

TRANSMITTAL MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: MATERIALS FOR MEETING ON 10/1/25
DA: SEPTEMBER 24, 2025

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Greetings. The BWQC’s next meeting will be held on October 1st. Materials for the meeting are attached. There will be several new funding applications to review, and this review will consume a fairly large part of the meeting.

Introductions/Meeting protocols/Conflict of interest disclosures, if any

The Conflict of Interest agenda item provides BWQC members and others opportunity to note possible conflicts of interest that could arise later in the meeting. As there are no applications up for review during this meeting, I am not anticipating any disclosures.

Approval of Minutes

Minutes are included in the meeting packet. If you can, please let us know before the meeting if any part of the minutes needs to be corrected.

Budget Adjustments

One not-yet-reported budget adjustment request will be announced at the meeting. The request was processed according to the Budget Adjustment policy.

Seating of New BWQC Representative

One new Alternate member was acknowledged at the last meeting, although she was unable to be present owing to a conflict. If she is able to attend this meeting she will be recognized during introductions.

Application Review

Seven funding requests were received as part of the ninth Call for Applications. Proposals were submitted by two organization, the Franklin County Natural Resources Conservation District (FCNRCD) and the Northwest Regional Planning Commission (NRPC). The projects span several phases, including Assessment/Identification, Final Design, and Implementation. The total amount of funding requested stands at \$445,532, with individual project requests ranging from \$4,800 to over \$210,00. Phosphorus reduction estimates range from 4.6 kilograms to 16.1 kilograms. Additional details—along with complete copies of the applications—are provided in the packet.

Legal Expense procedure

Long-term success of CWSP funded projects depends on site control and access for implementation, operation and maintenance (O&M), and verification. As many of you know, Vermont DEC requires that projects have Site Access Agreements, either a License or an Easement. And for projects with \$200,000 or more in state investment, an Easement is mandatory. Easement are recorded in municipal land records, run with the land, and extend for at least the project’s design life, with automatic renewal. Site control ensures the project continues generating phosphorus reduction credits toward the CWSP’s totals.

Because easements must follow a standard form but require detailed exhibits and deed research, legal review is essential and can be costly. Going forward, project applications and budgets that require an Easement will include requests for BWQC approval of added funds to cover these legal expenses, helping protect both CWSP investments and long-term water quality outcomes. Time will be reserved for discussion and questions. We understand that some Clean Water Partners will want to understand how they might access funds for project legal expenses.

DEC Cost Rate Methodology:

A new “cost rate methodology” is being proposed. As noted in an email from DEC’s Chris Rottler,

Vermont’s Department of Environmental Conservation (DEC) is releasing an updated Cost Rate Methodology (CRM) for public comment. The CRM is used to set phosphorus reduction targets and funding levels for Clean Water Service Providers (CWSPs). CWSPs were established by Act 76 of 2019 and receive a Formula Grant to address non-regulatory phosphorus reduction targets in Lake Champlain and Lake Memphremagog. The first CRM was released in 2022 and since this time, CWSPs, in coordination with their Basin Water Quality Councils (BWQCs) and project partners, have made progress in identifying, developing, implementing and maintaining clean water projects.

More details are included in the packet. Comments on the CRM will be accepted through October 17 at 4 PM. Please note: there will be public presentation regarding the proposal on October 8. It will be accessible via the TEAMS platform.

If the proposed changes take effect, the result will be a roughly 48% decrease in the size of the basin's P reduction targets.

Expedited Project Development:

In August of 2024, the BWQC adopted a policy supporting a program to expedite project development fund distribution. At the time the policy was adopted, the CWSP had proposed that up to \$100,000 in project development funding be available annually, based on a theoretical number of 10 recipients (9 partners plus CWSP) multiplied by a maximum award of \$10,000. Although the total amount of funding requests received to date has been well below the maximum—and thus there is no immediate need to consider modifying the cap—staff do want to clarify that the number pre-qualified partners is growing. Because some of the most recent requests are coming from newly prequalified partner organization (i.e., not in the original 10), we wanted to 'check in' regarding the subject of eligibility.

