

# TRANSMITTAL MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)  
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: MATERIALS FOR MEETING ON 7/12/23 MEETING  
DA: 7/5/23

=====

Greetings, Missisquoi BWQC members and others. The next meeting will be the annual meeting with the specially-scheduled date of July 12. Please let me know if you have any questions regarding the agenda or the meeting.

## 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. Election of officers

The BWQC's bylaws specify that the election of officers (Chair and Vice Chair) take place at the first meeting following the start of the fiscal year (July 1). A nominating committee was created in May to facilitate the election process. Nominations also may be made from the floor. Should it please the BWQC, staff will be prepared to hold the gavel during the election if required.

## 3. Project prioritization

The CWSP for the Missisquoi Bay Basin announced a second call for project applications on May 15. The filing deadline was June 26, and one application was received. Staff have reviewed the application and recommend it for funding. The sponsor of the application (Franklin County Natural Resources Conservation District) has been invited to make a presentation regarding the application. (Copy of application is enclosed.) In light of the single response, the prioritization aspect of the agenda item will be minimal.

## 4. Future Solicitation Schedule and Process

The CWSP has considered the BWQC's desire to conduct application reviews as frequently as possible. Previously, CWSP staff considered the possibility of issuing Calls for Applications every three months. However, from staff's perspective it may be more reasonable to prioritize applications every four months. Time on the agenda will be available for staff to present a possible schedule for applications thrice per year.

## 5. Conflict of Interest Guidance

The Department of Environmental Conservation has issued long-anticipated draft guidance regarding conflicts of interest. The document issued for comment is very brief. Time on the agenda will be available for staff to provide an overview of the DEC guidance and describe how it interfaces with the Act 76 Rule and the BWQC's own Conflict of Interest policy.

## 6. Updates/other

This time will be available for discussion of updates on partner master agreements and subgrant awards, operations and maintenance, and other topics.

Thanks to all who participate.

## AGENDA

### Missisquoi Basin Water Quality Council (BWQC)

Wednesday, July 12, 2023

11:00 AM-1:00 PM\*

#### Hybrid (In person and via Zoom) meeting

#### Enosburgh Emergency Services Building

83 Sampsonville Rd, Enosburg Falls, VT 05450

(Zoom details below)

1. Welcome and Introductions
2. Hybrid Meeting protocols
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. Election of Officers
8. Project prioritization
9. Future Solicitation Schedule and Process
10. Conflict of Interest Guidance
11. Pub Part Policy, Updates, and Conclusion

\*Sandwiches will be offered. If you plan to attend in person PLEASE inform [dpierce@nrpcvt.com](mailto:dpierce@nrpcvt.com) to help with the head count.

#### Join Zoom Meeting

<https://us02web.zoom.us/j/81732387378?pwd=a1dJS3hNbmVHalltWE14eW9JKzE4UT09&from=addon>  
<https://us02web.zoom.us/j/81732387378?pwd=a1dJS3hNbmVHalltWE14eW9JKzE4UT09>

Meeting ID: 817 3238 7378

Passcode: 908379

#### Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

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, May 3rd, 2023, 11:30-1:30 PM

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

<https://www.youtube.com/watch?v=17u2PCpZXZE>

**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 (Q and left 12:59pm), Kent Henderson [departed at 12:41] (Q), Lindsey Wight (Q), Lauren Weston (Q), Tom Briseldon (Q at 12:41pm), Allaire Diamond (Q), Ellen Fox, (Q=toward quorum).

Staff: Dean Pierce, Dea Devlin

Guests: Chris Rottler, Staci Pomeroy, Patrick Ross, Karen Bates

Voting Members not present: Barry Lampke.

**1. Welcome and Introduction**

Lauren Weston opened the meeting as BWQC Chair at 11:03am. 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, which was accepted without vote.

**4. Approval of Minutes**

Lindsey Wight moved to approve the minutes from the last meeting. Allaire Diamond seconded the motion. Motion carried.

**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. Culvert issues**

Dean Pierce explained the relevance of the documents included in the meeting packet and introduced the speakers. Dean Pierce also refreshed the council on some of the questions that came up regarding culverts in a previous meeting.

Chris Rottler addressed the difference and role for regulatory and non-regulatory projects in CWSP funding schema. Staci Pomeroy added that part of evaluating a culvert replacement for water quality benefit depends on how the culvert changes the geomorphic structure of the water body.

Patrick Ross clarified that municipalities are responsible for culverts on town roads. Culverts on state roads are responsible by the state. Some town roads have federal aid, so they get funding through VTrans for some culverts, but most town highway structures are municipal, and state are state or federally funded. Patrick Ross addressed the list of questions that Dean Pierce had accumulated from previous BWQC discussion regarding culverts.

Patrick Ross, Staci Pomeroy and Chris Rottler fielded questions from the BWQC regarding culvert projects, their appropriate funding sources.

## **8. Project prioritization**

Dean Pierce shared information about two project applications that were delayed at the decision of the BWQC. He explained that one of these applications was withdrawn. He also noted that the CWSP staff recommend that consideration be paused, or that no further action be taken on the remaining application as there is not enough clarity regarding the technical and p reduction information for culvert projects. Dean Pierce then shared information about considering the annual phosphorus target moving forward. The BWQC engaged in discussion about projects from the past application round and funding. Lauren Weston expressed interest in having a checklist or flowchart to help assess appropriate funding sources.

Dan Seeley moved to reject the remaining project submitted by Montgomery for funding. Sarah Downes seconded the motion. Allaire Diamond expressed preference in allowing Montgomery to reapply at a future point. Dean Pierce explained what denial without prejudice is. Dan Seeley amended his motion to denial of the project without prejudice and with proper follow up provided to the town of Montgomery. Sarah Downes seconded the amended motion. Motion carried.

## **9. Public participation policy**

This agenda item was skipped for time.

## **10. Annual meeting**

Dean Pierce shared that the BWQC must decide at this meeting if there will be a nominating committee for the election. Dan Seeley moved to have a nominating committee. Sarah Downes seconded the motion. Motion carried.

Sarah Downes, Lindsey Wight, and Kent Henderson volunteered to sit on the nominating committee.

Sarah Downes agreed to chair the nominating committee.

Dean Pierce shared that there is a tentative date and location for the annual meeting.

## 11. Updates

This agenda item was skipped for time.

## 12. Conclusion

Sarah Downes moved to adjourn the meeting. Allaire Diamond seconded the motion. Motion carried. Meeting adjourned at 1:01pm.

Zoom Chat Text:

00:53:05 Staci Pomeroy: Better Roads Grant link - <https://vtrans.vermont.gov/highway/better-roads>

00:54:14 Staci Pomeroy: VTrans Grant and Aid Program funding link: <https://vtrans.vermont.gov/highway/Municipal-Grant-in-aid-Program>

00:55:31 Staci Pomeroy: Document to VTrans grant funding to Municipalities "Show me the money" link:

<https://vtrans.vermont.gov/sites/aot/files/highway/documents/ltf/Show%20Me%20the%20Money%20Guide%20-%20Jan%202023.pdf>

01:00:35 Chris Rottler: I have an update from Gianna. If the culvert repair is required road maintenance, then it would be a regulatory repair and not formula grant eligible.

