

## TRANSMITTAL MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)  
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: MATERIALS FOR MEETING ON 1/3/24  
DA: 12/27/23

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Greetings, Missisquoi BWQC members and others. Happy New Year! The next meeting will take place on January 3, and the agenda is somewhat ambitious. Please let me know if you have any questions. Also please let me know if you will be unable to attend the meeting.

### 1. Conflict of interest disclosures, if any

This recurring agenda item provides BWQC members and others opportunity to note possible conflicts of interest regarding agenda items.

### 2. Seating of any new representatives or alternates

This standing agenda item allows BWQC members to acknowledge new representatives or alternates.

### 3. Policy on Budget Adjustments

At the last meeting, the Basin Water Quality Council considered whether to adopt guidelines that would simplify the process of amending already-approved project budgets. A draft proposal was prepared for your consideration and discussed. Some members expressed preference for guidelines that included caps, and the group decided to continue discussion at a future meeting. Three new options have been prepared for your review, with the hope one might be approved.

### 4. Schedule Adjustment

The BWQC's meeting schedule will need to be adjusted if it is to coincide with the schedule for receiving and reviewing applications. The next application review is expected to take place on February 7. Staff recommends that meetings occur every two months thereafter (i.e., in April, June, August, etc). A simple calendar reflecting this proposal is enclosed.

### 5. Input on Cost effectiveness

DEC staff have asked BWQCs to discuss and provide their views on project cost effectiveness. A project is thought to have a desirable cost effectiveness when the ratio of annual phosphorus reduction (in KG) to total project costs (in \$) is high. Thus, a project with a cost effectiveness of \$5000 per KG is more attractive than a project with a cost effectiveness of \$25000 per KG. DEC staff are interested in understanding whether BWQCs believe there is a point where a project's cost effectiveness essentially becomes too poor to warrant consideration as part of the CWSP-BWQC application process. CWSP staff have provided materials to assist the BWQC in considering this question.

## **6. Adoption of completed projects**

For some time, CWSP staff and members of BWQCs have been hearing about “project adoption.” This term refers to a process where already-completed water quality projects may be added to a CWSP’s phosphorus reduction balance sheet and qualify for CWSP operations and maintenance funding. DEC recently released a draft document (Guidance chapter 7 “Operation and Maintenance”) outlining how this process might work. CWSP staff will provide an overview at the meeting on January 3. Please note that the CWSP has submitted comments to DEC suggesting changes to the draft.

## **7. Farm Project Refresher**

As BWQC members know, CWSP funds may be used for some projects but not others. Eligibility is largely determined by the [CWIP Funding Policy](#) and the Act 76 Rule. At previous BWQC meetings discussion has occasionally touched on the fact that, while CWSP funding might be used for certain projects located on farms, the process may be challenging. Because a BWQC member recently highlighted the importance of this issue to organizations wishing to pursue water quality projects, a brief refresher will be offered at the end of the meeting. Relevant materials are attached as well.

## **8. Updates and conclusion**

This time will be available for discussion of future meeting topics and updates on: Finances, Conflict of Interest, and Adoption of existing projects . Additional details may be provided before the meeting. If you would like to mention any of your own please let us know.

Thanks to all who participate.

## AGENDA

### Missisquoi Basin Water Quality Council (BWQC)

Wednesday, January 3, 2024

11:00 AM-1:00 PM

#### Remote meeting via Zoom

(Zoom details below)

1. Welcome and Introductions
2. Meeting protocols
3. Conflict of interest declarations, if any
4. Review/adjust and approve agenda
5. Approval of Minutes
6. Public comment not related to items on agenda
7. Seating of any new reps or alternate(s) (if required)
8. Policy on Budget Adjustments
9. Schedule adjustment
10. Input on Cost effectiveness
11. Adoption of completed projects
12. Farm Project refresher
13. Updates and Conclusion

#### Join Zoom Meeting

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

Meeting ID: 831 4341 8116

Passcode: 237362

#### Dial by your location

+1 309 205 3325 US

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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) Meeting  
MINUTES**

Wednesday, November 1st, 2023, 11-1 PM  
Virtual Meeting/Held Via Zoom\* (computer/smartphone/tablet etc.)  
<https://youtu.be/0GVA88UJUdw>

**A VIDEO RECORDING OF THE MEETING IS AVAILABLE THROUGH  
THE NRPC YOUTUBE CHANNEL (Link above).  
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: Lindsey Wight (Q), Kent Henderson (Q), Dan Seeley (Q), Allaire Diamond (Q),  
Jacques Couture, Lauren Weston (Q), Barry Lampke (Q) (Q=toward quorum), David Allerton,  
Beth Torpey(Q), Ellen Fox  
Staff: Dean Pierce, Maddie Yandow, Sara Gratz  
Voting Members not present: Ted Sedell, Sarah Damsell  
Others Present: Jim Pease's Otter AI, July Medina-Triana, Karen Bates, Bridget Butler

**1. Welcome and Introductions**

Lindsey Wight opened the meeting as BWQC chair at 11:00 am. Participants introduced themselves.

**2. Meeting protocols**

Meeting protocols were reviewed.

**3. Conflict of interest declarations, if any**

Lauren Weston stated that she has a proposal that is on the table.

Kent Henderson stated that he should recuse himself from voting for Bridget Butler as his alternate.

Lindsey Wight stated that she is involved with a proposal that is on the table.

Dean Pierce stated that Barry Lampke will recuse himself from voting on the application that Maddie Yandow submitted since they are both staff of Northwest Regional Planning Commission (NRPC).

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

No adjustments were offered to the agenda. Kent Henderson motioned to approve it and Beth Torpey seconded the motion. Motion carried.