Conclusion/Adjourn

Please let us know if you have ideas for future meeting topics. Thanks to all who participate.

AGENDA

Missisquoi Basin Water Quality Council (BWQC) ANNUAL MEETING
Wednesday, October 1, 2025
11:00 AM -1:00 PM

Zoom meeting
(Zoom details below)

1. Welcome and introductions
2. Meeting protocols
3. Conflict of interest declarations (standing item)
4. Review/adjust and approve agenda
5. Approval of minutes
6. Public comment not related to items on agenda
7. Report on budget adjustments (standing item)
8. Seating of new RPC Representative (standing item)
9. Review of Applications
 - One project develop application, four final design applications, two implementation applications
10. BWQC Approval of Project Legal Expenses
11. Updates/In brief
 - Cost Rate methodology
 - Expedited project development funding policy
12. Future Meeting topics /Conclusion

Please Note: The schedule for the upcoming application round in MISSISQUOI Basin is as follows:

Round #	Open	Deadline
10	December 17, 2025	January 21, 2026
11	April 15, 2026	May 20, 2026

Join Zoom Meeting

<https://us02web.zoom.us/j/81332571725?pwd=UktCekQ5R2ZSbVntMXlUcUpYnVl3UT09>

Meeting ID: 813 3257 1725

Passcode: 103651

One tap mobile

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+13092053325,,81332571725# US

Dial by your location

+1 309 205 3325 US

+1 646 558 8656 US (New York)

Staffing provided by Northwest Regional Planning Commission (NRPC), the Basin 6 Clean Water Service Provider. NRPC's physical / mailing address is 75 Fairfield Street, St. Albans, Vermont 05478.

In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, and Vermont's Open Meeting Law, the NRPC will ensure public meeting sites are accessible to all people or provide an opportunity to request accommodations. Requests for free interpretive or translation services, assistive devices, designation of a physical meeting location, electronic access to a meeting, or other requested accommodations, should be made to Amy Adams, NRPC Title VI Coordinator, at 802- 524-5958 or aadams@nrpcvt.com, no later than 2 business days prior to the meeting for which services are requested.

Welcome and introductions

Meeting protocols

Zoom Norms and Inclusive Language

- Introductions of all participants at each meeting
- As possible, BWQC members should have in their Zoom Name/Title the following: Name, Organization, “Voting” or “Alternate”, and pronouns (if desired)
- BWQC members are expected to have cameras turned on during entirety of meeting, as technically possible.
- BWQC members are expected to stay focused / avoid multi-tasking and follow the guidance of: “if you wouldn’t do something in an in-person meeting don’t do it in a virtual meeting”
- BWQC members will use the “raise hand” function on Zoom to indicate a request to speak / come off mute – this is in an effort to make sure all are heard in turn.
- All members will stay muted until called upon; if needed, CWSP staff may mute participants to avoid background noise
- Any comments made in the chat will be read aloud at the appropriate time by the CWSP staff in full for the public record / record.

Inclusive Language

<https://pronouns.org/what-and-why>

Conflict of interest declarations (standing item)

Review/adjust and approve agenda

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Approval of minutes

Missisquoi Basin Water Quality Council (BWQC)

Wednesday, August 6, 2025

11:00 AM -1:00 PM

Hybrid Meeting

In-Person at the Enosburg Emergency Services Building
83 Sampsonville Rd, Enosburg Falls, VT 05450

Meeting video posted at <https://youtu.be/-NTZHzOelac?si=pz-QN3mugFZyXdaU>

**A VIDEO RECORDING OF THE MEETING IS AVAILABLE THROUGH THE
NRPC YOUTUBE CHANNEL (Link above).**

**THE WRITTEN MINUTES ARE A SYNOPSIS OF THE DISCUSSION AT THE MEETING.
MOTIONS ARE AS STATED. MINUTES WILL BE SUBJECT TO CORRECTION BY THE
COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT
MEETING OF THE COUNCIL**

Council Members: Lauren Weston (Q), Lindsey Wight (Q), Heidi Britch-Valenta (Q), Bridget Butler (Q), Beth Torpey (Q), Tucker Malone (Q), Ted Sedell (Q), Ellen Fox

