

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
October 25, 2016

Committee Members Present: Larry Richardson, David Dean, Fred Peckham, Harold Roeder, Jr.,
Susan Sullivan, Alan Henry, Aaron Robinson
Committee Members Absent: Jeff Dexter, Debra Conway
NPS Partner: Carla Hahn
Staff: Laurie Ramie, Cindy Odell, Pete Golod
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, October 25, 2016 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:33 p.m.

A motion to approve the September 27 meeting minutes was made by Peckham, seconded by Henry and carried with Robinson abstaining.

Discussion Items Report

Project Review Update

New York

Millennium Pipeline: Golod reported that on behalf of Millennium Pipeline Co., Public Relations Director Michelle Hook has made several donations to local towns. Those donations include \$500 to Bethel for beautification efforts; \$500 to Lumberland for its youth program; \$200 to the Highland Lake Fire Department for a fundraiser; \$500 to Cocheton for its youth program; \$500 to Deposit for fireworks at a community picnic; \$500 to Fremont for a park sign; \$500 to Tusten for automatic external defibrillators; and \$3,000 to the Yulan Fire Department Von Steuben Day. Golod explained that the Town of Highland itself did not receive a check so as to avoid the appearance of a conflict in the township where Millennium's controversial compressor station is planned.

Town of Delaware: Golod said that the Town Planning Board met on October 19. Delaware River Solar discussed their Hospital Road project. CEO Rich Winter said they have 15 sites in Sullivan, each approximately 10 acres in size. Winter explained that the size is driven by the grid that New York State Electric & Gas maintains. Delaware River Solar is investigating two more sites in the town, but won't necessarily get approval for them all.

Winter stated that Delaware River Solar is considering moving the proposed Baer Road project out of the river corridor, sightlines of the neighbors, and to a less visible side of a hill. The Baer Road proposal has yet to come before the Planning Board, Golod added.

Town Planner Tom Shepstone reported on the UDC's draft solar position paper, saying that he doesn't agree with the "subjective" interpretations or decisions that commercial solar presents a clear and direct threat to the river corridor. Golod said Shepstone is writing a memo to the town board for their review and response to the UDC.

The New York State Department of Transportation is developing a project to rehabilitate the Callicoon Bridge which connects the Town of Delaware and Damascus Township, Pennsylvania. DOT will hold an informational meeting on Wednesday, November 2 at 6:30 p.m. at the Delaware Youth Center in Callicoon. A copy of the October 17 DOT letter regarding the letter was provided in members' packets.

Town of Tusten: Golod stated that he attended the Town's Planning Board meeting on October 17th regarding the proposed Pete's Market gas station. He noted that his review and comment letter were read by Planning Board Chair Ed Jackson and the Project Review Committee questions answered. The proposed "Sunoco" sign and island are moving 5' closer to the pre-existing car wash owned by Tom Coacci. The sign is also to be lowered so that the bottom edge is 4' above finished grade and its highest point to be 14.5' above finished grade, which should satisfy the River Management Plan's acceptable total signage of 32 square feet. The sign is to only be lit during hours of operation which currently do not exceed 9 p.m.

Regarding the runoff concern, Golod said the NYS DEC does not require any form of mitigation runoff, however, there will be secondary containment sumps located within the dispensers on the island, along with sensors and alarms. Regarding the concern of any flooding on Kirk Road, Golod said the canopy gravity drains are to be designed using varying PVC pipe sizes so that they will drain directly to the prescribed road side ditch on Kirk Road at a rate that will not incur a flood situation. This information was provided by project Engineer Wes Illing, Golod noted. He added that the Planning Board did vote and approve the proposed Pete's Market Gas Station with a lengthy list of special conditions.

Town of Lumberland:

Camp Simcha: A copy of the October 11th letter to Ms. Shohreh Karimipour, Regional Engineer, Division of Water, NYS DEC, with background information and UDC questions on the Camp Simcha upgraded commercial sewage treatment plant was provided in members' packets. Golod said the letter was copied to DRBC staff, NPS, Town of Lumberland officials and UDC Representatives for the Town and NYS DEC. To date, Golod said he's received one response from Town of Lumberland Code Enforcement Officer Dave Sparling. Mr. Sparling stated that the new sewage project for the Camp was years behind and badly needed. Both the old and new systems were permitted and inspected by the same department of the NYS DEC. Mr. Sparling noted the issue of aquatic herbicides in Lake Diana was also approved by the NYS DEC and was sure to mention that "the NYS DEC is so understaffed that it is amazing that these issues are addressed as soon as they are." He also included documentation pertaining to building permits and approval for the waste water treatment facility.

Pennsylvania**Mariner East 2 Project:**

Golod reported that on September 28th, the Pennsylvania Supreme Court unanimously ruled unconstitutional a section of state law that lets companies seize private land for certain natural gas projects, with potentially major implications for one of the biggest pipelines in the state. The \$2.5 billion-dollar Mariner East 2 project would secure Pennsylvania's position as an East Coast hub for natural gas liquids distribution. If built, the new project would send propane and ethane from Ohio across Pennsylvania to a terminal near Philadelphia. The company is facing many lawsuits by landowners over its use of eminent domain.

