

# DEPARTMENT OF ENVIRONMENTAL CONSERVATION LEGISLATIVE REPORT

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

**Year:** 2024

**Date reported:** 1/15/2025

**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 the Senate Committees on Agriculture and on Natural Resources and Energy

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## Executive Summary

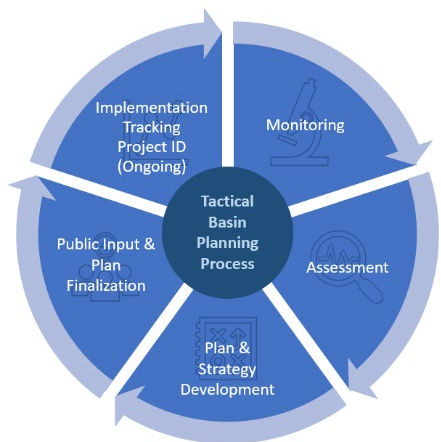


Figure 1. Tactical Basin Planning 5-year Cycle

The [Watershed Planning Program](#) (WPP) of the [Water Investment Division](#) (WID) 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 require the development of Tactical Basin Plans (TBP) for each of Vermont's 15 river basins to be approved on a five-year iterative cycle (Fig. 1).

**Key Achievements – WPP developed and published the following Tactical Basin Plans in 2024:**

- [Otter Creek Tactical Basin Plan](#) - approved December 2024
- [Northern Lake Champlain Tactical Basin Plan](#) - approved December 2024
- [White River Tactical Basin Plan](#) – approved December 2024
- [Deerfield River Tactical Basin Plan](#) - approved December 2024
- [Passumpsic River Tactical Basin Plan](#) – approved December 2024
- Otter Creek Basin Final Report Card will be submitted along with Vermont's [Clean Water Performance Report](#) in January 2025
- Northern Lake Champlain Final Report Card will be submitted along with Vermont's [Clean Water Performance Report](#) in January 2025
- Missisquoi and Lamoille Basins Interim Report Cards will be submitted along with Vermont's [Clean Water Performance Report](#) in January 2025

### Program Work Planned for 2025:

The Watershed Planning Program anticipates an increase in [Tactical Basin Plan development](#) and activities related to Clean Water Project development and implementation from 2024-2025. Tactical Basin Plans are indexed to the five-year incremental phases of the Lake Champlain TMDL. In this past year, WPP has been focused on the development and publication of the final [Lake Champlain Phosphorus TMDL](#) "Phase 3" content which describes the state's 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 2024, the Otter Creek and Northern Champlain Direct Tactical Basin Plan includes this TMDL Phase 3 content, and for 2025, the focus will be to develop the Lake Champlain TMDL "Phase 4" content, which will present the Champlain TMDL phosphorus reduction targets for the next five-year phase of TMDL implementation. The following Tactical Basin Plans are slated for development during 2025:

- [Batten Kill, Hoosic, Walloomsac River Basins](#) (Basin 01)
- [Missisquoi River Basin](#) (Basin 06)
- [Lamoille River Basin](#) (Basin 07)
- [West, Williams, Saxtons River Basins](#) (Basin 11)
- [Ompompanoosuc, Stevens, Wells, Waits and Connecticut River tributaries](#) (Basin 14)
- [Upper Connecticut Basin including the Nulhegan River](#) – Basin 16)

### TBP Interim and Final Report Cards (included in the 2024 [Clean Water Performance Report](#)):

Tactical basin plans (also referred to as TMDL 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 developed the interim (2.5 year) Missisquoi and Lamoille River Basin Report Cards and final (five-year) report cards for the Otter Creek and Northern Lake Champlain Basin as appendices to DEC's 2024 Annual Performance Report. EPA will then review these final report cards to determine if the state is on track toward accomplishing the five-year actions identified in the 2019 Otter Creek and 2020 Northern Champlain Direct Drainages TBP Implementation Tables.

## **Statutory Partner Involvement In Tactical Basin Planning**

Community and stakeholder engagement is a key component of TBP development and implementation. TBP 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 Natural Resource Conservation Districts](#)
- ❖ [Watersheds United Vermont](#)

The Clean Water Board allocates \$750,000 per year for tactical basin planning, a sum that has increased incrementally over time with increasing statutory requirements for the planning process, with the most recent increase of \$100/year having been provided in awards in August of 2024.

