

**Upper Valley Subcommittee  
Minutes**

Monday, September 18, 2023 – 6:00 PM Meeting  
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	V
Ruth Bleyler, Lebanon	X
Bruce Garland, Lebanon (alt)	V
Bill Malcolm, Lyme	P
Vacancy, Lyme	
Ted Cooley, Orford	P
Carl Schmidt, Orford	X
Vacancy, Piermont	
Vacancy, Piermont	

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

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

Partners Present: Tracie Sales (NHDES); Majestic Terhune (Staff, CRJC)

**Minutes**

**1. Welcome and Introductions**

Chair Malcolm started the meeting at 6:13 p.m. Members and partners present introduced themselves.

**2. Meeting Minutes from July 17, 2023**

Malcolm opened the July minutes for review.

Cooley motioned to approve the minutes. Bohi seconded. The motion passed unanimously.

**3. Permit Review**

**a. PN23.0034774 Stream Alteration General Permit; Fairlee, VT.**

Matteson mentioned that the subcommittee had previously addressed the permit. Matteson agreed with Bohi's earlier comments that the group should send comments acknowledging that we reviewed the permit.

Matteson motioned to send comments stating that the subcommittee had reviewed the project and had no questions or additional comments. Bohi seconded. The motion passed unanimously.

**b. #23-328 Special Permit Application; NHDOT Herbicide Use; Multiple locations including Lebanon and Lyme, NH.**

Unkles stated that he has seen projects where the application for herbicide use is required for an abutment. He expressed concern over those applying the herbicides not having proper training, noting that herbicide application is less of an issue when done by someone who has been properly trained.

Malcolm asked whether these applications require a license. Sales and Cooley confirmed that they do.

Sales noted that this application went to every advisory committee in New Hampshire and that she would be willing to send NHDOT's response to other committees. She added that these kinds of applications can be somewhat common and that other advisory committees have made comments stating that they would prefer another method used. She reiterated that a licensed operator is required and provided an overview of how the herbicide is applied.

Unkle motioned to send comments asking that NHDOT uphold licensing requirements and ensure proper training, use, and supervision when using herbicides. Cooley seconded. The motion passed unanimously.

**c. #23-333 Special Permit Application; RedStart Inc. Herbicides for Invasive Species; Piermont, NH**

Cooley and Matteson noted that RedStart has typically been diligent in proper applications.

Bohi motioned to submit comments requesting that RedStart uphold proper training, use, and supervision when implementing herbicides. Agterberg seconded. The motion passed unanimously.

**4. Updates & Other Business**

**a. Onboarding Materials Review — Organization, Governance, Management, and Operation Between Meetings**

Malcolm noted that he had circulated documents describing how the subcommittee operates when receiving an application between meetings, particularly with regard to the Right-to-Know Law. He provided an overview of operations and CRJC background, explaining that in the case of an application that requires comment before the next meeting, he needs input from committee members on whether to host a special meeting. If a member would like to further discuss the application, a time will be found for the committee to meet.

Sales asked whether the subcommittee has standing positions. Malcolm confirmed that the subcommittee does not. Sales provided an overview of the types of issues other groups have standing positions on and agreed to send a list of application types that may warrant standing positions.

Agterberg questioned whether the committee is following its standard operating procedure. Malcolm expressed that he believed it is, although he would appreciate more of a response from subcommittee members when reaching out.

Unkles and Malcolm expressed appreciation for the group reviewing procedures.

Terhune to add discussion on standard operating procedure to next meeting's agenda.

Malcolm highlighted that the subcommittee still does not have a Vice Chair. Bohi asked after the timeframe of electing officers, and Malcolm noted that the group has been without a Vice Chair for two years. Agterberg agreed that a Vice Chair is needed to assist in the absence of the Chair.

Agterberg stated that he still felt like the group was missing technical knowledge. Terhune stated that it is a concern of the full commission and that they do want to provide opportunities for the local river subcommittees to learn. Cooley agreed.

Sales acknowledged that other groups in the state feel the same way. She said that NHDES does their best to reach out to reviewers or those within the organization with technical knowledge when questions come their way. She highlighted Amanda Barker-Jobin as a potential resource.

Malcolm stated that it would be helpful to have someone on-call or at meetings to offer technical feedback.

Malcolm and Terhune to make a welcome package for Unkles.

**b. How to Make, Record, and Confirm Motions**

Malcolm stated that when voting, the more specific the motion and detailed the minutes, the easier it is for him to make detailed letters for respective agencies/organizations.

**c. Legislative Update — House Bill 308; Goes into Effect 10/3/2023**

Malcolm provided a brief overview of House Bill 308 and confirmed with Sales that it applies to the subcommittee.

Malcolm and Terhune noted the quorum changes, with only 1/3 of members needed in-person with virtual attendees counting toward the rest of the quorum.

Sales stated that she does not otherwise anticipate many changes to our current operations. She highlighted new conditions for emergency meetings and roll call votes.

**d. November Meeting Date**

Terhune asked whether the November meeting date needed to be changed in light of the following Thanksgiving holiday. The group determined it to be unnecessary.

**e. Other Business**

Unkles followed up on the severe flooding from July, detailing the impacts on a campsite on Howard Island.

Bohi described damages of a bridge that had been reviewed previously over White River, noting that in one case, multiple piers had been washed away and that an additional pier is now in place.

Unkles stated that some of the damage he saw in Vermont was worse than during Hurricane Irene.

Malcolm noted that microbursts seems to be rampant, with very localized storms of immense force quickly arriving and then disappearing. He stated that hydrologic studies are still not required to replace a culvert. Malcolm, Bohi, Unkles, and Cooley discussed the historic culvert replacement process via FEMA.

Terhune reminded members of the CRJC social reminder on October 7, 11:00 a.m.-3:00 p.m. at Storrs Pond in Hanover, NH.

**5. Adjourn**

Cooley motioned to adjourn. Bohi seconded. The motion passed unanimously. The meeting adjourned at 7:00 p.m.

The next meeting is November 20, 2023, at 6:00 p.m.

*Respectfully Submitted by Majestic Terhune.*