

UPPER DELAWARE COUNCIL MEETING MINUTES April 5, 2012

The Upper Delaware Council held its monthly meeting on Thursday, April 5, 2012 at the Council office in Narrowsburg, NY. Chairperson Nadia Rajsz 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-Jack Niflot, Town of Delaware-Harold Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajsz, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Shohola Township-Patricia Jeffer, Delaware River Basin Commission-Carol Collier, National Park Service-Sean McGuinness Also in attendance: Jim Rodgers-Town of Fremont alternate, Ginny Dudko-Town of Deerpark alternate. Staff in attendance: Acting Executive Director-Laurie Ramie, Senior Resource Specialist-David B. Soete, Secretary-Cindy Odell. Absent: Lackawaxen Township, Westfall Township, State of New York, Commonwealth of Pennsylvania.

Approval of February 2 Meeting Minutes: A motion by Boyar seconded by Henry to approve the February 2 meeting minutes was carried unanimously. The Council's March meeting was cancelled due to weather.

Public Comment on the Agenda: Bernie Handler of Damascus Township thanked the UDC and the National Park Service for the RMP Workshop they hosted. He added that he feels Pennsylvania Act 13 is not in conformance with the River Management Plan. He suggests that the Council take some form of action on this in order to protect the RMP. Peckham questioned if we had already sent a letter in reference to this matter. Ramie noted that we sent a letter supporting the positions of Damascus and Shohola Townships who were against this bill. Dexter added that there is a conversation going on between the NPS, Damascus Township, and the Public Utility Commission. Rajsz thanked Handler for his concern and said the subject could be discussed at a Project Review Committee meeting.

Presentation by Joe Hinkes on Emergency Communications in the River Valley: Hinkes reported that since he came on board last March, he has been working with the Emergency Management coordinators of the counties along the Delaware River to come up with ways that they can better coordinate emergency response and emergency communication through the river corridor. He named those who have been invaluable in assisting him. Hinkes told members that the NPS now has 24/7 dispatch 365 days a year out of the Delaware Water Gap and that there is a pretty solid system in place where the 911 dispatch centers alert the Park Service if they receive a call, and if the Park Service receives an initial emergency call, they contact the 911 centers and then they coordinate the response. Radio frequency compatibility is another issue that is being worked on in order to be sure that all agencies can communicate with one another. Hinkes said communication in the river valley is very challenging, but they are working with their partners to improve it the best they can. He commented that all the agencies have been great to work with and he appreciates all the effort. They are looking into the possibility of co-locating radio tower sites. Being able to accomplish this would be a win-win situation for all involved. Hinkes noted that the importance of the Park Service being involved in identifying these sites is that they can achieve their mission of protecting the river and the viewsheds while also improving the very important emergency communications for the safety

of both visitors and residents. Hinkes said it is a goal of his to get out and meet with all the chiefs of the fire departments in the river corridor in order to build personal relationships with the emergency service providers and technological links with the radio systems in order to improve response throughout the river corridor. Peckham said he believes the new firehouse in Hancock is used as an operation center during emergencies. Boyar questioned if there is a study being conducted about telecommunications in the river corridor. Rajsasz said that Darcy Garber had received a grant for Sullivan County and was gathering data. She had forwarded her information to Hinkes and he said that they had been in contact. Boyar feels that the telecommunication service and emergency communication services should be coordinated. He wonders if services could be transmitted from the bridges up and down the river corridor serving both New York and Pennsylvania equally. Hinkes said there are people who are looking into options and that they are considering how improving telecommunications coverage can be coordinated with the emergency services. Discussion of options took place. Hinkes said that the initial goal was to coordinate the emergency response to incidents, but that has expanded to include communication between the emergency services. That has led to concerns about the gaps in coverage that prevent people from placing those calls when they come upon these incidents. Many options to fill these voids are being explored and some of them were discussed. Boyar noted that people not being able to reach emergency services is a serious issue. McGuinness said that telecommunication coverage could also benefit the area economically as people might extend their stay here if they could be connected. Henry suggested exploring satellite phones as an option to improving communication. He said they work but are an expensive proposition. Richardson said the UDC TAG grants are coming up and he feels it could be an opportunity for the county or one of the local municipalities to look more in depth into these communication issues. Niflot asked if there is anything that prevents a cell tower from being erected in the river valley. McGuinness said it is a recommendation in order to preserve the ridgeline, but he feels that seeing a cell tower is becoming more acceptable as people are relying more on their mobile devices. He added that any companies that called and inquired about this were told we would rather not see it from the river. Collier said they have a cell tower behind their building which resembles a stout flag pole, but it is more of an amenity than a nuisance. She feels it may be something to consider below the ridgeline. Peckham said that ultimately it is the cell companies that determine where the towers are placed. Discussion about the difference in coverage with the different providers took place. McGuinness reported that a cell tower has just been placed at Old Faithful in the middle of Yellowstone National Park in order to accommodate emergency services and ensure visitors coverage they have become accustomed to. He added that it was put in a discreet area. Hinkes excused himself as he was heading to Philadelphia for an "Occupy" movement. McGuinness noted that Hinkes is the head of the regional SET (Special Events Team) and that he coordinates 14 rangers.

