

UPPER DELAWARE COUNCIL MEETING MINUTES November 3, 2016

The Upper Delaware Council held its monthly meeting on Thursday, November 3, 2016 at the Council office in Narrowsburg, NY. Chairperson Fred Peckham called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Jeff Haas, Town of Lumberland-Leigh Sherman, Town of Deerpark-Virginia Dudko, Damascus Township-Jeff Dexter, Berlin Township-Al Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, State of New York-Bill Rudge, Commonwealth of Pennsylvania-Tim Dugan, National Park Service-Carla Hahn. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Also in attendance: Debra Conway, Highland alternate. Absent: Westfall Township, Delaware River Basin Commission. Media: Dave Hulse. Peter Becker, Douglas Dahl, Meg McGuire. Guests: Jamie Knecht, Mr. & Mrs. Branning, James Barth.

Presentation by Jamie Knecht, Watershed Specialist for the Wayne Conservation District: “Baseline Assessment of Groundwater Quality in Wayne County, PA”. Peckham introduced Knecht who showed a Power Point presentation that was put together by the USGS to the members. She said one of the reasons for the 2014 study was to obtain a baseline before gas drilling comes in to the area. It was not an anti-gas drilling movement, Knecht stated, and she wanted to make sure people were aware of that. She reported that groundwater is the main source of drinking water supply in Wayne County. She said that groundwater supplies streams and spoke of the types of aquifers in the county. Knecht said a study was conducted in 2013. The Conservation District was not involved in this study of 34 wells which did not include analyses for Volatile Organic Compounds (VOCs) and other organic compounds (glycols). The 2014 study focus included 10 re-sampled wells from the 2013 study along with 79 new wells. Included analyses in the 2014 study were VOCs and other organic compounds and drinking water methods from the Department of Environmental Protection. Knecht spoke of what sufficient sampling was done to characterize baseline conditions. They looked for anything expected to be present in flowback waters. A pre-drilling list was provided by the PA DEP. These had to be included as they were a parameter of the grant obtained for this study, Knecht explained. They also looked for spatial variability in the sampling. They looked to spread the sampling throughout the county. Knecht stated they looked at over 100 parameters at each well. Each well was estimated at between \$2,700 and \$3,500 worth of sampling depending on how extensive they had to get. Knecht said they sent out about 245 letters soliciting landowners to participate in the study and only received back a response of 65. Knecht listed some of the parameters that were analyzed at each well and explained why these were tested. She showed a map that depicted where the wells were tested in both 2013 and 2014. She noted that more wells were tested in the southern part of the county despite the fact that should gas drilling occur, it would most likely be in the northern part of the county. Knecht spoke of the drilling records that are supposed to be kept in the Commonwealth of Pennsylvania, explaining that letters were sent to those whose drilling records were on file. Knecht showed on a slide which contained the 2014 results. She noted that all participants were notified of their results. Some of the results took a long time to get back. She stated that 4 of the 89 wells tested had well above the recommended advisory limit for Arsenic and 27 of the 89 exceeded the Health Advisory for Arsenic. Two of the 89 samples contained

E.Coli bacteria, although one result was later dismissed due to laboratory failure and 22 of the 89 contained total coliform. Knecht reported that levels of pH and Iron exceeded the EPA Secondary Maximum Contaminant limits in some of the wells. She noted that the biggest issue that was found was radon. They were not surprised by this finding as radon is naturally occurring in the geologic formations that we have. A brief discussion about radon and abatement systems took place. Knecht showed maps depicting locations of wells sampled that contained pH, Arsenic, and radon and the concentration of each. Knecht shared the results for methane noting that the concentration exceeded the action level of 7 mg per liter in one well. She noted that chloride/bromide ratios in some well samples were similar to ratios in oil field brines and Marcellus flowback. That's naturally occurring, she added. Knecht referred to the handouts provided by her to each member. The first contains an abstract of the full report which is available online at <https://pubs.er.usgs.gov/publication/sir20165073>. The second is a guide for water testing results, Knecht said. A brief question and answer session took place. James Barth asked if they succeeded in getting a well tested in every township in Wayne County. Knecht believes that they did. A brief discussion about the number of wells in Wayne County and well drilling records took place. Knecht stated that Pennsylvania is 2nd in stream miles in the United States behind Alaska and they are the only two states without private well regulations. Robinson asked if the wells that were tested were distinguished by the way they were drilled or the depth or any type of sorting, and if there is any correlation to results. Knecht told him there is a lot of information regarding each well, but she does not know if there is any correlation to the results. That would be a question for the hydrogeologist. Peckham asked if the claim had been made in both Pike and Wayne counties that in the river valley, the presence of Sulphur, methane, and iron are greater than out of the corridor. Knecht said yes and provided some additional information about testing for methane. Robinson asked what the maximum and minimum well depths involved in the study were. Knecht said the deepest was more than 900 feet and the shallowest was under 100 feet. She said the report contains all that information. Greier asked if testing was done where gas wells were drilled or if it was random testing. Knecht told him it was random testing. Greier asked who paid for the testing. Knecht told him it was paid with a \$250,000 grant. She added that she hopes additional funding is available in the future to re-test in the future. Peckham thanked Knecht for her presentation and presented her with a UDC lapel pin.

