

**Upper Valley Subcommittee**  
of the Connecticut River Joint Commissions  
May 17, 2021 Meeting Minutes  
Video Conference Call

<b>NH Members:</b>	<b>Present</b>	<b>Absent</b>
Alice Creagh, Hanover, NH		X
Vacancy, Hanover, NH		
Eric Agterberg, Lebanon, NH	X	
Ruth Bleyler, Lebanon, NH		X
Bruce Garland, Lebanon, NH (alt)		X
Bill Malcolm, Lyme, NH	X	
Vacancy, Lyme, NH		
Ted Cooley, Orford, NH	X	
Carl Schmidt, Orford, NH		X
Karyn Brown, Piermont, NH		X
Helga Mueller, Piermont, NH		X

<b>VT Members:</b>	<b>Present</b>	<b>Absent</b>
Vacancies, Bradford, VT		
Ben Dana, Fairlee, VT		X
Vacancy, Fairlee, VT		
Danielle Allen, Fairlee, VT (alt)		X
David Barrell, Hartford, VT		X
Lynn Bohi, Hartford, VT	X	
Tara Bamford, Thetford, VT	X	
Bill Bridge, Thetford, VT	X	
Linda Matteson, Thetford, VT (alt)	X	
Chet Clem, Norwich, VT (membership pending CRJC approval)	X	
Vacancy, Norwich, VT		

John Ragonese (Great River Hydro); Jennifer Griffin (Great River Hydro); Kathy Urffer (Connecticut River Conservancy); Olivia Uyizeye, Staff from UVLSRPC

**Minutes**

**1. Welcome & Introductions**

Chair Bill Malcolm called the meeting, conducted via conference call, to order at 7:02 PM under the emergency provisions of RSA 91-A, New Hampshire's Right-to-Know law, as allowed by Emergency Order 11 under Executive Order 2020-04 in light of the COVID-19 outbreak. Chair Malcolm conducted a roll call of LAC members, invited any guests to introduce themselves, and welcomed all present.

**2. Great River Hydro FERC Application Update: John Ragonese (Great River Hydro)**

Bamford introduces Ragonese and Griffin, and thanks them for attending to discuss the dam relicensing. See recording. Presentation and conversation summary:

- Griffin introduces Ragonese as the manager of the FERC relicensing for Great River Hydro. The application was submitted in 2020.
- Ragonese provides slides on a synopsis on the recently filed (December 2020) application. Discussion about what was in that application and also next steps for the process.
- Three projects on the same timeline – Wilder, Bellows Falls and Vernon project.
- Revised operations include:
  - o Inflow equals outflow/flexible operation
  - o Bellows Falls bypassed reach flow
  - o Continued high water management
  - o Continued ISO-NE responsiveness
- Additional changes include
  - o Fish passage improvement