Marcellus Shale:

Golod noted that on October 8th the Marcellus Shale Coalition filed a legal challenge in Commonwealth Court asking that the Department of Environmental Protection (DEP) be blocked from enforcing certain provisions in the Chapter 78a drilling regulations until it can be determined if the DEP has the statutory authority to enact those provisions. The challenges include: A rule expanding the responsibility of drillers to avoid and protect threatened and endangered species, which the industry says goes beyond current state or federal law; a rule that requires operators to identify and plug any nearby abandoned well, which drillers say would require them to obtain access to property they do not control, and would impose plugging liability for wells the operators do not own; new rules governing centralized freshwater storage ponds, which the industry says are not authorized by Act 13; and other rules governing site restoration, spill-reporting, and waste-disposal permitting.

Berlin Township: Golod said that on September 13 Berlin Township Supervisor Cathy Hunt read an email from Kristi Gittins, government and public affairs liaison for IMG Midstream (IMG). The email was informing the supervisors that a new small-scale distributed generation project will soon be built by its subsidiary, Stourbridge Energy, somewhere in Berlin Township. The sites are planned to occupy four to five acres of land, and presumably could be placed anywhere in Berlin as the township has no zoning. IMG Midstream develops, constructs, and operates distributed power generation projects in targeted U.S. markets. Using locally produced natural gas that would otherwise be exported from the region, IMG creates electricity that is placed into the regional grid and used locally. Richardson asked Henry if he had heard anything about the project. Henry said he had not, but would obtain what information he could to share with the committee. A brief discussion about where the natural gas would come from took place.

Lackawaxen Township: Golod reported that on September 29, he spoke with Amy Burnett, a representative for Brookfield Renewable, who said that the drawdown on Lake Wallenpaupack will be a six-foot drawdown to 1,174 feet. The drawdown is for maintenance of the property and inspections of the power generating facility at Wallenpaupack Hydroelectric. Once completed the lake will slowly be refilled to its height of 1,181 feet. As of October 16th, the lake was at 1,174.53 feet, which was 29.55% capacity.

FY 2017 TAG Update: Golod stated that he has received back the following signed TAG contracts: FY 2017-04 Town of Tusten on October 11th; FY 2017-01 Town of Lumberland on October 14th, and FY 2017-02 Shohola Township on October 24th.

Resource Specialist's Report:

- 10/13: Golod said that he and Executive Director Ramie met with NPS Management Assistant Carla Hahn regarding the Project Review Guide. The August 31 Environmental Planning & Design draft version was reviewed, revised and edited.
- 10/19: Golod said that he and Executive Director Ramie attended the annual Friends of the Upper Delaware River (FUDR's) "Water, Water Everywhere" conference at the West Branch Angler in Hale Eddy, NY. He said he will have a report available for the November 15 WU/RM meeting.
- 10/20: Golod said he attended a NYC DEP Public Hearing regarding the eventual shutdowns and repairs to the Catskill and Delaware Aqueducts. He said he awaits a response from NYC DEP's Adam Bosch to finalize his report which he hopes to have for distribution at the November 15 WU/RM meeting.

Golod passed around some information regarding nuclear energy to clarify some statistics that Henry had provided at an earlier meeting. This information, although not provided in the packets, is available upon request.

A brief discussion about the depth of Lake Wallenpaupack and the area took place.

Richardson suggested that the committee continue to monitor the Camp Simcha project. He also said he would like to know the DEC's thinking in allowing toxic chemicals to be put in the lake. Ramie noted that Golod's letter ends with a request for a written response to our concerns. She added that the letter was just sent out on October 11th and she has no reason to believe that they won't answer us. Richardson reiterated his desire to carry this subject forward for further discussion.

New Business

Other: None

Old Business

Red Alert Emergency Phones Presentation Follow-up: Ramie referred to the copy of the September 29 letter to Keith Haviland, Major Account Executive for Frontier Communications, provided in members' packets. She expects Frontier to be open to the idea of exploring the feasibility of these phones along NYS Route 97.

Ramie spoke of a September 28 *Hancock Herald* article about the outcome of U.S. Senator Charles Schumer's campaign to ask people in New York State to report where they do and don't get cell phone service. She noted the link for this survey had been shared with members at the time. The article states that "The result is a map of the state showing more than 4,800 dead zones, with the overwhelming majority – 4,366 – reported in upstate New York. The single largest number of dead zone reports came from the Hudson Valley (970), led by 597 dead zones in Sullivan County, according to the non-scientific study." Ramie shared excerpts of the report pertaining to the New York counties that we cover. Details of the report were discussed and excerpt copies were offered to members and are available upon request. Of the five New York State counties with the most deadzones; Sullivan was first and Delaware was fifth.

