



MINUTES – CRJC Full Commissions Meeting
(unapproved)
Monday August 19, 2013
2:00 pm - 4:00 pm
Norwich Public Library, Norwich, VT

Members Present: Gary Moore, Bren Whittaker, Mary Sloat, Jim McClammer, Chris Company, Rebecca Brown, Tara Bamford, Cleve Kapala, Rick Hopkins, Tom Kennedy, Elaine Levlocke, Bob Christie, Bob Ball, Brendan Prusik, Donna Drouin, Peter Gregory, Aaron Simpson

Others Present: Sharon Francis, citizen/working group member; John Bruno, Mt. Ascutney Subcommittee/working group member; Katie Kennedy, The Nature Conservancy

Administrative Staff/Consultants: Rachel Ruppel and Christine Frost

Vice President Brown called the meeting to order at 2:10 pm.

Christie moved to approve the minutes of June 2013 revised to include that the working group may admit additional, outside members, with a second by Drouin – all in favor, with Hopkins, Levlocke and Gregory abstaining.

Gregory moved to approve the year-end and July financial reports, with a second by Company – all in favor.

Whittaker reported that the Executive Committee discussed the proposal from the FERC relicensing working group, but did not take action on two key questions: 1) what administrative support can be provided this year? 2) what level of approval is needed to endorse the working group's work?

Kennedy entered the meeting.

Brown stated that it is her understanding of the budget that the working group is currently working without staff support; she stated her opinion that UVLSRPC staff support should be directed toward CRJC's strategic vision and board development. Gregory noted that a response is due for comments to FERC by August 29th and stated that he would like to have CRJC board to approve the comments if they are going beyond the recommendations of the River Plan. Moore stated that he would like to have full Commission approval, and noted that the River Plan is a good basis for comments and that it is important for CRJC to live within its budget. Company stated that he would not like to amend the budget yet, as there are other issues which need to be sorted out, and proposed that CRJC form a committee to examine resources, budget and how to be involved in river issues. Company added that as a RPC representative, he would not

feel comfortable approving comments that go beyond the recommendations of the River Plan. McClammer stated that the original study plan comment letter referenced the River Plan. Drouin asked if there is a way for Commissioners to have more time to review the draft comments and vote via mail or email; Frost stated that per NH public meeting law, all votes must be taken in person at a duly noticed public meeting. Kapala stated that if a public letter goes out on letterhead, that it should have the vote of the Commissioners, whether it is for the tar sands pipeline, Northern Pass or dam relicensing. Whittaker asked whether CRJC has a consensus vote requirement; Moore stated that CRJC has had split decisions in the past.

Bruno stated that the draft letter prepared by the working group is not an original response; it is a follow-up to the original letter to reiterate the issues that CRJC feels are important. Campany stated that in a federal permitting process, each letter needs to stand on its own and that CRJC should reply fully and completely. McClammer stated that Ken Hogan, FERC's project manager for the Connecticut River dam relicensing, issued an email stating that FERC will evaluate all comments filed and that stakeholders do not need to, but may choose to, re-file comments in this last round of study plan comments. Kennedy asked if the Executive Committee has specific problems with this draft letter. Whittaker stated that the Executive Committee did not have time to decide on a recommendation. Kapala stated that if it is going on CRJC letterhead, it should be endorsed by the full CRJC. Brown clarified that in July, the Executive Committee voted to endorse the first comment letter, with Whittaker and Campany abstaining; the draft letter under consideration today is a follow-up from the first letter.

Moore moved to not send the letter, with a second by Campany. Discussion ensued. Simpson stated that if CRJC has already sent a letter, there is the opportunity to clarify CRJC's concerns; he noted that he has not seen the first letter. Campany stated that he believed CRJC had already made its points and the new letter did not raise any new points. McClammer stated that this letter can take the form of a reply brief. Ball stated his concern over not trusting the work produced by the working group; if CRJC can't trust the working group, then it should be disbanded. Kennedy stated that he would like to see a procedure governing how CRJC sets policy and whether the Executive Committee has the authority to adopt policy. Gregory stated that he approves of the Executive Committee having the authority to make decisions on CRJC's behalf; he further stated that the draft letter seems to be a restatement of prior arguments. Prusik gave an example that if CRJC has concern over mercury in the water, that CRJC should rebut TransCanada's argument that mercury is not an issue with good science; he stated that it would reflect poorly on the credibility of the CRJC if the back-up scientific documentation were not referenced. Prusik further stated that unless there's something substantial to add, he would not advise on submitting a new letter.