#### **5. Approval of Minutes**

Beth Torpey motioned to approve the minutes from the last meeting. Dan Seeley seconded the motion. Motioned carried.

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

No public comments were made.

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

Bridget Butler was nominated to be seated as an alternate for Kent Henderson. Beth Torpey motioned to approve and Allaire Diamond seconded. Kent Henderson recused. Motion carried.

#### **8. Funding Application/Project Review**

Dean Pierce discussed the two applications that were submitted for funding, including one from Maddie Yandow and one from Lauren Weston. Dean stated that although both he and Maddie are staff of NRPC, he was not involved with the application in any way. Dean recommended both projects to be approved.

Maddie Yandow gave a presentation on her application for project development using the Functioning Floodplain Initiative (FFI) tool. The goal of the project would be for NRPC and Missisquoi River Basin Association (MRBA) to work together, using the FFI tool to identify 10-14 priority projects to improve water quality and reduce phosphorous. The total cost of the project development would be close to \$45,000.

A discussion followed to clarify that this work would be to identify projects that could be added to the watershed project database for further development, but it would not consist of project design. Excitement and concerns were expressed about using the FFI tool in this manner as it is

a new process and there is no standard protocol in place. Maddie acknowledged these concerns and assured that they would consult with others who have done similar work to ensure consistency.

Kent Henderson motioned to approve the project for funding and Lauren Weston seconded. Lindsey Wight and Barry Lampke recused themselves. Motion carried.

Lauren Weston gave a presentation on her application to move a project to the final design phase. The project consists of removing a failing dam from the Trout Brook Reservoir, which is owned by the town of Enosburg Falls. The removal of the dam would represent an estimated phosphorous (P) credit of 47.1 and a one-time P removal of 5,000 kg. The final design phase of the project is estimated to cost just under \$110,000.

A discussion followed regarding the high cost of the project. Lauren explained that the cost is higher because they are expecting that they will need to conduct a historical and archeological study, a mussel study, and that some water lines near the site may need to be moved. It was also mentioned that removing sediment from the waterway will cause some of it to wash downstream, creating a displacement of phosphorous. Lauren acknowledged this concern, assured that measures would be taken to minimize displacement, and reiterated that the long-term goal is to reduce phosphorous levels overall.

Allaire Diamond moved to approve the project for funding and Kent Henderson seconded. Lauren Weston recused. Motioned carried.

## **9. Policy on Budget Adjustments**

Dean Pierce made a presentation proposing a policy for budget adjustments. He highlighted the need for a simplified process of amending budgets when projects require more funding. He noted one other Basin Water Quality Council (BWQC) has adopted such a policy. Dean proposed that an increase in budget of less than 10% could be approved by CWSP staff, an increase between 10-20% could be approved by the Chair and Vice Chair, and that an increase of over 20% would require action by the BWQC.

A discussion followed over concerns that amending budgets by a percentage could lead to big increases depending on the size of the project. Dean suggested that caps could be put in to

place, or dollar amounts could be used instead of percentages. A decision was made to discuss the topic further at the next meeting.

#### **10. Training regarding Cultural Resource Assessment**

Dean Pierce gave a brief presentation on the Cultural Resource Assessment that some projects may be required to complete during their preliminary design phase. He shared that the Department of Environmental Conservation (DEC) has a video explaining the process and that NRPC has a transcription of the video if anyone would like to read it. DEC encourages watching the video first and then reaching out for further questions.

A short discussion followed between members who have had experience using the Cultural Resource Assessment and suggestions were made to those who are less experienced with the process.

#### **11. Updates and Conclusion – Finances / COI /Applications by NRPC / Adoption of existing projects**

Dean Pierce shared a document that CWSP shares with DEC to track funds. He shared that the Missisquoi Basin has been awarded 1.9 million and much of it is unused because not many projects have been brought to completion. This highlights a need to get more projects done to use the funds that are available.

Dean made some suggestions for future agenda topics including CWSP's role in identifying completed projects for adoption to make funds available for their operations and maintenance. He suggested that future conversations could discuss the types of projects that would be good to go after.

#### **12. Conclusion**

Beth Torpey motioned to adjourn the meeting and Kent Henderson seconded. Motion carried. The meeting was adjourned at 12:45 pm.

## **Policy on Budget Adjustments**



**MEMO**

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)  
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: **Policy on Budget Adjustments**  
DA: 12/27/23

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Under Act 76, BWQCs are responsible for approving funds for projects and CWSP staff are responsible for overseeing subgrant and procurement processes once funds have been approved. The approach sounds simple enough. But, complications can arise, particularly when budgets change.

At the last meeting, the Basin Water Quality Council considered whether to adopt guidelines that would simplify the process of amending already-approved project budgets. A draft proposal based on the approach used by the BWQC serving the Northern Lake Champlain basin was prepared and discussed. Under the proposal, an increase in budget of less than 10% could be approved by CWSP staff, an increase between 10-20% could be approved by the Chair and Vice Chair, and an increase of over 20% would require action by the BWQC.

Overall, the concept was favorably received. However, as noted in the minutes, some concern was expressed that amending budgets by a percentage could lead to big increases depending on the size of the project. In response, staff suggested that caps and/or dollar amounts could be included. The group proposed to continue discussion at a future meeting.

Three new options have been prepared for your review, with the hope one might be approved. The first includes caps of \$10,000 (for staff approval) and \$20,000 (for Chair/Vice Chair approval). The second has separate tracks for “early stage” (assessment and development) projects and “later stage) (design and implementation) projects, with early stage projects having lower caps in light of their exploratory nature and generally lower cost.

Finally, the third alternative is like the second, except that the “later stage” projects are further divided. Less costly later stage projects (those of less than \$150,000) would be treated like those in the second option. But more costly later stage projects (those of more than \$150,000) would have somewhat larger caps reflecting their larger over all scale.