Q= towards quorum

Staff: Dean Pierce, Cliff Jenkins, Nora Brown

Others present: Jim Pease, Josh Serpe (Friends of Northern Lake Champlain), Peter Benevento (Franklin Watershed Committee/Lake Carmi Campers Association), Alison Spasyk (Lake Champlain Sea Grant), Jim's AI Notetaker, Daniel's AI Notetaker

1. Welcome and introductions

Lindsey Wight opened the meeting at 11:00 as Chair. A round of introductions was made.

2. Meeting protocols

Lindsey Wight reviewed the meeting protocols and norms.

3. Conflict of interest declarations, if any

No conflict of interest declarations were made.

4. Review/adjust and approve agenda

Lauren Weston motioned to approve the agenda. Bridget Butler seconded. Motion carried unanimously.

5. Approval of minutes

Lauren Weston motioned to approve the minutes. Heidi Britch-Valenta seconded. Motion carried unanimously.

6. Public comment not related to items on agenda

No public comments were made.

7. Report on budget adjustments, if any

Dean Pierce reported on the following budget adjustments:

- There was an 8.7% increase to the previously approved budget for the Franklin County NRCD's Missisquoi Basin riparian buffer planting scoping study. As this falls under the 10% threshold, the CWSP was able to approve this increase administratively.
- An additional amendment was made to the Franklin County NRCD's final design project for a dam removal in Enosburgh. There was an initial increase in the budget, which was followed by a second increase that drew funds from the already approved implementation phase for the dam removal. The first of these adjustments fell under the threshold for the CWSP to handle them administratively. The second was not a new allocation but rather a transfer of funds from the implementation phase to the final design phase.

Dean also shared that an expedited project development application from Friends of Northern Lake Champlain was approved for a total of \$10,000.

Dean also noted that three additional PD applications have been received but not yet processed: one from Vermont Land Trust and two from the Franklin County NRCD.

8. Seating of new RPC Representative, if any

Dean Pierce shared that Abbey Miller, Village of Enosburgh Falls assistant manager, has indicated interest in joining the council as an additional municipal alternate and will propose to do so at the council's next meeting. He also noted that Dave Allerton, a current municipal alternate from St. Albans Town, has retired. Dean is waiting to hear whether this means he would also like to step down from the council, and if he would, Dean has begun conversations with his successor, Kevin McAleer.

9. Election of Officers

Dean reviewed the protocols for the election of officers and took over for election procedures. He solicited nominations from the floor.

Lauren Weston nominated Lindsey Wight to be Chair. Heidi Britch-Valenta seconded. Lindsey accepted the nomination. Heidi Britch-Valenta, Bridget Butler, Beth Torpey, Lauren Weston, and Lindsey Wight voted in favor. Lindsey Wight was elected Chair for the next fiscal year.

Lindsey Wight solicited nominations for Vice Chair. Heidi Britch-Valenta nominated Kent Henderson to be Vice Chair. Lauren Weston seconded. Kent was not in attendance, but Dean Pierce shared that he had expressed willingness to continue his role. Heidi Britch-Valenta, Bridget Butler, Beth Torpey, Lauren Weston, Tucker Malone, and Lindsey Wight voted in favor. Kent Henderson was re-elected Vice Chair for the next fiscal year.

Lindsey Wight suggested that the council consider moving its annual meeting to a different time of year to better align with DEC budgeting processes.