Brown called for a vote on the motion to not send a letter to FERC with comments on the revised study plans – 7 votes in favor, 8 votes against, with 1 abstaining – the motion fails.

Bamford moved to send the letter developed by the FERC working group with citations and references for CRJC's arguments, with a second by Sloat. Discussion ensued. Bamford stated that CRJC should delegate work to volunteers. Gregory stated that he would expect a recommendation from the Executive Committee on such matters in the future. Whittaker stated that CRJC should find expertise to assist with responding to technical questions as needed. Hopkins asked that the original letter sent from the Executive Committee be shared with all Commissioners. Brown called for a vote – 9 votes in favor, 7 votes against, with 1 abstaining – the motion passes.

Drouin complimented the working group for their work on these comments and stated her desire that CRJC Commissioners explain their reasons for abstaining from votes.

Kennedy moved that all FERC relicensing working group's drafts be submitted to the Executive Committee for review and that the Executive Committee should either approve or call a special meeting of the CRJC if needed, with a second by Simpson. Campany offered an amendment that this is an interim decision until a final decision is made about how the working group will run; Kennedy agreed to the amendment. Whittaker stated his concern that Executive Committee members don't necessarily have the expertise to understand the technical arguments and he is not confident that CRJC Commissioners would not want to weigh in. Moore recommended that all drafts be sent to the full Commissions and to give opportunities for Commissioner comments before or at Executive Committee meetings. Brown called for a vote – all in favor.

Brown raised the working group's proposal for administrative support. Frost stated that decisions are not being made about staff support, which puts UVLSRPC in a difficult position where it's unclear how to deliver on the contract. Whittaker stated that Commissioners should not be asking UVLSRPC staff to complete work; all requests for work should be directed through President Whittaker and Vice-President Brown. Francis asked if the working group is responsible for meeting scheduling, notice and minutes. Frost stated that under the current contract and workplan, UVLSRPC can help with meeting scheduling and notice as well as posting minutes but does not have the capacity to attend meetings and take minutes. Simpson stated that he has contacted Vermont Law School about student assistance, which has led to one interested contact, who was away on sabbatical; Simpson will follow up with this professor this fall. McClammer stated that the working group should grow larger and gain expertise. Moore moved that President Whittaker and Vice-President Brown are the only people who may

authorize UVLSRPC to do work; there was no second. Company stated that CRJC needs to define what they would like Vermont Law School to assist with.

Company proposed that a Strategic Outlook Committee be established. Company, Brown, Kennedy and Prusik volunteered to serve on this committee, although an issue over quorum was raised. Whittaker stated that this committee should investigate a business plan, which Christie has been advocating for.

Gregory moved to approve the Quarter 1 workplan for UVLSRPC's support to CRJC, with a second by Drouin – all in favor.

Moore moved to confirm the following slate of nominations to Local River Subcommittees (David Falkenham of Haverhill to Riverbend, Melissa Horwith of Norwich to Upper Valley, John Bruno of Charlestown and Thomas Hernon and Margaret Perry of Rockingham to Mt. Ascutney), with a second by Simpson – all in favor.

The meeting calendar for FY2014 was reviewed.

Agenda items #7&8 (Vermont Lake Shoreland Protection Commission meetings and Watershed United) were tabled to the next Executive Committee meeting.

Whittaker reported on issues that have been raised by the Headwaters Subcommittee in the North Country; in particular, there is creosote dripping from the Stratford Railroad Bridge that is now being cleaned up, thanks to the efforts of Headwaters member, Bill Schomburg.

Drouin reported that Wantastiquet Subcommittee is planning a large river cleanup event in Brattleboro for the Source to Sea riverwide cleanup weekend in October.

Ruppel introduced Katie Kennedy, Applied River Scientist with the Connecticut River Program of The Nature Conservancy, who gave a presentation on a river flow model for the Connecticut River watershed; it is intended to be used to evaluate how large dams (e.g. hydropower dams and US Army Corps flood control dams) can modify their flow management to balance competing needs, such as hydropower, flood control, recreation, aquatic habitat and floodplain habitat.

Meeting adjourned at 4:00 pm.