

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
December 19, 2017

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Jeff Dexter, Alan Henry, Aaron Robinson, Fred Peckham, Jim Greier (6:34 p.m.), Debra Conway, David Dean, Susan Sullivan

Committee Members Absent: None

NPS Partner: Kris Heister, Carla Hahn

Staff: Laurie Ramie, Cindy Odell, Pete Golod

Guests: Roger Saumure

The UDC's Project Review Committee held its monthly meeting on Tuesday, December 19, 2017 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m.

A motion to approve the November 28 meeting minutes was made by Peckham, seconded by Conway and carried. There was no public comment on the agenda.

Discussion Items Report:

Project Review Update

New York

Town of Hancock: Golod reported that on December 18 the UDC received a request from the NYS DEC to review and provide comments on a State Pollution Discharge Elimination System (SPDES) permit modification application for Camp French Woods. He noted that while Camp French Woods, which is located south of Hancock off of Route 97, is not in the corridor, treated effluent is discharged into Sand Pond, which is located on the property, and then flows into an unnamed stream exiting Sand Pond which appears to connect to Bouchoux Brook, which is a tributary to the Delaware River. Golod said he is currently collaborating with the NPS regarding this issue. Golod shared some details of the application concerning previous citations. Peckham described the location of the stream.

Town of Highland: Golod said that last month he was asked to inquire about the status of the Town's 2017 TAG project, the Draft Zoning Law update. He spoke with the town Supervisor Jeff Haas on December 4 who said the initial Draft had gone through a series of public hearings. A new board was formed to revise the Draft. The revised Draft was sent back for another review to the Laberge Group, the consulting agency for the zoning revision. Once the Town receives the review, they will hold another series of public hearings and move to vote to adopt the Draft zoning. The expected time frame to complete this process is January 2018, Golod stated.

Golod said that on December 4 he received an Environmental Assessment Form (EAF) and site plan to review for the proposed Highland River Access. Golod provided a brief overview of the project. He reported that Sullivan County did not receive the anticipated state grant funding to move the project forward, but they will continue with the permitting process and reapply for the 2018 funding cycle.

Pennsylvania

Damascus Township: Golod noted that on December 12 he received information for a proposed single-family home on River Road. This packet was sent out in advance to the committee for review. On December 13, a Class II Significant Project review was completed and will be presented to the committee for an initial recommendation to the full Council under New Business.

New York City Department of Environmental Protection: Upstate Water Supply Resiliency (USWR): Golod reported that on December 18 the UDC received notice from New York City Department of Environmental Protection that a Final Environmental Impact Statement (FEIS) had been prepared and

certified complete for the Upstate Water Supply Resiliency project. A Positive Declaration and a Draft Scope of Work was issued on October 10, 2014, a Final Scope of Work on September 16, 2015, and a Draft Environmental Impact Statement on September 19, 2016. This project background was provided in Golod's written Discussion Items Report.

Resource Specialist's Report:

- Golod said that he and NPS Management Assistant Carla Hahn met on November 29 and continued working towards a Project Review Guide final draft.
- On November 30, Golod attended the Common Waters Partnership meeting at Grey Towers in Milford, PA. A report will be given at tonight's WU/RM Committee meeting.
- Golod reported that from December 6 – 8, NYC DEP shut down release valves at Pepacton Reservoir for an underwater inspection of infrastructure. Water releases into the East Branch had been shut down each day for 8 hours a day. Releases were ramped back up to the specified rate per the new Flexible Flow Management Program.

Richardson commented that the annual reenactment of Washington's crossing of the Delaware is threatened this year due to low water levels.

Old Business

Status of FY 2018 Technical Assistance Grants: Ramie referred to the December 8 letter to Patrick Reidy, Grants Management Specialist in the National Park Service Northeast Regional Office, requesting official guidance as a follow up to two questions raised by him concerning the UDC Technical Assistance Grants (TAG) program. She said the two questions the UDC posed in return were: Are federal funds allowable for the three projects as proposed; and is the FY 2018 TAG program schedule defined by having to expend funds in the same fiscal year? She reported that we still do not have specific answers to give to the three municipalities about moving forward with their projects. After a brief discussion, a motion to prepare award letters and contracts for TAG 2018-01 for the Town of Tusten and TAG 2018-02 for Damascus Township authorizing them to begin work on their projects, currently scheduled for completion by August 24, 2018 but subject to a potential extension pending a formal NPS determination, while holding action on TAG 2018-03 for Berlin Township pending the NPS ruling, was made by Henry, seconded by Sullivan and carried.

