



Connecticut River Joint Commissions
Meeting Minutes – April 21, 2014
Lebanon City Hall Council Chambers, Lebanon, NH

In Attendance: VT Commissioners Present: John Broker-Campbell (for Tom Kennedy), Bev Major, David Deen, Brendan Whittaker, Chris Company, Michaela Stickney, Rick Hopkins, Tara Bamford
NH Commissioners Present: Donna Drouin, Rebecca Brown, Bob Christie, Brendan Prusik, Cleve Kapala, Jim McClammer, Aaron Simpson

Others Present: Emily Bird, NEIWPC; Rachel Ruppel, Nate Miller and Yutian Zhang, UVLSRPC

Convene:

Vice President Brown called the meeting to order at 2:05 pm. Introductions were made.

Presentation:

Emily Bird of New England Interstate Water Pollution Control Commission gave a presentation about the Long Island Sound TMDL (Total Maximum Daily Load). The Long Island Sound has seen great improvements over the last decade as wastewater treatment plants have been required to upgrade their systems and remove more pollutants; however, the Sound is still not meeting water quality standards. NEIWPC and its partners are studying what are the best and most cost-effective strategies to continue the decrease in pollutant loading.

Deen asked whether other watersheds draining to the Long Island Sound were being studied; Bird replied that all watersheds are being studied, but the Connecticut River is by far the largest watershed. Whittaker asked about the burden that would be placed on upper basin states (NH/VT) versus lower basin states and also asked about local concerns over phosphorus; Bird replied that by studying the cost-effectiveness of implementation strategies, decisions will be able to be made with good information about what burdens are reasonable. Deen noted that the LIS TMDL is focused on nitrogen reduction, but many BMPs that prevent nutrient loading sequester both nitrogen and phosphorus; he further noted that at the Vermont state policy level, discussions are focused on the VT water quality standards for the whole state, not focused on just one nutrient or just one watershed.

Christie asked how the information will be used, who will be responsible for implementation, and how long it will take to see water quality improvements. Bird responded that NEIWPC is planning to meet with state water program directors this summer/fall, and that Phase II to the project is a pilot project to start up a BMP tracking and accounting system. With regard to water quality improvements, by 2017, New York's WWTP upgrades will be completed but there is expected to be a time lag in improvements in water quality and hypoxia due to nitrogen "sticking" in the ecosystem.

Company asked about funding/financing models that would work in northern New England; Bird confirmed that resources are indeed limited and funding/financing is going to be a challenge. Prusik asked if NEIWPC had a relationship with Quebec's government; Bird replied no, but Stickney noted that she has a contact to Quebec through the Lake Champlain Basin Program.

Kapala asked about the LIS TMDL working group and long-term monitoring; Bird responded that EPA's Long Island Sound Study funds several monitoring programs. The working group started as a New York and Connecticut joint effort and has since expanded to all five states.

Drouin asked about the target level for nitrogen concentrations; Bird replied that the TMDL includes targets, but a natural system takes time to adjust. Deen noted that legislators are not part of the LIS TMDL working group and recommended that they be included, similar to the Chesapeake Bay Steering Committee.

Brown asked about the top 3 impacts that people on the street know about the LIS TMDL; Bird responded that hypoxia triggers die-offs of lobsters, fish species flee the hypoxic areas, and recreation is affected by algae blooms.

Drouin asked about the transmission of nutrients from Lake Champlain to Hudson River via the Barge Canal. Stickney responded that the far south and far north of the lake have the most water quality problems and that resident phosphorus is re-released each year. Despite the Barge Canal, Lake Champlain drains north and the lake is mostly separated from the Long Island Sound.

Business Meeting

Consent Agenda:

Christie moved to approve the consent agenda, with a second by Deen – all in favor, motion carried.

