

UPPER DELAWARE COUNCIL MEETING MINUTES

December 1, 2016

The Upper Delaware Council held its monthly meeting on Thursday, December 1, 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 Cohecton-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Jeff Haas, Town of Deerpark-David Dean, Damascus Township-Jeff Dexter (7:10p.m.), Berlin Township-Al Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, Commonwealth of Pennsylvania-Rhonda Manning, Delaware River Basin Commission-Steve Tambini. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Also in attendance: Debra Conway, Highland alternate. Absent: Town of Lumberland, Westfall Township, State of New York, National Park Service. Media: Dave Hulse, Peter Becker. Guests: James Barth.

Approval of November 3 Meeting Minutes: A motion by Haas seconded by Greier to approve the November 3 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: November 22 Project Review by Richardson and November 22 Operations by Peckham. The November 15 Water Use/Resource Management Committee meeting had been cancelled.

Status Reports

Delaware River Basin Commission: Tambini provided members with the most current hydrologic conditions and information on the drought status. He noted that due to the dry weather, the DRBC placed the basin in the "Drought Watch" stage effective November 23rd. He stated that this was done by a special permit. The special permit provides a single set of water resource management responses to address dry conditions both "basinwide" and in the "lower basin" which is the portion of the basin downstream of Montague, N.J. Tambini referred to the November 29 hydrologic report provided in members' packets. He explained what happens when a drought watch is issued. He said the out-of-basin diversions to New York City and portions of New Jersey were lowered. New York City went from a flow limit of 800 million gallons a day (mgd) to 680 million gallons a day. Tambini explained that a reserve "bank" of water established by the decree parties over the course of the past year in anticipation of a dry period such as the current one will be available, allowing New Jersey to minimize the effects of possible diversion reductions. He noted that theoretically, New Jersey's diversion went from 100 mgd to 85 mgd, but they can still use up to 100 mgd out of the "bank". He said that once the bank is gone, they will have to go back to the lower number. Under the "drought watch", several hydroelectric, recreation, and federal reservoirs may be requested to either store or release water. In addition, releases may be required from Merrill Creek Reservoir, a facility in Warren County, N.J. constructed by a consortium of electric utilities, to replace evaporative losses caused by power generation. Tambini provided details about the "salt line" noting that as

of November 20, the salt front was 19 river miles upstream from its normal location for the month despite significant freshwater reservoir releases. Tambini told members that if they want more information on the drought, they can find it on the DRBC website at <http://www.nj.gov/drbc/>. Tambini told members that storage has to be 15 billion gallons above the drought line for five consecutive days to be considered out of the drought. Tambini feels the Commission is managing the drought effectively at this point and said they will continue to watch it very closely.

Tambini said it was hoped that the Regulated Flow Advisory Committee (RFAC) would have met again before the end of this year, but that seems unlikely. He said they hope to meet in January or February. The next DRBC meeting will be held on Wednesday, December 14, 2016 beginning at 10:30 a.m. The business meeting is open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pa.

Roeder asked if there is data that would show where the salt line would be today had New York City not put their in reservoirs. Tambini said the salt line would come up a lot further. Case asked why the position of the salt line is so important. Tambini explained that as salt-laced water moves upriver, it increases corrosion control costs for surface water users, particularly industry, and can raise the treatment costs for public water suppliers.

Tambini stated that “water is a finite resource” and times like this drought watch remind us of that. He added that if the reservoirs don’t refill by late spring/early summer, it will be “rough sledding” next year.

Henry asked where the highest the salt line ever came up the Delaware. Tambini said the drought of record was in the 1960’s. The salt line of record was at river mile 102. We are currently well below where we were for the drought of record, Tambini stated, but being 19 miles above normal is not necessarily good news. He added that the recent rains will push the salt line back.