- Existing recreation facility improvements
- Cultural and historic resource investigations and support
- Most significant change in the application is the proposed operations
  - 4 modes of operations: inflow equals outflow the majority of time; flexible operation under a limited number of hours per month to typically increase flows; Transition operations between inflow equals outflow and flexible modes; Emergency/System operation when requested by regulatory agencies to maintain available supply on the grid (GRH is able to be responsive and fill this role very quickly)
  - Bohi – In a typical year, how many times are there an emergency?
  - Ragonese – These are rarely huge emergencies. They can be for 5 min and rarely longer than an hour. We are the last straw on some emergencies. They might notify GRH, but not end up asking for any change in operations. Typically where demand is not matching up with the anticipated schedule.
  - Malcolm – what level are you planning to keep Wilder lake at?
  - Ragonese – ½ foot below maximum with a ½ ft bandwidth above and below, largely varies due to natural variability between gauge and reservoir where changes might occur. If far off target, GRH will revise the operations on the spot.
  - Malcolm notes that there is natural variability between seasons in flow.
  - Ragonese explains that there may be times where significant variation may prompt the use of flex time. What influences this decision include the price at the moment, price upon refill, and the flow. These will not be large drawdowns because it takes too long to refill. During refill, GRH will lose money because running at a lower rate during that time, thus could lose the benefit of the flex time.
  - Malcolm – question comes from the experience from the last 40 years where there have been significant variations.
  - Ragonese – 90% of the time under the proposed operations would have the flow at the same elevation. Although there will be variation depending on where you are.
  - Ragonese – proposing the run of the river, while always maintaining full storage capacity. More flexible hours during dormant months of December to March, while lowest during reproductive times of the spring. The goal is to use changes in monitoring to provide better estimates on what flow will be coming in.
  - Agterberg – Asks for clarification on the hours during Fall.
  - Ragonese and Griffin clarify that in November there will be 42 hours of flex time, however no more than 10 of those can be used in the first 15 days due to wildlife cycles that are still active. Early fall is 20 hours per month.
  - Bamford – the operations do respond to early comments by CRJC in regards to reducing fluctuations and erosion impacts. Will GRH be participating in studies to look at impacts after the change in operations?
  - Ragonese – No, there is no expectation of this. There was near \$10million spent on studies part of the application process. Also, there is no agreement from GRH in regards the dam operations impacting erosion along the river.
  - Bohi – references an archaeological dig being done about the Wilder dam. Is GRH involved in this?
  - Ragonese – No. There are no studies currently underway. However, in the future, whenever GRH is involved in changes along the river, historical and cultural resources will be looked at before significant changes are initiated.

- Ragonese – GRH provides an hourly summary of operations to regulators, not circulated publicly; however, a member of the public could likely request this information from the regulators.
- Bamford – There is reference to the 401 being waived, is this correct?
- Ragonese – We expect this will not be waived by the states and both will engage in this process.
- Clem – Can you explain further what may be recreational improvements beyond existing recreational opportunities?
- Ragonese – There are none.

Malcolm thanks Ragonese and Griffin for the presentation. Ragonese welcomes members to follow up with any additional questions.

### **3. March Meeting Minutes Review**

Malcolm opens up discussion on the March meeting minutes. Bamford makes a motion to approve the minutes as presented. Malcolm seconds the motion. The vote passes unanimous by roll call vote.

### **4. Permit Review**

#### **a. Shoreland Application, 58 East Wilder Rd, West Lebanon (2021-01131) - Construction of 3100 square feet home and Individual Sewage Disposal System. (detailed application has not been received)**

Malcolm explains that the LRS has seen other permits in this area, however, NHDES has noted the application as incomplete since materials requested have not been received. An application has not been received by the LRS. It is agreed to hold off on any site visit until plans are received.

#### **b. Great River Hydro relicensing – comments**

Malcolm invites comments. Clem notes that the recreational improvements response seems inadequate. What they have provided for does not seem like a significant contribution to the community. Bamford responds that we have not had this conversation as of yet to determine an opinion on the matter. It would be appropriate that this conversation be informed by the CRJC recreation management plan. Clem has a better sense of the process now.

In response to a question from Bamford, Urffer comments that there is no expectation that either state will waive the 401.

### **5. Other Permit Communications**

#### **a. Requested preliminary comments on Bridge replacement near Westboro Railyard in Lebanon to be considered in final design/permit application**

Malcolm introduces the project review request and asks for comments. The project involved an railroad bridge overpass that need repair near the Westboro railyard.

- Clem would like to see comments that would encourage expansion of recreation access in that area, informed by the recreation management. It is an opportunity to provide these additional benefits. A critical link to connect the Mascoma River Greenway to points North and West if walking or bicycling. All three connections reviewed for bicycling/pedestrian connections by engineers involve the bridge.
- Agterberg – suggest incorporating some standard best practice for construction and environmental impacts, such as minimizing the spread of invasive species.
- Bohi – Makes sense to comment with a focus on the recreation. Use normal construction care in regards to invasive species.