10. Presentation

Alison Spasyk, Flood Resilience Educator at Lake Champlain Sea Grant, presented on Act 121 (The Flood Safety Act). She is doing education and outreach about the law in conjunction with The Nature Conservancy in support of DEC and presented the following:

- Act 121 was passed in response to the 2023 flooding, taking a “watershed-wide” approach to protect upstream and downstream equally and supersede town and county boundaries. It gives DEC authority to limit new development in river corridors statewide, strengthens oversight and maintenance of dams to allow for strategic removal of derelict dams, and protects/restores wetlands.
- Vermont is uniquely susceptible to flooding and flood damage due to development patterns, topography, and increased precipitation. There is a difference between inundation and erosion-related damages—75% of monetary damages are from erosion, which is more costly. Historic practices like straightening or dredging rivers increase water velocity and reduce floodplain connectivity.
- Historically, Vermont has relied on the National Flood Insurance Program (NFIP), which only addresses inundation damage, not erosion hazards. People can choose to enroll in flood insurance, but often are unaware of risk, especially since floodplain maps are outdated. NFIP participation is expensive. ANR’s river corridor areas also need protection; they often overlap with NFIP zones but sometimes do not.
- Many towns have municipal river corridor bylaws, but they form a patchwork without statewide impact. Education and outreach for Act 121 began January 1, 2024, and will continue through 2026. By 2028, the law will require permits for all new development in river corridors. Some downtowns where the river is “locked” in place will be mapped and exempted.

Discussion followed. Heidi Britch-Valenta asked whether allowing continued development in certain downtowns would increase costs in case of inundation flooding. Alison answered that it depends on whether new structures are in the floodplain, as towns enrolled in the NFIP already have certain building standards for the 100-year floodplain.

Lauren Weston asked who is making the maps of exempt areas. Alison answered that a consultant like SLR may be contracted to develop methodology; they have already completed some pilot towns completed. The Nature Conservancy is also involved. Work is ongoing.

Lauren asked whether full river corridor maps will be updated or just settlement areas. Alison said infrastructure that won't realistically be removed (such as highways) will be exempted without redoing the entire corridor.

Lauren asked about reevaluation of 50 ft headwater stream corridors. Alison said the statewide minimum applies to rivers with watersheds over 2 square miles; towns can then choose to regulate smaller streams. The incentive for additional protections is access to higher ERAF disaster relief reimbursement (from 7.5% to 17.5%).

Jim Pease raised a question about delegation of permitting to towns, comparing it to wastewater permitting. Alison said process for determining towns with capacity to permit is TBD. Alison said towns could share authority with DEC if capable, but details are still pending. Ellen noted potential equity issues where economically stronger towns may be more likely to have exemptions. Alison said there will be public input as mapping rolls out due to impacts on economically important areas.

Lauren asked about dam and wetland provisions. Alison said outreach is currently focused on river corridors, though they are beginning to coordinate with wetlands and dams programs. Wetland mapping is being updated, adding more areas; public input will be collected by watershed. Goal is net gain in wetlands.

Lauren asked if the goal is new rules or funding. Alison said the emphasis is on safety and preventing future losses, avoiding "regulation" language but acknowledging it's part of it. For dams, the focus is removing or fixing old structures, not building new ones. Act 121 could open more funding for dam removal. Heidi shared that Highgate Falls Dam flooding was caused mainly by ice jams. Alison said ice jams are a unique case, sometimes addressed by physical removal or other methods.

Lauren questioned why dredging isn't considered as a one-time action. Alison said it would have to be continuous in many cases, and that it's difficult to determine how far upstream to stop dredging. Alison agreed that upstream actions affect downstream areas; dredging can cause upstream headcutting and can't realistically protect against large storms.

Bridget pointed out that inundation is often seen as wholly negative, even though floodplains need to inundate. Alison agreed, saying the goal is to provide more floodable areas without infrastructure damage, not to prevent flooding entirely.

Ellen noted that this contradicts dominant mindsets that believe humans should control the landscape, rather than respecting rivers as the dynamic systems they are. A mindset shift is needed for this work to take hold in communities.

Ted Sedell noted that the Army Corps of Engineers rarely permits dredging except for major economic waterways. He has had similar conversations about dredging repeatedly with landowners.

Lindsey announced an August 12 meeting with the National Weather Service in St. Albans, with John Goff presenting new flood inundation mapping at city hall. This is separate from FEMA mapping.

Alison shared the timeline for Act 121 rollout, with education and outreach continuing until 2027 and administration of new development rules for river corridors beginning in 2028.

