

**Missisquoi Basin Water Quality Council (BWQC)**

**Wednesday, October 1, 2025**

**11:00 AM to 1:00 PM**

**Virtual Meeting**

Meeting video posted at <https://youtu.be/t2pdplsXUAo>

**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), Ted Sedell (Q), Heidi Britch-Valenta (Q), Lindsey Wight (Q), Beth Torpey (Q), Dan Seeley (Q), Sarah Downes (Q), Bridget Butler (Q), Allaire Diamond (Q)

Q= towards quorum q= towards quorum when representative has recused

Staff: Dean Pierce, Cliff Jenkins, Lorna Peters, Nora Brown, Bethany Remmers

Others present: Mel Auffredou (FCNRCD), Dorothy Kinney-Landis (FCNRCD), Kerry Brosnan (FCNRCD), Orenna Brand (FCNRCD), Josh Serpe (FNLC), Karen Bates (DEC), Jim's AI Notetaker, Dan's AI Notetaker

**1. Welcome and introductions**

Lindsey Wight opened the meeting at 11:03 as Chair. A round of introductions was made.

**2. Meeting protocols**

Lindsey Wight reviewed norms for meeting on Zoom.

**3. Conflict of interest declarations, if any**

Lauren Weston commented that no one from FCNRCD will be voting on their own projects today. She also asked if anyone from NRPC needed to be excused, specifically asking about Heidi considering she is representing NRPC. Dean Pierce clarified that Heidi Bridge-Valenta is allowed to vote because she is not employed by NRPC and is just representing the sector.

**4. Review/adjust and approve agenda**

No changes to the agenda were made. Ted Sedell motioned to approve. Beth Torpey seconded. Agenda was approved.

#### **5. Approval of minutes**

Lauren Weston moved to approve. Ted Sedell seconded. Minutes were approved.

#### **6. Public comment not related to items on agenda**

Dean provided more clarification on why Heidi did not need to be recused from voting.

#### **7. Report on budget adjustments (if any)**

No adjustments were made.

#### **8. Seating of new RPC Representative (if any)**

Dean explained that Dave Allerton is still considered and alternate representative for the municipal sector even though he has retired as public works director for St. Albans Town. However, he might step away if the Town asks for a current staff member to fill the role.

#### **9. Review of Applications**

Dean set up the applications by saying the total funding request was \$445,532, there were two applicants and the total phosphorus reduction estimate is about 58kg. There was one project development application, two implementation applications, and four final design applications.

Cliff Jenkins started talking about his project proposal for the Sleeper Pond Dam Removal. There are several easements required for this project, and because the CWSP is required to set up the easements, NRPC has been reaching out to lawyers about the title work. Legal review fees were not included in the original applications, so the NRPC is reaching back out to the BWQC for more funding to account for increased legal fees. The initial request was for \$4800 but was increased to \$8000. Cliff showed a map of the project. Cliff explained that he applied as a project development application even though the funds will be used in the implementation phase because Karen Bates explained that these funds are requested to move between phases of the project. The original funding amount was estimated at \$800 per parcel easement, but recent invoicing has suggested that the NRPC will need more money.

Ted Sedell asked if this project was the dam in Newport Center. Cliff said yes. Ted also asked if this was for easements to access the six parcels around the dam, to which Cliff also agreed.

Dean interjected that this was an unconventional situation, in that the CWSP is playing catch up. He clarified that he believes some of the surrounding parcels do not require CWSP easements because they are only getting water line work, but according to the attorney they do need deed title work.

Allaire Diamond explained that she has previously understood that CWSP funds cannot be used for her conservation easement projects. So, she was asking for clarification on why this project is eligible for funding. Cliff said he could not speak for using CWSP funds for conservation easements in general. However, Basin Planner Karen Bates had said this request would qualify as project development. Dean elaborated that because the legal fees are directly related to a CWSP-funded project (in the same way that bonding fees are), they are CWSP eligible expenses. He does not believe that this will have an impact on conservation easements. Dean showed a chart for legal fees for Sleeper Pond Implementation. He ran through the numbers for the CWSP share of P reduction cost effectiveness, saying that the Sleeper Pond project cost effectiveness should not change much per kilogram with this increase in funding.

Lindsey shared that she is concerned about the precedent this sets for other projects, specifically smaller projects where this could effect the cost effectiveness much more. She explained that she thinks that this request should come out of a different pot of money. She explained that she thought that one of the six parcels did not need an easement. Dean agreed that one parcel Cliff had indicated as requiring an easement did not.

Ted Sedell asked if the attorney fees were included in the initial project application. Cliff said his impression is they were not. Lindsey chimed in that they had gotten landowner agreements from the parcels around the dam but not the ones farther away.

