



# Upper Delaware Council

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## **Upper Delaware Council Annual Report Fiscal Year 2010 (October 1, 2009 - September 30, 2010)**

### **Introduction**

The mission of the Upper Delaware Council, Inc. (UDC) is to ensure the effective implementation and administration of the *River Management Plan for the Upper Delaware Scenic and Recreational River: New York and Pennsylvania* (Final 1986), utilizing the existing authority of its members and operating under the terms of a Cooperative Agreement with the National Park Service.

The Council's existence evolved from special provisions in the 1978 legislation which designated the 73.4-mile section of the Upper Delaware River between Hancock, NY and Mill Rift, PA as a component of the National Wild and Scenic Rivers System, eligible for federal protection due to its outstandingly remarkable values.

Established in 1988 as a non-profit, tax-exempt organization, UDC membership is comprised of the two states and presently 13 out of the 15 local governments (eight New York towns and five Pennsylvania townships) which border on the river. The Delaware River Basin Commission (DRBC) is a non-voting member.

The UDC provides the mechanism to address management actions for the river by a formal partnership of local, state, and federal interests. What sets the River Management Plan apart is the commitment to local land use controls and voluntary actions by landowners to protect the river valley's resources, contrasted with the traditional national park model in which the federal government owns all of the land. More than 85% of the land in the Congressionally-designated, 55,575.5-acre Upper Delaware River corridor remains privately owned.

The Council acts as an advocate, forum, facilitator, watchdog, and educator. On a continuous basis, the UDC monitors proposed projects, legislation, new developments, studies, and governmental policies to assess potential impacts on the Upper Delaware's resources, protect private property rights, and uphold the far-sighted vision of the River Management Plan to conserve the river area for present and future generations.

### **Management Structure**

UDC representatives and alternates are appointed to one-year terms by their towns, townships, states, and agencies. In addition to a full Council meeting that convenes on the first Thursday of the month, three standing committees meet monthly: Water Use/Resource Management Committee, third Tuesday; Operations Committee and Project Review Committee, both of the fourth Tuesday. A full-time professional staff including an Executive Director, Senior Resource Specialist, Public Relations/Fundraising Specialist, and Office Manager carries out the board's directives and operates the Council's business office located in Narrowsburg, NY.

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### ***Working together to conserve the Upper Delaware Scenic and Recreational River***

*Town of Hancock • Town of Fremont • Town of Delaware • Town of Cohecton • Town of Tusten • Town of Highland • Town of Lumberland  
Town of Deerpark • Damascus Township • Berlin Township • Lackawaxen Township • Shohola Township • Westfall Township  
State of New York • Commonwealth of Pennsylvania • Delaware River Basin Commission • In partnership with the National Park Service*

## 2010 UDC Membership

Elected to serve as officers for the 2010 calendar year were:

- Chairperson Harold G. Roeder, Jr., Town of Delaware, NY
- Vice-Chairperson Dolores A. Keesler, Damascus Township, PA
- Secretary-Treasurer John B. Niflot, Town of Fremont, NY

UDC committee chairpersons for the 2010 calendar year were:

- Water Use/Resource Management Committee – Jim Serio
- Operations Committee – Harold G. Roeder, Jr.
- Project Review Committee – Fred Peckham

As of September 30, 2010, the UDC board membership consisted of:

<b><i>UDC Member</i></b>	<b><i>Representative</i></b>	<b><i>Alternate(s)</i></b>
<b>Town of Hancock</b>	Fred Peckham	Jim Serio
<b>Town of Fremont</b>	John B. Niflot	1 <sup>st</sup> -Jim Rodgers; 2 <sup>nd</sup> -George Conklin
<b>Town of Delaware</b>	Harold G. Roeder, Jr.	Vacant
<b>Town of Cochection</b>	Larry H. Richardson	Edwin Grund
<b>Town of Tusten</b>	Susan Sullivan	1 <sup>st</sup> -Tony Ritter; 2 <sup>nd</sup> -Margaret Harrison
<b>Town of Highland</b>	Andrew Boyar	John Sundholm
<b>Town of Lumberland</b>	Nadia Rajsasz	Jay Shafer
<b>Town of Deerpark</b>	Philip Chase	Melvin Decker
<b>Damascus Township</b>	Dolores A. Keesler	1 <sup>st</sup> -Jeffrey Dexter; 2 <sup>nd</sup> -Joseph Canfield
<b>Berlin Township</b>	Lillian Russell	Vacant
<b>Lackawaxen Township</b>	John S. McKay	Brian Stuart
<b>Shohola Township</b>	Scott Rando	1 <sup>st</sup> -Nelia Wall; 2 <sup>nd</sup> -George J. Fluhr
<b>Westfall Township</b>	Peter P. Kenny	Vacant
<b>State of New York</b>	William J. Rudge, NYS Dept. of Environmental Conservation	Michael J. Flaherty, NYS DEC
<b>Commonwealth of Pennsylvania</b>	Dennis J. DeMara, PA Dept. of Conservation and Natural Resources	Vacant
<b>Delaware River Basin Commission</b>	Carol R. Collier, Executive Director	Vacant
<b>National Park Service (partner)</b>	Dennis Reidenbach, Northeast Regional Director	Sean J. McGuinness, Superintendent, Upper Delaware Scenic and Recreational River