11. Updates/Future Meeting topics

Cliff Jenkins, project manager for water quality at NRPC, and Dean Pierce updated members on the so-called "causeway projects" list. They began by providing context for the list, noting that in the 1990s, VTrans began to plan for a replacement structure in the location of the bridge and causeway constructed in the 1930s to connect Swanton and Alburg.

There was considerable controversy about the design of a new structure. Some in the area supported complete removal of the causeway to increase lake circulation and improve water quality in Missisquoi Bay. Others favored retaining the causeway because it provided vital habitat for an endangered species of turtle. Ultimately, a new bridge was built, while the causeway was retained .

Funding for the project was provided by a large congressional earmark. Because the project was completed under budget, officials were faced with questions about use of the unspent funds. These funds had to be used in a manner consistent with the intent of the original appropriation, which was tied to transportation infrastructure in the Missisquoi bay area.

A decision was made to redirect unexpended funds to other projects in the Missisquoi Bay watershed. But, to be eligible, those projects must have a direct connection to both transportation and water quality. Much time passed. Eventually, as part of its state-funded transportation planning duties, Northwest RPC worked with local communities to develop a list of 10 priority projects considered suitable for the funding.

After further delay, 9 of these projects were deemed viable by DEC. NRPC staff began working with VTrans on a “project management” proposal to move forward with the 9 projects. More recently, however, VTrans informed NRPC that certain technical questions have been raised by Federal Highway Administration officials. Work on the project management agreement has been put on hold until issues are resolved. Some projects may be cut depending on the outcomes of funding discussions, or there may be more room to identify additional projects.

Shifting to a different update topic Dean Pierce notified members that the comment period on DEC’s Funding Policy is now open. Dean also mentioned an interest in inviting speakers representing the Quebec portion of the Missisquoi Bay to a future meeting. Jim Pease recommended representatives from Sutton, St. Armand, or the Organisme de bassin versant de la baie Missisquoi (OBVBM).

12. Conclusion

The next meeting of the Missisquoi BWQC will take place on October 1.

Funding round 9 will open on August 13 and close on September 17. Round 10 will then open on December 17 and close on January 21.

Lauren Weston requested that future funding rounds beyond the next two be made available on the CWSP’s website. Dean agreed to add this information.

Dean Pierce shared that the CWSP had recently approved an O&M plan for Franklin County NRCD’s buffer planting along Giddings Brook that contains language allowing maintainers to begin using herbicides if DEC’s policy banning the practice is changed. He is waiting for an update from Rachel Buchanan, which he is hoping to have by December.

13. Adjourn/Recess for project site tour at Reservoir Rd

Lauren Weston motioned to adjourn the meeting for a site visit to Franklin County NRCD’s upcoming dam removal project in Enosburgh. Bridget Butler seconded. Motion carried. Meeting adjourned at 12:49pm.

Public comment not related to items on agenda

Report on budget adjustments (standing item)

Seating of new RPC Representative (standing item)

Review of Applications

TRANSMITTAL MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: APPLICATION REVIEW AGENDA ITEM
DA: SEPTEMBER 24, 2025

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The following pages summarize the applications received under the Ninth Call for Applications for clean water projects within the Missisquoi/Rock/Pike Basins.

Proposals were submitted by the Franklin County Natural Resources Conservation District (FCNRCD) and the Northwest Regional Planning Commission (NRPC). The projects span several phases, including Assessment/Identification, Final Design, and Implementation. The total amount of funding requested stands at \$445,532, with individual project requests ranging from \$4,800 to over \$210,00. Phosphorus reduction estimates range from 4.6 kilograms to 16.1 kilograms.

The first application to be considered has been classified as Project Development although it pertains directly to a project currently under construction. This classification is the one recommended by the Basin Planner. It seeks \$4,800 for legal expenses related to the creation of easements for the Sleeper Pond project in Newport.

Four of the applications are for Floodplain/Stream Restoration Final Design projects. The largest request, totaling \$213,131.00, is for the Black Falls Brook Floodplain Restoration (WPD 14161) in Montgomery. This project aims to restore approximately 4.5 acres of floodplain to bolster flood resilience and minimize flood and fluvial erosion hazards. The design process for this project explicitly includes dedicated time for Public Outreach.

