritization. Available here: <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76/law-rule-guidance>. Project proponents should also review any additional project solicitation materials provided by the relevant Clean Water Service Provider available on their websites.
2. Water Quality Enhancement Grants: The Enhancement Grants Summary Document provides an overview of additional requirements for a project to be eligible for

²⁰ AmeriCorps member time = (host site fee / total AmeriCorps member hours) x number of hours worked on the project. Note: AmeriCorps member time is not eligible to be used as match for any purpose, however, it can be considered as leverage for the CWIP only.

Enhancement grant funding. Available here: <https://dec.vermont.gov/water-investment/cwi/grants/opportunities>. Project proponents should also review any additional project solicitation materials provided by the Enhancement Funding Program Administrators, once selected.

3. Municipal Stormwater Implementation Grants:
 - a. MS4 Community Formula Grants: The MS4 Community Formula Grants Summary Document provides an overview of additional requirements for a project to be eligible for MS4 Community Formula Grant funding. Available here: <https://dec.vermont.gov/water-investment/cwi/grants/opportunities>.

Eligibility by Project Phase

CWIP's grant programs may fund clean water projects across a range of phases from initial assessments and identification, through development, design, implementation, and operation and maintenance. Please refer to [Appendix D. Project Phase Terminology](#) to learn more about these different project phases.

The factors that render a proposed project eligible for funding sometimes take time and investment to uncover. As such, projects proposed for assessment or development funds will have a lower eligibility threshold than projects seeking design and implementation funds recognizing less is known in early project stages.

Assessment, Project Identification, and Project Development

Projects seeking funds to perform assessments, project identification, or development must meet the following eligibility criteria:

- Eligibility Criteria # 2: Project Types and Standards
- Eligibility Criteria # 3: Watershed Projects Database
- Eligibility Criteria # 6: Budget
- Eligibility Criteria # 8: Funding Program-Specific Eligibilities

Project Design and Implementation

Projects seeking design and/or implementation funding must meet all the eligibility criteria.

Project Eligibility Screening Form

The Project Eligibility Screening Form is designed to assist with project review by systematically walking through all eligibility criteria. This includes detailing the relevant staff contacts at ANR where consultations are applicable. DEC will provide updates to the Project Eligibility Screening Form on an as needed basis. This form should be completed for all projects seeking funding for preliminary (30%) design, final (100%) design, or implementation work. It may be used for projects seeking funding for assessment or development if helpful for determining their alignment with eligibility criteria 2, 3, 6, and 8. For block-grant funded initiatives, Funding Program Administrators should use the most up-to-date form at the point of their next project

APPENDIX B. PROJECT TYPES TABLE

The CWIP Projects Type Table is subject to change over time. The most recent version can be found here: <https://dec.vermont.gov/water-investment/cwi/grants/resources#ProjectTypes>.

APPENDIX C. PROJECT TYPES TABLE EXPLANATION OF ITEMS

All CWIP project types⁶⁰ include standard performance measures, milestones and deliverables which are intended to: (1) standardize expectations for grant recipients; (2) streamline the agreement development process; (3) ensure projects progress as intended and achieve the desired outputs and outcomes; and (4) ensure project outputs and outcomes are captured and acknowledged in the *Vermont Clean Water Initiative Annual Performance Report* and other communications supporting Vermont’s clean water efforts.

The following describes how information is presented and organized in the Project Types Table:

- A. In Project Type (column A), project types are organized by sector and further broken out into project phases. See [Appendix D. Project Phase Terminology](#) for more information on project phases.
- B. Funding Program (column B) lists the CWIP funding programs that support the project type. Project types are only eligible for CWIP funds under the listed funding programs.

Table 1C: Definitions of common funding program acronyms and shorthand	
Funding Program Acronym/Shorthand	Funding Program Name
DIBG (old)	Design/Implementation Block Grant
Enhancement (Dam Removal DIBG)	Water Quality Enhancement Grants – Dam Removal Design and Implementation Block Grant sub-initiative
Enhancement (EDDIBG)	Water Quality Enhancement Grants – Enhancement Development, Design, and Implementation Block Grant sub-initiative
Enhancement (State)	Water Quality Enhancement Grants – State-administered sub-initiatives
Enhancement (WBBG)	Water Quality Enhancement Grants – Woody Buffer Block Grant sub-initiative
Formula	Water Quality Restoration Formula Grants
Green Schools	Green Schools Initiative
IDDE	Illicit Discharge Detection and Elimination contracts
LCBP	CWIP-administered Lake Champlain Basin Program.
MARGIA	Municipal Roads Grants-in-Aid
MS4	Municipal Separate Storm Sewer System (MS4) Community Formula Grants
PDBG (old)	Project Development Block Grant
RCPP	CWIP-administered Regional Conservation Partnerships Program.
WCBG	Work Crew Block Grants

