

**Vermont Clean Water Board
Clean Water Budget Public Hearing Minutes**

Date/Time: Thursday, November 4, 2021, 10:30 am – 12:15 pm

Virtual Option to Attend: [Microsoft Teams Meeting](#)

Physical Location to Attend In-Person: Agency of Natural Resources, One National Life Drive, Montpelier, VT 05602 in the Catamount Room (Davis Building, 2nd Floor, Room D215).

Meeting details, materials, and recordings available at: <https://dec.vermont.gov/water-investment/cwi/board/meetings>

Clean Water Board Members/Designees:

Douglas Farnham, Agency of Administration (AoA) Chief Operational Officer and designated Clean Water Board Chair (Present)

Tayt Brooks, Agency of Commerce and Community Development (ACCD) Deputy Secretary (Present)

Alison Conant (Absent)

Bob Flint, public member (Present)

Joe Flynn, Agency of Transportation (VTrans) Secretary (Present)

James Giffen, public member (Present)

Julie Moore, Agency of Natural Resources (ANR) Secretary (Present)

Anson Tebbetts, Agency of Agriculture, Food and Markets (AAFM) Secretary (Present)

Chad Tyler, public member (Present)

1. Welcome (Meeting Recording Timestamp 00:00:10)

Agency of Administration (AoA) Chief Operational Officer and designated Clean Water Board Chair Douglas Farnham convened the hearing at 10:30 am and reviewed the agenda. Chair Farnham welcomed the Board and guests and introduced himself in his new role as Chair.

2. Clean Water Funding Background and State Fiscal Year (SFY) 2023 Budget Process (Meeting Recording Timestamp 00:03:15)

Dept. of Environmental Conservation (DEC) Clean Water Initiative Program (CWIP) Manager Emily Bird presented information on Clean Water Funding, the Clean Water Board, and Budget Process. Slides 3-7.

3. Presentation of Draft SFY 2023 Clean Water Budget by Agency Staff (Meeting Recording Timestamp 00:10:00)

Agency staff presented the Draft SFY 2023 Clean Water Budget as follows.

- a. DEC CWIP Manager Emily Bird presented the total SFY proposed budget of \$46.9M, comprising \$25.6M Clean Water Fund (CWF), \$11M Capital, and \$10M American Rescue Plan Act (ARPA) funding. Ms. Bird also described the role of Act 76 of 2019 in directing the Board's prioritization of funding within three tiers, the proposed allocation of funds within those tiers, and approach taken to develop that proposal. Also presented was information on how to comment on the proposed budget. Slides 9-15.
- b. AoA Dept. of Finance and Management Senior Budget Analyst Michael Middleman described the purpose of the proposed investment in Stormwater Utilities. Slide 18.
- c. Agency of Agriculture, Food and Markets (AAFM) Water Quality Director Laura DiPietro described the investments proposed in the areas of Water Quality Grants to Farmers and Partners, and Agency of Agriculture Program Support. Slides 19-20.
- d. ACCD Dept. of Housing & Community Development Downtown Program Manager Gary Holloway presented information regarding the Better Connections Grants Program and Downtown Transportation Fund Investments. Slide 21.
- e. DEC CWIP Manager Emily Bird presented information regarding the Water Quality Restoration Formula Grants to Clean Water Service Providers (CWSPs), Operations and Maintenance funding for CWSPs, Tactical Basin Planning Support, Statewide non-regulatory Clean Water Projects (proposed to fulfill the Water Quality Enhancement Grant Program along with Vermont Housing and Conservation Board's "Land Conservation and Water Quality Projects" program), Program and Partner support, Municipal Three-Acre General Permit and

Municipal Separate Storm Sewer System (MS4) funding program to support municipalities implementing stormwater regulatory requirements, and investments in innovation. Slides 22-28.

