

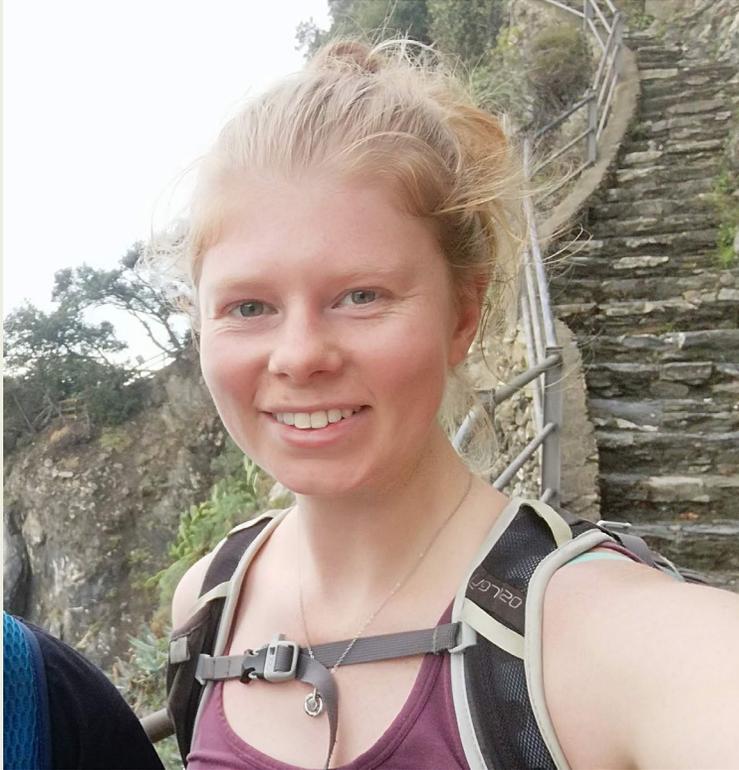
Site Access Agreements: A Verification and Maintenance Training

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Online Training

Vermont Department of Environmental Conservation and Lake Champlain Sea Grant

Introductions



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Training Outline:



Intended Training Audience

Site Control in Statute

Clean Water Project Site Access

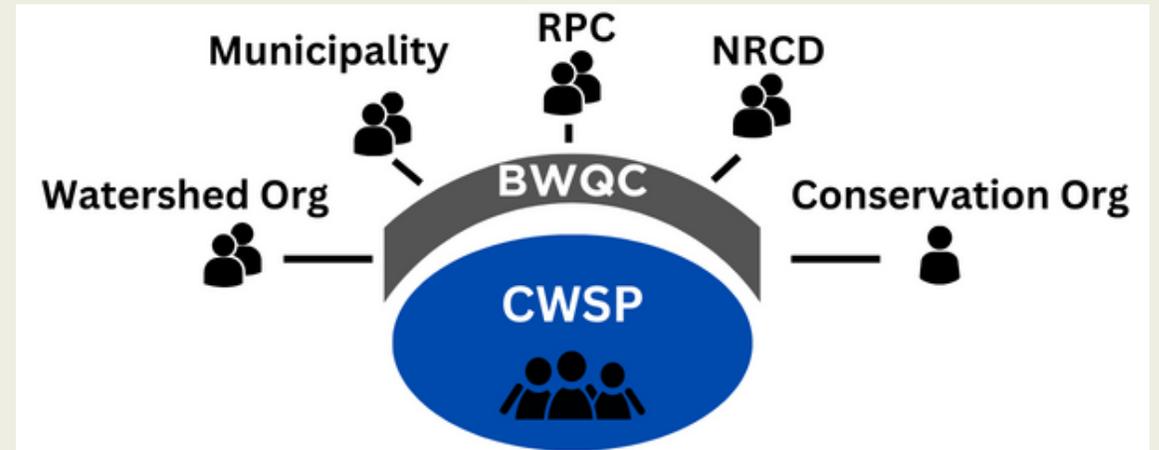
Cover Letter and Site Access Agreements

Certification and Training Reimbursement Process

Questions

Intended Training Audience

- For anyone using Site Access Agreements under the Clean Water Service Provider model
 - Clean Water Service Providers (CWSPs)
 - Project Implementors
 - Landowners
 - Municipalities
 - Clean Water Partners



For more information about CWSPs and the implementation of Act 76, see this [Clean Water Conversation](#), and details on the [VT DEC Website](#).

What are Site Access Agreements?

- Signed agreement between CWSP and landowner that...
 1. Grants CWSP, DEC, and partners access to the project site to install, verify, and maintain non-regulatory clean water projects funded by formula grants.
 2. Outlines maintenance expectations and frequency
- Either a license or an easement.



Why have Site Access Agreements?

10 V.S.A. § 39-403 (j) Quality Control and Site Control. The CWSP shall ensure site control to access property where clean water projects are installed, which may include acquisition of a fee simple interest, a maintenance and access easement, or a maintenance and access agreement. Any site control in fee simple, easement, or agreement shall be documented on a form provided by the Secretary. Such fee simple interest, easement, or agreement may be secured by or assigned to a third-party following Secretary approval.

- CWSPs maintain “site control” in order to install, maintain, and verify Clean Water Projects
 - Conduct standard operation and maintenance
 - Verify projects are functioning as intended and in good condition
- What does Site Control and Site Access look like?