Henry asked what kind of pressure the DRBC is putting on New York City DEP to fix the aqueduct leaks. Tambini said that “nobody likes to waste water”, but New York City has rights given to them under the 1954 U.S. Supreme Court Decree for a certain diversion whether it is leaked or goes to customers. He said they are not putting any pressure on them because “we have no teeth” to do that; it’s the law. The Compact specifically says that the DRBC has got some very broad powers except for when it is related to the Supreme Court Decree. He added that the law does not allow for the DRBC to tell New York City what they can or can not do with their water.

Peckham asked if the DRBC will take a position on the city’s Filtration Avoidance Determination agreement which he believes is up for renewal next year. Tambini said no, they won’t be taking a position on that.

Dave Hulse noted that group of landowners called Wayne Land and Mineral Group LLC (WLMG) filed a lawsuit against DRBC over the fracking ban and the agency’s refusal to issue a permit for an exploratory gas well. He asked Tambini if he wanted to comment on that. Tambini said he would not comment on that. Peckham noted that lawsuit was recently joined by three Pennsylvania Senators.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge. One press release dated November 7 and titled “DEC Seeks Assistance to Locate Black Bear Dens” was included in members’ packets at Rudge’s request.

PA Dept. of Environmental Protection: Manning referred to the map of Pennsylvania depicting the different stages of drought that counties in the Commonwealth are at. She noted that the rain in the upcoming forecast should help conditions.

Manning noted that as part of the 2016 Department of Environmental Protection’s (DEP) Growing Greener Plus Program, applications are now being accepted for watershed protection and restoration grants. The deadline for submitting applications is January 13, 2017. To request or download an application or obtain more information, visit the Growing Greener website at www.dep.pa.gov (DEP Keyword: Growing Greener).

Manning referred to a handout containing information regarding Southeast and South Central regional Pennsylvania Infrastructure Investment Authority (**PennVEST**) information sessions. She noted that PennVEST funding has been expanded. She will be attending one of the sessions to gain more information. PennVEST is a state authority that was established in 1988 with the purpose of improving

water quality in Pennsylvania by providing low interest loans and grants for drinking water and wastewater capital improvement projects.

Manning said they are in the process of updating the State Water Plan which is to be done every five years. The Plan is intended to “serve as a policy and guidance document, providing information, objectives, priorities and recommendation to be considered and weighed in a broad range of state, local and private decisions.” Manning referred to the Plan as a “planning tool” and noted that the latest interactive GIS interactive tool will be available on their website upon completion. She will provide more information on this as it becomes available, Manning stated.

National Park Service-Upper Delaware: No report in the absence of Representative Kris Heister.

UDC Executive Director’s Report: Ramie referred members 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 their packets. She noted that the report contains new correspondence received since last month including a November 17 response from NYC DEP Deputy Commissioner Paul Rush to the UDC’s November 3 letter. He did copy his letter to our same, long list of contacts on the federal, state, city, county and local level. The timetable for action is that NYC DEP staff plans to meet by the end of this year to review the feedback from the Emergency Action Plan (EAP) sessions and input such as ours. In early 2017, an independent engineering consultant to NYC DEP will initiate its project to develop recommendations to improve the speed of downstream emergency notifications specifically for the Cannonsville Reservoir. In his letter to the UDC, Rush also addressed our repeated request to receive direct copies of the EAPs for the Delaware Basin reservoirs with a firm no due to security concerns for the distribution of sensitive information. The Plans are available to the National Park Service and our municipalities that have responsibility for emergency services. Ramie reported that we have now received 11 support letters for the cause of improving the public notification system, including one from NYS Senator John J. Bonacic.

Ramie provided a Delaware River bridges updates. She said the Skinners Falls-Milanville Bridge reopened to traffic on November 10th after having been closed for emergency repairs since December 11, 2015. The first phase of road work on Roebling’s Delaware Aqueduct was completed on November 17th. The emergency repairs on the Cochection-Damascus Bridge wrapped up on November 23.