01:01:45 Chris Rottler: But, if the project is stream crossing improvement unrelated to road drainage infrastructure then it would be a voluntary project, and eligible for formula grant funds.

01:02:17 Chris Rottler: Another question here is what is the P reduction associated with such a project, and that would be an FFI question.

01:05:00 Staci Pomeroy: VT Department of Emergency link:

[https://floodready.vermont.gov/find\\_funding/emergency\\_relief\\_assistance](https://floodready.vermont.gov/find_funding/emergency_relief_assistance)

01:11:41 Chris Rottler: Reminder for Dean and the BWQC - if you are looking for projects, a good place to look is with block grant holders who have been working on developing projects.

01:12:58 Dean Pierce, CWSP staff: Hi Chris. We have obtained the lists from the block grant holders, i.e., MARC, VACD, and WUV.

01:13:50 Chris Rottler: Reacted to "Hi Chris. We have ob..." with 👍

01:30:23 Karen Bates: The TBP doesn't have a list of culverts

01:30:32 Chris Rottler: I am also going to jump as I've been on meetings all morning since 8am. It was great to connect with all of you today! Thanks again, and please reach out again as appropriate. My door is open!

01:31:57 Dean Pierce, CWSP staff: Thanks, Chris

01:32:02 Chris Rottler: Reacted to "Thanks, Chris" with 👍

01:36:45 Staci Pomeroy: I'm going to jump off. Thank you. Let me know if any follow up questions, etc. that I can assist with.

01:36:52 Allaire Diamond, she/her, Vermont Land Trust, voting: Thanks Staci!

01:37:58 Allaire Diamond, she/her, Vermont Land Trust, voting: Thanks!

01:46:21 Dean Pierce, CWSP staff: Next FFI Training scheduled on May 24th at VTrans Dill Building at 2178 Airport Rd, Berlin, Vermont

01:46:41 Karen Bates: Ted, have you put any of your calculations on paper? Might become a good resource for others.

01:46:47 Lindsey Wight, MRBA, she/her - voting: The training is also offered virtually.

01:52:08 Kent Henderson, FNLC Voting: Sorry have to run. Unexpected interruption

01:58:13 Ted Sedell, OCNRCD, voting: Well said Allaire

02:00:02 Karen Bates: I love the idea of a decision tree for each project type to help review and find those projects with high p reduction for dollar spent.

02:00:28 Lindsey Wight, MRBA, she/her - voting: WUV just got word that there is going to be additional woody buffer funding next year.

02:00:59 Karen Bates: To fund these check list/decision tree, should bring up at an Act 76 meeting to request this resource

02:00:59 Lindsey Wight, MRBA, she/her - voting: lots of funds for trees - similar to culverts (if smaller): thanks for bringing that up, Lauren!

02:04:04 Karen Bates: have to leave

02:10:44 David Allerton: i gotta go. Thank you.

**MEMORANDUM**

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL  
FR: CWSP STAFF  
RE: ELECTION  
DA: JULY 5, 2023

As noted in the transmittal memo, the BWQC's bylaws specify that the election of officers (Chair and Vice Chair) take place at the first meeting following the start of the fiscal year (July 1). A nominating committee was created in May to facilitate the election process. Nominations also may be made from the floor.

Staff recommends that the elections be conducted independently rather than as a slate. The body may also wish to consider asking the Chair of the Nominating Committee to preside during the election of the Chair. Staff will be prepared to hold the gavel during the election of the Chair in the absence of the Chair of Nominating Committee.

**ARTICLE VI      ELECTIONS**

**Section 601      Nominations**

In support of elections, a Nominating Committee made up of three Council members may

be appointed by the Chair at the regular meeting preceding the annual meeting. The Nominating Committee will prepare a slate of nominations for officers. This slate of nominations will be presented at the annual meeting. Additional nominations will be taken from the floor at the annual meeting.

Prior to the appointment of a Nominating Committee in any given year, the Council may vote to forego the establishment of a Nominating Committee in that year.

**Section 602      Election of Officers**

The officers shall be elected by the Council members present and voting at the annual meeting.

## MEMORANDUM

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL  
FR: CWSP STAFF  
RE: PROJECT PRIORITIZATION  
DA: JULY 5, 2023

As noted in the transmittal memo, the CWSP for the Missisquoi Bay Basin announced a second call for project applications on May 15. The filing deadline was June 26, and one application was received.

The sponsor of the application is Franklin County Natural Resources Conservation District. A copy of the application, which proposes to apply DEC's new Functioning Floodplain Initiative Tool, is attached. The budget is \$24,850.

Staff have reviewed the application and **recommend it for funding as it scores 31 out of a possible 32 points for Project development/ evaluation - type applications.** A table with the evaluation criteria and scores follows below.

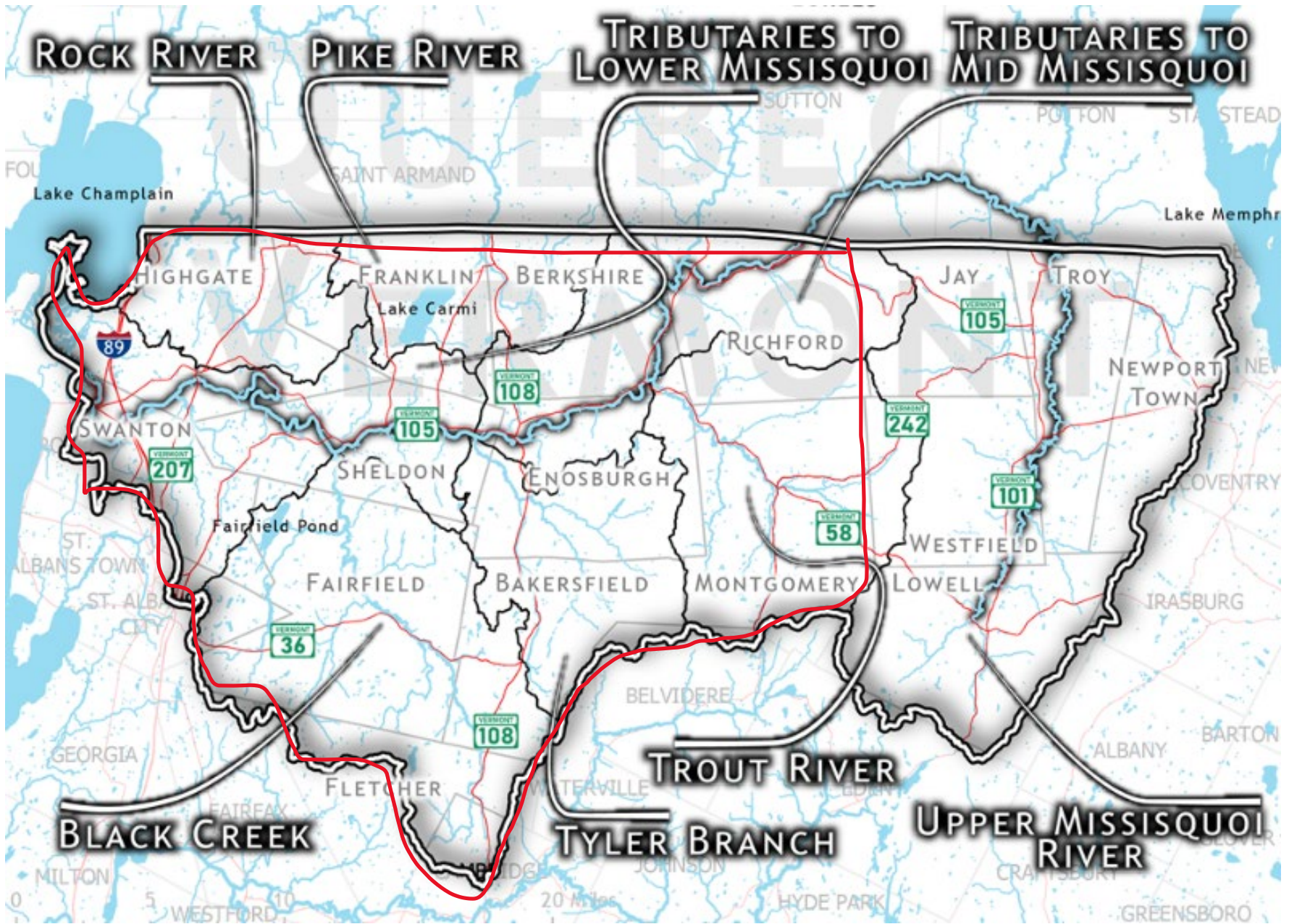
The sponsor of the application has been invited to make a presentation regarding the application. Otherwise, in light of the single response, the prioritization aspect of the agenda item will be minimal.