The options are illustrated on the following pages.

PREVIOUSLY PRESENTED CONCEPT

Current approach	
Percentage based	
Three levels	
Illustration	
<=10%	CWSP staff may approve
>10% and <20%	CWSP staff with concurrence of Chair and Vice Chair (or 2 BWQC members) may approve
20% and up	Requires action by full BWQC

NEW CONCEPT 1

PERCENTAGE WITH CAPS

Alternative 1	
Percentage with caps	
Three levels	
<b>&lt;=10%, but capped at \$10,000</b>	<b>CWSP staff may approve</b>
<b>&gt;10% and &lt;20%, but capped at \$20,000</b>	CWSP staff with concurrence of Chair and Vice Chair (or 2 BWQC members) may approve
<b>20% and up, or any request &gt;\$20,000</b>	Requires action by full BWQC

NEW CONCEPT 2

PERCENTAGE WITH CAPS AND TYPES (THREE LEVELS/TWO TYPES)

Alternative 2	
Percentages with caps and types*	
Three levels and two types	
<b>Assessment /ID/ Project Development Projects</b>	
<=10%, but capped at \$5,000	CWSP staff may approve
>10% and <20%, but capped at \$10,000	CWSP staff with concurrence of Chair and Vice Chair (or 2 BWQC members) may approve
20% and up, or any request >\$20,000	Requires action by full BWQC
<b>Design / implementation Projects</b>	
<=10%, but capped at \$10,000	CWSP staff may approve
>10% and <20%, but capped at \$20,000	CWSP staff with concurrence of Chair and Vice Chair (or 2 BWQC members) may approve
20% and up, or any request >\$20,000	Requires action by full BWQC

NEW CONCEPT 3

PERCENTAGE WITH CAPS AND TYPES (THREE LEVELS/THREE TYPES)

Alternative 3	
Graduated percentages*	
Three levels three types	
<b>Assessment /ID/ Project Development Projects</b>	
<=10%, but capped at \$5,000	CWSP staff may approve
>10% and <20%, but capped at \$10,000	CWSP staff with concurrence of Chair and Vice Chair (or 2 BWQC members) may approve
20% and up, or any request >\$20,000	Requires action by full BWQC
<b>Design Project / implementation Project costing less than \$150k</b>	
<=10%, but capped at \$10,000	CWSP staff may approve
>10% and <20%, but capped at \$20,000	CWSP staff with concurrence of Chair and Vice Chair (or 2 BWQC members) may approve
20% and up, or any request >\$20,000	Requires action by full BWQC
<b>implementation project costing more than \$150k</b>	
<=10%, but capped at \$15,000	CWSP staff may approve
>10% and <20%, but capped at \$30,000	CWSP staff with concurrence of Chair and Vice Chair (or 2 BWQC members) may approve
20% and up, or any request >\$30,000	Requires action by full BWQC

## Schedule adjustment

**MEMO**

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)  
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: **Schedule Adjustment**  
DA: 12/27/23

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Currently, meetings of the Missisquoi BWQC are held during the following months: January, March, May, July, September, and November.

However, this schedule will need to be adjusted if it is to coincide with the schedule for receiving and reviewing applications presented during the fall.

The next application review is expected to take place on February 7. Staff recommends that meetings occur every two months thereafter (i.e., in April, June, August, etc).

Staff wishes to gauge the BWQC’s reaction to meeting on a new schedule starting in February.

<b>Proposed Adjustment to Missisquoi BWQC meeting schedule</b>		
	<b>2024</b>	
<u>Current schedule</u>		<u>Proposed schedule</u>
January		January
March		February
May		April
July		June
September		August
November		October
	<b>2025</b>	
January		December
		February

## **Input on Cost effectiveness**



**MEMO**

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)  
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: **Input on Cost effectiveness**  
DA: 12/27/23

=====

As noted in the transmittal memo, DEC staff have asked BWQCs to discuss and provide their views on project cost effectiveness. A project is thought to have a desirable cost effectiveness when the **ratio of annual phosphorus reduction** (in KG) **to total project costs** (in \$) is high. Thus, a project with where it cost an average of \$5000 to reduce a KG of phosphorus is more attractive than a project where the average cost to reduce a KG of phosphorus is \$25000.

Table 1 on the following page depicts a set of average P-reduction costs compiled by DEC around 2021 and included in a methodology paper finalized in 2022. When CWSPs began their work, the values in this table were seen as generally helpful points of reference, since they also provided a basis for the amount of funding each CWSP received for project implementation. Indeed, in March of 2023, CWSP staff made a brief slide presentation on this very issue.

However, experience soon showed that costs of projects developed during and after the COVID era in many cases were considerably higher than reference costs. CWSPs have advocated for DEC to update or adjust costs for inflation, and DEC has agreed. However, the timetable for release of updated numbers is unclear.

Within this context, DEC staff have expressed interest in understanding whether BWQCs believe there is a point where a project's cost effectiveness essentially becomes too poor to warrant consideration as part of the CWSP-BWQC application process. CWSP staff is generally hesitant to identify or recommend a firm threshold of cost effectiveness that might prevent the CWSP and BWQC from considering projects. We have also found it helpful, when assessing projects, to compare the percent of P target reached to the percent of available funding that would be used.

That said, unless major changes are made to the system by which CWSPs are funded, the BWQC should be wary of approving any project where the average cost per kilogram on a total project cost basis is significantly higher than the costs associated with the individual project type.

At the meeting Staff will be prepared to present additional information relating to P reductions and project costs.