Lauren Weston asked if there were standards set by other CWSPs for legal fees, and Dean said that he believed they had not encountered this yet. Ted shared that there might be another project in Morgan that encountered a similar situation with legal fees, but he was unsure.

Heidi Bridge-Valenta asked if these would be temporary or permanent easements. Dean explained that these easements are for the design life of the practice and could be extended. The easement is written so it is renewable, but a party could choose not to renew. She thought this cost seemed low considering the number of easements involved.

Mel Auffredou asked for clarification because Chris Rottler had explained in the Lamoille BWQC meeting that fees prior to an executed agreement could not be covered by CWSP funds. Dean distinguished between the two situations. He clarified that because the CWSP does not have an agreement with itself, unlike regular agreements between the CWSP and subgrantees, there is no task award date that comes in to play for when expenses can be billed.

Lindsey shared that she was simply concerned about the path that this request is setting. Dean suggested that this application could be tabled to wait for the BWQC to discuss the later agenda item on legal fees in applications.

Heidi asked if these landowners have agreed to signing an easement or if there is potential for the landowners to request financial compensation for the loss of land. Lindsey explained that

MRBA has a great relationship with 5 of the 6 parcel owners and the numbers are not likely to be inflated. Heidi said that she was confused by why the legal fees could not be included in the budget of the project because they were a part of bringing the project to fruition. Lindsey remarked that DEC's guidelines are making it difficult to get projects implemented due to added costs like this.

Ted Sedell motioned to table. Lauren Weston seconded. Dean suggested that this topic be "continuing" until the next meeting given the time left in the meeting, and Ted asked if this needed to be approved for the project to continue. Dean said no. Heidi asked if the proposal could be approved under the condition that the CWSP promptly set a new precedent, and Allaire expressed concern with that. Ted asked if this could be approved as a "one and done" situation for this kind of request, and withdrew his motion. Allaire motioned to vote later in the meeting at 12:50, Ted seconded. Motion passed.

Mel Auffredou started presenting on the Black Falls Brook Floodplain Restoration Final Design application. This is a project in Montgomery aimed at increasing flood resilience in the town, as well as increasing floodplain access and flood storage on the town's public, conserved parcel. This project will reduce phosphorus heading downstream via floodplain lowering, road embankment stabilizations, and plantings. The budget for the final design of this project is \$213,131 and the total budget is about 1.7 million. This is a multi-acre project with the added benefits of community engagement, public education, recreation, and knotweed removal. Mel showed a map of the project.

Lindsey asked for explanation on what work would be done on the portion of the project along the road. Lauren and Mel responded that they would be doing additional stabilization.

Allaire explained that she was struck by the high cost of final design, and requested clarification on the phosphorus numbers and the infrastructure-related amounts requested versus floodplain-related spending. She also asked about additional funding sources like FEMA. Mel shared she checked the cost is still significant with the road embankment money removed, and Lauren shared that applying for FEMA would require more money. Lauren shared that much of the money requested is for a cultural resources assessment. She shared that site-specific data has not been gathered yet.

Ted asked if SLR did a hydraulic model for this area, and Lauren shared that they had done a hydraulic model for the whole Trout River but additional work is needed for a smaller scale model. This is one of 10 high priority projects recommended for the river, and this one was chosen by the town.

Ted also asked what the quote was for a cultural resources assessment. Lauren estimated \$40,000. Mel went back to Allaire's question about the P-reduction and this project will reduce 16kg/year. Dean added that the cost effectiveness of this project is looking like about \$100,000 per kilogram. Mel shared that the SLR phosphorus numbers seemed low, and that the complete accuracy of that number is questionable and depended on floodplain access. Mel clarified that the cultural resources assessment was estimated at \$20,000.

Lindsey motioned to approve. Ted seconded. Lauren recused. Motion passed.

Dorothy Kinney-Landis presented on the Marsh Brook Town Highway 33 Floodplain Restoration Final Design application. Floodplain lowering, berm removal, and restoration planting are included in this final design, and preliminary design was completed earlier this year. Additional restoration projects were looked at but these were the three agreed on by the landowner. Total project area is just under an acre. The final design phase budget is \$57,476.20. The total estimated P-reduction is 4.6kg/year. The total estimated project cost is \$150,000-200,000. This project is in the Lake Carmi watershed.

Ted asked where this was in relation with the Marsh Brook State Park, and Dorothy shared that this project is adjacent to the state park. Mel shared that this project is right next to the upcoming Marsh Brook State Park Floodplain Restoration project.

Allaire shared that this project cost seemed very reasonable and the funds were directly related to the water quality impacts.

Allaire moved to approve. Ted seconded. Lauren abstained. Motion passed.

