

# Memphremagog Basin Water Quality Council

Wednesday, January 17, 2024 9:30am-11:30am

**Attending:** Beth Torpey, Nathanael Johns, Karen Freeman, Meg Carter, Jess Colby, Ted Sedell, Eric Pope, Sam Mayne, Lillian Corbin, Tom Bernier, Kerry O'Brien, Patrick Hurley, Gabryel Gianoni, Ben Copans

## Meeting Minutes

### *Agenda Review*

Nathanael proposed moving the action item regarding ECNRCD's alternate proposal to the top of the agenda. There were no objections.

### *ECNRCD Alternate Designation:*

Essex County Natural Resources Conservation District has proposed having Lillian Corbin as the alternate for District Manager Sam Mayne. Eric made a motion and Kerry seconded. All voted in favor.

### *Roundtable Introductions*

### *Public Comment*

None

### *Review and adoption of 11.2.23 BWQC minutes:*

Meg motioned, Patrick seconded to approve minutes as shared. All voted to approve.

### *CWSP Program Updates:*

- Nathanael discussed the next funding round and brought up the idea of increasing the number of funding rounds. Also discussed was the new DEC Guidance regarding operations and maintenance and the April 5<sup>th</sup> summit meeting. He also talked about potential topics to discuss at the March meeting, including budget modification policy and contractor shortage.
- Karen asked if partners knew how many applications they intended to submit for the next funding round. Ted said he planned to submit one application. Patrick said MWA had one, but that it probably would not be ready by the next deadline. He said that he would be in favor of a rolling application period for the next 6-8 months.

- Nathanael gave an update on the status of the GLFC program and emphasized that VHCB recognizes the need to make this funding available before the field season. Beth reiterated the time-sensitive nature of this issue. She asked if there were any tentative timelines for this, and Karen said sometime within the next couple months. Beth asked if it was too soon for partners to start hiring people, and Karen said that it would be helpful to just get a sense of what the budget needs are. Patrick brought up the need for transparency and requested more information regarding the review process for these applications. Karen said that there will be a review committee and that Ben and Lyn Munno have been contacted about serving on the committee. Meg said that there were still a lot of questions about this program and requested an additional meeting to discuss this more. Patrick said that they are used to having these funds having flexible deliverables for capacity and that it's hard to be held to fixed deliverables and milestones. Nathanael agreed that these funds should remain flexible while also understanding that deliverables and timelines are a necessary element to any grant program. Kerry asked if the CWSP project manager prequalification process would be relevant to the GLFC program, and Karen responded that VHCB would not require organizations to resubmit that documentation.

*End of Year Discussion:*

- Beth said that the Memphremagog Basin has done a great job with project identification for this program, which has a lot to do with the strength of our partnerships. Patrick pointed out the fact that six project applications came in last year and that partners are aware of the needs that exist in the region. He said that one issue is how to keep these partnerships going without showing preferential treatment, especially when it comes to implementation.
- Meg asked if there was any other interest in the prequalification RFP. Patrick said that there hasn't been much interest besides Northwoods, and Nathanael agreed, but added that there was a contractor that would most likely apply (Ames EcoLogics). Patrick asked if contractors have been solicited again, and Karen said that it would be good to do this again.
- Meg said that with changing staff and policy still being developed, the process feels like "riding on the train while the tracks are being laid" and used the attempted adoption of the Willoughby project as an example. Meg and Nathanael agreed with this analogy. Patrick brought up the issue of timelines (being held to timelines, projecting timelines, and if there's a process for extending timelines) and said that there is a lot of DEC involvement in the preliminary process of these projects. He brought up the inconvenience of needing to have so many DEC staff members do field visits for a proposed project when project managers are trying to develop a project over the winter. He said that improving this process would help with expediting timelines. Ben said that this was good feedback and that ideally projects would be broken up into categories based on complexity that would require varying levels of input in the preliminary process. This is something DEC is working on internally. He said that it is important to try to move the process along as smoothly and efficiently as possible while also not skipping steps.
- Ted brought up the idea of meeting every other month. Sam asked if there was a way to do project approvals without having to have a meeting. Beth said that this might work for a simple project but was unsure if it was allowed. Kerry said that she didn't think meetings were a good use of time for smaller projects and asked if it was necessary for the BWQC to approve each