**Table 1. Project categories estimated design/engineering (if applicable) and construction costs per total phosphorus load reduction (kg/yr) averaged by non-regulatory target sector.**

Non-regulatory Target Sector	Project categories representing cost of implementing non-regulatory targets	Estimated design/engineering (if applicable) and construction cost per total phosphorus load reduction (\$/kg/yr)
Streams+	Floodplain/stream restoration*	\$16,647
	River corridor easement	\$10,041
	Riparian buffer restoration**	\$5,116
	<b>Streams Average</b>	\$10,601
Developed	Stormwater best management practices (BMPs)	\$46,026
	Non-regulatory road BMPs	\$3,153
	Riparian buffer restoration**	\$5,116
	Lake shoreline restoration***	\$8,333
	Lake shoreland runoff treatment	\$16,482
	<b>Developed Average</b>	\$15,822
Farm Field++	Riparian buffer restoration**	\$5,116
	Lake shoreline restoration***	\$8,333
	<b>Farm Field Average</b>	\$6,725
Forest+++	Non-regulatory forest road BMPs	\$15,245
	Riparian buffer restoration**	\$5,116
	Lake shoreline restoration***	\$8,333
	<b>Forest Average</b>	\$9,565

## MEASURES OF COST EFFECTIVENESS

Primary Measure of Cost Effectiveness of Phosphorus Reduction:

Dollars per Kilogram of P reduced by a project

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

Alternative Measures:

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

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

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



## **Adoption of completed projects**

**MEMO**

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)  
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: **Adoption of completed projects**  
DA: 12/27/23

=====

As noted in the transmittal memo, CWSP staff and members of BWQCs have been hearing about “project adoption” For some time. Project adoption term refers to a process where already-completed water quality projects may be added to a CWSP’s phosphorus reduction balance sheet and qualify for CWSP operations and maintenance funding.

CWSPs have an incentive to adopt projects because doing so helps them make progress toward their phosphorus reduction targets. Project developers and landowners have an incentive to facilitate project adoption because the project will become eligible for funding to operate and maintain the project.

DEC recently released a draft document (Guidance chapter 7 “Operation and Maintenance”) outlining how this process might work. Attached please find an excerpt from the guidance document, along with two graphics I hope will help BWQC members understand the proposed process.

## Project Adoption

Project adoption entails a CWSP assuming maintenance responsibilities for a previously implemented clean water project that was not funded under the Water Quality Restoration Formula Grants. The ability for CWSPs to adopt projects provides several benefits to the Water Quality Restoration Formula Grant program and to the State as a whole. Adoption of existing installed clean water projects can:

1. Be a low cost and effective way for a CWSP to make early progress towards their phosphorus reduction targets.
2. Allow CWSPs to mobilize verification and maintenance work earlier on in the Water Quality Restoration Formula Grant implementation process thereby allowing the State to collect information about maintenance costs and any challenges to better inform future guidance and policy decisions.
3. Increase the likelihood that clean water projects will receive needed routine maintenance and continue to function for at least the duration of the design life. While the State expects standard maintenance to continue for previously implemented clean water projects, CWSPs are currently unique in their access to funding to support maintenance needs.

## Finding Projects for Adoption

Potential projects can reach the CWSP/BWQC for evaluation and possible adoption in several ways:

- The CWSP may actively solicit proposals or requests from landowners, O&M responsible parties and/or project implementers in their basin.
- The BWQC and consulting DEC Watershed Planner may have knowledge of existing projects that are good candidates for adoption.
- The CWSP may use existing public facing tools such as the Clean Water Project Explorer<sup>1</sup> to learn about the location and status of existing clean water projects. Not all projects displayed in the explorer may be eligible for adoption, as the explorer includes more than just what is found in WPD.

## Projects Eligible for Adoption

For a project to be adopted it must meet certain eligibility criteria listed below:

- Must be non-regulatory Clean Water Project.<sup>2</sup>
- Has a preexisting implementation phase Watershed Projects Database (WPD)<sup>3</sup> that was funded by the Clean Water Initiative Program.
- Whose implementer, and/or current O&M responsible party are amenable to the project being adopted.
- And whose current landowner is willing to enter into a site access agreement.

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<sup>1</sup> The [Clean Water Project Explorer](#) is an interactive application that displays information on projects that have been funded or completed and includes potential projects in various stages of development, identified through Tactical Basin Planning and listed in the Watershed Projects Database (WPD).

<sup>2</sup> Projects that are included in or added to MS4 Pollution Control Plans or Flow Restoration Plans are considered regulatory and therefore not eligible for CWSP adoption, including any project originally implemented as non-regulatory and subsequently added to the MS4 permit.

<sup>3</sup> Adoption of projects not currently existing in WPD presents duplicative reporting/accounting concerns. Given the current limits of the system, DEC will only be allowing adoption of projects already existing within WPD. In the future, there is a potential the eligibility will be expanded beyond existing WPD projects.

## Selecting Projects for Adoption

Once a project has been screened and meets adoption eligibility criteria, CWSPs can consider projects for adoption on a schedule determined through consultation with the BWQC. Landowner liaisons and original project implementers, if known or available, should be engaged and consulted with before reaching out to project landowners when said project is under consideration for adoption, and when the project's potential as an adopted site was not identified through a formal request by the landowner, liaison, or project implementer.

Adoption commitments impact on long term CWSP Operation and Maintenance (O&M) obligations and demands on their Water Quality Restoration Formula Grant budgets should be considered. It is suggested that the CWSP and BWQC establish a scoring and ranking process to prioritize projects that are most appropriate for adoption. Below is a list of suggested factors for the CWSP and BWQC to weigh when considering which projects to adopt. CWSPs, in consultation with their BWQC, should establish a formal decision-making process that reflects which of these factors and others will be considered.