⁶⁰ Within a project phase, all milestones and deliverables must be met. Not all projects require all project phases from development through preliminary and final design depending on their complexity. CWIP relies on the expertise of project proponents in consultation with DEC staff to indicate a proposed project’s complexity and to identify which project phases are appropriate/applicable.

recommending advancement such that the proceeding stage (further design or implementation) should be documented in the WPD as a proposed potential project.

6. **External Project.** Previous project steps were funded outside DEC and the proposed potential project for the proceeding stage (design or implementation) should be documented in the WPD to be eligible for funding.

When Projects Are Assigned a WPD-ID

To the greatest extent possible, the assignment of new WPD-IDs for the same project across its phases has been integrated as a standard deliverable for every project type in [Appendix B. Project Types Table](#) so that partners can receive support in securing these WPD-IDs. For example, all assessment project types must submit a BIF or New Project Form for all newly identified projects. All development project types must do the same thing. All preliminary and final design project types must submit a BIF or New Project Form for the recommended next project phase if advancement is recommended by the project partners. There may still be instances outside of these circumstances, however, where a WPD-ID is sought, for example in the case of proposing assessment or development work where there was no prior project phase, or in the case of an external project seeking CWIP funds for the first time. If a WPD-ID is needed, project proponents should give the DEC Programmatic Staff and the Watershed Planner a minimum of two weeks each to review submitted materials. See [How Projects Are Assigned a WPD-ID](#) for more information.

[CWIP staff](#) are available to TPMs and Funding Program Administrators as needed to clarify these WPD-ID requirements. For questions about adding new projects to the WPD please contact the regional Watershed Planner.

Clean Water Initiative Program Project Phase Terminology and Design Guidance

Introduction

The purpose of this Clean Water Initiative Program (CWIP) Project Phase Terminology and Design Guidance is to provide clarity in terminology and help project implementers demonstrate project success. It includes summary definitions of project phases as funded through CWIP and a deeper dive into typical components of design phase work.

Projects vary widely in their degree of complexity and need for development, and preliminary or final design work. Not all projects require all of these phases, and what activities fall under these phases may vary by project type or complexity. CWIP relies on the expertise of project proponents in consultation with DEC staff to indicate a proposed project's complexity and to identify which project phases are appropriate/applicable. The Clean Water Initiative Program Project Phase Terminology and Design Guidance provides basic information on what tasks generally fall into these phases which can be used for project planning but does not dictate what must fall in these phases. At a minimum, however, a project must achieve the milestones and deliverables listed in [Appendix B. Project Types Table](#).

Project Phase Terminology

only Three-Acre sites eligible for CWIP funding under the Green Schools Initiative.)

- Three-Acre General Permit projects are only located in the Lake Champlain and Lake Memphremagog basins and stormwater-impaired watersheds (i.e., Roaring Brook and the East Branch of Roaring Brook) at this time, with the deadline to obtain permit coverage by the end of 2023.
- Future Three-Acre General Permit sites in other parts of the state are considered non-regulatory projects at this time and are therefore eligible for funding under the Water Quality Enhancement Grant Program.⁷²

Roads/Stormwater Gully

DEC needs reasonable assurances that in-gully work will be coupled with addressing the causal stormwater factors upstream/pre-gully so that these public infrastructure investments won't fail at the next big storm event. Upstream/pre-gully stormwater BMPs must be installed either prior to or in tandem with the installation of in-gully BMPs (designs may happen on separate schedules). If the project proponent is proposing to install all practices "in tandem" they must provide a wholistic project budget and timeline that includes all components. The cost of any BMPs not covered by the CWIP grant program's budget request is considered leverage on the project, proof of which must be documented and submitted prior to the release of final invoice payment on the project. Project proponent must also show documentation from DEC Rivers Program that gully channel cannot "otherwise be considered intermittent or perennial streams."