Other design projects focus on Marsh Brook near Lake Carmi (WPD 13014 and 13027). These Marsh Brook sites, along with The Branch Floodplain Restoration (WPD 14165), require Phase I Archeological Investigation due to high precontact sensitivity in the proposed area of potential effects (APE).

Two of the applications pertain to implementation projects, and more specifically Riparian Buffer Planting projects. The Rock River Tributary planting (WPD 12694) is expected to yield an annual phosphorus reduction of 7.33 kg, while the Black Creek planting (WPD 13006) estimates an annual reduction of 5.89 kg.

Any recommendations regarding the requests will be the subject of follow-up correspondence.

If this version of the meeting packet was emailed to you directly, the application files (a complete set minus a confidential cultural resource report) are not included but may be downloaded from following link: <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:0a61b0ac-7c9b-4186-949b-e1e0040d76c0>

If this version of the meeting packet was downloaded from the NRPC website, it includes all of the non-confidential application materials.

WPD ID	Project Name	Applicant/ Organization	Phase	Funding Requested	Annual P Reduction (kg)	One-time P Reduction (kg)	Brief Description/Key Action (Based on Summary)
14168	Sleeper Pond Dam Removal - Assessment/Identification	NRPC	Assessment/ Identification	\$4,800	N/A (14.70 kg for associated project after Year 1)	N/A (24.90 kg for associated project 1)	Funds for legal expenses associated with RPC easement review for the Sleeper Pond Dam removal.
14161	Black Falls Brook Floodplain Restoration - Final Design - Montgomery	FCNRCD	Final Design	\$213,131	16.1	26.2	Restore floodplain access at the confluence of Black Falls Brook and the Trout River by lowering approximately 4.5 acres of floodplain to reduce high flow velocity and bolster flood resilience.
13027	Marsh Brook Town Hwy 33 Floodplain Restoration - Final Design - Franklin	FCNRCD	Final Design	\$57,476.20	4.6	6.6	Increase Marsh Brook's floodplain access downstream of State Park Road through floodplain lowering and associated plantings.
13014	Marsh Brook State Park Floodplain Restoration - Final Design - Franklin	FCNRCD	Final Design	\$53,224.52	12.7	26.3	Enhance Marsh Brook's access to the floodplain near Lake Carmi using strategic wood additions (BDAs, PALS), bench cuts, and accompanying plantings.
14165	The Branch Floodplain Restoration - Final Design - Enosburg	FCNRCD	Final Design	\$58,126.40	11.3	19.5	Restore The Branch's floodplain access along two properties to enhance water quality and mitigate erosion through floodplain lowering, strategic wood additions, and lowering a driveway area.
13006	Black Creek Buffer Planting - Implementation - Fairfield	FCNRCD	Implementation	\$25,869.76	5.89 (combined credits)		Riparian buffer planting and restoration along Black Creek (2230 ft buffer, 50 ft average width, 2.56 acres) using bare root plantings and live stakes.
12694	Rock River Tributary Buffer Planting - Implementation - Franklin	FCNRCD	Implementation	\$33,004.50	7.33		Planting a riparian buffer (915 ft length, 75 ft average width) along a Rock River tributary using bare root plantings and live stakes.

