

Upper Valley Subcommittee  
of the Connecticut River Joint Commissions  
Monday – April 16<sup>th</sup>, 2018  
Lyme Town Office, Lyme, NH  
Draft Minutes

Present:

Lynn Bohi (Hartford)  
Ben Dana (Fairlee)  
Tara Bamford (Thetford)  
Linda Matteson (Thetford)  
Jim Kennedy (chair, Hanover)  
Ruth Bleyler (Lebanon)  
Sue Mackenzie (Lyme)  
John Mudge (Lyme)  
Carl Schmidt (Orford)  
Ross McIntyre (guest, Lyme)  
Alex Belenz, North Country Council, staff consultant

1. Chairman Kennedy opened the meeting at 7:05 and introductions were made. Jim provided his new address to Alex to add to the member directory. Alex will update the directory and send around to members.
2. The minutes from February 26<sup>th</sup>, 2018 were approved by motion of Mudge/Bleyler with one correction; under item #6, the paragraph was corrected to refer to the Pike Quarry Expansion rather than “subsistence at the Lebanon landfill.” The quarry will need to go through a permitting process due to wetlands impacts. Jim noted that there may be opportunities for mitigation along Trues Brook Road.

Carl noted a clarification for one of his remarks from the February 26<sup>th</sup> meeting. Under item #5, he had indicated that for Section 106 to be triggered, a site must be listed on the National Register of Historic Places. He clarified that a site must be “determined eligible for listing,” rather than “listed.” Section 106 requires that projects requiring federal permitting must take into the account the possibility of adverse impacts to historical resources. This could apply to the archaeological site on John Mudge’s property during the FERC relicensing process for the Great River Hydro (GRH) dams on the Connecticut River. John added that he has a determination from the Register of Professional Archaeologists that his property is eligible for the Register. He will be following with the state on next steps.

3. Permits. Jim let members know that the wetlands permit for Mascoma Bank that was reviewed at the February 26<sup>th</sup> meeting was approved by DES. The subcommittee had approved of the plans.

Jim received copies of the plans for a building addition at the Friends of Dartmouth Rowing Boathouse on the Connecticut River. The application has not been received yet, so the subcommittee will have another chance to review and comment. There will be a wetlands permit for a stormwater tank as well as a shoreland permit for the expansion. Jim expressed concerns that there may not be time to organize site visits and address both permits before comments are due. There is an existing swimming dock that the Upper Valley subcommittee helped approve years ago. During that process, there were issues with where the applicant had marked the top of the bank on the site plans, and the same issue has come up again with this project. They are saying that the top of the bank is down near the shoreline. Currently, cars park right up to the edge of the actual bank, and they have been storing materials right at the top of the bank as well. They are eventually planning to get rid of most of the parking lot and convert it into park space once a parking garage is built in Hanover. The stormwater plans are OK – some of it will go into a collection basin, and some will go into a series of tanks with an outfall and splash pad. Hanover Conservation Commission has already asked that the club regularly clean up a sandy concrete ramp and clean up the parking lot twice a year. Jim will organize a site visit to the property. Tara asked why we wouldn't want to see the stormwater tanks moved farther up the bank in the plans, Jim replied that they needed to be near the bank because the parking lot slopes downhill.

Jim received a copy of plans for a new underground storage tank for the Lebanon Wastewater Treatment Plant this afternoon. Since there was not time to conduct an initial review of the plans, and the permit application has yet to be received, the discussion was tabled until the next meeting.

4. NHDES Proposed Wetlands Rules. Jim opened a discussion of the drafted NHDES Proposed Wetlands Rules. Comments on the new rules are due on April 20<sup>th</sup>. Jim will attempt to get a comment letter to DES before the deadline. Member comments on the proposed rules were:
  - Jim – the new rules will cut down review times and remove some rules from LACs. Expedited permits and permits by notification will bypass LACs.
  - Jim – large permits (CAT 3 & large CAT 2) will require applicants to provide plans to LACs 30 days before they submit applications to DES. The review time will be reduced from 75 days to 50 days, but LACs would be able to request a 40 day extension.
  - Lynn – rule 311 would provide clear expectations for what information and materials need to be included in applications, so she was in favor.
  - Lynn – rule 314 would limit retroactive permitting, so she was in favor.
  - Lynn – rule 316, in favor.
  - Jim – rule 407.02(i) would make all projects of a certain size CAT 3 (large permit) if they were in a designated river corridor. This would be a much stricter standard, and it is strange that they would adopt such a strict standard.
  - Jim – shoreline stabilization criteria is tougher, and would make it more difficult to permit using rip rap.
5. FERC update. John noted that April 22<sup>nd</sup> is the deadline to send in comments. CRJC will be sending in a letter. Jim will be sending in a letter on behalf of the subcommittee that was discussed at February meeting. John will be sending in a letter as a riverfront landowner. The basic theme of all of the letters will be that Great River Hydro has not been able to prove that dam operations are not

impacting bank erosion. GRH was directed by FERC to ascertain causes of erosion, and they have not completely done so. Three landowners in Lyme have submitted letters as well.