DEC's Equipment Purchase Policy

Any eligible equipment purchased or furnished with CWIP funds under a direct grant agreement from the state is provided on a loan basis only and remains the property of the state. Grant recipients must submit an Equipment Ownership Request / Approval Form, which will be attached to applicable Grant Agreements, to retain the equipment at no later than the end of the agreement term.

When disposing of or replacing retained equipment items with a current per unit fair market value in excess of \$5,000, the grant recipient must also request disposition instructions from DEC. If DEC fails to provide requested disposition instructions within 120 days, these equipment items may be retained by the grant recipient or sold. DEC is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the DEC's percentage of participation in the cost of the original purchase.

Funding Program Administrators may mirror this procedure or develop their own processes to manage equipment ownership and disposition in a manner that ensures sub-grantees commit to using retained

⁷² Sites (outside Lake Champlain and Lake Memphremagog basins and stormwater-impaired watersheds) with 3 acres or more of impervious surface on a single parcel/lot that are unpermitted or permitted under pre-2002 stormwater management standards are anticipated to be future Three-Acre General Permit. Impervious surface can be estimated using ANR Atlas tools. We encourage project proponents to be conservative in their estimates and, when in doubt, overestimate total impervious surface acreage. Stormwater projects on future Three-Acre General Permit sites should only be pursued if considered high priority for the region in an existing plan, and, if pursued to achieve local stormwater management priorities, must meet the applicable Three-Acre General Permit standards to be eligible for Water Quality Enhancement grant funds.

Note for users: This is the DEC Clean Water Initiative Program (CWIP) Project Types Table. It is an associated appendix within the CWIP Funding Policy. Bolded items are further described within Appendix C of the Funding Policy. Cells are locked but you can use the zoom and filter features. The most current CWIP Funding Policy is available here: <https://dec.vermont.gov/water-investment/cwi/grants/resources>