### Cost Effectiveness

- **Estimated Annual Phosphorus Reduction<sup>4</sup>:** Is adoption of this project cost-effective in terms of dollars spent per kilogram of phosphorus reduced per year? As in, what is the project's potential phosphorus reduction value, and will that value aid the CWSP towards meeting the assigned phosphorus reduction targets?
- **Current Condition:** What is the current condition of the project and does the project require any upfront repairs to restore its intended function? If yes, what are the estimated upfront repairs and long-term maintenance costs of the project? CWSP can have a qualified verifier conduct an initial verification visit to determine current condition of project, as long as the project implementer and landowner accept. This can take the place of the initial verification visit that is required in the adoption process (as described below) as long as a verification visit has been conducted.

### Considerations

- **Maintenance Requirements:** What level of maintenance activity is required to keep the project functional? Some project types require more active and consistent maintenance that can increase overtime for the project to continue to function. Other project types are relatively self-sustaining after implementation.
- **Status of Ongoing Maintenance:** Is there already an existing qualified and resourced responsible party who is performing maintenance? If so, it may not be a high priority for adoption.<sup>5</sup>
- **Co-Benefits<sup>6</sup>:** Are there valuable co-benefits associated with restoring/maintaining the project?

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<sup>4</sup> As new tracking and accounting methods are implemented, there may be instances where a project listed in WPD does not have a phosphorus reduction estimate due to prior gaps in accounting methods at time of implementation. During the adoption process these projects should be updated to reflect current accounting methodologies.

<sup>5</sup> There may be instances where a pre-existing maintainer is performing the Operation and Maintenance (O&M) and wishes to continue performing the O&M. Certain maintainers would be ineligible to receive compensation, including state entities like VTrans.

<sup>6</sup> Pursuant to Chapter 6 of Act 76 Guidance (page 16), co-benefits may be considered in the project prioritization process.



- **End of Design Life:** Is the project near the end of its initial design life? If a project is at end of its design life, but receives a functional verification score, then that project's initial design life may be extended as long as required maintenance continues ([see Operation and Maintenance plan section](#)), and the phosphorus reductions associated with the project will continue to count towards phosphorus reduction progress.

## Adoption Process

Once projects have been identified as eligible for adoption, several steps are necessary to fully bring these projects into the CWSP portfolio.

1. BWQC votes and approves project for adoption.
2. CWSP works with landowner or landowner liaison to execute Site Access Agreement for adopted project.
3. Conduct an initial verification visit and identify any maintenance or repair concerns. If official verification visit was conducted during project selection process that satisfies this requirement.
4. Update projects to reflect current accounting methodologies if in the instance where a project listed in WPD does not have a phosphorus reduction estimate due to prior gaps in accounting methods at time of implementation.
5. Add adopted projects into routine schedule of verification and maintenance visits for projects in their portfolio and procure project repairs if needed.
6. Report projects that were adopted over the reporting period by submitting information through the required annual Verification and Maintenance Reporting spreadsheet ([see Reporting section](#)). Adopted projects will be linked as a child project to the Formula Grant parent ID in WPD and integrated into the CWSP's formal project portfolio.

## Adoption Crediting and Limitations

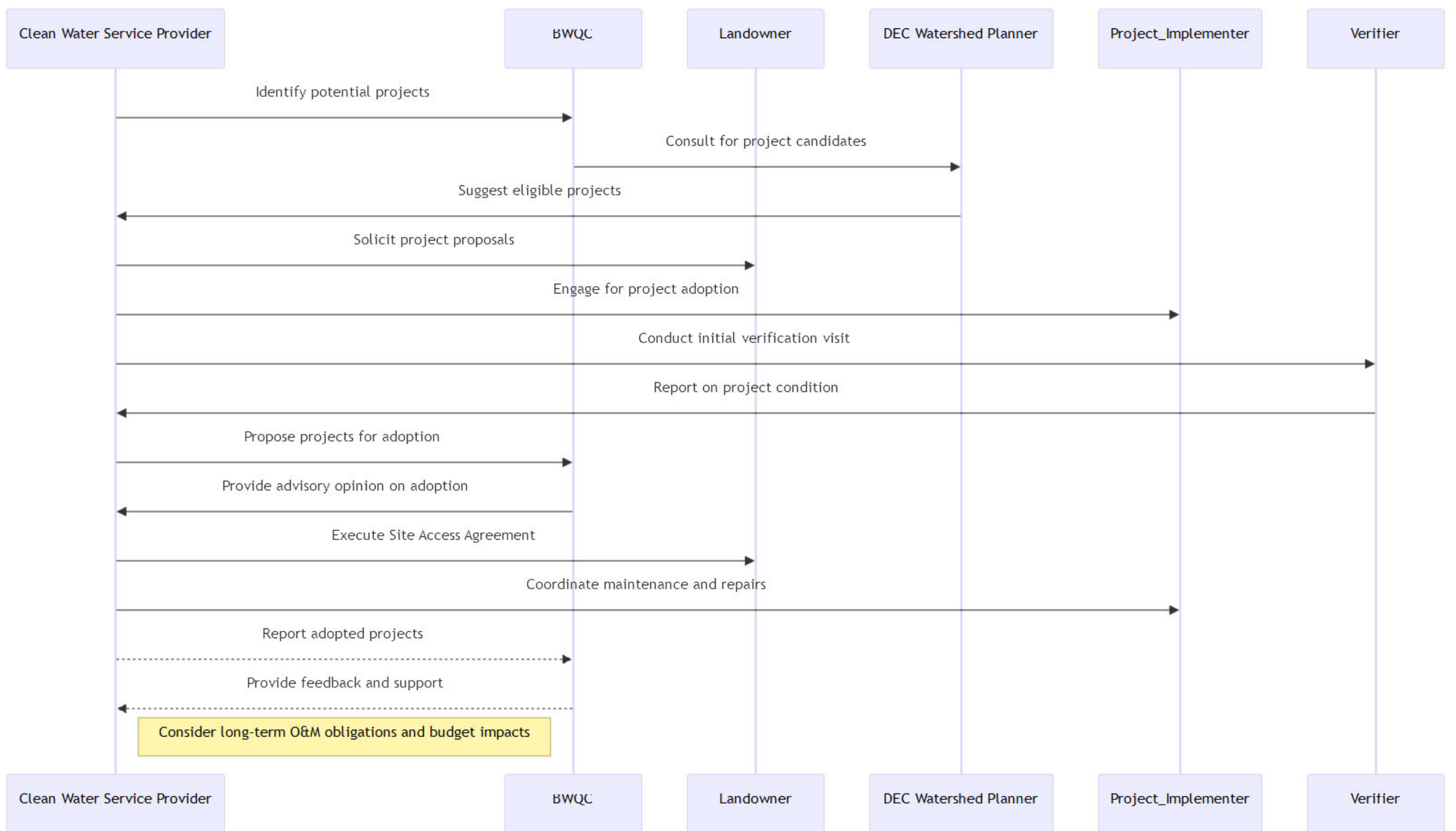
The CWSP should aim to achieve no more than 10% of their cumulative phosphorus reduction allocation<sup>7</sup> through adoption of previously implemented clean water projects with a currently active operating period at time of adoption. The purpose of the 10% adoption limit is to strike a balance between leveraging benefits of existing projects and the need for CWSPs to implement new projects. Project adoption alone will not achieve Vermont water quality targets. Newly constructed clean water projects are necessary to further progress towards achieving both CWSP and broader TMDL phosphorus reduction targets. Adopted projects whose operating period has expired at the time of adoption are not subject to this 10% limitation because they are not otherwise contributing to the state's phosphorus reduction progress ([see Operating Period End and Extension section](#)).