<b>Basic Eligibility</b>	Yes
<b>Applicant Name</b>	Lauren Weston
<b>Applicant Organization</b>	Franklin County Natural Resources Conservation District
<b>Applicant Email</b>	lauren.weston@usda.gov
<b>Applicant telephone</b>	+1 (802) 528-4176
<b>Project ID from WPD</b>	<b>11431</b>
	We aim to use the Functioning Floodplain Initiative Tool and other geospatial tools to determine potential locations for targeted outreach to landowners related to riparian plantings in the Missisquoi Bay Basin. This project will use aerial imagery, parcel data, knowledge of ongoing projects, SGAs, input from DEC river scientists, and other tools for a desktop review of potential high P reduction locations for riparian plantings. We will also explore the possibility to using Process Based Restoration techniques in some of the upper watershed reaches through similar mapping approaches. This project seeks to stabilize banks, reduce floodplain erosion, and increase habitat.
<b>Description of Project</b>	
<b>Project Latitude</b>	<b>44.88209</b>
<b>Project Longitude</b>	<b>-73.00000</b>
<b>Project Phase</b>	Assessment ID or Development
<b>Total Cost of Proposed Phase</b>	<b>24850</b>
<b>Amount of Funding Requested (Proposed Phase)</b>	<b>\$24,850.00</b>
<b>Non DEC Funding as part of Total Project Costs (a</b>	<b>\$0.00</b>
<b>Total Project Costs (All Phases)</b>	average of \$6000/acre of planting
<b>DEC Screening Form Uploaded</b>	Yes
<b>Map of Project Area Uploaded</b>	Yes
<b>Project Budget Uploaded</b>	Yes
<b>Project Schedule Uploaded</b>	Yes
<b>Landowner Support uploaded</b>	No (project is for ID/Development, so not required)
<b>Phosphorus Calculator Tool uploaded</b>	No (Project is for ID/Assessment or Development)
<b>Created</b>	06/22/23 1:52 PM
<b>ID/Development app pollution criterion</b>	Yes
<b>ID/Development app cost effectiveness 1</b>	Yes
<b>ID/Development app cost effectiveness 2</b>	<b>0.4</b>
<b>ID/Development app design life criterion</b>	Yes
<b>ID/Development app O&amp;M criterion</b>	Yes
<b>ID/Development app TBP criterion</b>	Yes
<b>ID/Development app cobenefits criterion</b>	<b>5</b>
<b>ID/Development app cobenefits number</b>	<b>5</b>
<b>Design/Imp Costs Requested</b>	<b>0</b>
<b>Design-Imp Costs Total</b>	<b>0</b>
<b>ID/Assess Costs Requested</b>	<b>24850</b>
<b>ID/Assess Costs Total</b>	average of \$6000/acre of planting

SCORING OF FCNRCD ROUND 2 Application

Criteria area identified in Rule:	Criterion for evaluation of early stage apps (except where clarified below, the first number is points if yes, second if no)	APPLICATION
<b>Pollution reduction</b>	Does the application help advance a previously studied project that lacks adequate resource assessment--thus clearing a path for future P reduction? (6 or 2)	6
<b>Cost effectiveness of reduction</b>	Does the application propose to assess cost effectiveness of the potential project(s) resulting from the investigation? (3 or 1) Is the work proposed cost effective--e.g, how many projects might result per \$10,000 spent? (7 or 4 or 1 depending on number)	10
<b>Design life</b>	Does the application propose to assess the design life of the potential project(s) resulting from the investigation? (2 or 1)	2
<b>Cost of operation and maintenance of the project</b>	Does the application propose to assess possible O&M costs of the potential project(s) resulting from the investigation? (2 or 1)	2
<b>Conformance with the basin plan</b>	Does the application implement an element of the basin plan? (6 or 2)	6
<b>Cobenefits</b>	Does the application specifically address a cobenefit area--is addressing the cobenefit an explicit objective? (6, 5, 4, 3, 2, 1, or 0 depending on areas addressed)	5



Budget

<b>Category</b>	<b>Quantity</b>	<b>Rate</b>	<b>Expense</b>
Personnel	350	\$70	\$24,500
Mileage	500	\$ 0.70	\$350
		Total	\$24,850

Anticipated Projects

10

0.4 Projects/\$1,000

Fall/Winter 2023

- Desktop Data Collection
- FFI Tool trainings
- Preliminary Mapping
- Preliminary Prioritization