Approval of October 6 Meeting Minutes: A motion by Robinson seconded by Dudko to approve the October 6 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: October 25 Project Review by Richardson and October 25 Operations by Peckham. No report of the October 18 Water Use/Resource Management Committee meeting was offered.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of October 28, 2016 was at a combined capacity of 52% with Cannonsville at 31%.

NYS Dept. of Environmental Conservation: Rudge noted that the DEC had to implement emergency special fishing regulations for a portion of Esopus Creek. The Upper Esopus is used to move water from the Schoharie Reservoir down to the Ashokan Reservoir and the Schoharie is essentially out of water, he reported. This rulemaking is necessary to reduce trout mortality due to drought conditions.

Rudge referred to the news release provided in members' packets titled, "Early Opportunities for Big Game Hunting with Crossbows." He stated that hunting with crossbow has proved to be very popular. Crossbow hunting for deer and bear in the Southern Zone opens November 5 and runs through November 18, the last 14 days of the early bowhunting season, he added. Additionally, current law treats crossbows as muzzleloaders, so hunters must possess a muzzleloader hunting privilege to legally hunt with a crossbow during any muzzleloader season or during open portions of the early bowhunting seasons. Henry asked if

one can hunt with the crossbow during the rifle season. Rudge said it reads in the news release that, "Muzzleloader privilege is not required when hunting with a crossbow during the regular firearms season."

PA Dept. of Conservation & Natural Resources: Dugan provided an update on the fall colors noting the leaves are holding on the hardwoods like oaks and hickories. He predicts that within the next couple of weeks, most leaves will have fallen. He reported that hunting seasons have begun. He said people are active and advised members to be careful driving as the deer are on the move.

Dugan said he recently visited Beltzville State Park and was astonished at how low the level of the reservoir is. He noted that Beltzville is currently at 70% capacity, but he would have guessed it was lower than that.

Dugan reported that Pennsylvania is heading into its Fall fire season, the secondary fire season. He asked people to be careful if they are out in the woods. He noted that the Southeast United States just upgraded their fire readiness code earlier in the day. As a result, DCNR is taking an inventory of staff that may be available should the need arise for sending crews of firefighters to the Southeastern United States.

National Park Service-Upper Delaware: Regarding cultural resources, Hahn reported the Park Service is obtaining a cost estimate for converting to digital format tapes that feature Floyd Campfield and eel fishing. She said that seven draft transcripts regarding the Cochection Station were released to Larry Richardson. Hahn noted that the Park Service has put in a funding request to complete transcribing the remaining Oral History tapes.

The National Canoe Safety Patrol (NCSP), for the first time this year, provided information on their water safety efforts. Overall, they conducted 267 water rescues including 155 boat overs, and made 11 calls to NPS law enforcement staff. Hahn said the NCSP has been on the Upper Delaware for as long as the Park Service has been here and that they are a "phenomenal asset to the Upper Delaware River".

Hahn provided an overview on Upper Delaware bridges. She said contractors are in their winter preparation phase for the Pond Eddy Bridge. Work will continue through the winter and for the next year and a half. Narrowsburg is preparing for work to start in 2017 and continue for two construction seasons. Hahn said the Skinners Falls Bridge will undergo a tension rod test before it can re-open. She reported that the Cochection Bridge is down to one lane in order for emergency repairs to be conducted. A public meeting was held last night regarding plans for work on the Callicoon Bridge. That work is to begin in 2018 and is expected to last for two years. Hahn reported that the Kellams Bridge is going to undergo some closure and rehabilitation work beginning in 2016. Inspections are being conducted this month on the Kellams, Callicoon, Lordville, and Cochection bridges, Hahn noted. The Roebling Bridge did open earlier in the day. The 2016 project is essentially complete. Next year, in-water work and work around the structure that could not be completed this year due to temperature will be conducted.