Mel presented on the Marsh Brook State Park Floodplain Restoration Final Design application. This project is in Lake Carmi State Park. This project is aimed at reducing channel incision along 550 ft of Marsh Brook in the Lake Carmi watershed. The 30% design includes floodplain lowering via bench cuts, strategic wood additions, and plantings and the benefits are flood resilience, decreased flow velocity and reduced phosphorus inputs. This project includes a number of beaver dam analogs along the brook. The final design budget is \$53,224 and total budget is \$150,000-200,000. P reduction is 12.7 kg/year so the cost effectiveness is \$11,800-15,800 kg/year.

Ted asked if FCNRCD was given estimates for all of these projects combined or individually. Mel said that the project design budgets and cost effectiveness were given site by site but were all completed under the same CWSP project ID.

Allaire asked how the bench cuts would be done and Mel shared that she was unsure but there would likely have to be machinery in the area because these are larger beaver dam analogs.

Ted moved to approve. Allaire seconded. Lauren abstained. Motion passed.

Mel presented on The Branch Floodplain Restoration Final Design application. This project is in Enosburg and focuses on erosion of the streambank along these two properties. This project would increase floodplain access along 18000ft of The Branch. This will reduce flow velocity and includes taking a hayfield out of production, driveway/floodplain lowering, and planting of woody species. She presented a map. The budget is about \$58,000 with a P credit of 11.3 kg and a \$21,200-26,600 per kilogram cost effectiveness.

Lindsey asked how they plan to accomplish plantings along the eroding bank. Mel said that FCNRCD plans to plant trees along this portion at the top of the bank even though it is thin.

Ted asked about VTrans' input on the vulnerability of the road (Rte 108). Mel shared that erosion is happening outside of VTrans right of way.

Ted motioned to approve. Sarah Downs seconded. Lauren abstained. Motion carried.

Orenna Brand presented on the Black Creek Riparian Buffer Planting application. This is an implementation project in Fairfield. The project is along 2.5 acres of Black Creek which connects to the Missisquoi. The current conditions along this project are a fallow cornfield with reed canary grass and boxelders. The phosphorus credit is 5.89 kg/year. The planting design will follow previous projects is 400 live stakes per acre, bare root, 2-4 ft stems. The project benefits are cleaner water, ecosystem services, and climate resiliency. The implementation budget is \$25,869.

Ted asked who will do the planting. Orenna shared that the NRCD will be doing the planting. Ted also asked if O&M is included in the budget, and Lauren and Orenna said no.

Ted motioned to approve. Sarah seconded. Lauren abstained. Motion passed.

Dorothy presented on the Rock River Tributary Riparian Planting application. The area of this project is 3.4 acres along a tributary of the Rock River. This project is along an early succession meadow with some alders. This project will result in a P-reduction of 7.33 kg/year. Planting design will follow the previous application. The budget is \$33,004.50. FCNRCD will be doing the planting. Benefits of the project include clean water, wildlife habitat, and education. Missisquoi

Valley Union eighth graders will take field trips to the property to learn about the benefits of riparian plantings.

Allaire shared that she hopes the NRCD will do some wood additions in the planting. Dorothy shared that this could be done. Karen Bates shared additional clarifications on planting projects applications.

Mel asked if Dean could give some clarification on what kind of project application is necessary for strategic wood additions. Ted added that these projects generally do not require the same design stage as other projects. Lindsey suggested that we postpone this discussion to next meeting.

Allaire motioned to approve. Ted seconded. Lauren abstained. Motion carried.

At 12:54, the BWQC again took up the matter of Sleeper Pond-related legal expenses. Allaire motioned to approve. As an aside, she noted that there should be more information provided at a future meeting regarding the eligibility of legal expenses for CWSP funding. Ted seconded. Motion passed.

## **10. BWQC Approval of Project Legal Expenses**

Dean went on to present on changes to BWQC applications with regard to legal expenses. Since site access agreements required by DEC result in sometimes costly legal fees, application forms will include a note that the BWQC will be considering additional funds for legal review in sites requiring access agreements. This would prevent another situation like Cliff's application.

### **11. Updates**

#### **a. Cost Rate Methodology**

This formula is changing. There is a Teams presentation on this change on October 8<sup>th</sup> and public comments can be made until the 14<sup>th</sup>. Dean shared that the proposed P-reduction goal will decrease by 48%.

#### **b. Expedited project development funding policy**

No comments were made.

### **12. Future Meeting topics/Conclusion**

Dean shared that the next meeting is December 3<sup>rd</sup> and the next funding round opens December 7<sup>th</sup>.

Bridget Butler thanked everyone for their questions and clarifications.

Meeting ended at 1:06.