Changes from F.Y. 2009: Cochection – Edwin Grund replaced John Reggero as alternate in Jan. 2010; Tusten – Former Alternate Susan Sullivan replaced Charles Wieland as rep. in Jan. 2010, while Tony Ritter and Margaret Harrison came on as alternates; Highland – Former Rep. John Sundholm switched positions with new Rep. Andrew Boyar, and replaced Tina Palecek at alternate in Jan. 2010; Lumberland – Former Rep. Jay Shafer switched positions with new Rep. Nadia Rajsasz, and replaced Joseph Carr as alternate in Jan. 2010; Damascus – Jeffrey Dexter and Joseph Canfield replaced former Alternate Robert Gross in Jan. 2010; Shohola – Scott Rando was appointed in Jan. 2010 to replace former Rep. George J. Fluhr, who became a 2<sup>nd</sup> alternate; Westfall – Alternate George Jerus died on Feb. 15, 2010, creating a vacancy. Peter Kenny was appointed on March 2, 2010 to replace former Rep. Alan Bowers. National Park Service – Sean McGuinness replaced former Upper Delaware Scenic and Recreational River Superintendent Vidal Martinez on Feb. 4, 2010.

## **F.Y. 2010 UDC and River Valley Activity Highlights**

### **October 2009**

10/1/09 – Approved Resolution 2009-10 amending Article XI-Committees of the Upper Delaware Council’s bylaws to allow for chairpersons or vice-chairpersons (in the absence of chairpersons) from any of the regular standing committees – Water Use/Resource Management, Operations, or Project Review – with a supporting vote of the majority members from said committee, to transmit time-sensitive opinions in writing either electronically or via the mail with it duly noted that such a response represents the opinion of the corresponding committee only.

10/15/09 – The Federal Energy Regulatory Commission (FERC) issued an order denying New York Regional Interconnection’s request for a re-hearing on the March 31, 2009 decision that disallowed ratepayer subsidies for NYRI’s proposed 190-mile, high-voltage power line, an action that Congressman Maurice D. Hinchey, Jr. (NY) hailed as “the final nail in the coffin of this ill-conceived project.”

10/21/09 – Chesapeake Appalachia, LLC withdrew its surface water withdrawal application from the West Branch of the Delaware River in Buckingham Township, PA for exploration and development of natural gas wells. The UDC was among the approximately 1,200 organizations and individuals to submit comments on this draft docket to the Delaware River Basin Commission.

10/23/09 – A farewell dinner took place on the last day of work by NPS Upper Delaware Scenic and Recreational River Superintendent Vidal Martinez, who accepted a new position as superintendent of NPS Prince William Forest Park in Virginia after joining the Upper Delaware unit on Feb. 4, 2008.

10/27/09 – The Project Review Committee approved the close-out of two projects completed under the UDC’s Technical Assistance Grants (TAG) program: TAG 2007-03, Town of Fremont: Print Comprehensive Master Plan, \$1,000; and TAG 2007-05, Town of Hancock: Revise Subdivision Laws and Develop Driveway & Road Standards, \$5,000.

10/29/09 – The UDC participated in the first “Community Land Use and Conservation Forum” sponsored by the Common Waters Partnership in Matamoras, PA. Several speakers cited the UDC as a model example of regional collaboration opportunities provided by an organization.

### **November 2009**

11/5/09 – The UDC unanimously approved a comment letter to the New York State Department of Environmental Conservation (DEC) on the release of its draft Supplemental Generic Environmental Impact Statement pertaining to natural gas drilling regulations. The letter offered 28 points for consideration and stated, in part, that the UDC “is very concerned over how the cumulative effect of natural gas exploration and associated facilities might affect the river corridor and the entire watershed. Much of the river corridor is comprised of forested steep slopes and low-land areas which are susceptible to flooding. Clearing for well pads, access road, and pipelines, and other facilities could have an impact on the character of the area and pose significant threats to the natural resources, particularly water quality...We expect that there will be an adequate increase in the number of state inspectors to monitor and enforce the relevant regulations. In the interest of protecting the river corridor, we request that the Upper Delaware Council be notified of any applications for natural gas drilling-related activities which could impact the Upper Delaware Scenic and Recreational River corridor. We further recommend that local officials be notified of any permits applied for within their towns.”

11/12/09 – Staff was invited to join a conservation-oriented focus group convened by the Sullivan County, NY Division of Planning and Environmental Management to develop economic development strategies for the county to pursue.