Spring/Summer 2024

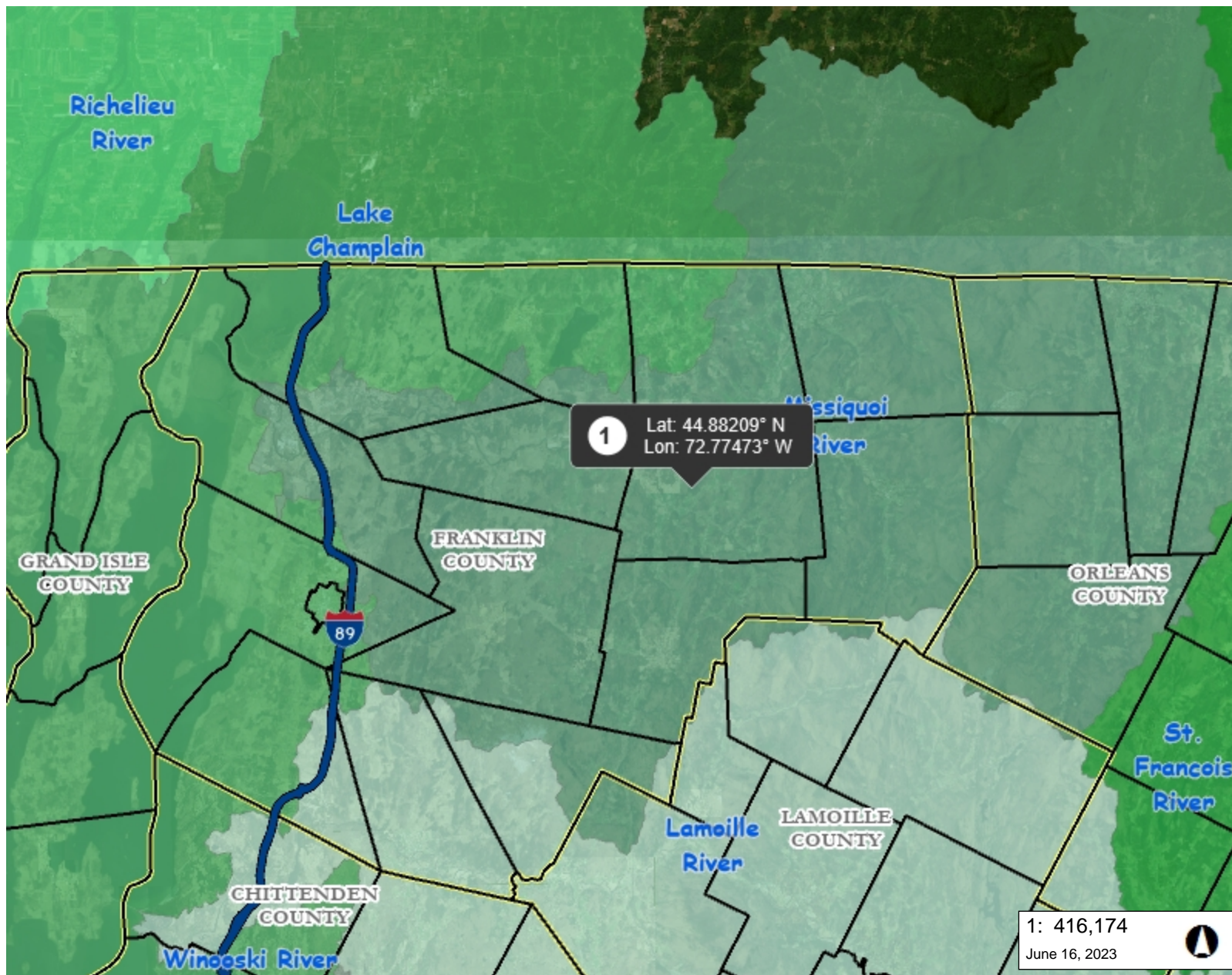
- Landowner Outreach
- Site Visits to Prioritized Landowners
- Consultation with DEC
- Regulatory Reviews / Project Screening Forms
- Finalize Prioritization

Fall/Winter 2024

- Assess the cost effectiveness of potential projects resulting from this work using DEC P Reduction Calculators and costs from previous FCNRCD-led tree plantings
- Assess the design life of potential projects
- Assess the Operation and Maintenance Costs for these projects based on past FCNRCD experiences
- Regulatory Reviews / Project Screening Forms
- Prepare for Funding Applications
- Reporting

Strategy 36 in TBP





## LEGEND

- Roads**
- Interstate
  - US Highway; 1
  - State Highway
  - Town Highway (Class 1)
  - Town Highway (Class 2,3)
  - Town Highway (Class 4)
  - State Forest Trail
  - National Forest Trail
  - Legal Trail
  - Private Road/Driveway
  - Proposed Roads
- Town Boundary**
- County Boundary**
- Watershed (HU10)**
- Sub-basin (HU8)**
- Black-Ottawaquechee
  - Deerfield
  - Passumpsic
  - Upper Connecticut
  - Middle Connecticut
  - Upper Connecticut-Mascoma
  - Waits
  - West
  - White
  - Lake Champlain
  - Lamoille River
  - Mettawee River

1: 416,174  
June 16, 2023

## NOTES

Map created using ANR's Natural Resources Atlas

21,142.0 0 10,571.00 21,142.0 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere 1" = 34681 Ft. 1cm = 4162 Meters  
© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

## **APPENDIX A. CLEAN WATER INITIATIVE PROGRAM - PROJECT ELIGIBILITY SCREENING FORM**

This fillable PDF form is designed to assist with project review by systematically walking through all eligibility criteria. It should be completed for all projects seeking funding for 30% + design or implementation work. It may be applied to projects seeking funding for assessment or development if helpful for determining their alignment with eligibility criteria 2, 3, 6, and 8.

### **Step 1: Conduct Eligibility Criteria #1 Screening: Project Purpose**

<b>Table 1A: Project Purpose</b>	
From the drop-down list to the right, please select which of the four objectives of Vermont's Surface Water Management Strategy this project addresses. If multiple, please list below:	





a final design will have a different WPD-ID from a preliminary design even if for the same project). If the project, or the specific phase, is not yet in the Watershed Project Database, follow directions provided in the CWIP Funding Policy to secure a WPD-ID. Please see [CWIP Funding Policy](#) for more information on the WPD-ID.

Table 3A. WPD-ID	
Watershed Project Database ID number assigned	11431
Watershed Project Database Project Name	Franklin County Riparian Planting Scoping in the Missisquoi Bay Basin

#### Step 4: Conduct Eligibility Criteria #4 Screening: Natural Resource Impacts<sup>3</sup>

Agency of Natural Resources (ANR) permit screening for natural resource impacts includes 1) an initial desktop review to identify which ANR permitting programs should be contacted, 2) a review by the relevant ANR permitting staff, and 3) a response summary from the project proponent addressing any permitting staff concerns. <sup>4</sup>

- 1) **Table 4. Natural Resource Impacts** facilitates a high-level desktop review of the most likely ANR permits to apply to clean water projects. Project proponents should answer all the questions to identify likely permit needs. <sup>5</sup> Please note that “project site” may include both the active restoration location as well as any additional impact footprint related to staging, site access, or storage of waste or disposed materials.
- 2) If responses to the **Table 4. Natural Resource Impacts** desktop review trigger a permitting staff consultation, **Table 4** provides appropriate contact information.
  - a. Proponents should send the identified permitting staff the following:
    - i. The watersheds project database identification number (WPD-ID) (if available),
    - ii. Project location (GPS coordinates)
    - iii. Summary of proposed scope of work, and
    - iv. Any other relevant information they request that will be utilized in their review.
  - b. **Proponents should clarify they are seeking permitting staff input on potential permitting needs, permit-ability of proposed scope of work, and other design considerations but they are NOT seeking a formal permit determination.**
  - c. Project proponents must attempt to communicate with the permitting staff and provide them with at least thirty days to review the project and provide a

<sup>3</sup> Easements and Riparian Buffer Plantings are excluded from this eligibility requirement/step.