Ramie reported that she did reach out to our contact person Keith Haviland at Frontier Communications as a follow-up from the November 22nd Project Review Committee meeting to ask about the status of our September 29 official request for an engineering evaluation of potential sites along NYS Route 97 for Red Alert emergency telephone installations. Haviland replied to her on November 23rd that he forwarded our letter to Engineering the same day, but hasn’t heard back from them. He said he would follow up on this. Ramie said she has no further update at this time.

Ramie provided an update on UDC funding. She noted that the federal government is operating under a Continuing Resolution which is due to expire at midnight on Friday, December 9th. She provided the balance in the UDC federal account and said it has been suggested that Congress will take actions before that date to extend the Continuing Resolution through March 2017.

Ramie referred to the December calendar of UDC Meetings, Activities and Deadlines provided in members’ packets, noting that it also includes a January preview. A list of 2017 Meeting Dates was also included in members’ packets.

Old Business: Greier said the Town of Fremont compared the newly created digital map of the Upper Delaware boundary to the old map. He said the new map was done at a smaller scale and when it was blown up, it appears as if the Town of Fremont alone “loses” 1,200 to 1,500 acres to the corridor. Greier made a motion that the NPS maps showing the river corridor GIS boundary be null and void until they are approved by the municipalities and this Council by due process as described on pages 26, 27 and 28 of the River Management Plan. The motion was seconded by Robinson for discussion. Peckham suggested that discussion be deferred to the Project Review Committee where a National Park Service representative will be present to answer any questions. Robinson stated that according to the Pennsylvania Municipal Planning Code, any changes on official maps within the township have to go through a public hearing and a supervisor approval. He suggested tabling the matter until Pennsylvania municipalities can evaluate what

they have to do to conform to planning codes. Ramie stated that the Park Service map is intended to be seen as a planning tool. Richardson said there are a lot of questions about the map. There is no plan to formally adopt the newly created map; it is to be used as a guide. The Project Review Committee recognizes that there are many questions and discrepancies, and is requesting that the Park Service provide a presentation on it at a committee. Richardson added that the Park Service will say that the newly created map is not a revision of the River Management Plan because they are acknowledging the original acreage as stated in the Plan. Sullivan commented that a GIS presentation will be given at the January 5 UDC meeting by Shippensburg University that could shed light on this issue. After much discussion, Greier withdrew his motion and it was agreed that after the GIS mapping presentation by Shippensburg University at the January 5 meeting, further discussion with the National Park Service at the Project Review Committee level on the river corridor boundary issue would be scheduled.

New Business:

Nominating Committee Report: Speaking on behalf of the Nominating Committee, Roeder explained the procedure the committee used to come up with their slate of officers. He said the Council tries to alternate the chairmanship between New York and Pennsylvania, but it can prove difficult as New York has eight participating towns and Pennsylvania has just five participating townships. Roeder said as a result of some research, the committee discovered that the Town of Fremont has never had someone hold the Chairman position. Ramie stated that the Town had been offered the opportunity over the years and declined. Roeder announced the following 2017 slate of officers for consideration at the Council's annual meeting and election in January: Chairperson – Jim Greier (Town of Fremont); Vice-Chairperson – David Dean (Town of Deerpark); and Secretary/Treasurer – Alan Henry (Berlin Township). Richardson asked if any attempt was made to find someone from Pennsylvania to take either the chair or vice-chair position as per the UDC bylaws. Roeder said there was. Other candidates can be nominated from the floor and elections will be by ballot at the January meeting.

Other: None

Public Comment: Jim Barth asked Tambini what New York City is doing about the leaks. Tambini said a new tunnel is being constructed, but other than that, he would have to report back. Peckham provided some details about the tunnel under construction and the construction timetable. Henry suggested that New York City needs to “expedite the cork.”

Adjournment: A motion by Roeder seconded by Sullivan, to adjourn the meeting at 7:58 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 12/14/16