

# DEPARTMENT OF ENVIRONMENTAL CONSERVATION LEGISLATIVE REPORT

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

**Year:** 2023

**Date reported:** 1/15/2024

**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



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 (TBPs) for each of Vermont’s 15 river basins to be approved on a five-year iterative cycle (Fig. 1).

Figure 1. Tactical Basin Planning 5-year Cycle

## Key Achievements – [WPP progress in 2023:](#)

- [Memphremagog Tactical Basin Plan](#) approved September 2023
- [Black & Ottauquechee River Tactical Basin Plan](#) approved September 2023
- [Winooski River Tactical Basin Plan](#) finalized December 2023
- Northern Lake Champlain Interim Report Card was submitted along with Vermont’s [Clean Water Performance Report](#) in December 2023
- Winooski River Basin Final Report Card was also submitted along with Vermont’s [Clean Water Performance Report](#) in December 2023

## Other Helpful Links:

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

### Program Work Planned for 2024:

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. In this past year, WPP has been focused on the development of the [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 2023, the Winooski Tactical Basin Plan includes this TMDL Phase 3 content, and for 2024, the focus will be primarily on the Otter Creek and Northern Lake Champlain Basins. The following Tactical Basin Plans are slated for development, review, and approval by the end of 2024:

- Otter Creek Tactical Basin Plan (Basin 03)
- Northern Lake Champlain Direct Drainages Tactical Basin Plan (Basin 05)
- White River Tactical Basin Plan (Basin 09)
- Deerfield and Broad Brook Tactical Basin Plan (Basins 12, 13)
- Passumpsic Tactical Basin Plan (Basin 15)

### TBP Interim and Final Report Cards (included in the 2023 [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 will be submitting the interim (2.5 year) Northern Lake Champlain Drainages Report Card and final (five-year) report card for the Winooski River Basin as appendices to DEC's 2023 Annual Performance Report. EPA will then review the Winooski River Basin TBP final report card to determine if the state is on track toward accomplishing the five-year actions identified in the 2018 Winooski TBP Implementation Table.

## **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 WPP program worked closely with the three statutory partners to determine how \$650,000 of State Fiscal Year (SFY) 2024 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. 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. In general, these funds have led to more consistent engagement and participation across all

Progress Report on River Basin Water Quality Management Planning  
January 15, 2024 - Vermont Department of Environmental Conservation

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 clean water funds in the State of Vermont. A notable change resulting from Act 76, 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, were established through [rulemaking](#) on August 12, 2021. Each CWSP is guided in its work by a Basin Water Quality Council (BWQC). Service providers and their BWQCs are now responsible for identifying, prioritizing, developing, and implementing projects to meet a five-year phosphorus reduction target. The service providers' 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 clean water regulations) will be met and TMDL targets will be achieved.

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

The Clean Water Service Delivery Act restructures the administration and implementation of clean water funds in the State of Vermont, effective in SFY 2023. The Act requires that CWSPs administer the [Water Quality Restoration Formula Grants](#) in order to meet the phosphorus reduction targets for each of the 7 Basins that are subject to a TMDL Implementation Plan. 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 2024, the seven CWSPs have Formula Grant Agreements ranging from \$743,000 to over \$2,850,000 with targets that will collectively reduce phosphorus loading by over 571kg through the end of this state fiscal year. These grants will fund and support both CWSPs and BWQCs to carry out clean water improvements within their respective basins.

The 7 Clean Water Service Providers have been officially operating under Act 76 and have administered a full year (SFY 2023) 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. These initial efforts were focused on building IT systems 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.

During 2023, each CWSP held several Formula Grant funding rounds and the Basin Water Quality Councils have supported 17 project development or identification projects, 16 design projects, and 11 implementation phase projects. These projects at the implementation phase are expected to reduce phosphorus loading by over 62 kg/yr while the projects in the design phase are expected to reduce phosphorus loading by over 350 kg/yr once implemented. Also in 2023, a total of 478 clean water projects were added to the DEC's Watershed Projects Database, including 120 stormwater mitigation projects, 85 stream and/or floodplain restoration 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.). There was a slight dip from 2022-2023, yet the pace is on course to meet 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 (i.e., Missisquoi, Winooski, etc.): [Microsoft Power BI \(powerbigov.us\)](https://powerbigov.us).

For 2024, WPP will continue to assist the Water Infrastructure Finance Program in coordinating programmatic support to provide municipalities and partner organizations with access to [Clean Water State Revolving Loan](#) (CWSRF) funding to implement priority clean water improvement projects. This will address the growing need to provide expanded access to CWSRF for nonpoint source pollution reduction through implementation of natural resource projects to meet programmatic restoration goals and TMDL pollution reduction targets. In 2023, WPP onboarded staff to support the advancement of natural resource restoration projects under the [Water Infrastructure Sponsorship Program](#) (WISPr), which can be used to sponsor natural resource projects that extends the value of conventional CWSRF loans.

## Discussion

The WPP, in coordination with the Clean Water Initiative Program has made significant progress in facilitating the process to administer clean water funds, which will increase non regulatory phosphorus reduction projects aligned with tactical basin plans. These two programs within the Water Investment Division continue to develop 76 Guidance in coordination with statutory partners and stakeholder entities as they progress with the growing business enterprise under the Clean Water Service Delivery framework. In 2024, WPP will be providing enhanced support to CWSPs and their respective BWQCs to maximize phosphorus reduction potential and co-benefits associated with clean water project implementation in conformance with ANR's Tactical Basin Plans. WPP is also continuing to streamline the Tactical Basin Plan development process and maximize the use of TBP support grants to allow statutory partners to engage other organizations, communities, landowners, and the public as broad awareness of our water goals are critical to successful outcomes. Additionally, WPP will continue to explore how the tactical basin planning process will promote environmental benefits to environmental justice focus populations.