- f. DEC Water Infrastructure Finance Program Manager Padraic Monks described the proposed funding to support the Developed Lands Implementation Grants in support of private landowners to comply with the Three-Acre General Permit program. Slide 29.
- g. DEC Lakes and Ponds Program Manager Oliver Pierson described the proposed Lakes in Crisis funding, and projects implemented under the Lakes in Crisis response Plan to date. Slide 30.
- h. DEC Water Investment Division Engineering Director Eric Blatt described the proposed investments needed to match Clean Water State Revolving Loan federal capitalization grants, and investments proposed for State Pollution Control Grants. Slides 31-32. Eric Blatt referenced new rules that are now used to direct the size of awards to eligible municipal projects.
- i. Dept. of Forests, Parks and Recreation (FPR) Forests Director Danielle Fitzko described proposed investments in Forest Water Quality Practices and Implementing Best Management practices at State Forests, Parks and Recreational Access Roads. Slides 33-34.
- j. Agency of Transportation (VTrans) Municipal Assistance Program Manager Joel Perrigo described the proposed investments in the Municipal Roads Grants-in-Aid Program and the Better Roads Program to support implementation of practices necessary to comply with the Municipal Roads General Permit. Slides 35-36.
- k. Vermont Housing and Conservation Board (VHCB) Policy and Special Projects Director Jen Hollar described the uses of investments to support Land Conservation and Water Quality Projects and Water Quality Farm Improvement and Retirement projects. Slides 37-39.

4. Public Questions on Presentation (Meeting Recording Timestamp 00:50:35)

Clean Water Board Chair Douglas Farnham invited questions on the presentation. No questions were raised.

5. Public Comments (Meeting Recording Timestamp 00:51:30)

Clean Water Board Chair Douglas Farnham invited public comment. Public comment is summarized as follows.

- a. Lyn Munno, Watersheds United Vermont: Ms. Munno thanked the Board and Agencies for their work. Two important changes requested: 1) increase Water Quality Enhancement Grants Program to \$5M of Clean Water Fund. Current amount of CWF allocated is only \$3M. VHCB funding should be in addition to \$5M of Enhancement Grants. Ms. Munno explained the importance of the Enhancement Grant Program. 2) Increase funding to Tactical Basin Planning from \$600K to \$800K. The purpose is to make sure that Basin Water Quality Councils are reasonably compensated to participate in Council Proceedings.
- a. Jon Groveman, Vermont Natural Resources Council (VNRC): Mr. Groveman shared that it appears that ANR and CWB is combining Capital and Clean Water Fund to achieve the \$5M required for the Enhancement Grant Program. VNRC interpretation is that statute requires a CWF investment of \$5M to this Program, not \$5M from whichever source. VNRC is also concerned that funding for Developed Lands is greater than it should be. Commercial and high-end residential property should not be supported to achieve the Three-Acre General Permit requirements with public funding.
- b. Rob Evans, Franklin Watershed Committee: On behalf of Mr. Evans, Mr. Englehardt read a prepared statement for continued support of Lake Carmi – the State’s only Lake in Crisis. Much remains to be done. Critical needs include real time monitoring to support operation of the aeration system, funding of the annual maintenance contract for the aeration system, including electrical system costs, revise the Lake Carmi Total Maximum Daily Load (TMDL) to a more conservative water quality criterion of 17 or 18 micrograms per liter of phosphorus.
- c. Jared Carpenter, Lake Champlain Committee: Mr. Carpenter supports Ms. Munno and Mr. Groveman’s recommendation regarding Water Quality Enhancement Grants; that it be funded at \$5M. Mr. Carpenter is concerned that the budget is stretched too thin and overinvests in tiers two and three relative to Tier one. Specifically, Formula funding may need to be greater, to allow for project development activities. An additional option will be to hold some funds in reserve in the event a CWSP needs additional development support.
- d. Kathy Urffer, Connecticut River Conservancy: Ms. Urffer understands that the Enhancement Grants Program is to be directed primarily towards geographic areas outside watersheds with active Water Quality Restoration Formula Grants and CWSPs, and for activities not associated with phosphorus pollution control. Please fund this at \$5M. Urffer indicated concern that dam removal is not an eligible activity under the Enhancement Grants Program. In the future, Ms. Urffer recommends that the budget proposals specify the geographic regions to which areas are directed. Ms. Urffer used information in the *Vermont Clean Water Initiative Annual Performance Report* to make the case for inequitable distribution of funds to the Connecticut River Basin.