Project Type	Funding Program	Definition	Performance Measures	Milestones	Deliverables	Step/Phase
Road Project - Final Engineering Design	Formula, Enhancement (EDDIBG), MS4, DIBG (old)	Final design of high priority road-related erosion and drainage treatment practices to divert, collect, store, infiltrate, and/or filter runoff from transportation infrastructure (e.g., ditches, turnouts, check dams, culvert armoring). Practices should be located on hydrologically connected gravel and/or paved road segments not/partially meeting Municipal Roads General Permit (MRGP) standards. Practices should be listed in the MRGP and designed to make the road segments meet MRGP standards. Work includes preparing permit application(s) and documentation of operation and maintenance plan(s.) Note that if a roads project includes a stream crossing improvement, the Floodplain/Stream Restoration project type should also be followed including applicable definitions, milestones, deliverables, and programmatic reviews. More information: (https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/municipal-roads-program)	Number of final (100%) designs completed	Project initiated; proposal/bid solicitations issued and contractor selected (if applicable) Stakeholder meetings 10-year (minimum) DEC Operation and Maintenance (O&M) Plan drafted; refer to O&M manual for guidance 10-year (minimum) access license or easement (if applicable) drafted; refer to DEC template for guidance Other permit-required assessments or plans completed (if applicable) Final (100%) design complete Required permit applications drafted ** (Projects requiring a Wetlands Individual Permit must have this secured prior to the close of final design) Final VDHP Project Review (if applicable) Project complete	Draft 10-year (minimum) DEC Operation and Maintenance (O&M) Plan and documentation of support/commitment from O&M responsible party and landowner Draft 10-year (minimum) access license or easement and documentation of project support/commitment from landowner Draft permit application materials (including associated assessment reports or plans if applicable), wetlands individual permit (if applicable) Signed VDHP Project Review Form (if applicable) Final Design Report Media announcement Final Performance Report or ANR Online Clean Water Project - Project Closeout Form (once available) Batch Import File or ANR Online Clean Water Project - New Project Form (once available)	Final Design
Road Project - Implementation	Formula, Enhancement (EDDIBG), MS4, DIBG (old)	Implementation of high priority road-related erosion and drainage treatment practices to divert, collect, store, infiltrate, and/or filter runoff from transportation infrastructure (e.g., ditches, turnouts, check dams, culvert armoring). Practices should be located on hydrologically connected gravel and/or paved road segments not/partially meeting Municipal Roads General Permit (MRGP) standards. Practices should be listed in the MRGP and designed to make the road segments meet MRGP standards. Road segments identified and improved in the absence of a local road erosion inventory (REI) must perform a pre and post segment assessment using the REI protocols. Permits(s), access license(s)/easement(s), and operation and maintenance plan(s) are in place prior to construction. Note that if a roads project includes a stream crossing improvement, the Floodplain/Stream Restoration project type should also be followed including applicable definitions, milestones, deliverables, and programmatic reviews. More information: (https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/municipal-roads-program)	Number of drainage structures installed/repaired Linear feet of road drainage improved	Project initiated 10-year (minimum) DEC Operation and Maintenance (O&M) Plan signed by O&M responsible party 10-year (minimum) access license or easement (if applicable) signed by landowner Proposal/bid solicitations issued, pre-bid site visits, and contractors selected/contracted (if applicable) Required permits secured Pre-implementation REI assessment performed (if applicable) Pre-construction kick-off meeting, walk through of the site with plans, evaluate any needs/issues/considerations for plan adjustments Clean Water Project Sign installed during construction if the project is considered publicly visible. Road BMP(s) implemented, final construction walkthrough Post-implementation REI assessment performed (if applicable) Other permit-required activities completed or elements installed (if applicable), VDHP Treatment Plan Implementation (if applicable) Return of Clean Water Project sign to host site (if applicable) Project complete	Photo(s) of site(s) pre-implementation Permit documentation (if applicable) Signed 10-year (minimum) DEC Operation and Maintenance Plan Signed 10-year (minimum) access license or easement As-built drawings or red-lined 100% designs with a list of change orders describing adjustments made during construction. Photo(s) of site(s) post-implementation, including photo of Clean Water Project Sign (if applicable) Media announcement Final Performance Report or ANR Online Clean Water Project - Project Closeout Form (once available)	Implementation
Roads/Stormwater Gully - Design	Formula, Enhancement (EDDIBG), MS4, DIBG (old)	Preliminary and final design of high priority practices that stabilize an eroding stormwater gully from outlet through a flow path to connection with a surface water. Outlet and gully stabilization projects restore eroding channels to a state where sediment loss is minimized or eliminated. Restoration techniques include but are not limited to rock aprons, plunge pools, riprap, step pools, check dams, armored turnouts, outlet headwalls, seeding/mulching, and vegetated or structural bank and slope stabilization techniques. Stormwater and road outlet gully channels must be caused or exacerbated by human activity that concentrates stormwater flow onto steep slopes and channels must not otherwise be considered intermittent or perennial streams by the DEC Rivers Program. Project must address upstream stormwater flow for in-gully work to be eligible. Work includes preparing permit application(s) and documentation of operation and maintenance plan(s).	Number of preliminary (30%) designs completed (if applicable) Number of final (100%) designs completed	Project initiated; proposal/bid solicitations issued and contractor selected (if applicable) Conceptual site plan drafted Stakeholder meetings Preliminary (30%) design complete (if applicable) Preliminary VDHP Project Review (if applicable) 10-year (minimum) DEC Operation and Maintenance (O&M) Plan drafted; refer to O&M manual for guidance 10-year (minimum) access license or easement (if applicable) drafted; refer to DEC template for guidance 60% design complete (if applicable) Other permit-required assessments or plans completed (if applicable) Final (100%) design complete Required permit applications drafted ** (Projects requiring a Wetlands Individual Permit must have this secured prior to the close of final design) Final VDHP Project Review (if applicable) Project complete	Draft 10-year (minimum) DEC Operation and Maintenance (O&M) Plan and documentation of support/commitment from O&M responsible party and landowner Draft 10-year (minimum) access license or easement and documentation of project support/commitment from landowner Draft permit application materials (including associated assessment reports or plans if applicable), wetlands individual permit (if applicable) Signed VDHP Project Review Form (if applicable) Final Design Report Media announcement Final Performance Report or ANR Online Clean Water Project - Project Closeout Form (once available) Batch Import File or ANR Online Clean Water Project - New Project Form (once available)	Final Design
Roads/Stormwater Gully - Implementation	Formula, Enhancement (EDDIBG), MS4, DIBG (old)	Implementation of high priority practices that stabilize an eroding stormwater gully from outlet through a flow path to connection with a surface water. Outlet and gully stabilization projects restore eroding channels to a state where sediment loss is minimized or eliminated. Restoration techniques include but are not limited to rock aprons, plunge pools, riprap, step pools, check dams, armored turnouts, outlet headwalls, seeding/mulching, and vegetated or structural bank and slope stabilization techniques. Stormwater and road outlet gully channels must be caused or exacerbated by human activity that concentrates stormwater flow onto steep slopes and channels must not otherwise be considered intermittent or perennial streams by the DEC Rivers Program. Project must address upstream stormwater flow for in-gully work to be eligible. Permits(s), access license(s)/easement(s), and operation and maintenance plan(s) are in place prior to construction.	Acres of impervious surface treated Acres of gully stabilized Cubic feet of gully erosion restored	Project initiated; 10-year (minimum) DEC Operation and Maintenance (O&M) Plan signed by O&M responsible party 10-year (minimum) access license or easement (if applicable) signed by landowner Proposal/bid solicitations issued, pre-bid site visits, and contractors selected/contracted (if applicable) Required permits secured Pre-construction kick-off meeting, walk through of the site with plans, evaluate any needs/issues/considerations for plan adjustments Clean Water Project Sign installed during construction if the project is considered publicly visible Stormwater BMP(s) implemented, final construction walkthrough Other permit-required activities completed or elements installed (if applicable), VDHP Treatment Plan Implementation (if applicable) Return of Clean Water Project sign to host site (if applicable) Project complete	Photo(s) of site(s) pre-implementation Permit documentation (if applicable) Signed 10-year (minimum) DEC Operation and Maintenance Plan Signed 10-year (minimum) access license or easement As-built drawings or red-lined 100% designs with a list of change orders describing adjustments made during construction. Photo(s) of site(s) post-implementation, including photo of Clean Water Project Sign (if applicable) Media announcement Final Performance Report or ANR Online Clean Water Project - Project Closeout Form (once available)	Implementation