<sup>4</sup> In cases where this screening may have already occurred in a prior project phase, project proponents may supply attachments or links to relevant permit needs assessment documents in place of completing Table 4.

<sup>5</sup> Entities selected for funding are expected to perform due diligence to ensure all applicable permits (including non-ANR state, local, and federal permits) are discovered and secured prior to implementation. The [ANR Permit Navigator](#) and an Environmental Compliance Division Community Assistance Specialist can help confirm ANR permitting needs for any projects once selected for funding.

response. Project proponents are encouraged to perform this screening during a project development phase as opposed to during a project solicitation round to allow for more time for feedback. Permitting feedback may be up to one year old.

- 3) Proponents should summarize permitting staff feedback and how the proposed scope of work will address this at the bottom of **Table 4**. Specifically, please include:
  - a. Which permits or permit amendment are needed or might be needed?<sup>6</sup>
  - b. What type might be needed? (e.g., a general or individual permit<sup>7</sup>)?
  - c. What concerns were voiced by permitting staff?
  - d. How will the proposed scope of work address these concerns?<sup>8</sup>

<b>Table 4A: Natural Resource Impacts</b>		
<b>I. Act 250 Permits</b>		
<b>1. Have any Act 250 (Vermont’s Land Use and Development Control Law) Permits been issued in the project site’s parcel location?<sup>9</sup></b>	<b>Yes</b>	<b>No</b>
If <b>yes</b> , please provide the permit number and list any water resource issues or natural resource issues found <sup>10</sup> :		
PermitNumber: _____		
ResourceIssues: _____		
If <b>yes</b> , use the <a href="#">Water Quality Project Screening Tool</a> to identify the appropriate regulatory contact for an Act 250 consultation.		
Regulatory Point of Contact Name/Position: _____		
<b>II. Lake and Shoreland</b>		
<b>1. Is the project site located within 250 feet of the mean water</b>	<b>Yes</b>	<b>No</b>

<sup>6</sup> Occasionally permit staff may indicate they need a field visit or to see more completed designs prior to making a permit need determination.

<sup>7</sup> Design phase projects that require an individual wetlands permit must have the permit in hand at the close of the final design phase. Implementation phase projects must have the individual permit in hand to be eligible for funding.

<sup>8</sup> Examples could include planned design changes or inviting permitting staff to stakeholder meetings.

<sup>9</sup> An Act 250 Permit is required for certain categories of development, such as subdivisions of 10 lots or more, commercial projects on more than one acre or ten acres (depending on whether the town has permanent zoning and subdivision regulations), and any development above the elevation of 2,500 feet. The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located on an Act 250 parcel. Note that the layer to activate in ANR Atlas is now named “Clean Water Initiative Program Grant Screening.”

<sup>10</sup>Note that Act 250 permit amendments may require more extensive review of project impacts to natural resources including wildlife habitat, significant natural communities, and riparian zones. Please consult with the Act 250 District Coordinator regarding the nature and scope of that review and what bearing it may have on your project design.

<b>level (shoreline) of a lake or pond?</b> <sup>11</sup>			
<p>If <b>yes</b>, you might need either a Shoreland Protection Act Permit or a Lake Encroachment Permit. Use the <a href="#">Water Quality Project Screening Tool</a> to find the Lakes and Ponds Program contact for your project's region.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>			
<b>III. Rivers, River Corridors, and Flood Hazard Areas</b>			
<p><b>1. Is there any portion of the project site located within 100' of a river corridor and/or mapped Federal Emergency Management Agency (FEMA) flood hazard area<sup>12</sup>? (e.g. a stormwater pond's pipe draining into a river corridor area)? Any permanent excavation/filling or construction within a flood hazard area or river corridor may trigger regulatory requirements through municipal bylaws or through state authorities.</b></p>		<b>Yes</b>	<b>No</b>
<p>If <b>yes</b>, you will need to speak with a <a href="#">Floodplain Manager</a>. Use the <a href="#">Water Quality Project Screening Tool</a> to find the Floodplain Manager for your project's region.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>			
<p><b>2. Is any portion of the project site within a perennial river or stream channel?</b></p> <p><sup>13</sup></p>		<b>Yes</b>	<b>No</b>
<p>If <b>yes</b>, you will need to speak with a <a href="#">Stream Alteration Engineer</a>. Use the <a href="#">Water Quality Project Screening Tool</a> to find the Stream Alteration Engineer for your project's region.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>			
<b>IV. Wetland</b>			

<sup>11</sup> The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located in the jurisdictional zone to trigger a Lakeshore permit. Note that the layer to activate in ANR Atlas is now named "Clean Water Initiative Program Grant Screening."

<sup>12</sup> FEMA mapped Flood Hazard Areas are not available statewide on the ANR Natural Resources Atlas. For projects located in Grand Isle, Franklin, Lamoille, Addison, Essex, Orleans, Caledonia, and Orange Counties, maps are available via the FEMA Flood Map Service Center: <https://msc.fema.gov/portal/home>. ANR Floodplain Managers are available to provide technical assistance if needed.

<sup>13</sup> Stream Alteration Permits regulate all activities that take place within perennial river and stream channels. Examples of regulated activities include streambank stabilization, dam removal, road improvements that encroach on streams, and bridge/culvert construction or repair. The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located in the jurisdictional zone to trigger a Stream Alteration permit. Note that the layer to activate in ANR Atlas is now named "Clean Water Initiative Program Grant Screening."

<p><b>1. Does the <a href="#">Wetland Screening Tool</a><sup>14</sup> provide a result of wetlands likely, very likely, or present at the project site?</b></p>	<p style="text-align: center;"><b>Yes                  No</b></p>
<p><b>2. Does your project site involve land that is in or near an area that has <u>any</u> of the following characteristics:</b></p> <ul style="list-style-type: none"> <li>o Water is present – ponds, streams, springs, seeps, water filled depressions, soggy ground under foot, trees with shallow roots or water marks?</li> <li>o Wetland plants, such as cattails, ferns, sphagnum moss, willows, red maple, trees with roots growing along the ground surface, swollen trunk bases, or flat root bases when tipped over?</li> <li>o Wetland Soils – soil is dark over gray, gray/blue/green? Is there presence of rusty/red/dark streaks? Soil smells like rotten eggs, feels greasy, mushy or wet? Water fills holes within a few minutes of digging? (See <a href="#">Landowners Guide to Wetlands</a> for additional information on identifying wetlands onsite.)</li> </ul>	<p style="text-align: center;"><b>Yes</b></p> <p style="text-align: center;"><b>No</b></p> <p style="text-align: center;"><b>Not Sure</b></p>
<p>If you answered <b>yes</b> or <b>not sure</b> to <u>either</u> of the above questions, you will need to contact your <a href="#">District Wetlands Ecologist</a> using the <a href="#">Wetland Inquiry Form</a>. The District Wetlands Ecologist can help determine the approximate locations of wetlands and whether you need to hire a Wetland Consultant to conduct a wetland delineation. Alternatively, if you answered <b>yes</b> or <b>not sure</b> to <u>either</u> of the above questions, you can simply budget for a Wetland Consultant in the proposed scope of work. Any activity within a Class I or II wetland or wetland buffer zone (minimum of 100 feet and 50 feet respectively) which is not exempt or considered an “allowed use” under the <a href="#">Vermont Wetland Rules</a> requires a permit. All permits must go through review and public notice process, which takes at minimum 6 weeks for a General Permit and 5 months for an Individual Permit.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>	
<p><b>1. Is your project a Wetland Restoration project type?</b></p>	<p style="text-align: center;"><b>Yes                  No</b></p>
<p>If you answered yes, under the <a href="#">Vermont Wetland Rules</a> you will need an “allowed use” determination from the DEC Wetlands Program. Contact your <a href="#">District Wetlands Ecologist</a> using the <a href="#">Wetland Inquiry Form</a>.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>	
<p><b>V. Fish and Wildlife</b></p>	
<p>State law protects endangered and threatened species. No person may take or possess such species without a Threatened &amp; Endangered Species Takings permit.</p> <p><b>1. Does your project involve cutting down trees larger than 5 inches in diameter in any of the following towns?</b> Addison, Arlington, Benson, Brandon, Bridport, Bristol, Charlotte, Cornwall, Danby, Dorset, Fair Haven, Ferrisburgh, Hinesburg, Manchester, Middlebury, Monkton, New Haven, Orwell, Panton, Pawlet, Pittsford, Rupert, Salisbury, Sandgate, Shoreham, Starksboro, St. George, Sudbury, Sunderland, Vergennes, Waltham, West Haven, Weybridge, Whiting</p>	<p style="text-align: center;"><b>Yes                  No</b></p>