11/24/09 – The Project Review Committee approved the close-out of TAG 2009-03, Shohola Township: Water Well Education Program, \$359.15.

**December 2009**

12/2/09 – The final reimbursement check from New York State was received to close out Aid to Localities Grant M070082, which provided \$8,125 mini-grants to the eight NYS member towns and a \$10,000 fee to the UDC for administering this program from 9/1/07 to 8/31/09. Projects accomplished were:

<b>TOWN</b>	<b>PROJECT</b>
Cochecton	Assist in the construction of a salt storage building to prevent potential ground pollution
Deerpark	Make improvements to the new Sparrowbush Firemen’s Park, Path, and Picnic Area
Delaware	Install/repair electric service at the new Delaware Town Hall and Callicoon Creek Park
Fremont	Draft design plans for a new Town of Fremont Municipal Building in Fremont Center
Hancock	Assist in the development of a Town of Hancock Memorial Park for recreational use
Highland	Install a climate-controlled system to improve air quality in the main meeting room of the Highland Town Hall facility in Eldred
Lumberland	Construct a building at the town-owned Glen Spey Cemetery to utilize for gravesite identification purposes
Tusten	Install a climate-controlled system to improve air quality in the Tusten Town Hall multifunctional facility and emergency shelter in Narrowsburg

12/3/09 – The UDC issued a second letter to the NYS DEC on the Draft Supplemental Generic Environmental Impact Statement, stating in part, “With the potential for hazardous material spills and industrial accidents that natural gas extraction activities present, the drilling companies, at their own expense, should be required to coordinate with local, state, and federal emergency response officials, and to provide haz-mat training and any necessary specialized equipment to local emergency first responders, including fire and ambulance companies, and hospitals. Such entities should be notified in advance, and made knowledgeable of, all the chemicals used in fracking fluids and waste material at each individual well site for the safety of those they serve and themselves. Each well pad should have an address to identify its location.” By the 12/31/09 close of the comment period, the DEC had received 12,576 written comments on its dSGEIS.

12/3/09 – Staff attended a New York State Department of Transportation meeting announcing plans to replace the 1932 bridge crossing the Ten Mile River located on NYS Route 97 in the Town of Tusten, approximately four miles south of Narrowsburg, with construction slated to begin in the fall of 2011.

12/3/09 – The UDC offered feedback to National Park Service Upper Delaware Scenic and Recreational River Acting Superintendent Sandra Schultz on the agency’s announcement of plans for intermittent winter closures of the Roebing Bridge to allow for snow removal on the deck and sidewalks. The approved letter suggested various notification procedures and methods to minimize the impact of the closures on motorists.

12/7/09 – Staff was invited to participate in the full-day Sullivan County Community and Economic Development Charette held in Bethel, NY.

12/15/09 – The Water Use/Resource Management Committee discussed the Delaware River Basin Commission’s issuance of a new report that utilized the Flood Analysis Model to review the Sept. 2004, April 2005, and June 2006 floods. The simulation exercise purportedly demonstrated that widespread river flooding would have occurred in each instance regardless of the pre-event storage condition in the upper basin reservoirs.

12/15/09 – Certified Public Accountant Richard Eckersley from the firm Eckersley & Ostrowski, LLC reported a “clean audit” for the Upper Delaware Council in Fiscal Year 2009 but advised that, without an increase in operating funds within the next several years, the UDC’s ability to function will be jeopardized.

**January 2010**

1/1/10 – The Lackawaxen River, a tributary of the Delaware River, was designated as Pennsylvania’s 2010 River of the Year by the PA Department of Conservation and Natural Resources based on a nomination by the Lackawaxen River Conservancy.

1/7/10 – Elected to serve as 2010 Upper Delaware Council officers at the annual reorganizational meeting were: Chairperson Harold G. Roeder, Jr., Town of Delaware; Vice-chairperson Dolores A. Keesler, Damascus Township; and Secretary-Treasurer John B. Niflot, Town of Fremont. Town of Delaware Justice H. John Kramer officiated at the swearing-in ceremony. Members of the three standing committees elected as chairpersons at their respective January meetings: Jim Serio, Town of Hancock, Water Use/Resource Management Committee; Harold G. Roeder, Jr., Town of Delaware, Operations Committee; and Fred Peckham, Town of Hancock, Project Review Committee.

1/7/10 – The UDC approved Resolution 2010-01, Authorizing Corporate Resolutions for FY 2010 Bank Accounts.

1/7/10 – A letter to the Federal Energy Regulatory Commission (FERC) was approved by the UDC board commenting on the City of New York’s Aug. 13, 2009 request for a waiver permitting it to use the Traditional Process in favor of the Integrated Licensing Process in its pursuit of a license for the West of Hudson Hydroelectric Project. The letter stated, in part, “Because of the level of controversy surrounding the project and the complexity of the resource issues, we respectfully request that the Commission deny the City’s request. Instead, we recommend that FERC require that the ILP be followed to ensure that participation in the licensing proceeding will have a full and meaningful opportunity to provide comments. We are also concerned about flooding issues. The ILP will allow a broad range of operational alternatives to be considered in terms of power generation and potential environmental impacts.”