<p>Floodplain/Stream Restoration - Final Engineering Design</p>	<p>Formula, Enhancement (EDDIBG), DIBG (old)</p>	<p>Final design of high priority stream/river and floodplain restoration projects to restore the stream/river to least erosive condition (i.e., equilibrium condition) and improve habitat. Restoration work includes channel/ floodplain modification to improve equilibrium dimensions/ connections OR removal/ retrofit of river corridor/ floodplain encroachments or instream structures. Work includes preparing permit application(s) and documentation of operation and maintenance plan(s).</p>	<p>Number of final (100%) designs completed</p>	<p>Project initiated; proposal/bid solicitations issued and contractor selected (if applicable)</p> <p>Stakeholder meetings</p> <p>DEC Programmatic Staff Engagement</p> <p>60% design complete (if applicable)</p> <p>10-year (minimum) DEC Operation and Maintenance (O&M) Plan drafted; refer to O&M manual for guidance</p> <p>10-year (minimum) access license or easement (if applicable) drafted; refer to DEC template for guidance</p> <p>Other permit-required assessments or plans completed (if applicable)</p> <p>Final (100%) design complete</p> <p>Required permit applications drafted** (Projects requiring a Wetlands Individual Permit must have this secured prior to the close of final design)</p> <p>Final VDHP Project Review</p> <p>Project complete</p>	<p>Draft 10-year (minimum) DEC Operation and Maintenance (O&M) Plan and documentation of support/commitment from O&M responsible party and landowner</p> <p>Draft 10-year (minimum) access license or easement and documentation of project support/commitment from landowner</p> <p>Draft permit application materials (including associated assessment reports or plans if applicable), wetlands individual permit (if applicable)</p> <p>DEC programmatic staff comments on design</p> <p>Signed VDHP Project Review Form</p> <p>Final Design Report</p> <p>Media announcement</p> <p>Final Performance Report or ANR Online Clean Water Project - Project Closeout Form (once available)</p> <p>Batch Import File or ANR Online Clean Water Project - New Project Form (once available)</p>	<p>Final Design</p>
<p>Floodplain/Stream Restoration - Implementation</p>	<p>Formula, Enhancement (EDDIBG), DIBG (old)</p>	<p>Implementation of high priority stream/river and floodplain restoration projects to restore the stream/river to least erosive condition (i.e., equilibrium condition) and improve habitat. Restoration work includes channel/ floodplain modification to improve equilibrium dimensions/ connections OR removal/ retrofit of river corridor/ floodplain encroachments or instream structures. Permits, access licenses/easement(s), and operation and maintenance plan(s) are in place prior to construction.</p>	<p>For floodplain restoration: Acres of floodplain reconnected/restored</p> <p>For stream restoration: Linear feet of stream restored</p> <p>For in-stream culvert work: Stream miles reconnected for stream equilibrium/aquatic organism passage</p> <p>For encroachment: Number of river corridor/ floodplain encroachments removed or retrofitted</p>	<p>Project initiated</p> <p>10-year (minimum) DEC Operation and Maintenance (O&M) Plan signed by O&M responsible party</p> <p>10-year (minimum) access license or easement (if applicable) signed by landowner</p> <p>Proposal/bid solicitations issued, pre-bid site visits, and contractors selected/contracted (if applicable)</p> <p>Required permits secured</p> <p>Pre-construction kick-off meeting, walk through of the site with plans, evaluate any needs/issues/considerations for plan adjustments</p> <p>Clean Water Project Sign installed during construction if the project is considered publicly visible.</p> <p>Floodplain/stream restoration project(s) implemented, final construction walkthrough</p> <p>Other permit-required activities completed or elements installed (if applicable), VDHP Treatment Plan Implementation (if applicable)</p> <p>Return of Clean Water Project sign to host site (if applicable)</p> <p>Project complete</p>	<p>Photo(s) of site(s) pre-implementation</p> <p>Permit documentation (if applicable)</p> <p>Signed 10-year (minimum) DEC Operation and Maintenance Plan</p> <p>Signed 10-year (minimum) access license or easement</p> <p>As-built drawings or red-lined 100% designs with a list of change orders describing adjustments made during construction.</p> <p>Photo(s) of site(s) post-implementation, including photo of Clean Water Project Sign (if applicable)</p> <p>Media announcement</p> <p>Final Performance Report or ANR Online Clean Water Project - Project Closeout Form (once available)</p>	<p>Implementation</p>