Emergency Phones Update: Ramie reported that our Frontier contact checked in with us last week. He was told that our new strategy is to inform our state and federal elected officials of this initiative to see if they are aware of any funding sources.

Other: Henry asked Robinson if he had any further information on the GoTenna Mesh technology. Robinson told him they received the FCC license and are selling it.

Hahn reported that a discrepancy with the FEMA database for Damascus Township is being addressed through the GIS project.

New Business

Damascus Township River Road Significant Project Review: Golod referred members to the Significant Projects Report Form for the proposed single-family vacation home on River Road provided in their packets. The last two pages contained an illustration of the site which Golod reviewed with members. He reviewed each criterion and his conclusions with the committee. A brief discussion about the septic system took place. Golod concluded from his review that the project conforms to the Land and Water Use Guidelines. He asked that the committee vote to recommend this to the full Council. A motion to recommend to the full Council at the January 4 meeting that this project is in substantial conformance with the Land and Water Use Guidelines was made by Robinson, seconded by Greier and carried. Hahn commended Golod for his work on this issue.

Comments on DRBC Proposed Natural Gas Regulations: Ramie noted that the email she sent on December 13 to members was intended to develop a strategy for addressing the draft regulations. She

reviewed the three questions she asked in her email. The first was, "Should the UDC focus its review of these draft regulations as they impact the designated river corridor only or as they impact our PA member townships as a whole?" Richardson stated that in the past when this topic has been discussed, we have talked about the river corridor. He feels the Council decided in the past that comments would be limited to the corridor only. Roeder commented that the Council has already agreed that within the corridor there will be no wells, but he feels the UDC should be commenting on the DRBC proposing to limit drilling outside of the corridor. Robinson does not think it is appropriate for the Council to comment beyond our charge which is the corridor. Peckham referred to page 123 of the River Management Plan and the references to "oil" and "gas" and shared his interpretation. Ramie said the distinction is hydraulic fracturing which the 1986 Plan did not anticipate. Ramie said the second question she sent was, "Might it behoove the UDC to poll the five PA member townships to survey their positions in the context of this organization representing their interests? If so, how would that information be used?" Ramie feels this question no longer applies if the members decide we are only commenting on the river corridor impact. The third question was, "How should the UDC systematically address the provisions in the regulations regarding water exportation, importation, transfers, handling of produced water, wastewater, treatment and discharge related to hydraulic fracturing?" Ramie stated that the proposed regulations are about more than just drilling, they are about the water aspect of it too. She does not know if the UDC has the capabilities of evaluating that part of the regulations. Robinson stated that an element that is rarely brought to light is the water that is used for industrial purposes; he said it is not exclusively for water supply for human beings. He said it would be interesting to see what amount of water is used for commercial use vs. the water for human consumption. Richardson commented that the DRBC already regulates water extraction by requiring permits for certain volumes. Ramie said that Henry had asked her to look into what authority the DRBC is operating under to propose these regulations. She noted that some have suggested that the DRBC is straying into land use decisions. Ramie said in the regulations, Item B describes that authority and notes which parts of the Delaware River Basin Compact provide the basis for making these regulations. She listed some of these sections. Sullivan said she feels it is a good idea to be consistent and speak about the corridor and expressed her opinion on the water aspect of the regulations. She said the land use aspect of the regulations will be discussed in court. She feels the UDC defined its position well in March of 2011. A copy of the March 3, 2011 letter to Pamela Bush, Commission Secretary of the DRBC was included in members' packets. Henry stated that he does not feel there is anyone on the Council that has the expertise to comment on the scientific and technical information. Henry asked if they have reached capacity for the public hearing at Camp Ladore in January. Ramie said she has not heard, but noted that registration is required by December 31. Ramie said she feels she has enough direction to draft a letter on the DRBC's revised regulations for natural gas development for advance review and discussion at the January 4 meeting. She said the letter could potentially be the source for our testimony at the January 23 public hearing. She said she will base the current letter on the comments in the 2011 letter. Members agreed with this course of action.

NPS Response: Letter of Interpretation to Incorporate UDC Renewable Energy Position Statement into the LWUG/Upper Delaware RMP: Ramie noted that a copy of Superintendent Heister's December 11 response based on the NPS solicitor's opinion was provided in members' packets. After a brief discussion, a motion to table this discussion until the next Project Review meeting was made by Dexter, seconded by Henry and carried.

Other: None

Public Comment: None

Adjournment: A motion by Roeder, seconded by Conway to adjourn the meeting at 7:18 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 12/28/17