

DEPARTMENT OF ENVIRONMENTAL CONSERVATION LEGISLATIVE REPORT

Report Name: PROGRESS REPORT ON RIVER BASIN WATER QUALITY MANAGEMENT PLANNING

Year: 2021

Date reported: 1/15/2022

Authorizing statute: 10 V.S.A. § 921 – 929 and 10 V.S.A. § 1253

Committees: House Committees on Agriculture and Forestry and on Natural Resources, Fish, and Wildlife and to the Senate Committees on Agriculture and on Natural Resources and Energy

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Executive Summary

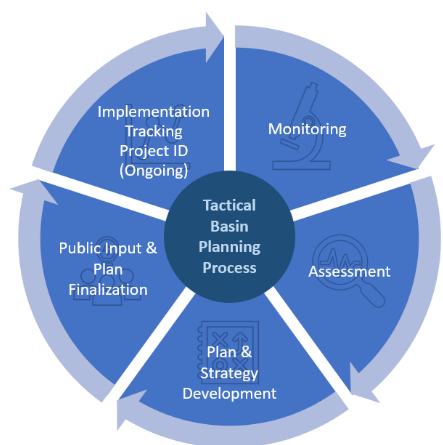


Figure 1. Tactical Basin Planning 5-year Cycle

The [Watershed Planning Program](#) (WPP) of the [Water Investment Division](#) is charged with developing and implementing watershed management plans that summarize existing water quality conditions and associated attainment with surface water uses (such as recreation and aquatic life support), with identified priorities for surface water protection and restoration of degraded waters. Vermont state statute (10 VSA 1252) as well as the Vermont Water Quality Standards (2017) require the development of Tactical Basin Plans for each of Vermont's 15 river basins to be approved on a five-year iterative cycle (see Figure 1).

Key Takeaways - The Watershed Planning Program noted this progress made in 2021:

- [Upper Connecticut River Tactical Basin Plan](#) approved in June 2021
- [Missisquoi Tactical Basin Plan](#) was approved in December 2021
- [Lamoille Tactical Basin Plan](#) was approved in December 2021
- Missisquoi and Lamoille Final Report Card was submitted along with Vermont's [Clean Water Investment Report](#) in December 2021

Other Helpful Links:

- [Tactical Basin specific webpages](#)
- [Tactical Basin Planning Storymap](#)
- [Clean Water Initiative Program \(CWIP\)](#)

Program Work Planned for 2022 – 2025:

The Watershed Planning Program anticipates an increase in [Tactical Basin Planning development](#) and activities related to Clean Water Project development and implementation from 2022-2025. In this past year, WPP has been focused on the development of the Champlain TMDL "Phase 3" content which describes the state's current progress since 2016 towards meeting sector-specific phosphorus targets and state programmatic commitments, as well as projections of sector-specific target reductions for the next five years. In 2021, both the Missisquoi and Lamoille Tactical Basin Plans incorporated TMDL Phase 3 content, and for 2022, the focus will be primarily on the South Lake Champlain Basin. The following Tactical Basin Plans are slated for development, review, and approval by the end of 2022:

- Batten Kill Walloomsac Hoosic Tactical Basin Plan (Basin 1)
- South Lake Champlain Tactical Basin Plan (Basins 2 and 4)
- Black and Ottauquechee Rivers Tactical Basin Plan (Basin 10)
- West, Williams, Saxtons Tactical Basin Plan (Basin 11)
- Memphremagog Tactical Basin Plan (Basin 17)

Watershed Planning and Clean Water Service Delivery (Act 76)

Tactical Basin Plans (TBP) identify clean water goals and the strategies necessary to identify, develop and implement projects to meet these targets. These projects are catalogued in an online [Watershed Projects Database](#), which is continuously updated. Tactical Basin Planning is integral to identifying priority projects to achieve clean water targets described in clean water restoration plans, known as Total Maximum Daily Loads (TMDLs), the Vermont Clean Water Act of 2015, and the [Clean Water Service Delivery Act \(76\) of 2019](#).

The Clean Water Service Delivery Act of 2019 (Act 76) changed the administration and implementation of clean water funds in the State of Vermont. A notable change resulting from Act 76 of 2019, in terms of administering clean water funds, is the establishment of Clean Water Service Providers (CWSPs) and the Water Quality Restoration Formula Grant Program. CWSPs, for watersheds draining to Lake Champlain and Lake Memphremagog, have now been established through [rulemaking](#) as of August 12, 2021. Service providers will be responsible for identifying, prioritizing, developing, and implementing projects to meet a five-year phosphorus reduction target. The service providers' phosphorus reduction targets will be associated with non-regulatory activities under the Lake Champlain and Lake Memphremagog TMDLs to ensure voluntary measures (i.e., not driven by clean water regulations) will be met and TMDL targets will be achieved.