PROJECT PRIORITIZATION

MEMORANDUM

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL
FR: CWSP STAFF
RE: PRIORITIZATION OF REMAINING PROJECTS
DA: APRIL 27, 2023

As noted in the meeting minutes, on March 23 the BWQC voted to “postpone voting on project 11323 and project 11360,” which had been included in the prioritized project list presented to the BWQC on that date. I must inform the Board that, among other things, the sponsor of the application for project 11323 has withdrawn that application.

Until somewhat recently, CWSP staff had anticipated that discussion of the projects might resume on May 3. However, after careful consideration, we have recommended to the Chair and Vice Chair (as part of the agenda-development process) that discussion be deferred. The Chair and Vice Chair have concurred.

CWSP staff believe a pause in the review of road and culvert applications is warranted because there are unknowns that could affect what is considered to be the proper course of action. As one example, tools such as the Functioning Floodplain Initiative decision support system –which is currently rolling out— may do a better job quantifying the phosphorus reduction potential of certain projects. Of course, the amount of phosphorous removed by a project is critical factor in the selection of projects.

We hope the picture gets clearer in the next three or four months and believe it would be better to delay action than it would be (potentially) to make a bad decision.

Finally, to the extent project prioritization is discussed on May 3, we would like the focus to be on “additional considerations” illustrated on the following page.

Additional considerations for Project Selection

Thus far, much of the discussion of project prioritization has focused on cost effectiveness as measured by dollars spent per kilogram of Phosphorus reduction. We believe this is an important measure. But, as reference costs for various project types fall out of date, we believe it is important to consider others also.

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

Some of those other measures include the percent of annual P reduction represented by a project and the percent of available annual funding a project would consume. A third possible measure is the relationship between the percent of target achieved and the percent of funding consumed.

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

Additional comments on these measures may be offered at the meeting on May 3.

PUBLIC PARTICIPATION

MEMORANDUM

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL
FR: CWSP STAFF
RE: PUBLIC PARTICIPATION POLICY
DA: APRIL 27, 2023

In 2022 the BWQC voted to approve an interim public participation policy that included the following text:

Adopted by BWQC: June 29, 2022

Policy

It shall hereafter be the policy of the CWSP and BWQC for the Missisquoi Bay River basin to: (1) ensure public notice of CWSP and BWQC meetings, decisions, and actions; (2) promote transparency and public participation when identifying and selecting clean water projects; (3) give specific consideration to minority, limited English proficiency, and socioeconomically disadvantaged communities and stakeholders; and (4) comply with the Department of Environmental Conservation's nondiscrimination policy.

