

Upper Valley Subcommittee  
of the Connecticut River Joint Commissions  
Monday – December 18<sup>th</sup>, 2017  
Lyme Town Office, Lyme, NH  
Draft Minutes

Present:

Sue Mackenzie, Lyme  
John Mudge, Lyme  
Jim Kennedy, Hanover (Chair)  
Jason Houle, Hartford  
Lynn Bohi, Hartford  
Carl Schmidt, Orford  
Christine Bunten, Orford  
Melissa Horwitz, Norwich  
Linda Matteson, Thetford  
Ben Dana, Fairlee  
Alex Belenz, NCC, staff consultant

1. Chairman Kennedy opened the meeting at 7:03 and introductions were made. Ben Dana of Root 5 Farm was introduced as a new member representing Fairlee.
2. The minutes from October 23<sup>rd</sup>, 2017 were approved by motion of Mudge/Bunten with one correction – Christine was added to the list of attendees.
3. White River Tactical Basin Plan. Alex let the members know that Danielle Owczarski of VTANR was scheduled to give a presentation, but had to cancel due to poor weather in the Montpelier area. Danielle is willing to give her presentation and collect input from members at the next meeting. Alex will circulate a link to the website for the Basin Plan. Jim Kennedy provided several questions for Alex to forward along to Danielle: 1) what are the current water quality ratings by town or stretch of river?; 2) will the Basin Plan address river recreation?; 3) where are the official access points for recreation?; and 4) why does the White River periodically look green?
4. Permits. Jim opened up a discussion of a shoreland permit application for a new pump sewage disposal area and well for the Rogers property along the Connecticut River in Orford. The pump sewage disposal area is located in a cornfield on the property. There was some confusion as to the location of the property. It was agreed that the provided reference map did not accurately show the location of the property. The pump sewage disposal area is located a good distance from the river. Christine pointed out that the leach field would need to be buried at least 4 feet since it is in an agricultural area. Jim added that there was no cross-section diagram included on the map, and therefore was unable to determine if the leach field would be sufficiently buried. Jim will make an inquiry to Hogg Hill Design to ask about the property location, cross section diagram for the leach field, location of riparian buffers/tree line, and aerial imagery of the site.

Jim then opened up discussion of a discharge permit renewal application for the Town of Hartford's wastewater treatment facility. Lynn noted that the permit has to be updated every 5 years. The treatment plant was upgraded 3 years ago. Lynn expressed that she had no concerns with the renewal, and the other members agreed. Linda suggested that a letter be sent to VTANR indicating that the subcommittee reviewed the draft permit so that VTANR is aware that they are monitoring the draft permits.

5. FERC Erosion Study Supplement. Jim noted that FERC has not provided information on a comment period for the new supplement. It is assumed that the public will have 60 days to comment, which would mean a deadline of January 15<sup>th</sup>, 2018. John indicated that CRJC will be sending a letter requesting clarification on the comment period and remaining schedule. Carl has been in touch with a reporter at the Valley News to try to get them to cover the relicensing process and bank erosion issue. Valley News has shown partial interest in covering the story, but has not committed at this time.

Jim provided an overview of the main concerns that the CRJC FERC Working Group had with the new erosion study supplement. The initial erosion study concluded that normal dam operations did not produce flows large enough to cause bank erosion. The supplement introduced a new term – “sediment entrainment,” which refers to erosion on the river bottom. Samples are collected 20 feet from the bank and 5 feet down in the water. The supplement focused mostly on sediment entrainment, with little focus on bank erosion, and concluded that there is no sediment entrainment during normal dam operations. John Bruno (Mt. Ascutney subcommittee) pointed out that the sampling locations for sediment entrainment would likely have few fine particles (clay, silt), which are typically found closer to the banks, and more coarse particles, which tend to settle on the river bed, and were less likely to be found during sampling. For the supplement, the study excluded 16 of the 21 original sampling locations where it had been determined that sediment entrainment was “highly unlikely.” Therefore, the supplement only consisted of 5 sampling locations. None of the sites above the Wilder Dam that have shown bank erosion were included in the supplemental study. The supplement concludes that there is no sediment entrainment at normal operations, and therefore no erosion of any kind during normal operations. John noted that most of the FERC Working Group members strongly disagreed with this conclusion and had serious concerns about the study methodology. Jim added that one of his concerns was that the study was performed using computer modeling, with relatively little field data collection and observations. Sue added that SONAR mapping of the Connecticut River bed has shown that it is uniform and smooth, likely due to sediment deposition from erosion, and not from natural causes.

Jim stated that the Upper Valley subcommittee had volunteered to produce a series of comments to CRJC, which then likely be passed along to CRC. The subcommittee can also submit comments directly to FERC. The subcommittee will pass along the following concerns with the supplemental study: 1) the exclusion of 75% of sampling locations from the original study; 2) the focus on sediment entrainment instead of bank erosion, despite instructions from FERC; and 3) the subcommittee's strong position that water level fluctuations are causing significant bank erosion. Jim will draft a pointed response, assemble comments from the subcommittee members, and send

to CRJC. Alex will resend the link to the erosion study for members to review. Carl asked if it was too soon to try to reengage with the Valley News. Jim replied that it made more sense for the comments to come from CRJC or CRC. John pointed out that individuals can submit comments as well, and are welcome to copy the Valley News on any correspondence.

6. Recreation Component of FERC Relicensing Process. CRC held a series of public meetings about recreational access to the Connecticut River as part of the relicensing process. John attended the Windsor and West Lebanon meetings. The meetings were very poorly attended. One attendee at the West Lebanon meeting made a mention of large water fluctuations above the Wilder Dam. A Great River Hydro representative also noted that there is less funding in the mitigation fund for recreation now, since GRH is a smaller company than TransCanada. Portaging boats around the dams has been a persistent recreation issue with little progress on solutions. Similar to the erosion supplement, there is no information about a comment period for the recreational component of the relicensing process.

Jim noted that one of the issues in Hanover has been conflict between college students and fishermen/boaters at access locations. Linda added that there are similar issues in Vermont – VT Fish & Wildlife maintains some access points strictly for fishing, but other users have been using them. The VT legislature will be taking up this issue this year.

7. Updates. Jim, Carl, and other members did a site visit to the Fisher property in Orford to examine a bank stabilization project. The design included logs placed at regular intervals and pointed up stream, wire netting, and some plantings. Jim noted that the design didn't seem very wildlife friendly, and would likely still be prone to slump. Ben noted that there was some bank swallow habitat there that was now gone. Jim added that bank swallows were mentioned in their comments, but that NH Fish & Game had already made their preliminary comments. Ben asked why the logs were pointed upstream, Jim replied that it was to encourage water to eddy away from the bank.

Jim stated that it is looking likely that there will be a new member from Lebanon joining the subcommittee, contingent upon approval from the city council in January.

John passed around a series of newspaper article clippings regarding the River Road situation in Lyme, some recent CRC and TNC activities, and the Newbury lawsuit against TransCanada.

8. Other business. There are still openings for Fairlee, Bradford, and Lebanon.
9. Next meeting dates. Alex asked if Jim and John were OK with Monday meetings, since they are on the same day as other CRJC committee meetings. Both indicated they were fine with continuing to hold meetings on the third Monday of every other month. The next meeting will be at 7:00 PM on February 19<sup>th</sup> at the Lyme Town Offices.
10. Jim made a motion to adjourn, Linda seconded. All members approved to adjourn at 8:39.

Minutes respectfully submitted by Alex Belenz.