

Act 76 Subgroup Newsletter 3

To be released early May, covering April 2022 content

This newsletter is intended to provide updates, information, and resources on Act 76 Subgroups. If you would like to be removed from the subgroup newsletter listserv, wish to add a recipient, or have any questions, please email Rachel Wood at rachel.wood@vermont.gov.

Newsletter Content: (click to jump to sections): covers subgroup meetings that occurred in April 2022.

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Chapters 2-4 Guidance

- **Team Lead Contacts:** Chris Rottler, Ethan Swift, and Ben Copans
- **Subgroup Purpose:** Review draft chapters of CWSP guidance as chapter language is available.
- **Meeting Summary:**
 - Date: April 29, 2022
 - Summary: The group met and reviewed the last several areas where there continues to be some differences of opinion as to Chapter 4 guidance language. Topics discussed included:
 - Appointment of BWQC Members
 - BWQC role in: the review of procurement policies (and a distinction between project selection and procurement), Tactical basin planning, and in using the Watershed Project Database (and if this reference could be removed).
 - Key outcomes include:
 - Final draft versions of Chapters 2, 3, and 4 will be prepared and posted for public review and comment later this spring.
 - These chapters address the following elements of Act 76 Guidance:
Chapter 2 - CWSP Governance
Chapter 3 - CWSP Financial Operations
Chapter 4 - BWQC Governance
- **Next Meeting**
 - Date: No further meetings planned at this time.

Data Management and Reporting

- **Team Lead Contacts:** Helen Carr and Danielle Owczarski
- **Subgroup Purpose:** Review clean water project data management (funding, performance measures, phosphorus reductions, and reporting).
- **Meeting Summary:** Meeting not held in April

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- **Next Meeting:**
 - Date: May 5, 2022
 - Agenda:
 - Phosphorus Calculator Tools – how to estimate phosphorus reduction for a particular project.
 - Updates on ANR Online WPD forms
 - Discussion about trainings on tools (WPD search, Project Explorer, STP Calculator)
- **Public Meeting Update:**
 - VTDEC held a public meeting on April 15, 2022, to provide an overview of the DRAFT Standard Operating Procedures (SOPs) for Phosphorus Tracking & Accounting. Visit the Clean Water Service Delivery Act webpage [Public Notice section](#) for the meeting recording, minutes, and presentation materials.

Enhancement Grant Structure

- **Team Lead Contact:** Gianna Petito
- **Subgroup Purpose:** To cover distinction from formula grants, eligible project types, prioritization, grant-making structure (i.e., block grants?), and project phasing.
- **Meeting Summary:**
 - Date: April 5, 2022
 - Summary: Reviewed proposed timeline and final work product of the sub-group. Group will work towards finalizing an Enhancement Grants Summary Document that houses points of agreement on statutory interpretations, definitions, granting structures, project types, prioritization, selection, and advancement. Information from this document will guide forthcoming RFPs to be released under the Enhancement grant category. Timeline estimates subgranting to open next Spring 2023 assuming no delays in progress. Group agreed to make future meetings a full two hours. Group continued discussion on granting structure with a focus on how a block grant budget might be structured across project types, phases, or statutory goals. Budget flexibility is desirable but with some degree of state guidance. Group discussed values/preferences for what state guidance should look like (weighting budget across project phases by average cost? Ensuring an emphasis on protection of high-quality waters? Supporting a variety of project types? Etc.). Suggestion to establish a timeline for revisiting this budget guidance once we've learned more through experience with the grants.
- **Next Meeting:**
 - Date: May 3, 2022
 - Agenda:
 - Granting structure continued
 - Project type definitions (time permitting)

Formula Grant and Fund Allocations

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- **Team Lead Contacts:** Emily Bird and Ben Copans
- **Subgroup Purpose:** to build stakeholder understanding of targets and fund allocation methodology and to gather and address stakeholder input prior to posting methodology for 30-day public notice/comment.
- **Meeting Summaries:** Meeting not held in April
- **Public Meeting Update:**
 - VTDEC held a public meeting on April 12, 2022, to provide an overview of the DRAFT Water Quality Restoration Formula Grant Targets and Fund Allocation Methodology. Visit the Clean Water Service Delivery Act webpage [Public Notice section](#) for the meeting recording, minutes, and presentation materials.

Operation and Maintenance (O&M)

- **Team Lead Contacts:** Helen Carr and Jill Sarazen
- **Subgroup Purpose:** To review Operation and Maintenance manual, develop training structure and data management for Operation and Maintenance Verification.
- **Meeting Summary:**
 - Date: April 12, 2022
 - Summary
 - Jill provided an overview of the proposed O&M training program (three tiers: O&M training program overview, verification program trainings, and maintenance sector-based trainings) and gathered feedback.
 - From review of the O&M manual several questions came up that DEC will follow up on, which include requirements for invasive removal, funded maintenance activities, ag project verification.
 - Pieces of the site access agreement were discussed as well as potentially conservation easements. Meeting with DEC attorney about updating these documents to work with the CWSP funding model. Right now, DEC plans to have a tiered approach for requiring an easement or just an agreement. Could depend on design life, or project cost, and have an easement required at some threshold.
 - DEC is working on incorporating roles and responsibilities into the O&M guidance document.
- **Next Meeting:**
 - Date: 5/17/22, 2-3:30pm
 - Agenda:
 - Discussion of updates to guidance on site access agreement

Resources

- VTDEC held two public meeting on April 12th and April 15th to provide an overview of the DRAFT Water Quality Restoration Formula Grant Targets and Fund Allocation Methodology and DRAFT Standard Operating Procedures (SOPs) for Phosphorus Tracking and Accounting. Visit the Clean Water Service Delivery Act webpage [Public Notice section](#) for meeting recordings, minutes, and presentation materials.

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Other News

- **Open Registration for Wetlands Assessment Summer Course at Middlebury**
 - **August 1 – 5, 2022, Middlebury, VT**
 - [CSP3106-Wetland Assessment, Restoration and Management \(fws.gov\)](https://www.fws.gov/act76/wetlands)
 - **Course Description:** Participants will assess degraded wetlands for restoration potential, develop and implement restoration plans and develop management plans for the specified wetland objectives. Through lectures, field work and group activities the course will emphasize wetland ecology, wildlife needs, enhancement of wetland functions, conceptual design and implementation processes, structural and vegetative restoration practices, permitting requirements, control of nuisance and invasive species and other management considerations. Course location will be selected to emphasize the following wetland types: bottomland hardwoods, prairie potholes and other depressional systems, riverine and managed seasonal wetlands.
 - This course will deal primarily with the restoration of Riverine Wetlands