Practices

Both the CWSP and the BWQC consider public participation to be of great importance. To promote public participation consistent with the above policy, the CWSP and BWQC will comply with the State's open meeting law, use plain language in their communications, and provide public access to data and methods used to prioritize clean water projects. The CWSP and BWQC will also make use of current and emerging best practices for justice, equity, diversity, and inclusion, such as:

- identifying and compensating community connectors;
- publicizing meeting notices using diverse communication channels;
- scheduling and locating meetings with due consideration given to accessibility;
- translating materials (upon request) free of charge; and
- engaging with and providing programmatic support targeted towards historically underrepresented communities (this includes giving consideration to the Agency of Natural Resources' Limited English Proficiency Accessibility Plan, Title VI of the federal Civil Rights Act, and NRPC's Title VI Public Participation Plan).

Amendment and Refinement

This policy was developed as part of the CWSP and BWQC start-up phase. It may be amended as deemed appropriate by the CWSP and BWQC. Additionally, a working group of the BWQC will be created to focus on this public participation policy.

On August 3 of last year, the BWQC voted to create a committee to propose for the Council's consideration a revised public participation policy. That committee met and prepared an expanded Public Participation Policy for the BWQC's consideration (attached). The committee had aimed to host a discussion of the proposal at the BWQC's January 2023 meeting. However, that discussion was delayed at the request of NRPC Executive Director Catherine Dimitruk.

April 27, 2023

NRPC did an internal review of the draft and would like to express sincere thanks to the Committee and to the Council for the work that has been done. The material is thoughtful and should prove to be very useful to incorporate into a larger CWSP public participation plan. The CWSP has for some time considered developing such a plan as part of its responsibilities under the CWSP Rule and plans to complete a draft by the end of the calendar year. With that in mind, the CWSP is encouraging the BWQC to use this draft as a framework to test the principals, while keeping the current Interim Public Participation Plan in place.

BWQC PUBLIC PARTICIPATION POLICY

DRAFT 12/7/22

GOAL

The goal of the BWQC Public Participation Plan is to describe the policies for providing the public with thorough information in a convenient, accessible, and timely manner, and identify opportunities for the public to participate in our work. These policies aim to achieve environmental justice, as described below.

ENVIRONMENTAL JUSTICE

As noted in Act 154 of 2022,

The 1991 Principles of Environmental Justice adopted by The First National People of Color Environmental Leadership Summit demand the right of all individuals to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement, and evaluation (Section 16).

It is the State of Vermont's responsibility to pursue environmental justice for its residents and to ensure that its agencies do not contribute to unfair distribution of environmental benefits to or environmental burdens on low-income, limited-English proficient, and BIPOC communities (Section 19).

As the Act defines,

"Environmental justice" means all individuals are afforded equitable access to and distribution of environmental benefits; equitable distribution of environmental burdens; and fair and equitable treatment and meaningful participation in decision-making processes, including the development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice recognizes the particular needs of individuals of every race, color, income, class, ability status, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief, or English language proficiency level. Environmental justice redresses structural and institutional racism, colonialism, and other systems of oppression that result in the marginalization, degradation, disinvestment, and neglect of Black, Indigenous, and Persons of Color. Environmental justice requires providing a proportional amount of resources for community revitalization, ecological restoration, resilience planning, and a just recovery to communities most affected by environmental burdens and natural disasters.

OBJECTIVES

The following objectives have been identified to achieve that goal:

Objective 1

The BWQC strives to ensure all of our actions, policies, and operating procedures reflect our commitment to celebrate diversity and ensure that our practices are inclusive to everyone in the communities we are serving.

Objective 2

The BWQC shall keep the public informed of ongoing activities on a continuous basis through a variety of communication methods.

Objective 3

The BWQC shall encourage the participation of all community members in its work including: program education and outreach, policy and procedure development, project solicitation, initial project prioritization, and final project prioritization.

Objective 4

The BWQC shall strive to continuously improve public participation and environmental justice by working towards empowerment of communities.

Objective 5

The BWQC shall actively engage the public in its work according to the policies contained in this Public Participation Plan and following state and federal law.

PUBLIC PARTICIPATION PROCESS: SPECTRUM OF PARTICIPATION

The BWQC is engaged in a number of activities, including the solicitation, final prioritization review, and approval of funding projects that improve water quality and associated co-benefits. Public interest will vary considerably based on the project and issues. This varied response suggests that the BWQC's public participation process should recognize these differences and provide diverse opportunities for participation.