<sup>14</sup> To view the Wetland Screening Tool introduction video, see <https://youtu.be/6lv5en0AB1o>

<b>2. Is the project site within 1 mile of a mapped<sup>15</sup> Significant Natural Community or Rare, Threatened, or Endangered Species?</b>	<b>Yes</b>	<b>No</b>
<p>If <b>yes</b> to either of the above questions, connect with the VT Fish and Wildlife department (everett.marshall@vermont.gov 802-371-7333) to discuss your project and any necessary permitting.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>		
<b>VI. Stormwater</b>		
<b>1. Will the project disturb more than an acre of land during construction, add or redevelop impervious surface, create new development or <a href="#">otherwise require a Stormwater permit?</a></b>	<b>Yes</b>	<b>No</b>
<p>If <b>yes</b>, forward to the appropriate <a href="#">Stormwater specialist</a> to ensure necessary permitting. Use the <a href="#">Water Quality Project Screening Tool</a> to find the Stormwater specialist for your project's region.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>		
<b>VII. Solid Waste</b>		
<b>2. Will you be creating any debris (including construction and demolition waste, stumps, brush, untreated wood, concrete, masonry, and mortar) with your project that you intend to bury on site? <sup>16</sup></b>	<b>Yes</b>	<b>No</b>
<p>If yes, connect with the Waste Management &amp; Prevention Division (dennis.fekert@vermont.gov 802-522-0195) to discuss your project and any necessary permitting.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>		
<p>Provide below or attach a narrative summary of Table 4 findings. Please include:</p> <ol style="list-style-type: none"> <li>Which permits or permit amendment are needed or might be needed?</li> <li>What type might be needed? (e.g. a general or individual permit)?</li> <li>What concerns were voiced by permitting staff?</li> <li>How will the proposed scope of work address these concerns?</li> </ol>		
<b>Is the project, as proposed, reasonably considered permit-able by all applicable</b>	<b>Yes</b>	<b>No</b>

<sup>15</sup> Find both of these layers on the ANR Atlas under Atlas Layers/Fish and Wildlife. Use the Measurement tool to 1) Plot Coordinates for your project 2) select the coordinates from the left panel 3) select the Radius Tool 4) click on your project location 5) Indicate 1 mile distance 6) look for overlap with either of these mapped layers.

<sup>16</sup> If your project will result in the transfer and disposal of debris (including construction and demolition waste, stumps, brush, untreated wood, concrete, masonry and mortar), you do not need a permit from this office as long as you hire a [licensed solid waste hauler](#) and bring the material to a certified facility.



<p>determine if it is a <a href="#">jurisdictional farm operation</a>, and any case that requires consultation with AAFM will occur via the <a href="#">farm determination</a> process. Please note this form must be submitted by the farm operation/landowner seeking the determination.</p>	<p><b>No</b><sup>18</sup> - There is no additional requirements related to agricultural review for these projects.</p>
<p><b>2. Is the proposed project an agricultural project?</b></p> <p>Examples of agricultural projects include but are not limited to Production Area Practices – (e.g. Waste Storage Facilities, Heavy Use Area, Diversion) Fence, Livestock Exclusion, Filter Strip, Cover Crop, Reduced Tillage, Manure Injection, Rotational Grazing. Please note this is not an exhaustive list of all agricultural practices.</p>	<p><b>Yes</b> - Agricultural Projects on jurisdictional farms are not an eligible project type. You can provide a referral to an applicable state or federal agricultural <a href="#">assistance program</a>, or a local organization.</p> <p><b>No</b>- The natural resource, innovative, or other project type will require an agricultural project review and approval from the Vermont Agency of Agriculture, Food and Markets (VAAFAM) to ensure a consistent approach on farms statewide that follows rules, regulations, and laws in place. Please follow Steps 1 &amp; 2 below.</p> <p><b>Step 1</b>- Please submit a detailed description of the project, project site, project details, landowner, farm operation, and any other relevant information to VAAFAM at <a href="mailto:AGR.WaterQuality@Vermont.gov">AGR.WaterQuality@Vermont.gov</a> .</p> <p><b>Step 2</b>- Once you complete this Agricultural Project Review, please allow 30 days for a response. Once that response has been received, please include a summary of the response in the next section.</p>
<p><b>Agricultural Project Review Status &amp; Summary:</b></p>	
<p><b>Check as Applicable</b></p>	<p><b>Status</b></p>
	<p>Submitted/ Pending</p>
	<p>Approved</p>
	<p>Denied</p>

<sup>18</sup> Note CWIP’s Agricultural Pollution Prevention project type eligibility is limited to land where owner or operator is not a jurisdictional farm (i.e., not required to meet the Required Agricultural Practices (RAPs)). As such, projects that meet the definition of the Agricultural Pollution Prevention project type in the Appendix B. Project Types Table are not subject to review by VAAFAM.

**Please include a summary of the response here:**

**Please note that it is expected that all projects with the status “submitted/pending” will be “approved” prior to a project approval for funding.**



**MEMORANDUM**

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL  
FR: CWSP STAFF  
RE: FUTURE SOLICITATION SCHEDULE AND PROCESS  
DA: JULY 5, 2023

As noted in other transmittal memo, the CWSP has considered the BWQC's desire to conduct application reviews as frequently as possible. Previously, CWSP staff considered the possibility of issuing Calls for Applications every three months. However, from staff's perspective it may be more reasonable to prioritize applications every four months.

Time on the agenda will be available for staff to present a possible schedule for applications thrice per year while the Council continues to meet six times per year. There are other scheduling options that could be explored if the Council wishes to consider more frequent application rounds. However, they would very likely involve an increase in the number of BWQC meetings.