- e. John Bennett, Windham Regional Commission (WRC): Mr. Bennet requested the Board provide a full \$5M from the Clean Water Fund for the Enhancement Grant Program. As a regional planning commission for 27 towns in Southern VT, WRC has undertaken many projects in support of clean water. A lack of funding for project development has been a barrier, including a specific need for stream geomorphic assessments and river corridor plans for the West River. WRC's municipalities indicate exhaustion at continually addressing stormwater issues, emphasizing the need for additional support of resilience projects. Thus, additional funding for the Enhancement Grants Program is needed.
- f. Mary Russ, White River Partnership (WRP): Ms. Russ commented that two priority Tier 1 recommendations are insufficient: 1) \$600K for Tactical Basin Planning is insufficient. WRP believes this funding should be at a level of \$800K. WRP concurs that the Enhancement Grants Program should be funded at \$5M. The needs for these funds are enormous. Ms. Russ cited example streams and locations that would be supported by Enhancement Grants.
- g. Peter Gregory, Two Rivers-Ottawaquechee Regional Commission (TRORC): Mr. Gregory is providing testimony on behalf of TRORC and Mount Ascutney Regional Commission, which represent 40 towns along the White River and Connecticut River. The perspective of these two RPCs is that legislative intent requires an investment of \$5M into the Enhancement Grant Programs from the Clean Water Fund, and that this should not come at the expense of the valuable work undertaken by VHCB.
- h. Jill Arace, Vermont Association of Conservation Districts (VACD): Ms. Arace commented that VACD would like to see the Enhancement Grants Program funded at \$5M as statutorily required and recommends funding Tactical Basin Planning at an increased level to \$800k, specifically due to additions of Basin Water Quality Council participation and to support Council members not presently supported by Tactical Planning grants. VACD's ongoing design and implementation block grant program has strong demand for funding statewide and without sufficient funds in the Enhancement Grants Program these projects would not be able to be funded.
- i. Andrea Englehardt, Lake Carmi Campers Association: Ms. Englehardt thanked the Board for the investment. She questions the reporting of a 41% reduction in phosphorus because they have not observed a commensurate reduction in cyanobacteria blooms in the lake. Ms. Englehardt recommends additional support in the innovation line for a more natural approach by limiting additional nutrient application, so as not to spread when plants are not growing. Alternately, consider increasing nutrient storage or trucking nutrients out of the Carmi watershed.
- j. Ernest Englehardt, Lake Carmi Campers Association: Mr. Englehardt on behalf of the Board of Lake Carmi Campers Association recommends implementing stream gauging as was described in the Agency of Agriculture, Food and Markets report on the feasibility of stream gauging. This would provide data on nutrients entering the lake, and a year-by-year picture of nutrient loading to the lake. This would allow more accurate information used to model effectiveness of certain practices. Also, compliments to the staff assembling the Clean Water Board materials.
- k. Dan Albrecht, Chittenden County Regional Planning Commission (CCRPC): CCRPC commends the Board for support of municipal stormwater grants. The MS4 municipalities have projects lined up, staff, and they are doing many projects to meet flow restoration and phosphorus control plans. CCRPC notes that there are many landowners subject to the Three-Acre General Permit, and there is concern that these are not prioritized. Please update DEC Funding Policy on how Three-Acre General Permit projects should be selected. CCRPC also complimented staff who assembled the clear and concise materials.
- l. Ron Rhodes, Connecticut River Conservancy (commented in the Microsoft Teams meeting chat): Second both Lyn and Jon's comments! Have to run to next meeting. Thank you.
- m. Brenda Gail Bergman, The Nature Conservancy (commented in the Microsoft Teams meeting chat): Thank you to all who organized this event! We also second the comments regarding the importance of funding Tier 1 Enhancement Grants at \$5M.

6. Determine Next Steps, Closing Remarks (Meeting Recording Timestamp 01:35:25)

Clean Water Board Chair Douglas Farnham thanked participants for their engagement and participation. The Board will consider all comment provided and will provide information in advance of the December 14, 2021 Clean Water Board meeting. Ms. Bird provided additional information on access to the online questionnaire and how to submit comment. Secretary Moore emphasized that the Board would like broad public comment and encouraged partners at the meeting to broadly circulate the questionnaire within their networks.

7. Adjourn (Meeting Recording Timestamp 01:38:00)

Motion was made by ANR Secretary Julie Moore to adjourn. Motion was seconded by VTrans Secretary Joe Flynn. Motion passed; meeting adjourned at 12:09 pm.

Supporting Materials:

1. Draft SFY 2023 Clean Water Budget Overview
2. Draft SFY 2023 Clean Water Budget Public Comment Online Questionnaire
3. Draft SFY 2023 Clean Water Budget Presentation Slideshow