- Clem offers to help put together some language on the recreation piece. Bamford makes a motion to have Clem assist Malcolm in drafting a letter that will be drafted and submitted. Agterberg seconds the motion. The motion passes unanimous by roll call vote. Agterberg offers to provide additional assistance in drafting the letter.

**b. Approved Amendment to Wetlands permit for 30 Occom Ridge, Hanover (2018-03598)**  
General notification.

**c. Wetland Permit, for informational purposes only.**  
The permit is for the installation of a seasonal dock on 36 River Rd in Hanover NH. The dock would traverse shoreline in an area that has limited natural vegetation. The dock would be constructed off-side and brought to the property for installation. The dock would be 6 feet wide and 40 feet long; a portion of it would be a floating dock suitable for launching rowing sculls, kayaks and canoes. This notification is not subject for LAC review, but rather for subcommittee awareness.

## **6. Other Updates & Business**

### **a. Permit Review Process Discussion**

This conversation relates to the draft permit review process document circulated prior to the meeting. See attached document.

Bohi, Bamford and Malcolm agree that bcc is appropriate to include, ensuring that conversations are taking place under regulatory requirement rather than an email sidebar. Bamford asks that reference be made to NH91-a Right to Know law. Also, that the reference to 3 members in 4a be repeated in 5a. Malcolm asked if that document be acceptable to the members as described.

Bohi makes a motion to approve the process with submitted changes with those changes confirmed by final member review. Bridge seconds the motion. The motion passes unanimous by roll call vote.

### **b. Water Quality Testing**

Uyizeye provides an update. A volunteer, Sarah Riley, is all set to sample as the site downstream of the Mascoma and White rivers. Lab testing will be done in Lebanon at Endyne Labs for total Nitrogen, total Phosphorus, and Chlorides. There were other interested members of the public in the Upper Valley region and it is possible that there would be volunteer capacity to do additional water sampling in future seasons if the LRS deemed it a priority, and the needed equipment and/or funds for lab testing would be available.

### **c. Outreach & Speaker Series**

Uyizeye reminds members that the next event is:

#2 Future of Invasive Species Management  
MAY 25, 6-730PM  
Kimberly Jensen (VT DEC) and Amy Smagula (NH DES)

Uyizeye is also still looking for a member to help facilitate the event. Please contact her if interested.

**d. Commissioners Update**

Budget update and cancellation of migration event

**7. Adjourn**

Agterberg makes a motion to adjourn. Bohi seconds the motion. The vote passes unanimous by roll call vote.

*Respectfully Submitted by Olivia Uyizeye.*

## Notes to the Proposed Change to Project and Permit Review

New Hampshire has a public meeting notice provision. Do 5.a. and 5.e. comply with that provision? A site visit will generally include less than a quorum, meaning that no “business” can be concluded but meeting can proceed to discuss the project or application; minutes must be kept.

Item 2 may be more challenging logistically as agencies other than NHDES are not mandated to get Subcommittee comments to have an “administratively complete” application.

During the past two weeks I have discussed the NHDES review process with Tracie Sales, Rivers and Lakes Programs Administrator and one of the Shoreland Section Supervisors to request changes to the application process, including the requirement that applications be available electronically. While they are sympathetic to the efficiencies this would add, “. . . [it] requires a change in rule, statute, or both . . .” Based on my discussions and others with NHDES, changes are being put in place to facilitate a more orderly, efficient process, however. In each conversation I stressed that volunteers are our scarcest resource and that agencies need to make our jobs as effective and efficient as possible.

I have also reviewed the CRJC budget for this and the coming year. Olivia’s and Pat’s (UVLSRPC staff for CRJC and the Subcommittees) continued assistance at current levels is being challenged. And Vermont removed the CRJC funding. NHDES is aware of the impact on the subcommittees and is meeting this week to find funds to shore up CRJC’s funding for the remainder of the 6/30 FY.