## Operating Period of Adopted Projects

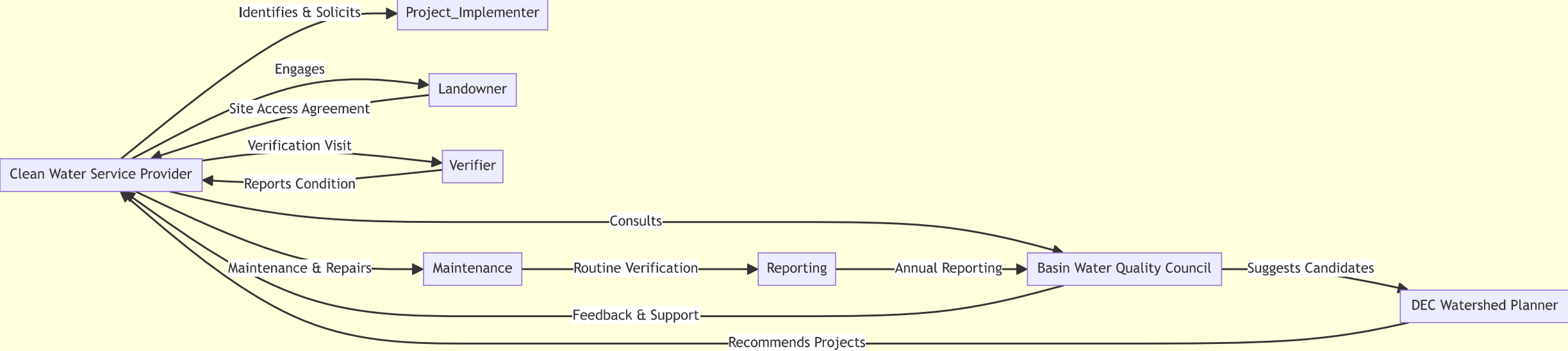
The start date of the adopted project's operating period becomes the date the project was formally adopted and then continues until its original operating period end date. For example, a project adopted at year 5 of a 10-year operating period is adopted, the adoption date becomes the operating period start, and end date is still 10 years from the original start date. The CWSP will receive phosphorus reduction credit starting at date of adoption.

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<sup>7</sup> The cumulative phosphorus reduction allocation is the sum of the annual allocation assigned to a CWSP in their Formula Grant agreements; annual targets are a function of the annual allocation of funding provided to the CWSP using DEC's Fund Allocation Methodology.



Adoption\_Process



## Farm Project refresher

**MEMO**

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)  
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF  
RE: **Farm Project Refresher**  
DA: 12/27/23

=====

A BWQC member recently highlighted the importance of understanding when and how organizations wishing to pursue water quality projects in farm settings can move forward. At previous BWQC meetings discussion has occasionally touched on the fact that, while CWSP funding might be used for certain projects located on farms, the process may be challenging.

As BWQC members know, CWSP funds may be used for some projects but not others. Eligibility is largely determined by the [CWIP Funding Policy](#) and the Act 76 Rule. In the case of projects in farm settings, it is crucial to understand that the 90 percent or more of water quality projects will be under the purview of the Agency of Agriculture, Food, and Markets (AAFM). Even projects that by definition qualify for CWSP funding must undergo a review process where AAFM determines the project is eligible.

Attached materials include a summary email from staff at the (AAFM), a portion of the DEC project screening form, and a “CWSP Project Review flow chart created by AAFM staff.

