

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
November 22, 2011

Committee Members Present: Fred Peckham, Nadia Rajs, Harold Roeder, Jr. Scott Rando, Larry Richardson, Debra Conway
Committee Members Absent: None
NPS Partner: Don Hamilton
Staff: Dave Soete, Laurie Ramie, Cindy Odell, Bill Douglass
Guests: Tony Ritter, Susan Sullivan, Anne Willard, Cheryl Korotky, Dolores Keesler

The UDC's Project Review Committee held its monthly meeting on Tuesday, November 22, 2011 at the Council office in Narrowsburg, NY. Chairperson Fred Peckham called the meeting to order at 8:42 p.m. A motion by Rando seconded by Rajs to approve the October 25 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: Soete reviewed his written discussion items report that contained information on project review/substantial conformance developments. Highlights were as follows:

Pond Eddy Bridge (Town of Lumberland and Shohola and Westfall Townships) update: Soete noted that this was discussed during the Operations Committee meeting and reiterated that UDC staff will be attending the Design Advisory Committee meeting on December 7th.

Natural Gas Leasing/Drilling in the Region Update: Soete said NYS DEC has already held two public hearings on the draft SGEIS. He informed committee members that the DRBC has postponed its vote on draft natural gas regulations and it has not been re-scheduled yet. Peckham noted that the DRBC regulations reference the River Management Plan.

Proposed Major PJM Mid-Atlantic Power Lines (several PPL lines in various states) Update: Soete reported the draft Environmental Impact Statement for the PPL Susquehanna to Roseland 500-kilovolt transmission line is now available. Although this is not in the river corridor, it does affect the Delaware Water Gap National Recreation Area.

Holbert Bros. Bluestone (Lackawaxen Township) Update: Soete said that on October 27th, he, Bill Douglass, Sean McGuinness and UDC Attorney Jeff Zimmerman attended a meeting in Pottsville, PA with the PA DEP Mining Office. The Pike County Court of Common Pleas hearing is scheduled for December 9th and staff will be attending. He explained there are three motions to be considered by the court. A notice was published in *The Wayne Independent* stating that Holberts have applied to the PA DEP for a large mining permit. Comments are due by January 9th, 2012. Peckham said we will have a draft letter by the December 20th Project Review meeting. Roeder suggested having it done in enough time that it could be e-mailed out to committee members before the meeting.

Town of Lumberland Zoning Law: Soete said that he has a copy of the Draft Zoning Law and will review it before the public hearing scheduled now for December 12th.

Town of Highland Comprehensive Plan: Soete reported that he reviewed the Draft Comprehensive Plan and sent an e-mail suggesting that it include the following revised statement on page 38 of the Plan, "Coordinate and participate with adjoining towns, and neighboring townships in Pennsylvania, through membership in the Upper Delaware Council to protect the Delaware River and its tributaries, and ensure that the Town's land use regulations continue to be in substantial conformance with the Land and Water Use Guidelines in the River Management Plan for land within the Congressionally-designated Upper Delaware Scenic and Recreational River corridor."

Town of Tusten Zoning Law: Soete said he had attended the Tusten Town Board meeting on November 14th. He reported that at the advice of their attorney to provide sufficient public notice, the Board will

consider the proposed Zoning Law for approval at a November 28th meeting. He noted that the Town did incorporate the UDC's and Park Service's comments in its Draft Zoning Law.

NYS DEC investigation of illegal fish hatchery on Big Island in the Town of Delaware: Soete said he had the opportunity to go flying recently and flew over Big Island. He said he e-mailed out a photo that he had taken to the Park Service and the NYS DEC that showed eight ponds associated with the alleged fish hatchery. He noted that Ritter had added some graphics to the photo.

Johnston & Rhodes Bluestone Company/Hazel Peterson New Quarry Road (Manchester Township) update: Soete said this subject came up briefly during the October 27th meeting with the PA DEP. PA DEP and Wayne Conservation District have not yet determined who has the administration over the new road. He noted they are still looking into that issue.

Eagle Creek Hydro Power LLC – Minimum Flow Unit at Rio Dam Rio Hydroelectric Project (FERC No. 9690): Soete said that he and Don Hamilton had the opportunity to ask questions at the November 4th public hearing held on this matter at the Lumberland Town Hall. He noted a couple of concerns at this time are the power line that may need to be erected and how it might effect eagles over-wintering in the area, and water quality. Richardson questioned if the terrain would allow for the power line to be buried. Soete said that we have 60 days from the date of the hearing to submit any comments. Hamilton said he has spoken to Kathy Michell, who is knowledgeable about how bald eagles use the area, and she said that she is going to review it and get back to him. Soete said the new facilities would all be in the Town of Lumberland, none in the Town of Deerpark. Rajsz questioned if the power line would be from the existing facility to the new facility. Soete does not think it would be a big power line. Rajsz thought she would call to gather more information on the new power line.

Upper DeLAWARE River Roundtable update: Soete noted that the next meeting is scheduled for December 1st from 1:00 p.m. until 4:30 p.m. at the Tusten Town Hall in Narrowsburg.

Tammany Flats (Damascus Township) update: Soete said this is the Batten house replacement that had been discussed several months ago. He said it is an area that floods quite frequently; it is actually in the floodway. He noted that the PA DEP had issued a Water Obstruction & Encroachment Permit for the project to construct and maintain a 32' x 40' single family house in the 100-year floodway of the Delaware River.

New Business

Draft letter: NYS DEC on draft SGEIS regulations: Soete said that a draft letter addressed to the NYS DEC attn: dSGEIS Comments was provided in the members' packets along with comments from two Council members, one of which came in after the deadline, so those comments were not included in the draft letter. It was decided to review the letter collectively line by line to make any changes. A lengthy discussion took place. During the course of the discussion, Hamilton stated that water quality is influenced by land use and the water quality of the Delaware River depends on land uses that protect it. He added that what is paramount to the Delaware River Basin Commission is protecting the water quality of the Delaware River for future needs. That is dependent upon land use within the basin and the DRBC is trying to work with the states to promote land use practices that will maintain the water quality for future needs. He reiterated that you can not separate land use from resulting water quality. At the conclusion of the discussion, Richardson made a motion to present the letter as amended to the full Council for consideration. Rajsz seconded the motion. Roeder called for a roll call vote. Roeder stated that the Council has wasted an opportunity to comment on the changes that the state has made to the regulations. The motion was carried by a vote of 4 ayes (Rando, Conway, Richardson, Rajsz) and 2 nays (Roeder, Peckham).

Other: None

Old Business

Use of 1988 Project Review Workbook: Due to the late hour, it was decided to table this until a later date.

Public Comment: Cheryl Korotky expressed that she feels the letter to the NYS DEC should have been kept simple and followed the instructions to comment on the changes to the regulations.

Adjournment: A motion by Roeder seconded by Rajsz to adjourn the meeting at 10:18 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 11/30/11