Ramie shared details of an October 17 *Times Herald Record* article titled, "Lawmakers divert fees that would update 911 system." The article explains that for years, the state has imposed surcharges on cellphone bills that are supposed to raise money for local 911 systems. It goes on to say that budget records

show that New York State has diverted much of that money to other uses every year since at least 2004. Ramie noted that last year, the diversion amounted to almost two-thirds of the surcharge money collected, forcing local systems to scrimp to pay for needed upgrades. She added reading that “estimates are that New York needs at least \$2.2 billion to fully upgrade its 911 system.” Hahn asked where the money is being diverted to. Ramie said to the general fund. She said the article states, “Over the past five years, New York has diverted an estimated \$400 million, or about 42 percent of the \$945 million or so raised, to its general fund, which is used for everything from education to state employee salaries.”

Ramie said she looks for this type of information for our campaign to improve communications in our area. A brief discussion about local cell phone coverage and the co-location of carriers took place.

Richardson asked what the latest information is on Schoharie Valley’s Early Warning System for Gilboa Dam. Ramie said these reports are offered at the Water Use/Resource Management Committee and the minutes of the October 18th meeting contain the latest update. She noted that we have received excellent information and have been provided with justification suggestions for our campaign. Ramie stated that a draft letter to NYC DEP will be on the November 3rd UDC agenda requesting a timetable for their improvements in public notifications for reservoir emergencies and summarizing the UDC’s research into the siren system for the Gilboa Dam. Richardson hopes that by addressing this letter at a full Council meeting, the press may publish something about it and that may be an additional incentive to move the DEP to action. Peckham said this campaign is a very important one of the UDC. Ramie said upon approval of the letter, she will issue a press release. Golod provided some background information on the Early Warning System for the Gilboa Dam. Peckham reiterated his frustration of New York City’s handling of the situation at the Cannonsville Reservoir last summer and spoke of their Filtration Avoidance Determination upcoming renewal.

Roeder asked about the schedule for the Roebling Bridge construction. Hahn stated that the bridge was supposed to be closed from Monday morning through Thursday evening for the month of October. Unexpected delays will require closing the roadway to traffic for four consecutive days from 6:00 AM on Monday through 6 PM Thursday between October 31 and November 17. The specific dates of the closure are not yet known, as the closure will occur during a week when the weather is predicted to be “warm and dry”. The conditions are required to properly seal the concrete bridge deck. Walkways will remain open at all times for pedestrians and vehicles will be allowed to cross the bridge on Fridays, Saturdays, and Sundays. A press release containing this information was included in members’ packets.

Project Review Workbook Update: Ramie reported that no draft is available for this meeting as she had hoped. She noted that she, Golod and Hahn met for four hours to review every aspect of the documents. She spoke of the map to be included in the guide to depict the river corridor boundary. Jamie Myers of the Park Service has been working with the workbook subcommittee on creating this map. Ramie said she has received offers from a couple of local code enforcement officers to review the Project Review Guides. As users of the Guide, their input will be very valuable, Ramie added.

Ramie noted that progress is being made and work will continue on the Guides in order to present drafts for content approval.

Other: Robinson asked if Dorene Warner has gotten back to Ramie about the member portal. Ramie said she has not.

Hahn said in response to an inquiry from Sullivan, she wanted to clarify the August 23rd National Park Service letter and CD sent to Upper Delaware town and township supervisors, Planning Departments, NYS DEC, PA DEP, PA DNCR and DRBC containing the shapefile of the official Upper Delaware Scenic and Recreational River boundary for use in GIS, as well as two files which, when combined, depict the “scenic” and “recreational” segments as required under the Wild and Scenic Rivers Act. She understands there has been some confusion. She stated that the GIS data on those disks that identifies the corridor boundary has to be imported into a GIS program in order to be able to see it. Sullivan said she understands that the disk itself is useless unless you have the GIS software. Hahn said that is correct. She added that she has been successful negotiating an agreement with Shippensburg University to help complete the GIS mapping tool for the Park Service. She asked members if they know their town or township is revising their zoning map or have access to the datasets of the zoning maps to please provide them. She added that Shippensburg University will be at the December 1 UDC meeting to talk about the project and where it is headed. Hahn said she hopes that in a year, everyone will be able to access the information without having knowledge of GIS. Hahn told members to feel free to share her email address with those working on zoning

maps. Henry commented that we “don’t know where the line (river corridor boundary) is on the earth from the maps.” A lengthy discussion about this topic took place. Henry questioned what the total acreage within the designated boundary is as there seems to be some discrepancy. Ramie said that Heister will be delivering an answer to this question and will explain the methodology used to derive the number. A brief discussion about surveys, tax maps and zoning maps took place. Richardson said he has been told many times over the years by many NPS superintendents that if there is a lot that is in dispute, the Park Service will come out and make the determination at their expense. Robinson stated that surveying relies on some basic elements and questioned where the starting point would be. A brief discussion about survey discrepancies took place.

Henry provided an update on the proposed small-scale distributed generation project in Berlin Township that Golod reported on earlier following a quick phone call he’d made. The proposed site is on Adams Pond Road which is out of the corridor. The site has to be in an area that is within close proximity to the Tennessee Gas Pipeline and next to large transmission lines, he added. The proposal needs to come before the Berlin Planning Commission and Wayne County, Henry stated.

Public Comment: None

Adjournment: A motion by Peckham, seconded by Robinson to adjourn the meeting at 7:27 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 10/31/16