Hahn, reporting on behalf of Superintendent Heister, said that the River Management Plan (RMP) indicates that the river corridor consists of 55, 575 acres. Henry noted it is actually 55,574.5 acres. Hahn stated that the 2016 digital boundary is 57,155 acres. The difference of 1,580 acres is based on digitizing the outside of the corridor boundary line and better technology for calculating the acreage. The difference also takes into consideration the change that was made in Lackawaxen Township in 2015. Henry stated that the Plan says the corridor can not exceed 55,574.5 acres. Rudge noted it is his impression that it is simply two different ways of calculating the acreage and that the corridor boundary did not grow. Hahn said it is based on more accurate calculations, but she will bring the concern back to the Superintendent. Robinson asked when they developed the GIS calculations if they substituted elevation for monuments. Hahn said they used the map which is in the RMP which is not a survey map, but more like a zoning map. The boundary as described in the Plan is the area of direct drainage. Robinson spoke of the system in place in Shohola Township for updating their zoning maps. He noted the struggle for trying to determine if projects are within or out of the river corridor. Peckham said the question of where the boundary is has been asked since the Plan was implemented. Henry noted that page viii of the RMP under "Project Boundary" reads that "At no point does the proposed boundary extend beyond the legislative boundary. Total acreage within the project boundary amounts to 55,574.5." Henry referred then to page 59 of the Plan where it again states that "The total acreage within the boundary is approximately 55,574.5 acres." He does not consider a difference of 1,580 acres as approximate. Henry asked if the change made in Lackawaxen Township was ever advertised noting that any modifications to land acreage, you have to follow the same procedure as a

minor amendment. Ramie said the Council had received an approval Resolution from Lackawaxen Township and noted that the change was a clarification. Henry asked that it be looked into whether proper procedure was used for that matter. A motion to investigate whether proper procedure was used on July 2, 2015 for the UDC to approve a clarification pertaining to the removal of 425 acres from the river corridor boundary in Lackawaxen Township was made by Dexter and seconded by Henry. A vote was taken and the motion carried unanimously.

Richardson asked Hahn if she knew how long the emergency repairs to the Cochection Bridge are supposed to take. Hahn said approximately two weeks.

Henry read from page viii of the RMP under Project Boundary where it states, "The boundary area encompasses those adjacent lands from which runoff drains directly into the river and tributary drainages upstream to the first prominent topographic feature (ridge line, peak, or promontory). At no point does the proposed boundary extend beyond the legislative boundary. Total acreage within the project boundary amounts to 55,574.5 acres."

UDC Executive Director's Report: Ramie said regarding the Skinners Falls Bridge that we have received word that the work is complete, but not open to traffic yet due to the fact that the testing of the tension rods had not been done.

Ramie provided some details of the \$9.9 million rehabilitation project for the Callicoon-Damascus Bridge. She will have a written synopsis ready for the 11/15 WU/RM Committee. Public comments are being taken through November 30 on this project. Ramie referred to it as a "fairly low impact" project as the bridge will remain open during construction.

Ramie referred members to a written report in their packets by Golod regarding the October 20th public hearing on New York City's repair plans for the Catskills and Delaware Aqueducts that he attended. She stated that the public comment period on the draft Environmental Impact Statement for this project closes on November 14th. Golod noted that the cleaning and replacement of old valves will take place in the Delaware, Catskill, and Croton systems. He said the information provided at the public hearing really doesn't seem to affect the Upper Delaware. Golod said he spoke to NYC DEP Direct of Public Affairs Adam Bosch after the public hearing to ask him what this project means for the Upper Delaware. Bosch told him they will "be working on an operational plan that should lend more clarity to your question. It would be speculation to talk specifically about reservoir levels or releases during the 5-8 month shutdown of the aqueduct in 2022." Golod feels we will see the typical "yo-yo" releases that we have been seeing and he does not feel the project will adversely affect us anymore than we've already been affected by the yo-yo releases from Cannonsville. Ramie added that staff does not feel like a letter is warranted from the Council at this time, but we will keep an eye on the project.

Ramie referred to the updated Summary of Actions for the Upper Delaware Council's Proposal to Establish a Supplemental Public Notification System for Hazardous Incidents Involving New York City's Delaware River Basin Reservoir System report provided in members' packets. It provides a timetable of activities regarding this initiative as well as a list of support letters that we have received from our counties and local municipalities. She reported that she received a copy of a Town of Highland support letter at the beginning of tonight's meeting. She noted that anything in bold in the report is new since last month.