Jim noted that not much has changed in his letter since the last meeting. Tara had provided a paragraph describing how the erosion supplement uses circular logic. The supplemental study only looked at river flows to see if they were fast enough to entrain sediments under normal dam operations. There are a lot of concerns about how and where they did sampling. GRH erosion studies 2 and 3 describe 5 methods for erosion – waves, water level fluctuations, overland flows, groundwater seeps, and river flow, and admitted that water level fluctuations are a known cause of bank erosion. The supplement only addressed river flow. A peer review by Princeton Hydro rejected many conclusions of the erosion supplement.

Ross added that GRH used misleading methods in handling entrainment calculations – they looked at entrainment of average-sized sediments, and not at fine particles. Jim added that studying fine sediments would be difficult because many of them have been eroded and pulled downstream – this was noted in his letter to FERC. Ross will send in another letter as well.

Sue asked if FERC had been invited for a site visit. John noted that an invitation was included in his and CRJC's letters. Jim will add this to his letter.

6. Living Shorelines presentation. Jim shared a presentation about living shorelines – what are they, what the benefits are, examples of restoration projects in the Upper Valley, and how the subcommittee can promote them. After the July 1<sup>st</sup> storm and flooding, NHDOT, under emergency permit authorization, excavated river cobbles from Jacob's Brook along NH Route 25A and pulled them up to stabilize the bank. The work left a large berm along the bank and destroyed the stream habitat. Jim shared pictures. There is about 0.5 miles of varying impacts. NHDOT has indicated they will remove the berms, but there has been no word on stream habitat restoration or bank restoration. Jim is planning to apply for a grant from the NH Aquatic Resource Mitigation (ARM) Fund. The pre-proposal form is due April 30<sup>th</sup>, and he will need to enlist other entities/organizations (e.g., Connecticut River Conservancy, NRCS, NH Fish & Game, Town of Orford). Jim could use some assistance with the pre-application, and has already contacted NHDES Rivers for assistance. Tara noted that this type of flooding has happened before along NH 25A – would there be enough money in the grant to develop a project that will hold up? Jim replied that the point of the project would be to restore the natural function of the stream so that it is able to move around. Alex noted that the project could be eligible for Upper Connecticut River Mitigation and Enhancement Fund grant funds. Carl noted that at some point, NHDOT had straightened Jacob's Brook to remove the meanders so that several bridges could be converted to roadway. Carl asked who would actually submit the application – Jim replied that it would be done through CRJC. Jim asked if Orford could provide some sort of in-kind resource – volunteers, funding, equipment? Carl replied that the town does have a conservation fund.

This led into the next part of Jim's presentation – living shorelines. A living shoreline is kept stable by vegetation and natural organic material, as opposed to manmade hardening (e.g., rip rap). Benefits include improved water quality and habitat, and increased storm and flood resiliency. Occasionally, restored living shorelines included a hardened "toe" near the water line to keep sediment in – this is

common on the Connecticut River due to water level fluctuations. Living shoreline projects can include plantings (e.g., alders, willows), installation of root wads, logs, or other natural materials reduce bank erosion, soil bags, and/or other natural treatments. Jim shared several examples of living shoreline restoration work in the Upper Valley, including root wad/soil bags installation along the Mascoma River in West Lebanon, a project the subcommittee was involved with. The proposed NHDES Wetlands Rules would add further limitations to hardscaping, which is good news. Tara added that there are similar restrictions in Vermont through stream alteration rules – but town highway crews are exempt.

CRJC has produced some materials on riverbank management and riparian buffers (circa 2001). Tara added that she is working on an updated one-pager, which should be ready by June for subcommittee members to distribute. Jim presented a list of potential actions the subcommittee can take regarding promoting living shorelines:

- Public outreach – revive buffer materials (Tara is working on this), provide new guidelines and examples of new techniques, public presentations, working with conservation commissions.
- Permit review – pre-application meetings, site visit checklists, construction monitoring
- Restoration projects – mitigation funding, demonstration projects. Jim noted that Connecticut River Conservancy is always engaged in planting/restoration work – we need to let them know where there are needs and/or opportunities.

7. Meeting was adjourned at 9:02 PM by motion of Mudge/Schmidt. The next meeting will be held on June 18<sup>th</sup>.

Meeting minutes respectfully submitted by Alex Belenz.