

**Upper Valley Subcommittee  
Minutes**

Monday, August 22, 2022 at 6:00 PM

Hybrid Meeting - Latham Library, Downstairs, 16 Library Rd, Thetford, VT

**Attendance**

<b>NH Members:</b>	<b>Attendance</b>
Alice Creagh, Hanover	X
Vacancy, Hanover	
Eric Agterberg, Lebanon	P
Ruth Bleyler, Lebanon	X
Bruce Garland, Lebanon (alt)	X
Bill Malcolm, Lyme	P
Vacancy, Lyme	
Ted Cooley, Orford	V
Carl Schmidt, Orford	X
Vacancy, Piermont	
Vacancy, Piermont	

<b>VT Members:</b>	<b>Attendance</b>
Vacancy, Bradford	
Vacancy, Bradford	
Ben Dana, Fairlee	X
Vacancy, Fairlee	
David Barrell, Hartford	P
Lynn Bohi, Hartford	V
Bill Bridge, Thetford	X
Linda Matteson, Thetford	P
Chet Clem, Norwich	X
Vacancy, Norwich	

Note: P = present in person; V = present over remote virtual platform; X = not present

Attending Virtually: Kathy Urffer (River Steward Connecticut River Conservancy); Olivia Uyizeye (Staff, UVLSRPC).

**Minutes**

**1. Welcome and Introductions**

Chair Bill Malcolm starts the meeting. Chair Malcolm conducted a roll call of LAC members, invited guests to introduce themselves, and welcomed all present.

**2. Meeting Minutes from March**

Malcolm opens the March minutes for review. The minutes are passed unanimously without edits by Bohi/Matteson.

**3. Permit Review**

**a. 92 Lyme Rd, Hanover, Shoreland and Permit by Notification (PbN) permits**

Malcolm opens both the dock (PbN permit) and deck (shoreland permit) for discussion. Discussion follows:

- Members review maps for both applications with specific attention paid to the wetland located on site between the existing house and Connecticut River shore.
- Members note two walking paths encircling the wetland
- Members note the riparian area cleared of vegetation between the wetland and river bank, based on photos in the applications
- Members review the dock design and identify concerns about the concrete anchor and whether it is sufficient to hold the large extended dock in place
- No concerns are raised regarding the deck

A motion by Matteson/Barrell passes unanimously to submit comments to the permit reviewer in regard to clearing of the shoreland buffer, clearing at the wetland buffer, potential erosion along the bank, and the stability of the proposed dock design and anchor.

**b. GRH-FERC Fish Passage Settlement Agreement**

Malcolm opens both the fish passage settlement agreement that includes Wilder dam for discussion.

Kathy Urffer, River Steward with the Connecticut River Conservancy (CRC), offers to provide her understanding and review of the settlement when it may be useful to the conversation. Members ask for her analysis. Thus, Urffer shares her understanding of the agreement based on her reading to date and her development of the CRC comment letter.

- Urffer expresses that the agreement is good and could be better.
- In 2020, GRH agreed to expand their fish passage season as there is not always water in the fish ladder and is set for Atlantic Salmon. The expanded timeline is intended to allow passage of Walleye, American Shad, Sea Lamprey, and American Eel. American Shad will not be considered at Wilder dam as their natural northern stretch is understood to be at Bellows Falls.
- Since 2020, fisheries biologists have been in confidential negotiations. Urffer explains that there are differences for each dam. The fish get damaged on their way down. The agreement asks to do a hydraulic study first. Need to worry about sea lamprey for the babies. American eel and Shad are getting chopped through Vernon.
- The schedule for improvements will start at the southernmost Vernon Dam with downstream passage addressed first then upstream before moving on to the next dam further north. The schedule goes out to 16 years when Wilder gets fixed. General support by fisheries biologists and CRC for the staged approach to improvements.
- Urffer explains the agreement on what is called the salmon dam, part of the Bellows Falls dam. The dam was put there in the 1980s for Atlantic salmon to be directed to the ladder where they can pass. Now that other species are set as a priority, the salmon dam needs to be removed. The agreement put forth that GRH will not obstruct removal of the salmon dam and will not pay for the removal.
- Urffer indicates that she is drafting comments on this as part of CRC. CRC comments are likely to include not waiting until license starts for hydraulic study to be done. Also, it is not the responsibility of the public to pay for the removal of the salmon dam. In general, the timeline for improvements is too long. Urffer emphasizes that the license is taking a long time to finalize to begin with, plus this phased fish passage timeline on top.

Discussion follows:

- Malcolm asks about the costs and revenues of GRH. Urffer explains, based on documents provided by GRH, that the total revenue for GRH is approximately \$10 million each year with costs just over \$4 million. Urffer adds that the longer timeline appears to be financially desirable to GRH as it extends their contribution over more years.
- Cooley asks about impact of inflation on the cost of improvement and how this might affect the outcome. Urffer explains that the agreement indicates an assumed cost for these improvements, and GRH would still be required to make these improvements even if it goes over. Urffer adds that GRH is not a bad actor as they are generally in compliance with those actions they have agreed to.
- Malcolm asks if comments will make a difference to the outcome. Urffer indicates that the only assurance is that if no comments are made, then the agreement will stay as currently presented.

- Matteson expresses the need for regular reporting. Urffer responds with detail on what she sees is an important metric for tracking improvements. Fish species of concern will be tagged. Those that come within a specific vicinity of the dam will need to show 95% pass with 24 hours when traveling downstream, and 75% passage when traveling upstream.
- Matteson and other members express concern for the total length of the timeline.

A motion by Agterberg/Barrell passes unanimously to submit comments to FERC, partially informed by those drafted by CRC, regarding the following topics:

- A shortened timeline for fish passage improvements
- The completion of the hydraulic study at an earlier date
- GRH payment for the removal of the salmon dam

**c. Lebanon Regional Solid Waste Facility, Lebanon, Application 2022-58485**

Malcolm opens the solid waste facility application for discussion. Discussion follows:

- Agterberg and other members voice approval of the facilities' efforts to capture methane.
- Members review maps of the proposed site modifications, specifically those that could have an impact on the river.
- Members note an area of additional rip rap, an infiltration based, and the location of the newly proposed site for methane capture. No concerns are raised for any of these items as presented.

Members agree to provide no comment on the permit application.

**4. Updates & Other Business**

Malcolm expresses concern and asks for suggestions for how the *LRS functions* in between, and sometimes at meetings. Malcolm specifically notes the lack of responses to emails related to time-dependent content, and the lack of assurance of meetings holding a quorum. Agterberg suggests adding "Please reply" or "Urgent" in the subject line so members know to prioritize those emails as most are overwhelmed with email. Malcolm thanks Agterberg for the suggestion.

Uyizeye informs members that they are welcome to join Commissioners for a **tour at the Wilder dam** and talk with John Ragonese on the FERC relicensing. The event will take place on September 19<sup>th</sup> at 1pm, details will be shared directly.

**5. Adjourn**

By motion of Agterberg/Matteson the meeting is adjourned, approved unanimously.

*Respectfully Submitted by Olivia.*