# Overview

- BWQC Meetings every other month 6 times per work (every two months)
- Review applications 3 times per year (every four months)
- Initiate pre application process and presentation one month or meeting prior? By subcommittee?

# Meeting /Prioritization Schedule

Meeting	Full BWQC	Pre application/presentation?
July	Prioritization	Subcommittee?
September	Other	
		October
November	Prioritization	
January	Other	
		February
March	Prioritization	
May	other	
		June
July	Prioritization	

## MEMORANDUM

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL  
FR: CWSP STAFF  
RE: CONFLICT OF INTEREST GUIDANCE DOC  
DA: JULY 5, 2023

As noted in the transmittal memo, the Department of Environmental Conservation has issued long-anticipated draft guidance regarding conflicts of interest (COI). The document issued for comment is very brief. Time on the agenda will be available for staff to provide an overview of the DEC guidance and describe how it interfaces with the Act 76 Rule and the BWQC's own COI policy.

The COI language from the BWQC's bylaws is below. The DEC guidance on COI is attached.

### **ARTICLE X            CONFLICT OF INTEREST**

A conflict of interest is "an interest, direct or indirect, financial or otherwise, of a person or entity with ... BWQC decision making-role, or such an interest, known to such person, of a member of that person's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the ... BWQC or which is in conflict with the proper discharge of the person's duties under this Rule."

BWQC members that propose to implement a clean water project must disclose any potential conflict of interest and shall recuse themselves from any BWQC decision making subject to that conflict. Notwithstanding these limitations, a BWQC member who is conflicted because they are a project sponsor may answer questions on the subject project in an open meeting of the BWQC.

# **Chapter 5 – Conflict of Interest**

The distribution of funding by CWSPs and BWQCs must be conducted in a fair and transparent manner, without the presence of an actual conflict due to private or personal gain. This chapter provides guidance on CWSP and BWQC conflicts of interest.

## **BWQC Voting**

A conflict of interest occurs when a BWQC member stands to receive a financial benefit from a matter under discussion/vote – for example, when the BWQC members’ organization has proposed a project for advancement/funding/approval by the BWQC, which will result in funding being given by the CWSP to that members’ organization (whether or not that member stands to personally receive funding for work on that project).

A conflict also exists when the BWQC member has a personal or familial interest that may be substantially affected by a matter under discussion/vote by the BWQC or may benefit personally or privately from the outcome of a decision.

Any BWQC member so conflicted will recuse themselves from the relevant BWQC discussion and decision, although the BWQC member may answer questions about the project if so asked by the BWQC.

If a BWQC votes on a slate of projects, where a member is conflicted on one or more of the projects, the member shall be conflicted for the entire slate of projects that is voted on. If the BWQC takes separate votes on each project, such that the outcome of one vote is not contingent upon, or impacted by the outcome of other votes, then a conflict of interest held by a BWQC member shall only affect the vote or votes to which that conflict pertains.

All BWQC members shall treat all CWSP materials related to RFPs and/or project solicitations as strictly confidential prior to and through BWQC voting on the underlying project, so as not to convey an unfair advantage to any party.

## **CWSP Conflicts**

Staff of either the CWSP or of the CWSP host entity shall not respond to a CWSP RFP in an individual capacity (i.e. proposing a project that the staff member would manage outside of their employment working for the CWSP/CWSP host entity.) Projects funded by the CWSP shall not be located on property owned by individuals employed by the CWSP or CWSP host entity, unless the BWQC is specifically notified of this fact, and explicitly votes to approve the project at this location.

CWSPs that put forward projects to the BWQC that the CWSP plans to manage does not by itself raise a conflict of interest.

## **Disclosure**

All conflicts must be disclosed as soon as the conflict is apparent. Disclosure of the conflict should be made on the record during a BWQC meeting and noted in the minutes. CWSPs and their BWQCs may develop additional processes around disclosure as may be appropriate (e.g. discussion with CWSP staff, documentation of reasoning, etc.)

### **Statute of Limitations**

BWQC members will have a conflict of interest if, within one year of a member's departure from a previous place of employment, said prior employee participates in a decision that affects the previous employer. If termination of employment occurred more than one-year prior, the member may choose to recuse him/herself if s/he feels his/her prior employment would cause them to be biased.

# **BYLAWS AND RULES OF PROCEDURE FOR MISSISQUOI BAY BASIN WATER QUALITY COUNCIL**

## **ARTICLE I           LEGAL BASIS**

Amendments to Title 10 V.S.A., Chapter 37, Subchapter 5, § 924, more generally known as the Clean Water Service Delivery Act, hereinafter called the Act, and the Clean Water Service Delivery Rule, hereinafter called the Rule.

## **ARTICLE II           NAME**

The name of this organization shall be the Missisquoi Bay Basin Water Quality Council ("BWQC"), hereinafter referred to as the BWQC or The Council.

## **ARTICLE III          PURPOSE**

The purpose of the BWQC is to accomplish the duties of a BWQC as detailed in the Act and Rule. The Department of Environmental Conservation (DEC) appropriates funds, by formula, to the Basin Clean Water Service Provider (CWSP) for projects to improve water quality in the Basin. The Council shall assist the CWSP in the prioritization of projects that may access these funds.

## **ARTICLE IV          MEMBERSHIP**

### **Section 401          Number**

The number of BWQC members initially shall be nine, in accordance with the Act and Rule. Additional members may be added as allowed in the Act.

### **Section 402          Appointment**

Representation on the BWQC shall be in accordance with the Act and Rule.

### **Section 403          Voting**

At meetings of the BWQC, each Council member shall have one vote.

### **Section 404          Attendance**

The Chair (elected as set forth below) shall notify the appropriate entity when any Council member fails to attend two consecutive meetings, excluding special meetings, without

notice. For the purpose of this section, appropriate entity is the applicable BWQC-appointing entity identified in statute.

**Section 405 Eligibility for Office**

Council members shall be eligible to hold any office of the BWQC subject to the conditions of Article VII.

**Section 406 Alternates**

BWQC member-appointing entities may designate one or more alternate statutory member(s) (“Alternates”) who may act in place of, or replace, an appointed member in the event of absence or disqualification of that appointed member. Alternate members shall be established at a meeting of the BWQC and may be changed with reasonable prior written notice to the BWQC and supporting Clean Water Service Provider (“CWSP”).

**ARTICLE V ORGANIZATION**

**Section 501 Officers**

The officers of the Council shall consist of a Chair and a Vice Chair.

**Section 502 Meeting Convenor**

In the absence or recusal of both the Chair and Vice Chair, meetings may be convened and/or presided over by the Executive Director of the NRPC or designee.

**Section 503 Committees**

The Council may by majority vote establish Committees to advance its work.

**Section 504 Staff and Administrative Support**

Staff and Administrative Support shall be provided to the Council by the Missisquoi Bay Basin CWSP, which is the Northwest Regional Planning Commission (NRPC). As the CWSP for the Missisquoi Bay Basin, the NRPC receives funding for these activities from the Vermont Department of Environmental Conservation (DEC).