1/16/10 – An estimated 2,500 visitors attended the 9<sup>th</sup> Annual EagleFest in Narrowsburg, where the UDC was among conservation organizations to host an information booth. The event is sponsored by the Delaware Valley Eagle Alliance.

1/20/10 – The UDC hosted the quarterly meeting and election of officers of the D&H Transportation Heritage Council, preceded by a luncheon at the historic Narrowsburg Inn, for the consortium of site stewards and supporters of the Delaware & Hudson Canal and Gravity Railroad.

1/21/10 – The Pennsylvania Department of Transportation held a ribbon-cutting ceremony to officially open the \$9.5 million, four-span Shohola, PA-Barryville, NY Bridge.

1/26/10 – Due to contracting changes by the U.S. Office of Management and Budget that impacted the UDC’s Cooperative Agreement with the National Park Service, the UDC learned that new procedures were being enacted for its federal funding allocation and reporting requirements. Instead of an annual cash advance on its federal operating funds, the UDC would now have to submit monthly advance and reimbursement requests to the NPS Northeast Regional Office. Training in the new procedures took place on April 7-8.

### **February 2010**

2/4/10 – National Park Service (NPS) Upper Delaware Scenic and Recreational River Superintendent Sean J. McGuinness was introduced on his first day of work in the park unit at the UDC’s February meeting, which also featured visits from NPS Northeast Regional Director Dennis Reidenbach and Regional Management Assistant Tammy Duchesne of Philadelphia. McGuinness, a Buffalo native, had previously served as deputy superintendent at Fire Island National Seashore since July 2005.

2/4/10 – The UDC approved: Resolution 2010-02, Authorizing Audit/Accounting Services by Eckersley & Ostrowski, LLC, for Fiscal Year 2010 at a fee of \$8,425; and Resolution 2010-03, Authorizing Amendment to the Health Insurance section of the UDC’s Personnel Policy regarding coverages, effective 1/1/10.

2/4/10 – Copies of the UDC’s Fiscal Year 2009 Annual Report brochure (Oct. 1, 2008-Sept. 30, 2009) were distributed. The document is also posted on the UDC’s website.

2/16/10 – NYS Senator John J. Bonacic (42<sup>nd</sup> District) informed the UDC that he had secured \$25,000 in FY 2009-2010 Senate Initiative funding to “assist with costs relating to enhancing community facilities and/or river access to the municipalities in New York State which are members of the Upper Delaware Council.”

2/24/10 – UDC staff attended a public hearing convened by the Delaware River Basin Commission (DRBC) in Matamoras, PA to hear comments on the Stone Energy Corp. docket seeking approval to withdraw surface water from the West Branch

Lackawaxen River in Mount Pleasant Township and for an existing natural gas well drilling pad site in Clinton Township. More than 200 people attended the hearing, at which 76 speakers testified over a five-hour period.

### **March 2010**

3/4/10 – The UDC approved Resolution 2010-04, Accepting New York State Grant Contract TM09050 and Opening a Dedicated Bank Account for Funding Disbursements, to administer the FY 2009-10 Senate Initiative program.

3/4/10 – A letter to the DRBC was unanimously approved commenting on Stone Energy Corp.’s application for a West Branch Lackawaxen River surface water withdrawal and approval for Matoushek 1 Natural Gas Well in Wayne County, PA. It stated, in part, “We are particularly concerned about the cumulative impacts of all development and activities associated with natural gas extraction, and the potential industrialization of the watershed, as thousands of natural gas wells could be proposed in the future. There does not appear to be any master plan for all the necessary infrastructure, which could have a profound effect on the environment.” Specific recommendations pertained to pass-by flow in low water conditions, invasive species control, wastewater storage limits and containment, and avoidance of floodplain construction.

3/4/10 – The Upper Delaware Scenic Byway, Inc. non-profit organization provided the UDC with a \$2,750 donation in appreciation for the use of its facility for meetings and the dedication of staff time.

3/10/10 – Staff attended an informational meeting in Matamoras on a proposal by Columbia Gas Transmission to replace approximately 17 miles of its existing pipeline through Pike County, PA and Orange County, NY.

3/16/10 – The Water Use/Resource Management Committee embarked on an in-depth review of Delaware River flow regimes and management of New York City’s Delaware River Basin reservoirs. Committee members devoted a portion of every subsequent monthly meeting to gathering information, reviewing studies, and hearing presentations to discuss recommendations to offer in advance of the May 2011 expiration of the Flexible Flows Management Program.