**From:** [Gage, Nina](#)  
**To:** [Rottler, Chris](#); [Regina Mahony](#); [alougee](#); [Hilary Solomon](#); [Barbara Noyes-Pulling](#); [Waninger-EXT, Bonnie](#); [mwinslow@acrpc.org](#); [Seelig, G](#); [Karen Freeman](#); [Grace Vinson](#); [John Van Hoesen \(ACRPC\)](#); [Catherine Dimitruk](#); [Dean Pierce](#); [fcohen](#); [Kamman, Neil](#); [Swift, Ethan](#); [Copans, Ben](#); [Petito, Gianna](#); [Bird, Emily](#); [Daniel Albrecht](#); [Baker-EXT, Charlie](#); [Carr, Helen](#); [Brian Voigt](#); [Devon Neary](#)  
**Cc:** [Caduto, Marie](#); [Bates, Karen](#); [Dea Devlin](#); [k.lambert](#); [t.martin](#); [Allen, Angie](#); [Rupe, Marli](#); [DiPietro, Laura](#); [Montour, Mary](#)  
**Subject:** Agricultural Project Review Process Overview  
**Date:** Friday, July 8, 2022 11:33:39 AM  
**Attachments:** [CWSP Project Review Flow Chart.pdf](#)  
[ProjectReadinessScreening\\_Agriculture.docx](#)  
[FarmDetermination.pdf](#)

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Good morning,

Thank you for having us this morning at your CWSP coordination meeting. I am attaching the materials we reviewed during the process overview. They include:

### 1. CWSP Project Review Flow Chart

We reviewed this process chart together, and it is a reference material for you while you consider, plan, and complete project readiness screening as part of CWP planning as a CWSP.

### 2. Project Readiness Screening including Attachment 1: Agricultural Project Review (doc)

This information will help streamline the environmental review and project readiness process for your proposed water quality improvement project. This form must be completed for each design/implementation block grant project and submitted as part of your application for funding. **For all Clean Water Service Provider projects, please complete Attachment 1: Agriculture Project Review as well.**

-  
*If you have identified a project site, and it is not eligible under CWSP as an agricultural project on a jurisdictional farm operation and you are interested in referring a landowner to an applicable state or federal agricultural assistance program, or a local organization, you can find more information about AAFM WQ assistance programs, and links to local and regional and contacts here: [agriculture.vermont.gov/water-quality/assistance-programs](http://agriculture.vermont.gov/water-quality/assistance-programs).*

### 3. Farm Determination Form (pdf)

**This is not a required form!** As part of the Project Readiness Screening, please be aware that CWSP can and should do a preliminary review to determine if it is a [jurisdictional farm operation](#), and any case that requires consultation with AAFM will occur via the [farm determination process](#). Note there is an online version of this form available on our website via the [farm determination process](#).

### Contact Information for AAFM Staff

- Nina Gage, Agricultural Water Quality Program Coordinator, [Nina.Gage@vermont.gov](mailto:Nina.Gage@vermont.gov) 802-622-4098

- Mary Montour, Agricultural Water Quality Program Coordinator, [Mary.Montour@vermont.gov](mailto:Mary.Montour@vermont.gov) 802-461-6087
- Laura DiPietro, Water Quality Division Director, [Laura.DiPietro@vermont.gov](mailto:Laura.DiPietro@vermont.gov)
- Project Review: Please submit a detailed description of the **project, project site, project details, landowner, farm operation, and any other relevant information** to VAAFM at [AGR.WaterQuality@Vermont.gov](mailto:AGR.WaterQuality@Vermont.gov)

Kindly,

**Nina Gage**

**802-622-4098**

**Vermont Agency of Agriculture Food and Markets**

**Water Quality**

[www.agriculture.vermont.gov](http://www.agriculture.vermont.gov)

ANR permitting programs? (Answer must be Yes to continue)	
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### Step 5: Conduct Eligibility Criteria #5-8 Screenings

Table 5A. Eligibility Criteria 5-8		
<b>Landowner and Operation and Maintenance Responsible Party Support.</b> Project identifies and demonstrates commitment from a qualified and willing operation and maintenance responsible party. Project demonstrates landowner support for the proposed project phase.  (Answer must be YES to proceed)	Yes	No
<b>Budget.</b> Project budget includes ineligible expenses. (Answer must be NO to proceed)	Yes	No
<b>Leveraging.</b> Proposed leveraging meets required leveraging levels (if applicable), meets the definition of leveraging, and comes from eligible sources (Answer must be YES or N/A to proceed)	Yes	No N/A
<b>Funding Program Specific Eligibility.</b> Project meets additional funding program eligibility requirements*. Please list applicable funding program below:     (Answer must be YES to proceed) *If Water Quality Restoration Formula Grant, complete Step 6 below	Yes	No

### Step 6: Screening Projects on Agricultural Lands (Water Quality Restoration Formula Grants Only)

For Water Quality Restoration Formula Grant projects, please complete the following information as part of your Funding Program Specific Eligibility Screening (Criteria 8). Please note this must be completed for all projects located on agricultural lands regardless of project type. See [CWIP Project Types Table](#) for eligible project types.