DATA ENTRY /Prelim results													C	D	E	F
		WPD ID	Project type	Annual p reduction kg	Funding request (next project stage)	Proposed cost (next project stage)	raw info	Estimated Total cost (all project stages) using midpoint of ranges where provided	Estimated Total cost minus other funding sources CWSP STAFF ADJUSTMENTS/ or BWQC action	cost per kg annual P reduction	design life (yr)	Estimated annual maintenance costs	Est Annual Cost of Operations and maintenance \$/kg (lower is better)	Conformance with the Basin plan (Imp. Table, elsewhere in TBP, or not)	Cobenefits (How many of six CoBenefit elements)	
Cliff Jenkins	Funds for legal expenses associated with RPC easement review.	14168	Assessment ID or Development		\$4,800.00	\$ 4,800	4800 (this is the only "phase" in which NRPC is receiving funding)	\$ 4,800	\$4,800	\$0	10	\$ -	\$0			
Lauren Weston	This project proposes to restore floodplain access along the confluence of Black Falls Brook and the Trout River. This will	14161	Final Design	16.1	\$213,131.00	\$ 213,131	\$ 1,688,000	\$ 1,688,000	\$1,688,000	\$104,845	10	\$ 5,000	\$311	10	4	
Lauren Weston	This project proposes to increase Marsh Brook's access to the floodplain in the segment downstream of State Park Road using floodplain lowering and accompanying plantings.	13027	Final Design	4.6	\$57,476.20	\$ 57,476	\$150,000 – 200,000	\$ 175,000	\$175,000	\$38,043	10	\$ 3,200	\$696	10	2	
Lauren Weston	This project proposes to increase Marsh Brook's access to the floodplain near the mouth of the river before it reaches Lake Carmi within Lake Carmi State Park using strategic wood additions (BDAs, PALS, etc.), bench cuts, and accompanying plantings.	13014	Final Design	12.7	\$53,224.52	\$ 53,225	150,000-200,000	\$ 175,000	\$175,000	\$13,780	10	\$ 3,000	\$236	10	4	
Lauren Weston	This project proposes to restore The Branch's floodplain access along two properties in Enosburg, VT to improve water quality and reduce erosion. Methods include a combination of floodplain lowering, strategic wood addition within the stream channel, and lowering the property's driveway area to improve floodplain access.	14165	Final Design	11.3	\$58,126.40	\$58,126	240,000-300,000	\$270,000	\$270,000	\$23,894	10	\$ 3,000	\$265	10	2	
Lauren Weston	Riparian buffer planting and riparian restoration along Black Creek in Fairfield, VT. The length of the buffer to be planted is 2230 feet, and an average buffer width of 50 feet. Restoration will include bare root plantings and live stakes on 2.56 acres.	13006	Implementation	5.89	\$25,869.76	\$25,869.76	\$29,869.76	\$29,870	\$29,870	\$5,071	20	\$ 3,000	\$509	10	2	
Lauren Weston	Riparian buffer planting along a tributary of the Rock River in Franklin, VT. The length of the buffer to be planted is 915 feet, with an average buffer width of 75 feet from top of bank on each side. Restoration will include bare root plantings and live stakes.	12694	Implementation	7.33	\$33,004.50	\$33,004.50	\$33,004.50	\$33,005	\$33,005	\$4,503	20	\$4,500	\$614	10	2	
				57.92	\$ 445,632	\$ 445,632		2,375,674.26	2,375,674.26							

Missis Basin Round 6 APPLICATION PRELIMINARY RANKING

Rank	WPD ID	Description	cost per kg	Annual p reduction kg
1	12694	Implementation	4502.6603	7.33
2	13014	Final Design	13779.5276	12.7
3	13006	Implementation	5071.26655	5.89
4	14161	Final Design	104844.72	16.1
5	14165	Final Design	23893.8053	11.3
6	13027	Final Design	38043.4783	4.6

Legal Expenses

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: LEGAL REVIEW AGENDA ITEM
DA: September 18, 2025

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CWSPs—working with the Basin Water Quality Councils like this one—are responsible for identifying, prioritizing, developing, and implementing projects to meet phosphorus reduction targets. A key aspect of ensuring the long-term success of these clean water projects is maintaining site control and access for implementation, operation and maintenance (O&M), and verification.

To secure this access, CWSPs are required by Vermont DEC to use site access agreements, which can be either a Site Access License or a Site Access Easement. For projects with state investment of \$200,000 or more, a Site Access Easement is required. These easements are legally recorded in municipal land records and are designed to "run with the land," ensuring access even if property ownership changes. Easements are structured to run for at least the project's design life and contain language for automatic renewal. Maintaining site control is essential for the project to continue contributing phosphorus reduction credits to the CWSP's running total.

