

**Upper Valley Subcommittee
Minutes**

Monday, March 18, 2024 – 6:00 PM Meeting
Hybrid Meeting - Latham Library, Downstairs, 16 Library Rd, Thetford, VT

Attendance

NH Members:	Attendance
Alice Creagh, Hanover	X
Vacancy, Hanover	
Eric Agterberg, Lebanon	X
Ruth Bleyler, Lebanon	X
Bill Malcolm, Lyme	P
Vacancy, Lyme	
Ted Cooley, Orford	V
Carl Schmidt, Orford	X
Vacancy, Piermont	
Vacancy, Piermont	

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

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

Partners Present: Lynnwood Andrews (Norwich); Majestic Terhune (UVLSRPC); Scott Williams (Pathways Consulting)

Partners Online: Ian Garland (UVLSRPC); Arlene Guest (Fairlee)

Minutes

1. Welcome and Introductions

Chair Malcolm started the meeting at 6:00 P.M. Members and partners introduced themselves.

2. Meeting Minutes from November 2023

Malcolm opened the November minutes for review. Unkles moved to approve the minutes with no changes. Matteson seconded. All voted in favor.

3. Standard Dredge and Fill Wetlands Permit; Orford, NH

Williams provided an overview of the 2023 bank failure that led the site property owners to pursue emergency authorization with NHDES, ultimately leading to the permit under review. Williams highlighted the 1) steepness of the bank, 2) sandy soil present, 3) loss of trees, which left a large cavity within the bank that resulted in a loss of a tree at the top of the slope, 4) plans to input stone and go above the high water line, 5) use fabric-encapsulated soil, 6) 3,600 square feet to be impounded, most of which exists at the failure site, 7) decision to use stone due to the steep drop off into the river, and 8) plans for bioengineered stabilization along the toe.

Matteson asked about the state of the oak tree at the top of the bank. Williams confirmed that because of the bank failure, the tree was undermined and ultimately cut.

Unkles asked about the stone size. Williams said that it was Class B, which is designed to fill in current gaps. He noted that the stone is porous, so water can move through the stone, and that the stone will be large enough to serve as a foundation. Malcolm asked about what prevents the water from pulling

out the added soil. Williams clarified that the fabric will be under and over the top of the stone, with soil then placed on top of the stone. Cooley asked how this project compares to another recent project that used logs for bank stabilization. Williams noted that stone is less costly and causes less disturbance. He added that logs eventually decay, and although Pathways Consulting has used logs on other projects, they determined that that approach was not suitable for this project.

Unkles asked whether anything could be done to improve the habitat at the project site. Williams responded that it's difficult to make any major impacts at the site since it's limited to a portion of the demand; the biggest factor impacting the habitat is upstream activity.

Malcolm asked what the high water level noted in the application was based on. Williams said that it was derived from peak operating elevation of Wilder Dam, and Andrews asked whether the current relicensing application for Wilder Dam was taken into consideration for the application. Bridge and Malcolm highlighted how changes in application may impact the water level, and Williams noted that the stones will help with immediate stabilization and should hold up for the long-term.

Matteson asked whether the permit requires future inspections. Williams confirmed that there is a monitoring process that's overseen by NHDES and that the details of the process are somewhat up to the owner.

Andrews, Guest, Malcolm, and Unkles discussed the anticipated planting schedule and eventual growth at the site, reviewing species mentioned in the application, lifespan and impact of the fabric wrap, and state of organic material to be added to the site. Williams answered resulting questions and explained Pathways Consulting's previous success with using cuttings to provide roots for new vegetation.

Cooley and Matteson expressed support of the application. Unkles agreed, noting that comments regarding the current FERC relicensing application should be taken into account.

Bridge motioned to write a letter requesting that changes in water level anticipated by Great River Hydro's current relicensing application with the Federal Energy Regulatory Commission be taken into account in Pathways Consulting's application and that otherwise, the subcommittee is in support of the application. Unkles seconded. All voted in favor.

Terhune stated that she will send Williams information regarding the relicensing application. Williams left the meeting at 6:39 P.M.

4. FERC/Wilder Dam Relicensing

Malcolm introduced the subcommittee's options for making a comment on the application.

Cooley, Malcolm, and Unkles discussed the other dams upstream that were recently relicensed, current poor conditions surrounding those dams, and the lack of consideration for coordination with other dams on the Connecticut River.

Andrews said that she saw two areas of improvement for the draft comment letter, the first being that the draft does not demand that climate data be taken into account throughout the license. The committee discussed the draft comment letter's notes on data and preference for stronger language.

Andrews added she also felt that fourth item discussing a mitigation enhancement fund did not state that once adverse conditions were observed, they should be acted upon. Andrews, Dana, Guest, Malcolm, Matteson, and Unkles discussed making data collection more transparent and requiring Great River Hydro to adjust operations of the dam in accordance with the data that they collect. Malcolm suggested that Great River Hydro be required to hire an independent consultant.

Andrews, Bohi, and Matteson discussed the wording of comments.

Andrews, Dana, and Unkles further discussed the lack of acknowledgement of how different dams are coordinated with one another, even under the same ownership.

Malcolm proposed that members send their comments to him directly to make changes to the draft comment letter.

Matteson moved that members send their comments to Chair Malcolm by Friday, March 22, to modify the draft CRJC letter. Unkles seconded. All voted in favor.

5. Permit Review Process

Malcolm provided an overview of the subcommittee's previous inability to provide comments on applications whose respective comment periods end prior to the next scheduled subcommittee meeting. He described the current process for calling special meetings and potential for having standing points, which he drafted for members to review prior to the next meeting.

Items on the agenda that were past comment or informational were tabled for the following meeting.

6. EPA Stormwater Toolbox

Malcolm described the toolbox and noted that Lyme is trying to find a better process of how to manage culvert replacements. There is currently no hydrologic study required by NHDES for culvert replacements and current floodplain maps for Lyme are concerning.

Members discussed culvert conditions and prioritizations in their respective towns.

7. Town and Member Updates

Cooley and Unkles discussed vacancies and inactive members.

8. Adjournment

Cooley motioned to adjourn. Unkles seconded. All voted in favor. The meeting concluded at 7:25 P.M.

The next meeting is May 13, 2024, at 6:00 P.M.

Respectfully submitted by Majestic Terhune.