3/22/10 – The Upper Delaware Scenic Byway board passed a resolution of conceptual support to explore the idea of changing the location for the grant-funded UDSB Visitor Center from the Cochection Train Station site in Cochection to the Fort Delaware Museum of Colonial History in Narrowsburg, on the basis that the Sullivan County-owned property on Rt. 97 could incorporate the facility’s long-term operation and maintenance needs.

3/23/10 – The UDC’s Operations Committee resolved to query each Council member town and township on whether they have taken a position on natural gas drilling as part of a comprehensive discussion on the UDC’s issuance of comment letters for activities proposed outside the Upper Delaware Scenic and Recreational River’s corridor boundaries. Members struggled philosophically with whether the UDC’s dual missions to protect the river and private property rights are in conflict when it comes to natural gas leasing.

3/23/10 – Upper Delaware Scenic and Recreational Superintendent Sean J. McGuinness reported that NPS has abandoned plans to develop a temporary visitor center on NYS Department of Environmental Conservation Mongaup Access property on NYS Route 97 in the Town of Lumberland. The two mobile trailers that had been constructed for this purpose were reassigned to the Paterson Great Falls NPS unit in New Jersey.

### **April 2010**

4/1/10 – The UDC published the Spring/Summer 2010 issue of “The Upper Delaware”, its twice-annual, 12-page newsletter. Print copies are distributed to a database of nearly 10,000 subscribers in addition to full-color copies being posted on-line.

4/1/10 – Approval was given for the issuance of two letters supporting the Sullivan County Division of Planning and Environmental Management’s grant applications for the Upper Delaware River Corridor Main Streets Revitalization Program (\$500,000) and the NYS Community Development Block Grant Program (\$750,000), both targeted to benefit the river valley hamlets of Callicoon, Narrowsburg, and Barryville.

4/1/10 – The UDC approved a comment letter to EBI Consulting of York, PA on a proposed telecommunications installation by Innovative Engineering, Inc. for a 150-foot monopole cell tower at Ski Big Bear Resort on Masthope Mountain in Lackawaxen

Township. The letter stated, in part, “Cell phone service will be welcome in this area, as much of the river corridor presently does not have coverage.” It suggested doing a computer-generated viewshed analysis or balloon test to determine whether the tower would be visible from the river and to attempt to camouflage it if so.

4/25/10 – One hundred guests attended the UDC’s 22<sup>nd</sup> Annual Awards Ceremony held at The Eldred Preserve Resort in Eldred, NY and featuring NYS Assemblywoman Aileen M. Gunther (98<sup>th</sup> District) as keynote speaker. The following individuals and organizations were honored:

Distinguished Service Award ~ **Alan Bowers and Charles Wieland**

(Combined 35 years of service to the Upper Delaware Council representing Westfall Township, PA and Town of Tusten, NY, respectively, and long-term chairmanships of the UDC’s Water Use/Resource Management Committee)

Robin M. Daniels Memorial Lifesaving Award ~

**Marc Anthony**, Town of Highland Constable

(August 19, 2009 off-duty river rescue to prevent a drowning near Barryville, NY)

Partnership Award ~ **Multi-Municipal Gas Drilling Task Force**

(Collaboration on September 2009 study, “Managing Natural Gas Development Impacts: Strategies to Protect Town Infrastructure and Land Use” by Towns of Tusten, Cochetton, Delaware, Highland, Lumberland, and Fremont, NY)

Volunteer Award ~ **Ed Jackson**, Narrowsburg, NY

(Volunteer service to the Town of Tusten in the areas of planning, zoning, and community improvements)

Cultural Achievement Award ~ **Carla Hauser Hahn**, Callicoon, NY

(Project management of flood-damage repairs to the National Park Service Upper Delaware Scenic and Recreational River’s Roebling Bridge and Towpath Trail)

Recreation Achievement Award ~ **Cliff Robinson, Jr.**, Westtown, NY

(Delaware & Hudson Canal & Gravity Railroad Conservancy’s trail-blazing and restoration efforts)

Community Service Award ~ **Dorene Warner**, Barryville, NY

(Organization of river shoreline litter clean-ups and website initiatives for Upper Delaware organizations)

Special Recognition Award ~ **Barb St. John White**, Wellsboro, PA

(U.S. Geological Survey study of fish hosts for dwarf wedgemussels in the Upper Delaware River)

Special Recognition Award ~ **Bob Hare**, Delray Beach, FL

(Seasonal river patrol volunteer for NPS Upper Delaware Scenic and Recreational River)

Oaken Gavel Award ~ **George J. Fluhr**, Shohola Township, PA

(Leadership as 2009 chairperson of the Upper Delaware Council)

4/27/10 – The Project Review Committee approved the close-out of TAG 2008-01, Town of Delaware: Zoning Standards for Alternative Energy Sources, \$2,500.

4/30/10 – UDC staff attended the annual Upper Delaware River Safety Committee meeting organized by the National Park Service at its Beach Lake, PA headquarters.