Each project and activity of the BWQC may have a different level of public participation. These levels of participation may be illustrated using a Spectrum of Participation, shown below. Depending on the size and scope of the project, goals, time constraints, level of program and community readiness, and capacity and resources, the level of participation can range from Inform to Empower.

Spectrum of Participation				
Inform	Consult	Involve	Collaborate	Empower
The BWQC will provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities, and/or solutions.	The BWQC will obtain public feedback on analysis, alternatives, and/or decisions.	The BWQC will work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	The BWQC will partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	The BWQC will place final decision-making in the hands of the public.
Characteristics of Participation				
Primarily one-way channel of communication	Primarily one-way channel of communication	Two-way channel of communication	Two-way channel of communication	Two-way channel of communication
One interaction	One to multiple interactions	Multiple interactions	Multiple interactions	Multiple interactions
Term-limited to event	Short to medium-term	Medium to long-term	Medium to long-term	Medium to long-term
Addresses immediate need of county and community	Shapes and informs programs	Advancement of solutions to complex problems	Advancement of solutions to complex problems	Advances solutions to complex problems
Strategies of Participation				
Regular meetings, website & online calendar, database, information brochures, posters and flyers, display ads, press releases, social media, email announcements, newsletters	Public hearings & legal ads, work grounds, comment forms, surveys and questionnaires, visualization technique, analysis reports, technical assistance studies	Advisory/ steering committees, project meetings/ workshops/open houses/forums, direct mailings, staff outreach	Community or co-led committees, advisory boards, coalitions and partnerships, policy development and advocacy	Community-led planning efforts, community-hosted forums

BWQC ACTIVITIES AND LEVELS OF PARTICIPATION

The BWQC will be active in the following areas, among others:

- **General Education & Outreach (INFORM, CONSULT)?**
- **Policy and Procedure Development (INFORM, INVOLVE)**
The BWQC develops policies and procedures on an ongoing basis to guide its work.
- **Project Solicitation (INFORM, INVOLVE)**
The CWSP/BWQC will issue Requests for Proposals for projects that are eligible for funding as determined by the CWIP/CWSP funding policy.
- **Initial Project Prioritization Review (INFORM, CONSULT, INVOLVE)**
The BWQC will review the preliminary prioritization of projects developed by the CWSP and consider the need for changes to scoring of project co-benefits to prioritize project applications.
- **Final Project Prioritization Approval (INFORM, CONSULT, INVOLVE)**
The BWQC will finalize the prioritization, identify, rank projects, and identify which select projects will receive funding.

The areas where the BWQC will be active can be depicted on the Spectrum of Participation, as shown below:

Applications of Spectrum of Participation for Current BWQC Activities				
Inform	Consult	Involve	Collaborate	Empower
General Education and Outreach	General Education and Outreach			
Policy + Procedure Development		Policy + Procedure Development		
Project Solicitation		Project Solicitation		
Initial Project Prioritization Review	Initial Project Prioritization Review	Initial Project Prioritization Review		
Final Project Prioritization Review	Final Project Prioritization Review	Final Project Prioritization Review		

ADDITIONAL ACTIVITIES

As BWQC's work evolves, the level of public participation may need to be adjusted to meet the changing needs and objectives. Decisions about adjusting or establishing level of public participation will be made by the BWQC at a public meeting. In order to best determine the appropriate level for a particular activity not described above, the BWQC will consider:

1. What is the purpose of the engagement?
2. Stakeholders: Who is potentially impacted by this project or program?
3. What strategies and tools will the BWQC use to ensure it has information from and research about the relevant groups and communities?
4. How will the BWQC effectively reach all of its audiences?
5. What are the potential barriers and risks to doing this work?
6. If there are decisions to be made, how does community participation fit into the overall decision-making process?
7. How will the BWQC inform the community of benchmarks or progress throughout the process?
8. How will the BWQC evaluate the success of its public participation plan, both in terms of processes and outcomes?

There are likely to be few BWQC activities that fall under the Collaborate or Empower sections due to the BWQC's role as project prioritizers and funders rather than implementers. However, the BWQC may use these levels of engagement in the development of some policies and processes.

MEMORANDUM

ANNUAL MEETING

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL
FR: CWSP STAFF
RE: ANNUAL MEETING IN JULY/ELECTIONS/NOMINATING COMMITTEE
DA: APRIL 27, 2023

These are some 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 12 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 3 is the remaining opportunity 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 Enosburgh (at a location such as the Emergency Services building). Please don't be shy sharing your ideas!