Confirmation of Local River Subcommittee Nominees:

Deen moved to approve the confirmations, with a second by Major – all in favor, motion carried. The individuals confirmed were: John Mudge and David Kotz (alternate) – Lyme, NH; Alan R. Karg – Clarksville, NH; William Manner – Springfield, VT; Coleen O'Neill – Cornish, NH; Alan R. Williams – Pittsburg, NH; Thomas Hernon and Margaret Perry – Rockingham, VT.

Operational Work Plan:

Campany summarized the work of the Strategic Direction subcommittee, which asked two questions: what are the needs and capabilities of CRJC in the overall funding scheme and what do our operations look like. The group explored what would it look like operationally if we contracted with an organization focused on CT River such as the Connecticut River Watershed Council. CRJC's two chairs met with the Executive Director of CRWC to start the conversation; there is interest to continue conversations. The subcommittee discussed what to do about next fiscal year's contract, the NH and VT statutory requirements, and the need for a facilitated discussion about CRJC's purpose and how to build a new operational model. He outlined several options for operations:

1. Status-quo – continue utilizing UVLSRPC for program support
2. Declare victory -- shut down CRJC, but keep NH and VT statutes on the books
3. Contract with another organization such as CRWC
4. Contract with an individual
5. Hybrid-split admin program

Campany identified another question for the CRJC to consider – whether to focus on Local River Subcommittees (local level) or state-level/watershed-level or both – and whether Commissioners would be more advisory versus hands-on.

Whittaker noted that for the medium-term, CRJC needs to look for funds, but in the short-term, a

\$60,000 budget is all the funding CRJC has. He noted the split between Commissioners who are volunteers versus paid staff of representative organizations.

Brown noted that CRJC needs to let UVLSRPC know about next fiscal year's contract very soon and asked what the impact of switching from UVLSRPC to another arrangement would involve. Miller stated that UVLSRPC is happy to assist CRJC, but would need to know very soon of CRJC's decision so that he can include it in FY2015's budget, which is being developed now. Ruppel noted that switching to another support structure would require additional paperwork with both NH and VT, that UVLSRPC staff would like to know a concrete deadline for the transition, and that extra time should be budgeted for UVLSRPC staff to assist with the transition. She noted that Theresa Darling, CRJC's former office manager, was instrumental in transitioning CRJC from a staffed organization to a contracted organization.

Drouin expressed that she cannot imagine dropping UVLSRPC and feels that UVLSRPC has saved this organization; she was surprised at this recommendation and asked from whence it came. She also asked about CRWC's past work with other watershed organizations. Deen responded that the Deerfield River Association and Connecticut River Interstate Flood Control Commission are housed at the CRWC office and that up until last year, CRWC acted as fiscal agent for the Black River Action Team; he noted that CRWC is very flexible. Brown responded that this time last year, UVLSRPC's Executive Director recommended that CRJC do a periodic re-evaluation of CRJC's needs/ contracting

Drouin asked whether CRJC would be limited by its state enabling legislation. Deen responded that CRVRC & CRWAC created a 501 (c) 3 entity, CRJC, and that nothing in state law limits how the agency would/could operate as a business.

Brown reported that CRJC's state chairs had asked NH&VT about changing its operational structure; no response has been received yet from NH. Stickney reported that VTANR has reviewed and does not see a problem, but strongly encourages CRJC to utilize a robust RFP process to select its program support in the future.

Campany noted that there is a much more defined role in NH for CRVRC and LRS than for VT. He noted that Windham Regional Commission does not have a revenue stream to pay for involvement with CRJC, and that it needs to justify its level of involvement to its members. He asked that CRJC Commissions identify the purpose and goals of CRJC in the immediate future.

Christie remarked that when he first became a commissioner, CRJC was a vibrant organization with good leadership dedicated to the river. It worked from a business model that did not anticipate or mitigate the loss of funding via federal earmarks. He stated that he can't foresee another funding source that would bring budget back to what it was. He noted that CRWC seems to have an effective business plan. He stated that CRJC has had many victories, but can see challenges to the river on the horizon and recommended to the group that there is ample reason to keep working as CRJC. He recommended that CRJC should be related directly or indirectly with CRWC, as their missions seem to align well.