**May 2010**

5/6/10 – The UDC approved Resolution 2010-05, Approving NYS Grant TM09050 Project Proposals, with the eight projects reimbursable at a maximum of \$3,125 each.

5/6/10 – The UDC sent a comment letter to the Town of Deerpark Planning Board on a proposal to re-build the Hawk’s Nest Café that was felled by a fire on its previous footprint along NYS Route 97 in Sparrowbush. The letter expressed support for the

re-emergence of “this popular tourist attraction [that] offers a spectacular view of the river”, while offering recommendations for the well and sewage disposal systems, light shields, access, and parking plans.

5/12/10 – After attending the New York-Pennsylvania Joint Interstate Bridge Commission’s annual meeting held in Binghamton, the UDC issued a news release headlined, “Fiscal Crisis Hits Interstate Bridges”, detailing the \$28,846,000 in the unfunded rehabilitation and replacement project categories for the Upper Delaware’s 10 NY-PA crossings under the two states’ Department of Transportation jurisdictions.

5/25/10 – The Project Review Committee approved the close-out of TAG 2009-02, Town of Delaware: Post All Local Laws/Ordinances on Town Website, \$1,700.

### **June 2010**

6/2/10 – The national watchdog organization, American Rivers, named the Upper Delaware as its “#1 Most Endangered River of 2010” due to threats posed by hydraulic fracturing and natural gas drilling targeting Marcellus Shale plays in the watershed. More than 200 supporters and detractors attended a news conference conducted by Damascus Citizens for Sustainability, Inc. in Narrowsburg, as simultaneous announcements of the designation took place in Philadelphia and Washington, D.C.

6/3/10 – The UDC approved a letter to the Federal Energy Regulatory Commission (FERC) on AER NY-Gen LLC’s application to transfer licenses for the Swinging Bridge, Mongaup Falls and Rio hydroelectric projects on the Mongaup River. The letter stated, in part, “We strongly oppose AER’s request for expedited review of this application, and we urge FERC to require a comprehensive and public review of the ongoing problems with the operation of this system and the significant public interest concerns raised by AER’s recent application.”

6/3/10 – Correspondence to Upper Delaware Scenic and Recreational Superintendent Sean J. McGuinness expressed the UDC’s frustration over administering the new financial contracting rules imposed by the U.S. Office of Management and Budget. Concerns included the difficulty of adequately anticipating expenditures and other revenues on a monthly basis, a lack of consistency in when the operating funds are made available based on the UDC requests, and who would determine the outcome of a re-examination of all UDC tasks to assure compliance with the River Management Plan relative to how federal funds are being spent to accomplish the UDC’s duties.

6/13-14/10 – The first-ever Lackawaxen River Sojourn took place as a component of the 2010 Pennsylvania River of the Year celebration organized by the Lackawaxen River Conservancy.

6/20-22/10 – The 16<sup>th</sup> Annual Delaware River Sojourn kicked off its week-long event with three days of paddling, camping, and programs in the Upper Delaware under the theme of “Bridging the Delaware Valley – Connecting Communities”. Participation for the river sections were: Day 1, Ten Mile River to Barryville, 78; Day 2, Barryville to Staircase Rapids, 80; and Day 3, Staircase Rapids to Matamoras, 74. The UDC and its partners honored retired NPS UDS&RR Assistant Superintendent Sandra Schultz, Catskill Mountainkeeper Program Director Wes Gillingham, and Sullivan County Planning & Environmental Management Commission Luiz Aragon with its 2010 “Admiral” awards.

### **July 2010**

7/1/10 – The UDC approved Resolutions 2010-06, -07, -08, and -09 approving the Fiscal Year 2011 Budget and Work Plans for the Water Use/Resource Management, Operations, and Project Review Committees. The \$343,208 budget represented a decrease in the \$358,781 spending plan for the previous fiscal year.

7/1/10 – General permits for bluestone mining of five acres or less were the subject of a letter to the Pennsylvania Department of Environmental Protection. It stated, in part, “We request that any applications for mining operations located within the Upper Delaware Scenic and Recreational River corridor undergo a full review process and that they substantially conform with the Land and Water Use Guidelines in the River Management Plan by keeping them Minor Surface Mining Operations. A permit condition that the mined area be done in phases followed by reclamation might be one way to accomplish this.”

7/1/10 – The UDC sent a letter to the NYS Department of Environmental Conservation regarding conservation releases from the Rio Reservoir on the Mongaup River, expressing interest in “making sure the new owner will abide by the previous,



continuous release of 100 cubic feet per second year-round. We believe that serious consideration should be given to the fact that water is just as important for fish habitat and economic reasons related to recreation as it is for generating electricity.”