CWSP Selection and Startup

As of August 12th, 2021, 7 Clean Water Service Providers were established by rule, including 6 in the Champlain Basin and 1 for the Lake Memphremagog Basin. They include:

Champlain Basin:

- Missisquoi – Northwest Regional Planning Commission (Basin 6)
- Lamoille – Northwest Regional Planning Commission (Basin 7)
- Winooski – Central Vermont Regional Planning Commission ((Basin 8)
- Northern Lake Champlain Basin – Chittenden County Regional Planning Commission (Basin 5)
- Otter Creek – Addison County Regional Planning Commission (Basin 3)
- Southern Lake Champlain Basin – Partnership between Rutland Regional Planning Commission and Poultney Mettowee Natural Resource Conservation District (Basins 2 & 4)

Memphremagog Basin:

- Vermont Housing and Conservation Board (Basin 17)

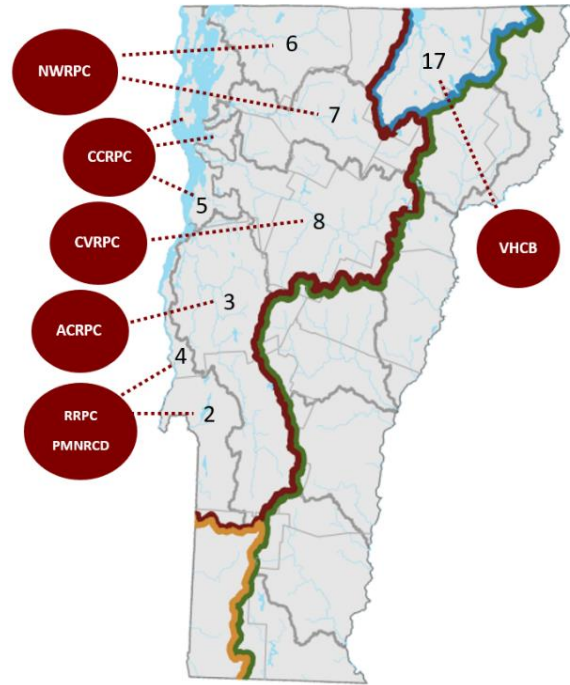


Figure 2. CWSP assigned Basins

As of late 2021, these seven CWSPs have initiated startup activities, including initial activities associated with the establishment of internal management systems for acting as the CWSP in their assigned basins. These organizations will be collaborating with other CWSPs in order to enable the sharing of best practices and work products, however many of these tasks are specific to the internal operations of each CWSP for each of their respective basins. CWSPs have already been soliciting interest from statutory partners (per 10 V.S.A. § 924) in order to represent clean water stakeholders on each of the seven Basin Water Quality Councils (BWQCs), and following the selection of BWQC members, trainings will ensue to ensure they are ready to start their work once the formal CWSP is functioning. Collaboration with other CWSPs will be utilized to the extent possible while recognizing that working as a BWQC in this phase will establish good practices for the more difficult tasks ahead.

Next Steps in 2022 - Once each BWQC has been formed in each of the seven Basins, CWSPs and their respective BWQCs will focus on the development of a project management framework (in coordination with DEC), including selection, prioritization and project development systems. The anticipated Clean Water Formula Grant allocation will be representative of the scale of the Basin and target load reductions assigned to each of the seven CWSPs, which will be derived from how target pollution reductions can be achieved by regulatory programs and the specificity of the data and tools being developed by DEC.

2016 TBP Final Report Cards (also covered in the 2021 Performance Report):

Tactical basin plans (now also referred to as TMDL Phase 3 Implementation Plans) have a five-year implementation cycle, and the TMDL Accountability Framework indicates that at the culmination of each five-year cycle, EPA will provide an assessment of state progress toward implementation goals for each plan. WPP will be submitting the five-year report cards for both the Missisquoi and Lamoille TBPs as appendices to [DEC's 2021 Annual Performance Report](#). EPA will then review each TBP final report card to determine if the state is on track toward accomplishing the five-year actions identified in the 2016 Missisquoi and Lamoille TBP Implementation Tables.

Discussion

Community and stakeholder engagement is a key component of TBP development and implementation. Local partners, including municipalities, natural resources conservation districts, regional planning commissions, and watershed organizations, also utilize Tactical Basin Plans to target their clean water activities/projects. There are three TBP statutory partners:

- ❖ **Vermont Association of Planning and Development Agencies** – Vermont's 11 Regional Planning Commissions (RPCs) provide planning and technical assistance to municipalities throughout the state, and work with the Agency of Natural Resources to assist with development of Tactical Basin Plans. RPCs also work with municipalities to implement river corridor plans and assist with zoning and bylaws.
- ❖ **Natural Resource Conservation Council** – Vermont's 14 Natural Resource Conservation Districts (NRCDs) coordinate with DEC's team of Basin Planners to carry out a variety of projects. These included supporting opportunities for local input and prioritization on draft basin plans, organizing and supporting water quality monitoring efforts in key watersheds, and using existing basin plans to implement projects that restore or improve water quality throughout the state
- ❖ **Watersheds United Vermont (WUV)** is a state-wide network of local groups dedicated to the health of their home watersheds, and to empower community-based watershed groups in all parts of the state to protect and restore Vermont's waters.

The WPP program worked closely with the three statutory partners to restructure how funding is allocated through the TBP support grants including increasing the funding levels from \$500,000 to \$600,000 annually. Based on a continuous improvement effort that included the engagement of all three partners and each of the 39 organizations supported through the tactical basin planning funding proposed detailed workplan tasks which were rated by watershed planners and the tasks that best achieving tactical basin planning priorities were supported. This revised process provides more clarity on the funding process and allowed organizations to have approved workplans in place at the beginning of the grant cycle which had not been possible with the previous funding model. The state fiscal year 2022 agreement was also expanded to include funding to support participation on Basin Water Quality Councils.