WPP program worked closely with the three statutory partners to determine how \$750,000 of State Fiscal Year (SFY) 2025 funding was allocated through the TBP support grants, which allowed the WPP to fund 13 Natural Resource Conservation Districts, 15 watershed groups and 11 Regional Planning Commissions to complete over 320 separate tasks through the fy2025 agreements. This Tactical Basin Planning Grant funding supported and enhanced regional coordination efforts, regional sector-based workgroups, outreach and technical assistance, municipal plan and bylaw updates, water quality monitoring and assessment, tactical basin plan development, and Basin Water Quality Council participation. These funds have led to more consistent engagement and participation across all statutory partners and member organizations. These groups will be enhancing community outreach and engagement for clean water project delivery efforts. These efforts will continue to promote widespread and improved understanding of state surface water restoration requirements and in the process support diverse and sustained partner collaboration.

### **Watershed Planning and Clean Water Service Delivery (Act 76)**

Tactical Basin Plans 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 Vermont's Clean Water Funds including the establishment (via [rulemaking](#) of Clean Water Service Providers (CWSPs) to administer a statutorily established Water Quality Restoration Formula Grant Program for watersheds draining to Lake Champlain and Lake Memphremagog. Each CWSP is guided in its work by a Basin Water Quality Council (BWQC). These CWSPs, their respective BWQCs, and project implementers are responsible for identifying, prioritizing, developing, and implementing natural resource restoration projects to meet a five-year phosphorus reduction target. The CWSPs' phosphorus reduction targets are associated with non-regulatory activities under the Lake Champlain and Lake Memphremagog TMDLs to ensure voluntary measures (i.e., not driven by compliance with clean water regulations) will be met and TMDL targets will be achieved.

#### Otter Creek Clean Water Service Provider Reappointment

In late 2024, the Addison County Regional Planning Commission (ACRPC) was reappointed as the [Clean Water Service Provider](#) (CWSP) for the Otter Creek Watershed as they made "adequate progress" in funding projects to achieve their assigned phosphorus reduction target. ACRPC's new term will begin on July 1, 2025 and run through June 30, 2030. Note that the term "adequate" is specific to the CWSP Rule. ACRPC did an excellent job implementing their charge under Act 76.

### **Progress on the Pace of Clean Water Project Implementation**

The seven Clean Water Service Providers have been officially operating under Act 76 and have administered two full years (SFY 2023 and 2024) of the Water Quality Restoration Formula Grant funding. Most of the CWSP efforts have been focused on overseeing the administrative framework under Act 76 such as facilitating the clean water advancement process in coordination with each CWSP's Basin Water Quality Council and project implementers. These ongoing efforts are focused on partner coordination with project development to advance prospective clean water projects from identification to implementation. As part of supporting this ongoing effort, the WPP provides ongoing support to CWSPs and BWQCs as the direct liaison on behalf of DEC. In the spring of 2024, DEC convened the [Clean Water Service Network Summit](#) for clean water practitioners who work closely with Formula Grants, to share experiences and discuss challenges and opportunities going forward. The 70 attendees represented stakeholders who are actively engaged as CWSPs, BWQCs or project implementers or other parties actively involved in the implementation of formula grants.

Under Act 76, [Water Quality Restoration Formula Grants](#) have been awarded annually to each CWSP. The grant amount is based on the annual pollutant reduction goal established for the CWSP multiplied by the standard cost for pollutant reduction including the costs of administration and reporting. For SFY 2025, the seven CWSPs have annual Formula Grant Agreements ranging from \$717,000 to over \$2,875,000 with targets that is projected to reduce phosphorus loading by over 443kg over the design life of these projects. These grants will fund and support both CWSPs, BWQCs, and project implementers to carry out clean water improvements within their respective basins.

During 2024, each CWSP held several Formula Grant funding rounds and through SFY24 Basin Water Quality Councils have supported 21 project development or identification projects, 51 design projects, and 27 implementation phase projects. These projects, when implemented, are expected to reduce phosphorus loading by nearly 200 kg/yr while the projects in the design phase are expected to reduce phosphorus loading by over 930 kg/yr once implemented. Also in 2024, a total of 593 clean water projects were added to the DEC's Watershed Projects Database, including 210 stormwater mitigation projects, 126 stream and/or floodplain restoration projects, 37 project development efforts, 65 lake shoreland projects, and 67 riparian buffer planting projects, including many other projects in different sectors.

The rate of TMDL sector-based project implementation has been steadily increasing across all sectors (e.g., agriculture, developed lands, etc.). Through Vermont's Clean Water Act (Act 64) programmatic commitments as well as natural resource restoration efforts, progress is being made to achieve water quality restoration goals across most of the state's 7 major river basins that have established TMDL target reductions. The following TMDL progress reporting dashboard shows improvements across the 6 Lake Champlain Basin major watersheds (e.g., Otter Creek, Missisquoi, Lamoille, Winooski, etc.): [Microsoft Power BI \(powerbigov.us\)](#). More information on progress towards the Lakes Champlain and Memphremagog TMDLs is provided in the [Clean Water Performance Report](#).