

Act 76 Subgroup Newsletter 5

To be released early July, covering June 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 June 2022.

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Chapter 6 Guidance

- **Team Lead Contacts:** Chris Rottler, Ethan Swift, Ben Copans
- **Subgroup Purpose:** Review draft chapters of CWSP guidance as chapter language is available.
- **Meeting Summary:** DEC anticipates convening the next stakeholder group meeting to commence with the review of Chapter 6 in August – date TBD and following a 2-week review period of the first draft of Chapter 6.
- **Next Meeting**
 - Date: TBD
 - Agenda:

Data Management and Reporting

- **Team Lead Contacts:** Helen Carr and Claire Madden
- **Subgroup Purpose:** Review clean water project data management (funding, performance measures, phosphorus reductions, and reporting).
- **Meeting Summary:**
 - Date: 6/6/2022
 - Summary:
 - Discuss data standards and reporting requirements to clarify data requirements and specific methods for calculating buffer area, drainage area, etc. Address questions related to reporting multiple BMPs as a single project, increase consistency between project types and BMPs.
 - Review data tracking spreadsheet – recommended system to manage project level data that receives CWSP funding. Shows comprehensive view of practice level data requirements in order to track project outcomes and calculate phosphorus reductions.
 - Date: 6/27/2022
 - Summary:

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- Phosphorus accounting methods for Agriculture, Developed Lands, and Natural Resources are being finalized and will be available on DEC's website by 6/28/22.
 - Demonstration of ANR Online nForm for submitting new clean water projects to WPD. This form will be used to record new projects identified through an assessment or planning phase of a project, replacing the Batch Import File (BIF). The form can also be used to add any individual newly identified clean water project to the Watershed Projects Database (WPD).
 - New clean water project form submissions will be reviewed and approved by the watershed planner assigned to the basin the project is located.
 - New projects should be submitted via the form and added to WPD prior to being funded. Recommend requiring a WPD ID # on any funding proposal or application.
 - Demonstration of interim phosphorus calculator tool for lake shoreline, riparian buffer, forest road, and floodplain/stream restoration project types. This tool, along with the Stormwater Practice Treatment Calculator and Functioning Floodplains Initiative app, will be available to estimate project level estimates of phosphorus reduction to help with project prioritization.
- **Next Meeting:**
 - Date: TBD – mid July
 - Agenda:
 - Demonstration of Project Update Form

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: 6/7/2022
 - Summary:
 - Gathered group feedback on expanding CWIP Funding Policy language for primary purpose of clean water projects. CWIP will be replacing “nutrient and sediment reduction” with new broader language to allow for Enhancement projects to still be eligible. CWIP will work internally to draft new language and share as part of SFY23 Funding Policy updates. Proposed new approaches include referencing the VT Water Quality Standards, and/or the VT Surface Water Management Strategy.
 - Reviewed definitions of eligible “project types” and proposed edits to broaden language and allow for Enhancement projects. General consensus on some proposed edits will be included in the SFY23 Funding Policy new Milestones and Deliverables table.

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- Discussed appropriate mechanism to apply the 5 statutory goals of Enhancement grants. Group indicated they should be used both as an eligibility screen and in the guidance for prioritizing projects. Further discussion on interpretation of terms. Group preference to leave them broad/vague and be explicit in authority granted to block grant holder for interpretation.
- **Next Meeting:**
 - Date: 7/12/2022
 - Agenda: Project prioritization guidance

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: 6/28/2022
 - Agenda:
 - 1) Thresholds for access easements discussion
 - 2) Thoughts on eligible activities for O&M funds in the first year and adopting projects
 - Summary:
 - We reviewed options for site access and thresholds where an access easement will be required, this was based on analysis of implementation costs of CWIP funded projects. The group expressed support for DEC requiring access easement for projects costing over \$200K. We will keep it simple with one amount (either access easement required or not). Lower cost projects can include a license for site access. DEC is working with attorney on templates for these agreements.
 - Reviewed eligible expenses for the first year of funding and got feedback on the list, first year will focus on start-up and current project inventory. More funding will be allocated in the future for O&M as more projects are constructed.
 - We will follow up with other DEC team members to address questions that came up including:
 - Timing of completing O&M guidance document and review.
 - Expiration dates for access easements – if renewal clause can be included or maybe not expire.
 - Will flush out more details for guidance and the process for CWSPs to adopt O&M of existing projects. We welcome additional feedback on this process.
- **Next Meeting:**

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- Date: 8/2/22
- Agenda:
 - Site access agreements
 - Guidance on adoption of existing projects for the first year
 - Chapter 8 guidance language

Resources and Trainings

- Clean Water Lecture: Building Vermont's Service Provider Network with Emily Bird, Chris Rottler, Ethan Swift, Dan Albrecht, and Dean Pierce.
 - The recording of the lecture is available on the Clean Water Initiative [YouTube channel](#).
- Abenaki Perspectives on Water: Recording
 - Lake Champlain Sea Grant and the VT DEC hosted this Abenaki Water Perspectives panel discussion with speakers Chief Don Stevens, Melody Mackin, and Rich Holschuh on June 17, 2022. Prior to attending participants watched the film [Nebi](#).
 - [Full Recorded Version of Abenaki Perspectives on Water Discussion \(~1.5 hours\)](#)
 - [Highlights from Abenaki Perspectives on Water \(~4 minutes\)](#)

Other News

- Tracking and Accounting SOPs (Standard Operating Procedures) have been finalized and posted. View the final documents on the [Clean Water Project Tracking and Accounting webpage](#) as well as the [Public Comment Response Summary](#).
- WID group working on concept draft that will provide guidance to CWSPs/BWQCs, Enhancement Block Grant holders, and project proponents on how to navigate pursuing DEC funds in basins that have access to both Formula and Enhancement grants. Concept draft will be shared with Enhancement and CWSP sub-groups once ready to solicit external input.
- WID group working on revised language in Chapter 3 of Formula Grant Guidance pertaining to project procurement, sole sourcing, and project viability. Updated language will be shared mid-July and public comment period on Chapter 3 has been consequently extended to allow for these updates to be considered.