**ARTICLE VI ELECTIONS**

**Section 601 Nominations**

In support of elections, a Nominating Committee made up of three Council members may



be appointed by the Chair at the regular meeting preceding the annual meeting. The Nominating Committee will prepare a slate of nominations for officers. This slate of nominations will be presented at the annual meeting. Additional nominations will be taken from the floor at the annual meeting.

Prior to the appointment of a Nominating Committee in any given year, the Council may vote to forego the establishment of a Nominating Committee in that year.

## **Section 602            Election of Officers**

The officers shall be elected by the Council members present and voting at the annual meeting.

## **Section 603            Terms of Office**

the terms of office for the Chair and the Vice Chair shall be 1 year, beginning immediately after the annual meeting. Officers shall hold office until their successors have been elected and installed. Council members may serve in an office for a maximum of three consecutive terms, beginning with their first election to the relevant office at an annual meeting.

## **Section 604            Vacancies**

In the event of a vacancy in the office of Chair, the Vice Chair shall become the Chair. In the event of a vacancy in the office of Vice Chair, the vacancy shall be filled by election at the next regular meeting. The persons so elected shall hold office until the next annual election or until their successor is elected and installed.

## **ARTICLE VII           DUTIES**

### **Section 701           Council members**

It shall be the duty of each Council member to make annual and periodic reports of the activities of the BWQC to the sector it represents.

### **Section 702           Chair**

The Chair of the Council shall guide the planning and facilitation of BWQC meetings in coordination with the CWSP. The Chair may perform such other duties as customary to the office. The Chair shall cast a vote on all issues voted on at a Council meeting, unless the Chair wishes to abstain or has a conflict of interest. Whenever possible, the Chair will pursue decision making by consensus.

**Section 703 Vice Chair**

The Vice Chair shall act as Chair in the absence, recusal, or incapacity of the Chair.

**ARTICLE VIII MEETINGS**

**Section 801 BWQC Meetings**

The Council shall meet at least four times per year. Meetings will be held at a time and place to be determined jointly by the Chair and CWSP staff. Notification and conduct shall be in accordance with Vermont Open Meeting Law.

**Section 802 Special Meetings**

Special meetings of the Council may be called jointly by the Chair and CWSP staff. Special meetings shall be called if requested in writing by 5 or more Council members.

**Section 803 Annual Meeting**

The annual meeting shall be the first regularly scheduled meeting of the CWSP's fiscal year.

**Section 804 Notice of Meetings**

Notice of all regular and special meetings of the Board shall be distributed in accordance with Vermont's Open Meeting Law, with an agenda provided by the Chair or CWSP staff to all Council members.

**Section 805 Minutes of Meetings**

Minutes of all meetings of the Council shall be the responsibility the CWSP staff. Minutes shall be available in accordance with Vermont Open Meeting Law and provided to all Council members.

**Section 806 Quorum**

A quorum of the Council shall consist of five Members.

**ARTICLE IX RULES OF PROCEDURE**

**Section 901 Decision making processes**

The Chair shall rule on all questions of order or procedure. The Chair shall have the

authority to call the question and cease discussion or debate on a matter.

When motions and voting are required:

1. Motions shall be made in the affirmative;
2. The Chair has the same voting rights as other members and can make motions;
3. A second shall be required for a motion to have the floor;
4. All members present are expected to vote unless they have recused themselves or choose to abstain;
5. A member who wishes to abstain or intends to recuse him or herself shall so indicate, and his or her place during any vote shall be taken by the member's alternate, if present and able to vote.
6. For a motion to pass, it must receive the concurrence of a majority of the members of the Council.

Decision making by the BWQC shall operate following the current Roberts Rules of Order Newly Revised, unless inconsistent with the bylaws and rules of procedure of the BWQC or Vermont Statute. Decisions will be passed if a majority of the BWQC votes in favor of a motion; five of the current nine seated members.

BWQC members will thoughtfully consider each point raised during the initial discussion of a BWQC agenda item. When such consideration reveals substantial disagreement among members, the BWQC will allot one half-hour for dialogue aimed at addressing the disagreement. The time allotted for dialogue may be extended if a majority of the BWQC approves.

During the time allotted for dialogue, all BWQC members participating in a meeting will endeavor to reach agreement on a course of action. When pursuing a mutually acceptable solution, members will insofar as possible hold each other accountable, ensure all opinions are heard and considered, and demonstrate equity in the decision-making process. Simply put, they will demonstrate a commitment to building a productive and inclusive meeting environment.

The aim of the procedures outlined above is to support productive and inclusive-decision making without undermining the BWQC's effort to address the majority of items on any BWQC agenda. Note: The BWQC may move on from an agenda item without scheduling a dialogue if a motion is passed by a majority of the BWQC or if consensus is achieved without a vote.

## **Section 902 Meeting Agendas**

Agendas shall be limited to three hours, unless by majority vote, an additional 30 minutes is allowed. Exceptions may be allowed, such as for time-sensitive matters that cannot be delayed. Business shall be conducted in the same order as it appears on the

agenda, except that by majority vote, the Chair may alter the order of items to be considered and/or the time allotted.

### **Section 903 Public Comment**

The public will be afforded reasonable opportunity to give its opinion on matters considered by the Council so long as order is maintained. Public comment on issues discussed by the Council, if not offered during the open public comment period, may be offered at other times during the meeting relevant to the agenda item, when recognized by the Chair.

### **Section 904 Electronic Communications**

Consistent with Vermont's open meetings law, E-mail, text message, or other similar forms of communication (E-communications) among a quorum of Council members may be used only for: 1. Scheduling and routine administrative matters, including the setting of the agenda; and 2. Distributing documents that will be discussed at a Council meeting, or otherwise made public.

Further, E-communications among a quorum of Council members may not be used for 1. Discussing or deliberating on Council business; and 2. Making decisions on Council business. E-communications between Council members and staff are public records.

## **ARTICLE X CONFLICT OF INTEREST**

A conflict of interest is "an interest, direct or indirect, financial or otherwise, of a person or entity with ... BWQC decision making-role, or such an interest, known to such person, of a member of that person's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the ... BWQC or which is in conflict with the proper discharge of the person's duties under this Rule."

BWQC members that propose to implement a clean water project must disclose any potential conflict of interest and shall recuse themselves from any BWQC decision making subject to that conflict. Notwithstanding these limitations, a BWQC member who is conflicted because they are a project sponsor may answer questions on the subject project in an open meeting of the BWQC.

## **ARTICLE XI AMENDMENTS**

Upon the authorization of five or more Council members, an amendment to these bylaws shall be presented to the Council. Any proposed amendment to these bylaws shall first be sent to the Council members in preliminary form for consideration and comment for a period of not less than 21 days. Not later than 21 days after this period, the CWSP staff shall submit to the Council a report summarizing the comments received as well as any

CWSP recommendations.

Adoption of any amendment(s) shall require the affirmative vote of two-thirds of the Council members present and voting at a duly constituted regular meeting.

HISTORY OF ADOPTION AND AMENDMENT

Adopted June 29, 2022.

Amended November 2, 2022 (changed "minority" to "all").