7/14/10 – Staff attended a Delaware River Basin Commission (DRBC) meeting at which 82 speakers offered public comments, prior to the Commissioners voting 3-1 in favor of Stone Energy Corp.’s water withdrawal application for the West Branch Lackawaxen River with conditions. They also approved the development of two exploratory wells by Hess Corp. in Wayne County, PA, and several requests for administrative adjudicatory hearings to challenge the Executive Director’s Determination that requires natural gas companies to obtain DRBC approval before installing wells except for those granted state permits prior to 6/14/10.

7/17 & 7/22/10 – Ceremonies commemorating the American Revolution’s 1779 Battle of Minisink took place with programs featuring a keynote address by historian George J. Fluhr and a living history re-enactment at Sullivan County’s Minisink Battleground Park in Minisink Ford, NY on July 17 and the traditional observance at the Grave of the Unknown Soldier burial site in Lackawaxen, PA on the actual battle anniversary date of July 22.

7/19/10 – Concepts for a Delaware River Water Trail sign plan were presented for public input by a contractor hired by the Delaware River Greenway Partnership at a meeting held in Narrowsburg.

7/20/10 – Dr. Peter Kolesar from Columbia University offered a presentation on “Improving Water Releases Policy for the Upper Delaware River” to the Water Use/Resource Management Committee.

7/25/10 – The UDC and DRBC shared an informational exhibit at the Delaware Valley Arts Alliance’s RiverFest, the 20<sup>th</sup> annual music, art, and environmental festival celebrating the Delaware River, held along Main Street in Narrowsburg.

### **August 2010**

8/1/10 – The Upper Delaware Council’s 22<sup>nd</sup> Annual Family Raft Trip drew 87 participants, including 10 children ages 12 and under, who paddled a 10-mile route between Skinners Falls and Ten Mile River with equipment and shuttles provided by Lander’s River Trips.

8/5/10 – The Town of Cochection’s proposal to amend its zoning law to address natural gas drilling through broadened definitions of extraction operations, allowable parameters, and compliance standards elicited a comment letter from the UDC as requested, expressing hope that the law would incorporate the River Management Plan’s Land and Water Use Guidelines when considering Special Use applications for this industrial activity.

8/10/10 – The Project Review Committee held a special meeting to review applications received by the July 13 deadline for the UDC’s FY 2011 Technical Assistance Grants program, which was modified to comply with the new timeframes in the UDC-NPS Cooperative Agreement. After interviews and evaluations, committee members recommended six requests totaling \$16,700 for approval by the full Council at its October meeting. Grant recipients would have 10 months to complete their reimbursable projects, with no extensions allowed beyond that fiscal year in which the funding was obligated.

8/17/10 – The Water Use/Resource Management Committee moved to support the National Park Service’s initiative to seek funds to conduct a comprehensive review of the “River Management Plan for the Upper Delaware Scenic and Recreational River: New York and Pennsylvania, Final 1986”. The document itself calls for undertaking a review at the 20-year mark, but the funding to subsidize that effort has not been available.

8/23/10 – Staff attended a public meeting coordinated by the U.S. Environmental Protection Agency (EPA) to hear remediation options for the Cortese Landfill Superfund site in the Town of Tusten, to clean up areas of contaminated liquids under the landfill.

8/24/10 – The Project Review Committee approved a close-out of TAG 2008-04, Pike County, PA: Matamoras Borough/Westfall Township Regional Comprehensive Plan and Open Space, Greenways & Recreation Plan, \$3,000.

8/31/10 – At a wrap-up meeting for the 2010 Delaware River Sojourn, the UDC withdrew from the Steering Committee for 2011 event planning due to a reprioritization of staff workload and activities.

### **September 2010**

9/1/10 – The Fall/Winter 2010 issue of “The Upper Delaware” newsletter was released for mail distribution and downloading on the UDC’s website.

9/2/10 – The UDC approved a letter to the U.S. Environmental Protection Agency offering comments on its Hydraulic Fracturing Research Study. It stated, in part, “Our concerns relate to the vigilance and protection the Upper Delaware River must receive via federal (EPA) regulation. No degradation of water quality whatsoever can be allowed to take place. Protection must be afforded to not only the River itself but also its watersheds and tributaries... A second concern pertains to the importation and transportation of hazardous materials and chemicals used in the hydro-fracturing process. All of the highways, roadways and railways in the Upper Delaware Wild and Scenic Corridor cross innumerable streams and tributaries entering the Delaware River. Special consideration must be given to this increased traffic and the additional risks must be provided for and mitigated. A third concern relates to settlement and housing within the river corridor. The Upper Delaware Scenic and Recreational River is unique in terms of a National Park. Unlike traditional National Parks, our unit is one where people, communities, and traditional uses are part of the landscape. An industrial landscape is not now a part of our landscape nor should it ever be allowed to be one... Lastly, but by no means of less importance, the property rights of individuals living within the Upper Delaware River Wild and Scenic Corridor must be considered. There is a difficult quandary that natural gas drilling and exploration poses to the region: how to protect the rights of individuals who choose to contract for the extraction of natural gas, while at the same time protecting the rights of those who choose not to extract gas from their property.”