Ramie announced that Lackawaxen Township Representative Doug Case has joined the Water Use/Resource Management Committee bringing that membership up to six, which requires four members for a quorum. Case attended his first meeting on October 18th.

Ramie proposed that members cancel the in-person meeting of the WU/RM Committee on November 15 as neither she or Golod will be in attendance due to overlapping vacation time. She said that all the various reports and updates can be provided in writing and currently there are no action items to raise. She noted that Chairman Tony Ritter is in agreement with cancelling. A motion to cancel the in-person November 15th Water Use/Resource Management Committee meeting was made by Henry, seconded by Conway and carried.

Ramie reminded members that in December all three committees meet on the same night. That will be on the 3rd Tuesday, December 20th with Project Review at 6:30, Operations at approximately at 7:00, and WU/RM at 7:30. There will be no 4th Tuesday meetings on December 27th, she added.

Ramie referred members to the November calendar of UDC Meetings, Activities and Deadlines provided in their packets. She said it also contains a December preview. She pointed out that a presentation

is set for the December 1 full Council meeting by the National Park Service and Shippensburg University regarding the GIS mapping project. Hahn said members will be meeting the team that will be working with the Park Service for the next five years and discuss the project.

Ramie referred to an invitation to a meeting of the Delaware River Watershed Initiative (DRWI). She said that she and Golod attended the Common Waters Partnership meeting earlier in the day and this was the subject of a workshop that took place in the morning. The meetings are scheduled for November 16 in Bushkill, PA and November 17 in Monticello, NY.

Old Business: Henry reported that the Pennsylvania Environmental Council (PEC) completed the clean-up on Cortese Road on Beach Lake Hunting and Fishing Club property. It was a pretty extensive clean up, he added. A brief discussion about the funding took place. Golod said that PEC also conducted a clean-up on his family's farm and provided some details.

Henry referred to pages 27 and 28 of the River Management Plan under Minor Amendments and said these steps were not taken during the Lackawaxen Township boundary discussion. Hahn suggested that the Council may want to look to condense some of the procedures of the RMP for easier use by members. Dudko said a table of contents could be produced.

Richardson said if the Plan is digitized, it is easier to find content. He referred to page 61 of the Plan and read, "In the event that a local, state or federal government agency or landowner is unable to locate the exact location of the final boundary, or the location of the boundary is disputed, the affected town or township may request the Council to more precisely locate the exact location of the boundary line through the use of a topographic survey, on-site inspection, or other means as appropriate. Survey and mapping costs incurred in connection with the boundary, the management plan, or the guidelines will be funded by the National Park Service, pending the availability of funds." Richardson said we have heard this claim made by Superintendents over the years and he wanted to point out where it is written in the RMP. Robinson noted that in Shohola Township they have to turn their applications over in 90 days. Richardson spoke of an issue in the Town of Cochection where a project was in question and the NPS came out and made a determination of whether it was in or out of the corridor.

Sullivan encouraged members to read the minutes of the October 25 Operations Committee meeting regarding the discussion on solar before bringing the issue up to their respective town or township. She said it is important for members when they approach their towns or townships to obtain their input on what changes they would make, if any, to the draft position paper on solar. She feels that sometimes issues come out a lot more controversial and divisive than they need to be. She said the UDC's paper is just a draft and we're trying to figure out how to make the zoning work.

New Business:

Appointment of a Nominating Committee for 2017 Officers: Peckham reported that the following members are named to serve on the Nominating Committee to produce a slate of officers for the UDC for the calendar year 2017: Al Henry (Berlin Township), Harold Roeder (Town of Delaware), and Debra Conway (Town of Highland). The Nominating Committee will issue its report at the December UDC meeting, with the election taking place at the January 2017 meeting.

Resolution 2016-11: Granting Permanent Employee Status to Resource Specialist Pete Golod: A motion to approve Resolution 2016-11 granting permanent employee status to Resource Specialist Pete Golod was made by Henry, seconded by Richardson and carried unanimously.

Resolution 2016-12: Awarding the Printing of "The Upper Delaware" Newsletter to Courier Printing Corp. for FY 2017: A motion to approve Resolution 2016-12 was made by Roeder, seconded by Robinson and carried.

Draft Letter to Paul Rush, NYC DEP: Recommendation for Supplemental Emergency Public Notification System: A motion to approve the letter that had been circulated in advance for review was made by Robinson, seconded by Haas and carried.

Other: None

Public Comment: None

Adjournment: A motion by Roeder seconded by Haas, to adjourn the meeting at 8:40 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 11/14/16