Prusik suggested a sixth option – partnering with CRWC, contracting with UVLSRPC to keep CRJC's books and hiring a part-time ED.

Broker-Campbell stated that SWRPC's recommendation is to go back out to bid but not until after strategic planning is completed.

Whittaker stated that he would like to recommend Prusik's suggestion of a part-time ED with a focus on

the river. Prusik added that part of the ED's role could be to raise money. Brown reported that she talked with Pat Crocker about the feasibility of hiring an ED with CRJC's current funding; considering the overhead and travel, there would likely be only \$25,000 for the ED's salary and his/her responsibility would be to staff all Subcommittees and CRJC. Brown noted that CWRC has a full-time ED who is focused on the river and that CRJC brings valuable local connections to a CRJC/CWRC partnership. She stated that she wants to understand what's possible with a new organizational structure, but is concerned about the timeframe for action. She proposed that CRJC extend its contract with UVLSRPC for 6 months and use its Executive Committee to set up an RFP process to select its future organizational support structure.

Broker-Campbell added that based on his six years of experience with Mt. Ascutney Subcommittee, it would be helpful to LRS for CRJC to have a clear direction. Company observed that there seems to be a different perception of the CRJC/LRS's role and value for Vermont members vs. New Hampshire members; he would love to have CRJC bring together VT/NH state agencies to talk policy regarding the Connecticut River; he noted that CRJC could place positive pressure on state agencies to act. He also recommended that CRJC would benefit from a facilitated discussion.

Deen noted that CRWC has NHDES and VTDEC talking about nitrogen monitoring in the Connecticut River. Kapala stated that the two states have been involved on Connecticut River issues, particularly relating to federal dam relicensing processes; NH asserted its legal authority over the river through the 401 water quality certification for past dam relicensing (15 Mile Falls and others). He noted that CRJC played a big role in 15 Mile Falls. He stated that if an entity doesn't have a strong identity and doesn't act as a force, we don't need it. Major noted that NH has permit review authority, VT does not; on all other issues, Commissioners tend to be equally involved.

Company moved to extend the contract with UVLSRPC for 6 months, with a second by Kapala. Discussion on the motion ensued. Miller supported the extension, with the understanding that developing and administering an RFP as well as managing a transition to another program support structure has costs and UVLSRPC will include those costs in its contract extension. Drouin asked if the annual meeting could be dedicated to strategic planning. Prusik suggested that the May Executive Committee meeting be used to draft the RFP, that the June annual meeting be used to review the RFP, and that the RFP be issued in July. Brown noted that the current budget for this fiscal year is quite tight, due to completing a financial audit.

Brown called for a vote – 13 in favor, with Simpson abstaining, motion carried.

Brown moved to issue an RFP for administration of CRJC to be done by July with the Executive Committee to bring draft for review in June at the CRJC annual meeting, with a second by Christie. McClammer stated that he felt it precocious to determine the organizational structure without a clear vision; he is learning towards a visioning session. He further stated that he spoke with the Honorable John Tucker, who sponsored CRVRC's enabling legislation, who said the intent was to bring recognition for the Connecticut River Valley.

Brown called for a vote – 12 in favor, 2 opposed, motion carried.

Company moved that the Executive Committee be authorized to amend the budget to allocate funding to support 1-day facilitated discussion on CRJC's future in next 6 months, with a second by Drouin. Company stated that he hoped it could be at the June annual meeting.

Brown called for a vote – 11 in favor, 2 opposed, with Major abstaining, motion carried. Brown stated that she did not believe that the Executive Committee needs authorization to create a budget.

Commissioner comments: Stickney reported that there is \$2 million in grant funding available through Vermont Ecosystem Restoration Program grants.

Adjourn: Christie moved to adjourn, with a second by Drouin – all in favor, motion carried.

Meeting adjourned at 4:20 pm.