9/2/10 – The UDC sent to the Delaware River Basin Commission a request for an accounting of the alleged disappearance from the Delaware Rivermaster’s reports of the 100 cubic feet per second excess release credits from the Montague flow target.

9/2/10 – Regarding remediation options for the Cortese Landfill, the UDC approved a letter to the U.S. Environmental Protection Agency Region 2 expressing support for Alternative #3, In Situ Source-Area Treatment and Downgradient Monitored Natural Attenuation. This option was favored over taking no further action or pursuing groundwater extraction and treatment that was estimated to cost \$11.7 million and require 150 years to complete. The preferred alternative’s price tag was \$8.1 million over 15 years. Advocating for the prompt cleanup of the Cortese Landfill is listed in the Planning Goals of the River Management Plan.

9/2/10 – The UDC approved a letter to New York State Governor David Paterson calling attention to the need to comply with the Executive Order directing all NYS agencies to act consistently with the River Management Plan, which includes being a voting member of the Council. The letter requested renewed representation by the NYS Department of Environmental Conservation staff at UDC meetings, while acknowledging the state’s budgetary woes that have discouraged travel. “Their active participation is critical to the success of the UDC, both for sharing information and hearing UDC concerns on issues,” the letter stated. It further pointed out that NYS had not been attending Delaware River Basin Commission meetings. “Recently, NYS missed an important vote regarding a proposed water withdrawal in the Delaware River Basin for natural gas drilling. We would hope that New York’s participation on a Commission that oversees the drinking water supply for over 19 million people would be a higher priority,” the correspondence continued.

9/16/10 – A special meeting of the Operations Committee was convened to review three bids received to install a multi-unit central air conditioning system in the UDC’s business office.

9/16/10 – Staff attended a Town of Hancock Planning Board meeting to express support for a draft Site Plan Law clause which provides that any project “proposed within the Upper Delaware Scenic and Recreational River corridor, as defined in the River Management Plan, shall be reviewed for consistency with the Land and Water Use Guidelines contained therein.”

9/21/10 – Elaine Reichart of Aquatic Conservation Unlimited made a presentation on “Issues Concerning Management of the New York City Reservoirs and the Delaware River” to the Water Use/Resource Management Committee.

9/22/10 – The 34-page “Upper Delaware Scenic and Recreational River Design Handbook” was added to the public resources section of the Council’s website after the National Park Service secured funding to reprint the 1990 document and the UDC converted it to an electronic file. The handbook offers tips to undertake construction or develop property within the 55,000-acre river corridor that perpetuates the land’s scenic, natural and historical heritage.

9/28/10 – The Project Review Committee approved a close-out of TAG 2008-03, Town of Hancock: Develop a Site Plan Review Local Law, \$5,000; and TAG 2008-06, Town of Fremont: Update Zoning Laws to Conform with the Comprehensive Plan, \$3,000.

9/30/10 – The final reimbursement check was received to close out the New York State Grant M080103 program for FY 2008-09 that provided \$8,125 each to the NY town members to complete the following projects from January 1, 2009 to August 31, 2010:

<b>TOWN</b>	<b>PROJECT</b>
Cochecton	Perform Phase I of a town-wide Roadway Conditions Assessment
Deerpark	Improve the entranceway at the Town of Deerpark Museum in Huguenot
Delaware	Furnish the new Town Hall and renovated Justice Court facilities in Hortonville
Fremont	Establish a Town Square and Veterans Memorial in Fremont Center
Hancock	Complete development of the Town of Hancock Memorial Park for recreational use
Highland	Retrofit existing office space for use as the Town of Highland Constables’ main office
Lumberland	Replace the failing furnace at the Lumberland Town Hall in Glen Spey
Tusten	Enhance town recreational and community use facilities, and assist beautification efforts

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## **Conclusion**

The Upper Delaware Council is responsible for over 40 tasks assigned to it in the River Management Plan, ranging from project reviews to public education, the majority of which are ongoing in nature.

In FY 2010, staff regularly participated in meetings of the Upper DelAWARE River Roundtable, National Park Service Marcellus Shale Gas Task Force, Upper Delaware Scenic Byway, Pond Eddy Bridge Project Consulting Team, Delaware River Sojourn Steering Committee, Delaware River Basin Regulated Flows Advisory Committee, D&H Transportation Heritage Council, Wayne County Oil and Gas Task Force, and the Common Waters Partnership; and maintained an informal listserv to share information on threats, opportunities, and challenges facing the river valley.

The activities in which the Upper Delaware Council engages are designed to ensure that the river valley’s collective voice is heard, its rural character is preserved, incompatible land uses are prevented, and the pristine water quality is maintained.

*Posted 1/20/11*