

**Upper Valley Subcommittee  
Special Meeting Minutes**

Monday, Sept 16, 2024 – 6:00 PM Meeting

Hybrid Meeting – Norwich Library, Downstairs, 368 Main Street, Norwich, 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	P
Carl Schmidt, Orford	X	Linda Matteson, Thetford	P
Vacancy, Piermont		Lynnwood Andrews, Norwich	P
Vacancy, Piermont		Vacancy, Norwich	
Majestic Terhune, Lebanon	P		
Jude Stell (sp?) Lebanon	P		

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

Partners Present: Majestic Terhune (Staff, CRJC, Virtual)

**Minutes**

**1. Welcome and Introductions**

Chair Malcolm started the meeting at 6:08 p.m. Members and partners present introduced themselves.

**2. Meeting Minutes from July 2024**

Guest motioned to approve the minutes. Bridge seconded. *All in favor, none opposed, no abstentions, The motion passed unanimously.*

**3. NH 401 Water Quality Certification Information Session**

Malcolm gave a review of the Water Quality Certification event facilitated by the CT River Conservancy (CRC) in late August at the West Lebanon Library, the event was sparsely attended. It was a very informational session. New Hampshire State Rep (Demers) was in attendance as well. Malcolm then reviewed the FERC process and VT and NH involvement, along with requirements that need to be met for certification. A public comment period will take place later this year and the CRJC commission will respond to and forward along to NH DES, but the LRS can also reply. Malcolm inquired from Cooley of the comment deadline, Cooley will look into this and get back. Discussion ensued around the meetings on the VT side that had taken place and comments received thus far. The topic of water use (recreational activities) versus water quality for the certification process. Cooley raised the question of any varying conditions that VT or NH may put on the 401 requirement and if so, how would that be enforced/followed. Malcolm responded with any conditions set forth would be held in compliance by the state giving those conditions. Malcolm and Cooley

**4. Disqualified Culvert Repair-Replacement Statutory Permit-by-Notification (RSA 482-A)**

Malcolm gave an overview of the recent NH changes with online applications. The referenced Permit by Notifications (PBNs) was shown as an example of this change and that this is a positive step forward to streamline receiving the information.

**5. NH DOT Project No. 13558A NH 12A (S. Main St.) Bridge over Northern NH Railroad**

Malcolm gave a review of the project and the most recent request within the project for an additional track to be built parallel to the existing track. The project and proposed change was discussed, along with review of the maps for the project. Terhune mentioned that they are adding the tracks in exchange for shutting down the tracks during construction. Cooley inquired about the sale or ownership of the portion of the railyard. Malcolm replied that he was not sure if the sale was approved yet. The map was further reviewed as to the location of the proposed construction with relation to the bridge. Question was raised about hazardous materials being transported, it is unknown but xx mentioned that any materials transported needs to be properly labeled.

Malcolm views the project as not having any potential negative impact, more than what is already there, and if this helps facilitates the bridge being completed correctly and quickly than this would be a positive. Cooley inquired if we should provide an official statement that we do not have any concerns and/or comments, Terhune mentioned the lack of pedestrian infrastructure as being a concern but that the information on that part of the project is unknown at this time. Further discussion on pedestrian traffic around that section of roadway took place.

Malcolm summarized and asked if anyone felt a motion on action or nonaction be taken. *Matteson motioned to not take any action. Unkles seconded the motion. No discussion. The motion passed unanimously.*

**6. Project and Permit Application Review Process – Standing Positions**

Malcolm reviewed the recently adopted process for permit application review. Malcolm reviewed the *Standing Position* on #4 'Review Process for Projects and Permit Applications with Expected *de minimis*' and the steps taken by the Chair pertaining to review. Section 5 was discussed as that has not yet been adopted. Bohi recalled the project in Lyme and restrictions placed on the project, Malcolm clarified that it was septic installation and that is regulated by the NHDES. Discussion around impacts on the river being of concern and what is 'notified' versus what event may happen and be handled in the moment.

Bohi mentioned a notification for docks, Malcolm said that it could be decided upon as being a standing position if they want it to be. Conversation around docks and being of impact within some projects and may not be within other projects.

Malcolm explained further how the *de minimus* ones can 'include but not limited to' and listed the four options. The outline of these options and wording came from Tracie Sales at NH. Further review and time to review may be of benefit prior to the next meeting.

Member raised a question of 'licensed by *the state*' being referenced, it was determined that changing the reference to refer to '*within the state where the project is located*'. Malcolm suggested that Section 4 (a) be copied in to 5 (a)1. Malcolm will revise this prior to the next meeting for further review and asked that if members have suggestions for *Standing Positions* to send prior to the next meeting.

**7. Adjourn**

Unkles motioned to adjourn. Bohi seconded. The meeting adjourned at 7:02 p.m.

The next meeting is November 18, 2024, at 6:00 p.m.

*Respectfully Submitted by Renée Theall.*

DRAFT