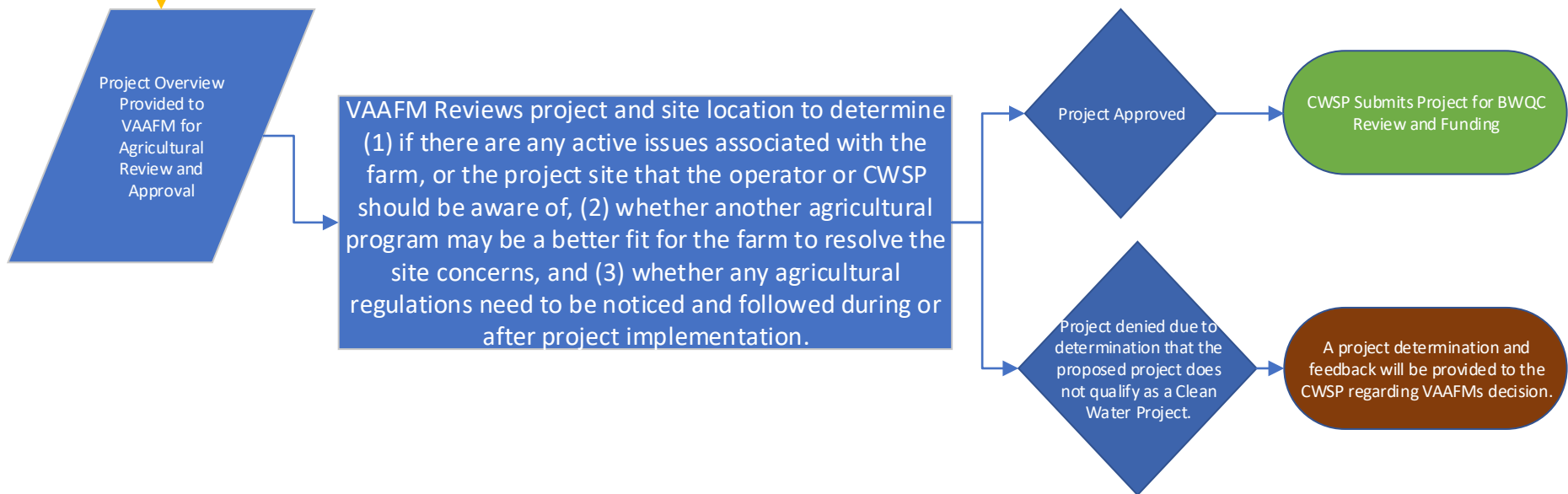
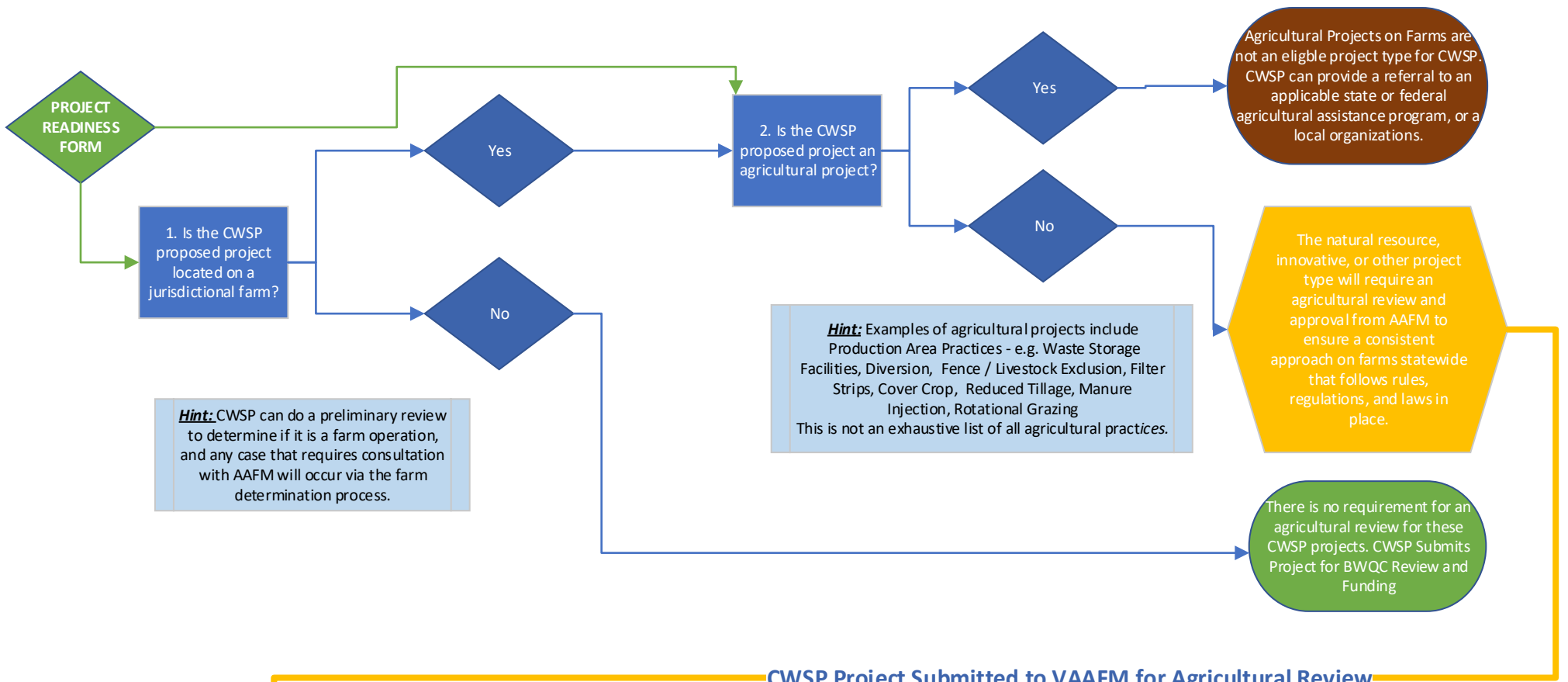
Table 6A. Screening Projects on Agricultural Lands	
1. Is the proposed project located on a <a href="#">jurisdictional farm operation</a> <sup>17</sup> ?  Complete a preliminary review to	Yes - Proceed to next question below.

<sup>17</sup> Jurisdictional farm operations are required to meet Vermont’s Required Agricultural Practices (RAPs).



<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.



**Hint:** In many cases, this approval process may take the form of information, collaboration, or conditions for the CWSP to take into account in project planning or implementation. In some cases, project denial may be a referral to an Agricultural Program specialized in managing the specific site concern identified.

## Updates and Conclusion