I have also made other arrangements to scan the large plan documents to a PDF file where we are unable to get electronic copies.

### Subcommittee responsibilities under RSA 483:8-a, III, (a) and (b):

- (a) To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment, tributary drainage areas, and disposal of state-owned lands. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.
- (b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund, or construct facilities or applications for permits, certificates, or licenses, that may alter the resource values and characteristics for which the river or segment is designated.

### Procedures for Project and Application Review

1. The Chair of the Upper Valley Subcommittee of the CRJC shall coordinate all reviews of permit applications or other matters that shall come before the Subcommittee. The Chair of the Subcommittee may designate a Coordinator for specific permit applications or other matters that may come before the Subcommittee.
2. The Subcommittee Chair will review weekly notices from NHDES and keeps up with other sources such as FERC, NH and Vermont 401 applications. The Subcommittee Chair or the designated

Coordinator will request application material from responsible agency or applicant in electronic form. For NHDES applications not available electronically, the Chair or the Coordinator will compile summary description, location, and request PDF of plan from applicant.

In general, for NHDES Wetland, Shoreland, and Alteration of Terrain permits:

- The applicant is required to send the Subcommittee a copy of the application and plans if the project is in the designated river corridor (unless the project type is exempt from LAC review).
  - If the Subcommittee does not receive a copy, they should immediately notify the NHDES project reviewer because these permit applications all have some sort of requirement that makes the application incomplete if the Subcommittee has either not been sent the application, or if the applicant has not included the Subcommittee's comments with the application. The specifics on how that is handled varies by the type of permit.
3. The Chair or the Coordinator will send a description to Subcommittee members (via bcc so as not to inadvertently facilitate a group discussion outside of a public meeting). Where possible an electronic copy of the material will be sent to Subcommittee members. Otherwise, the material will include whatever information is available in a readily distributable form.
  4. For applications with comment deadlines after the next regularly scheduled Subcommittee meeting:
    - a. If requested by three members, the Chair or the Coordinator will work with Subcommittee members (especially those from the town where project is located) to schedule a group site visit with applicant.
    - b. Comments discussed at the site visit will be compiled into draft comment letter by the Chair or the Coordinator, circulated among all members, bcc. Site Visit Subcommittee members will respond individually within 24 hours with either their concurrence that the letter reflects what was discussed at the site visit or their suggestions for minor editorial corrections/additions.
    - c. Final letter will be presented at next regularly scheduled Subcommittee meeting, where, by motion, seconded discussed and voted, finalized and sent to the agency and the applicant.
  5. For expedited reviews and applications with comment deadlines before the next meeting, Subcommittee members will respond within 48 hours with their choice(s) from the following options (not mutually exclusive):
    - a. The Chair will schedule a special meeting to discuss the application if requested by any Subcommittee member.
    - b. The Chair or the Coordinator will work with Subcommittee members (especially those from the town where project is located) to schedule a group site visit with applicant.
    - c. If a site visit is conducted, comments discussed at the site visit will be compiled into draft comment letter by the Chair or the Coordinator, circulated among all Subcommittee members, bcc. Members will respond individually within 24 hours with either their concurrence that the letter reflects what was discussed at the site visit or their suggestions for minor editorial corrections/additions.
    - d. If no site visit is conducted, the Chair or the Coordinator will solicit comments from individual

Subcommittee members, compiled into a draft letter and sent to all Subcommittee members (bcc) for review. Members will respond individually within 24 hours with either their concurrence that the letter is an appropriate response to the application or their suggestions for minor editorial corrections/additions.

- e. If there is any lack of consensus on the substance of the letter or if requested by any Subcommittee member the Chair will schedule a special meeting.
  - f. Chair is authorized to sign off on expedited reviews after completing this process.
6. All members are encouraged to keep an eye on proposed planning and development activities in their community and, where appropriate, encourage those involved to engage with the Subcommittee and obtain comments early in the process. (See 2., for example, about non-NHDES permits.)