Evolution of Site Access Agreements

- Previous O&M Plan and Agreement for projects funded by Clean Water Initiative Program (CWIP) funds.
 - New site access agreements are very similar.
- New forms were developed by CWIP over a year-long process engaging with Act 76 O&M Subgroup, DEC legal, CWSPs and their legal council, and other stakeholders.

Purpose of Training

DEC received feedback/questions/challenges encountered:

Getting landowner sign on

Legal language barrier

Lawyer review

Cover Letter

- Must accompany the access agreements.
- Provides plain language translation of access agreements.
- Tone express gratitude and encourage collaboration.
- Outlines overall water quality benefits of the project.
- Identifies landowner liaison organization.
 - Landowner Liaison: the primary entity to communicate with the landowner about site visits and project concerns.
- Informs landowner of expected maintenance activities and its frequency.



Introduction: Site Access Agreements

- Two documents: DEC templates for Site Access License and Easement Agreements.
 - Signed by CWSPs and landowners (municipal and private landowners).
- For all projects funded under formula grants
- One form for both Site Access and O&M Plan

Site Access Agreements

Agreement Type	Terms	Duration	DEC Policy
Site Access License	A signed agreement between landowner(s) and CWSP to allow access to project area for planned visits to install, inspect, conduct maintenance, and if necessary, repair damage to a project.	Initial term lasts for the project's design life. Following initial term, agreement automatically renews for consecutive terms, until the agreement is terminated by either party. Does not run with the land (i.e., if land is sold CWSP/Landowner liaison will need to renegotiate terms to maintain access)	Can be used for projects with implementation costs below \$200K.
Site Access Easement	A signed agreement between landowner(s) and CWSP that is filed in the municipal land record to allow access to project area for planned visits to install, inspect, conduct maintenance, and if necessary, repair damage to a project.	Initial term lasts for the project's design life. Following initial term, the agreement automatically renews for consecutive terms, until renewal is declined by either party. Runs with the land (i.e., even if the land is sold the easement still applies).	Can be used for all project types, if desired by landowner/CWSP, and is required for projects with implementation costs equal to/over \$200K.

Drafting a Site Access Agreement

Design (Preliminary/Final)	Project Implementation (prior to breaking ground)
<ul style="list-style-type: none">• Begin negotiations with landowner• Draft 10-year (minimum) DEC Operation and Maintenance (O&M) Plan and documentation of support/commitment from O&M responsible party and landowner• Draft 10-year (minimum) access license or easement and documentation of project support/commitment from landowner	<ul style="list-style-type: none">• Finalize negotiations with landowner• Signed 10-year (minimum) DEC Operation and Maintenance Plan• Signed 10-year (minimum) access license or easement

Components of the Site Access Agreements

Adjusting Template to Meet Needs

- Contact information
 - Add additional landowner tables as needed
- Location of property and project
 - Use what makes most sense to locate the project: E911 address, SPAN #, Parcel ID
 - Important to be able to locate project, also require center point of project in latitude/longitude decimal degrees
- Adding additional project description tables
 - Add multiple project description tables to meet needs

Operation and Maintenance Plan

- Part of the site access agreement
- Project Description table
 - Drop downs for project type and practice type
- Visit frequency for maintenance and verification
- List equipment that may be used to maintain project (e.g., vactor truck not hand tools)
- List standard maintenance activities required to keep project in good condition

What does maintenance look like?



- Stabilizing eroded areas
- Mowing
- Removing trash and debris
- Removing accumulated sediment.
- Replanting dead vegetation.

CLEAN WATER INITIATIVE

OPERATION & MAINTENANCE MANUAL FOR CLEAN WATER PROJECTS IN VERMONT



Coming soon! – *in the meantime please use professional knowledge for maintenance guidance.*

Manual contents:

- Practice type and description
- Maintenance guidance
- Equipment, materials, and labor required for routine maintenance.
- Factors known to affect the lifespan of the BMP.

Design Life and Term of Agreements

- Design life: The period of time that a clean water project is designed to operate according to its intended purpose.
- Initial term of agreement = design life of project
- Automatic renewal

Points of Consideration

- Design life of project being implemented and the term of the site access agreements
- Talk automatic renewal, renewal term a negotiation with landowner
- The expected frequency of visits (maintenance and verification) and use of landowner liaison to be main point of contact, someone they trust
- The expected maintenance activities and what this look like for the landowner, what should they expect?
- Discuss what landowner can do within project area

Key Takeaways from this Training

- Cover letter provides plain language explanation
- CWSP required to maintain site control/access
- Site Access Easement and License are key to maintaining access to property and keeping projects in good condition
- The difference between site access easement and license

Upcoming Trainings

- Verification and O&M Trainings are currently being developed.
- New training announcements will be through the CWIP Grants Notification Listserv.



Training Certificates and Resources

- [Applicant & Recipient Resources | Department of Environmental Conservation \(vermont.gov\)](#)
- As needed, forms will be edited on annual basis
- Chapter 7 O&M guidance will be released in the coming months, look out for public comment period.
- Link to the [post-training Microsoft Form Survey](#)

Process for O&M training reimbursements



Please fill out Microsoft form linked in this training.



You will receive an email certifying your participation. DEC will keep a list of individuals who have attended O&M trainings.



Refer to the funding policy for the list of eligible entities to receive reimbursement funds from DEC.

Thank you for listening! Questions?

For follow up questions, please email us:

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