



Memphremagog Basin Water Quality Council

Thursday, September 14, 2023 9:00am - 11:00am

Attending: Meg Carter; Jess Colby; Ben Copans; Karen Freeman; Patrick Hurley; Sam Mayne; Katie Michels; Doug Morton; Kerry O'Brien; Eric Pope; Ted Sedell; Beth Torpey

Meeting Minutes

Introduction and review of previous meeting minutes:

- Beth initiated meeting at 9:00 am. There were no public comments.
- She asked if there were any revisions to the minutes of the June 9th BWQC meeting and if not, asked for a motion to accept. **Patrick made a motion to accept minutes; Sam seconded. All voted in favor to approve as drafted.**

Election of Officers:

- Beth asked for nominations for Vice Chair and Chair of the BWQC. **Patrick nominated Kerry O'Brien as Vice Chair and Beth Torpey as Chair for another year. Eric seconded; no discussion. All voted in favor. Kerry and Beth abstained.**

Conflict of Interest Policy:

- Karen introduced a draft Conflict of Interest Policy, which had been sent to the members. She also described recent guidance from DEC about COI policies and shared that document.
- The group reviewed the two policies and identified components of the DEC policy, particularly as related to voting on a slate of projects vs. individual projects and the definition of who is associated with a project, that they preferred.
- There was a robust discussion about what constitutes a conflict of interest: what is the difference between an actual, financial interest and an appearance of an interest? For instance, if a party is a potential subcontractor on a project but without a signed contract, does that constitute a conflict? Ben suggested that financial conflicts are most worrisome. He suggested that disclosure is important, and recusal is necessary in cases with financial conflicts. But recusal may not be needed in all cases, just in the case of direct financial conflicts. The group decided:
 - If you have a conflict – recuse
 - If you think you have a conflict – disclose (and potentially recuse)
 - As conflicts arise, or if there are projects with too many abstentions due to COIs, they may need to be elevated to state level for guidance.
- This watershed may be one of the most challenging in terms of COIs, but it is because there are strong partnerships and relationships. The group agreed that this is a positive thing.



However, this also means that attendance at all meetings is important, because there may be projects with 3 parties abstaining from a vote due to conflicts of interest.

- **Sam moved to accept the proposed COI policy, with the following edits: add the first paragraph from the DEC guidance; strike business associate from current draft; add DEC's paragraph about voting on specific projects vs slates of projects; and make edits to make the language flow. Karen will revise the COI policy and send over email for final review. Kerry seconded. All approved.**

CWSP Program Updates:

- Karen stated that the Valley Brook project award letter has gone out, a great first project for BWQC approval for formula grants funding.
- MWA and OCNRCD have been approved as Project Managers and the subcontractor RFQ is out.
- Karen gave an update on VHCB's Clean Water Program Director position: VHCB is conducting interviews and hopes to have someone on board soon.
- VHCB has received our second CWSP contract for formula grants funding. We are still working on spending the first contract.
- Katie gave an update on the Great Lakes Fisheries Commission grant award VHCB was awarded (\$3.1 million over 3 years). VHCB is talking with partners in this region to understand both capacity and project needs. VHCB wants to be sure to complement, and not duplicate, existing efforts. After we complete 1-1 partner conversations, will share with this group our plan for administering funds.

Updates on funded projects:

- Ted shared that the Lacross project is unlikely to happen.
- Patrick showed pictures and described the Valley Brook Phase 1 project – this is a farm retirement, floodplain, and stream restoration project. The restoration of the farm has been a great success and is nearly complete. The barn has been removed; much of the land is regraded, seeded, and mulched and follows the planned-for contours; they have installed many beaver dams and river diversions; and the contractor has done a great job. They will need to work with DEC to accurately credit all of the positive water quality benefits of this project. The group talked about how operations and maintenance will be an ongoing expense. Patrick plans to continue to monitor the project – both via drones and on-the-ground monitoring – to ensure it performs as anticipated in the coming months and will reserve some funds in case any issues.
- The BWQC members congratulated Patrick on all the progress on such a great project!
- Patrick described the Katonah project, which is funded with Ag-CWIP and GLFC funds (not CWSP) and is going well.



Overview of projects for November BWQC Meeting:

- MWA will have up to 4 projects to submit:
 - Gully and wetland/stream improvement project.
 - A few small riparian buffer plantings
 - Wetland restoration project on Hinman Settler Road (CREP to do trees).
 - Valley brook phase 2 – this phase focused on addressing culverts. Patrick asked how Phosphorus and cost accounting work – if phase 1 was very efficient, with lots of co-benefits, and this phase less so, do they get averaged? The group agreed that efficiency will vary by project.
- Ted is working on a project to restore a small tributary that goes into the Clyde River, will first be asking for project development funding.
- Group discussed culvert projects, noting that they won't rank that highly even though they offer some effective components, including the cobenefit of flood resilience.
- Members felt comfortable about the CWSP scoring. Co-benefits scoring clear, rationale for other categories like conformance with tactical basin plans, risks, etc is less clear. Karen will add text for next round on how she landed on scoring.

Willoughby Falls – Project Adoption/O&M Funding:

- Additional work is needed to complete this project; it will likely cost about \$10,000 for operations and maintenance.
- Beth asked about state guidance (since there is currently no guidance on how this type of project will be properly credited to the CWSP. That guidance is expected in late September.
- **Beth made a motion to tentatively approve O&M costs for Willoughby Falls up to \$10,000, contingent upon DEC guidance being aligned with project. Sam seconded.** Kerry asked if we could get a budget and project proposal in writing, and Karen agreed that we needed a mini-proposal. Patrick and Meg will put a proposal together. The timing on this project is tight, because the work has to happen in early October. Ben and Patrick will look at the state guidance for eligibility of this project once it is released. **All are in favor. Patrick and Meg abstained from the vote.**

Partner updates:

- Kerry O'Brien recently met with Gary Moore, who writes an outdoors column in the local paper, and likes going out to see projects. Kerry suggested people reach out to Gary if they are working on interesting projects; she will send out Gary Moore's contact info

Upcoming meetings:

- The November meeting is focused on project selection and prioritization.
- The group discussed holding a meeting in December or January to reflect on the year. The group decided that meeting will be held on Jan 17, 2024, 9.30a



- Karen will suggest dates for a next grant round in the beginning of the year

At 10:43a, Meg motioned to adjourn the meeting. Ted seconded. All were in favor.

The meeting adjourned at 10:43am.

Minutes submitted by Katie Michels