

**Upper Valley Subcommittee  
Minutes**

Monday, May 20, 2024 – 6:00 PM Meeting  
Hybrid Meeting - Latham Library, Downstairs, 16 Library Rd, Thetford, VT

**Attendance**

<b>NH Members:</b>	<b>Attendance</b>	<b>VT Members:</b>	<b>Attendance</b>
Alice Creagh, Hanover	X	Ted Unkles, Bradford	P
Vacancy, Hanover		Vacancy, Bradford	
Eric Agterberg, Lebanon	X	Ben Dana, Fairlee	X
Ruth Bleyler, Lebanon	X	Arlene Guest, Fairlee	P
Bill Malcolm, Lyme	P	David Barrell, Hartford	X
Vacancy, Lyme		Lynn Bohi, Hartford	P
Ted Cooley, Orford	V	Bill Bridge, Thetford	X
Carl Schmidt, Orford	X	Linda Matteson, Thetford	X
Vacancy, Piermont		Lynnwood Andrews, Norwich	V*
Vacancy, Piermont		Vacancy, Norwich	

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

Partners Present: Majestic Terhune (Staff, CRJC)

*\*Andrews joined virtually at 6:03 p.m.*

**Minutes**

**1. Welcome and Introductions**

Chair Malcolm started the meeting at 6:00 p.m. Members and partners present introduced themselves.

**2. Meeting Minutes from March 18, 2024**

Malcolm opened the March minutes for review. Unkles motioned to approve the minutes with no changes. Bohi seconded. All voted in favor.

*Andrews joined the meeting virtually.*

**3. Member Appointments and Participation**

Malcolm described current issues regarding participation in the subcommittee, notably 1) ensuring representation for the included municipalities through active membership, 2) communication from members on their ability to continue serving on the subcommittee, and 3) communication from members on items between scheduled meetings.

Cooley noted that the Commission overall sometimes has difficulty with participation and explained the removal process for inactive members, which includes 1) after three consecutive meeting absences, reaching out to the member and asking if they would like to resign or renew their commitment, and in the case of no response from the member, 2) bringing the issue to the Full Commission, upon which the Full Commission will vote on the matter of removal.

The rest of this conversation was tabled for discussion during Other Business.

**4. Great River Hydro Water Quality Certificate**

Malcolm explained that the Water Quality Certificate for Great River Hydro is part of the required relicensing process for FERC. Unkles asked what the subcommittee's role is in reviewing the certificate. Terhune stated that it is part of the FERC process, which the subcommittee advised CRJC's letter on, but that the subcommittee also has an opportunity to respond on the Water Quality Certificate more specifically. Members are allowed to submit comments now, however, there will eventually be a 30-day public comment period for the subcommittees to comment on.

Unkles asked whether comments submitted for FERC relicensing already address issues within the certificate. Malcolm said that the letter discussed water quality with regard to erosion, but the subcommittee could provide additional comments specific to water quality that were less addressed prominent in the letter, such as discharge. Bohi added that letter mentioned funds toward mitigation and recreation.

Cooley noted that Vermont also has to approve a Water Quality Certificate for Great River Hydro. Cooley, Malcolm, and Unkles discussed greater involvement and communication of Connecticut River activities from Vermont staff to CRJC.

Andrews asked about CRJC's final draft letter. Cooley confirmed that CRJC is submitting a letter and filing to intervene. Terhune to send out the final draft to members following the meeting.

#### **5. Permitting and Review Process**

Malcolm reiterated the subcommittee's struggle to call special meetings and provided background on *de minimus* projects. He reviewed the proposed additions to the subcommittee's bylaws, which primarily concern agreeing to subcommittee stances on regularly-received topics (such as herbicide permits) and stated that he would like to include a section on protocols for members' responses on potential special meetings. Malcolm requested that members review the proposed updates to the subcommittee bylaws and send him any proposed changes prior to a vote at the next meeting.

Malcolm highlighted that members do not seem to open and/or read his emails and provided the Town of Hanover's request for a letter of support as an example of why a special meeting could be important to call. Andrews, Bohi, Cooley, Guest, and Unkles confirmed that they see Malcolm's communications, and the subcommittee discussed the actions they are entitled to and will take via email when deciding whether to call a special meeting. Andrews stated that she would be willing to attend monthly meetings if needed for permit review. Terhune to add meeting frequency to the agenda for the next meeting.

#### **6. NHDES Request for Information; Dredge and Fill in Orford, NH**

Malcolm noted that the subcommittee heard the consultants' presentation on the application at the previous meeting. Cooley stated that the Orford Conservation Commission also heard the presentation. Cooley and Malcolm discussed the site owners' history of applications.

#### **7. Permits Past Comment**

Malcolm briefly described the permits past their respective comment periods. Bohi noted that some were discussed in January when the subcommittee did not have a quorum.

Terhune described the Wantastiquet subcommittee's comments on Great River Hydro's herbicide application and NHDES' response to their comments. Andrews detailed the impacts of glyphosate and stated that Rodeo is better for aquatic applications.

#### **8. Other Business**

##### **a. Participation**

Malcolm reintroduced the matter of subcommittee participation and mentioned reaching out to selectboards in 2022 to garner more involvement from underrepresented communities. Unkles asked whether it's more helpful to have more municipalities represented or more members; Malcolm explained the quorum rules, which are based on participating municipalities and their representation at meetings. Terhune mentioned that if a municipality has several members, those members can coordinate their availability, which may help ensure representation and a quorum at meetings.

Bohi and Cooley to reach out to inactive members and Andrews to look into confirming another representative for Norwich.

**b. Land Use and Resilience Event**

Terhune described the CRJC Land Use and Resilience event on Wednesday and said that she would send out the agenda and registration after the meeting.

**c. Paddle the Border**

Unkles stated that although he was not able to attend, the Sunday Paddle the Border event on the Connecticut River seemed well-attended.

**9. Adjourn**

Unkles moved to adjourn. Bohi seconded. All voted in favor. The meeting concluded at 6:48 p.m.

The next meeting is July 8, 2024, at 6:00 p.m.

*Respectfully Submitted by Majestic Terhune.*