Experience shows that legal review is necessary to ensure the validity of these legal documents. Although the agreements must follow established templates, required Exhibits (i.e., attachments) often necessitate deed research and careful legal drafting, leading to substantial costs. (You will see evidence of this in one of the funding requests included in the earlier agenda item.)

Consequently, budget materials for implementation projects requiring a Site Access Easement will now include a request for BWQC approval for additional funds to cover costs of legal review. This change will help the CWSP safeguard its investments and the long-term environmental benefits of these projects.

Time will be available for discussion and answering questions.

Updates/In Brief

- Cost Rate methodology
- Expedited project development funding policy

MEMO

TO: MISSISQUOI BASIN WATER QUALITY COUNCIL (BWQC)
FR: MISSISQUOI BASIN CLEAN WATER SERVICE PROVIDER (CWSP) STAFF
RE: UPDATE ITEMS
DA: September 24, 2025

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Staff would like to draw the attention of BWQC members to the following:

• **DEC policy proposals**

A new “cost rate methodology” (CRM) is being proposed. As noted in an email from DEC’s Chris Rottler, the CRM is used to set phosphorus reduction targets and funding levels for Clean Water Service Providers (CWSPs). Comments on the CRM will be accepted through October 17 at 4 PM. Please note: there will be public presentation regarding the proposal on October 8. It will be accessible via the TEAMS platform. If the proposed changes take effect, the result will be a substantial decrease in the size of the Missisquoi Bay basin’s P reduction targets.

Sector rate changes (2025 vs 2023):

- **Developed:** \$49,422 vs \$15,822
- **Streams:** \$21,459 vs \$10,601 (75% floodplain/stream @ \$13,241; 25% dam @ \$46,114).
- **Forest:** \$18,897 vs \$9,565.
- **Agriculture (buffers):** \$4,072 vs \$6,725.

Other: PD 10%; O&M \$10,000/CWSP + 2.8%.

Additional details will be provided as soon as possible (including in meeting presentation).

• **Expedited Project Development policy**

In August of 2024, the BWQC adopted a policy supporting a program to expedite project development fund distribution. The program would set aside a significant amount of project development funding, which prequalified partners could access by filing a simple application, budget, and schedule. In our basin, the expedited awards are capped at \$10,000 annually. At the time the policy was adopted, the CWSP had proposed that up to \$100,000 in project development funding be available annually. This amount was calculated based on a theoretical maximum number of 10 recipients (9 partners plus CWSP) multiplied by a maximum award of \$10,000.

Although the total amount of funding requests received to date has been well below the maximum—and thus there is no immediate need to consider modifying the cap—staff do want to clarify that the number pre-qualified partners is growing. Because some of the most recent requests are coming from newly prequalified partner organization (i.e., not in the original 10), we wanted to ‘check in’ regarding the subject of eligibility.

• **Other DEC policy**

DEC recently solicited comments on several policy documents. Although the deadline for commenting has passed, it is worth noting the subject of the documents, which included:

"Forestry Project Type" definitions, which clarify criteria for funding projects addressing legacy erosion from hydrologically connected forest truck roads and skid trails. Legacy erosion is defined as erosion that persists three or more years after active logging, as compliance with Acceptable Management Practices (AMPs) is a regulatory requirement for up to three years post-logging. Hydrologically connected segments are within 100 feet of a water of the state or wetland, bisect one, or drain to a segment that bisects one. Eligible projects must be on private or municipal forest lands and focus on decommissioning temporary roads or bringing permanent roads up to AMP standards.

The "Outlet and Gully Stabilization in Developed Lands" practice type. This new definition focuses on stabilizing actively eroding stormwater gullies, emphasizing that erosion must be caused or exacerbated by human activity primarily from developed lands, and the gully must not be an intermittent or perennial stream.

The "Gully Culvert Decision Tree" and "Stream Type/Flow Frequency Decision Tree". These tools guide implementers in determining project eligibility for gully stabilization and culvert upsizing, clarifying whether a flow path is perennial, intermittent, or ephemeral, which is critical for accessing CWIP funds

Staff will report on some of the written comments filed by Clean Water Service Providers regarding the documents.

Future Meeting topics

Conclusion