application, as it doesn't seem very trusting of project managers. She said she doesn't think it's a good use of the BWQC to be a grants committee. Beth asked if there was a threshold budget number for bypassing a BWQC vote or to have a review subcommittee in lieu of a project going to the BWQC. Nathanael said he wanted to make sure we are following DEC policy when we are having these kinds of procedural discussions and that we needed to make sure everyone is given the time that they need to properly review applications. Ben said that policy is pretty clear on what the role of the BWQC is (that projects need to be voted on in a public meeting), but that there are opportunities to be flexible, such as having preliminary review sessions. Ted said that there would need to be more compensation for staff costs available for more meetings, as well as the time to review application materials. Sam recommended automatically approving a project when a previous phase of that project had already been approved and there were no major changes. Patrick said that a 3-month period between submittal of an application and a signed task order was too long and that it wasn't following the intention of the program to expedite the process. Nathanael said that because these are taxpayer dollars, it needs to be an open process, and that as more applications come in and funds become more competitive, the review process needs to be adhered to and we can't automatically approve any project application without going through that process. He said in regard to the application timeframe, there is a lot that goes into this work behind the scenes and a lot of policy that needs to be followed, but he would do his best to process applications as quickly as possible while also not cutting corners. Kerry echoed what Ted said about frequency of meetings and compensation. She said that some of the BWQC are compensated for two hours per quarter at a rate lower than their billable rate because they do not have a basin planning grant.

### *Phosphorus Reduction Threshold*

- Nathanael conveyed that DEC has requested the CWSPs and BWQCs to develop a phosphorus reduction cost-effectiveness threshold, as per Guidance, and explained the importance of this and directing projects to the most appropriate source.
- Beth asked if this number was something the BWQC was supposed to come up with and that Basin 6 thought this should not be the role of the BWQC but should instead be a DEC policy issue. Ben reiterated the importance of having this threshold and that it did not have to be fixed in stone but could be adjusted later on. Karen suggested creating a subcommittee to talk more about this and develop a number.
- Ben said that this threshold should not be at the average cost and talked about some of the other considerations, such as the fact that a project is not guaranteed to get funded even if it is below that threshold. Meg suggested having projects above this threshold be considered at the end of the year to see if that threshold needed to be adjusted. Nathanael brought up the point that a project that was over the threshold could still be a good project, but just not for this program and that to meet our basin targets, projects will need to cumulatively average out at \$12,500.
- Meg asked if design life was taken into account in the cost-effectiveness equation. Nathanael and Ben said that design life is part of the equation and that the \$12,500 number was based on

a 15-year lifespan. Nathanael said that DEC is working to adjust these averages based on inflation. Meg, Patrick, Ted, Sam, and Ben agreed to be on the subcommittee.

#### *New Business*

- Ben brought up the upcoming statewide CWSP summit meeting on April 5<sup>th</sup> and asked if the BWQC had topics that they wanted to talk about. Beth said that project identification was an important topic to discuss. Nathanael said that he was open to other people participating in this summit, and Beth said Patrick would be a good presenter. She asked Ben what DEC was requiring from the CWSPs for this meeting. He said that the agenda was being developed and that the CWSPs have requested some time to discuss what they thought was important, so part of the agenda would include basin-specific updates. This would be a collaborative process.
- Meg asked if this would be a regular event, and Ben said that the plan was to do this every year. She also asked if this would be taken into account with the Tactical Basin Planning grant, and he said there were ongoing discussions about how to compensate people for this time. It will be a hybrid event, but they are encouraging people to attend in-person.

**Motion to adjourn meeting. All approved and meeting adjourned at 10:57.**