Committee Reports: Committee reports were provided based on the meeting minutes. They were: March 20 Water Use/Resource Management by Boyar; March 27 Operations by Rajsasz, and March 27 Project Review by Richardson.

Dean questioned who was involved in the negotiations with Holbert Bros. Richardson told him the Council appointed a committee. Dean said he did recall this. Richardson said the committee consists of himself, Boyar, and Henry.

Dean questioned if a town chooses to update its zoning that does not pertain to the river corridor, whether the Project Review handbook referenced in the Project Review minutes applies. Richardson replied that if it is not in the corridor, it does not apply.

Status Reports

Delaware River Basin Commission: Collier reported that she and Amy Shallcross, her Operations Manager, feel that it could be a dry summer and they are pulling out drought management plans. She noted that there has been six inches of precipitation across the basin this year and that is four inches below where it should be. Collier said the existing Flexible Flow Management Plan (FFMP) expires on May 31st. The parties to the decree, the four states and NYC, have been working on revisions. There is still a lot of work to be done, Collier added. There is a face to face meeting coming up in April. She said they are hoping to have a three-year plan, but she suspects it may be a one-year plan again. She does not feel there will be any big changes to the plan and that she will keep us posted on it.

Collier said The Nature Conservancy (TNC) has done work in what natural river flows are needed to protect different species. They did a major study in the Susquehanna basin and are doing a study in the Ohio and have just kicked off the study in the Delaware. They plan on holding a number of workshops and she will have more information as the study progresses. She noted that this study will be for the whole basin.

Monitoring season is here and the DRBC is planning on doing more macroinvertebrate work in both Pennsylvania and New York. Collier said that last summer they did extensive sampling in the areas that were likely for natural gas. Some of the monitoring sites got wiped out in the floods so they have plans to put new monitors back in there. She said they have HOBO monitors located mainly in the upper tributaries to monitor conductivity and temperature. She said she would make a link available to the raw data. These monitors are mainly in Wayne County, PA. There are four of these monitors out there now and they are likely to get two more.

Collier reported that Stroud Water Resources Center is doing a study on mayfly toxicity. Mayflies usually like soft water which we have up here and the study is to determine as things change, if things change, what will that do to the mayflies. A question of who is funding the study was posed. Collier said the DRBC put some money in, but it is mostly Environmental Protection Agency (EPA) and some private money. Rajsz wanted to know what it is they are looking to determine with this study. Collier explained that the mayflies like soft water and as conductivity (total dissolved solvents) increases, so does the hardness of the water and they will monitor what affect that has on mayflies. Base line studies will be done and they will collect some flow back water from a waste facility that takes natural gas water and use it for toxicity testing.

DRBC is working with the National Park Service on deploying their datasondes and they have a whole series of locations along the river. McGuinness said that the USGS will be here this summer to put some on the bridges and they will be satellite linked so people can go on-line and look at the continuous data. Collier said there have always been monitors on the main stem of the river, but they are looking to get more into the tributaries.

Collier reported that the US EPA just came out with an announcement that they developed a new climate change strategy. The draft National Water Program Strategy: Response to Climate Change is specifically for their water-related programs. The public comment period just opened and will remain so until mid-May. The website is www.epa.gov/water/climatechange. McGuinness asked what specifically they are looking at. Collier said it is more water quality-related, but it also addresses how water quantity can affect water quality. McGuinness said the Park Service is looking into trying to determine if climate change is affecting the chances of flooding in order to respond to how certain areas will be maintained locally. He said that nothing is in place yet. Collier said that the USGS is conducting a nationwide water census and the Delaware is one of the pilot studies. \$500,000 a year for three years has been committed to look at impacts on water supplies and reliability in the basin. Part of this program is looking at climate change. DRBC has put a scope of work together for a strategy for sustainable water resources - 2060 as climate change can not only create more intense storms for flooding, but can also create more summer droughts. In the lower basin another issue that may be faced is the possibility of sea level rising, and the salt line coming up and getting into the water intakes more easily. If this is the case, do we need more water in Trenton to keep the salt line down and if we do, where is the water going to come from are all questions that may need to be addressed, said Collier. DRBC is working with the Army Corps of Engineers to connect their water flow model with their salinity model so they can conduct some scenario tests. Peckham commented that then all they need to do is to get New York City to agree with any plans. Collier noted that due to the DRBC's financial situation, they are trying to figure out how they can use federal agencies to help them.

On the subject of natural gas, Collier said the Commissioners are still in discussion. Bi-weekly phone calls are taking place. Collier said she does not have any timing to offer, but they are talking and moving forward on that. DRBC staff is responding to the NEPA (National Environmental Policy Act) lawsuit from New York State. The Attorney General from New York State sued the Federal member and some other federal agencies, Collier explained. New York then sued the DRBC. She noted this is the first time one of their state members has sued the DRBC. They are claiming that the DRBC is a federal agency and therefore should be doing an Environmental Impact Statement (EIS) under the NEPA review process for natural gas drilling. Collier said the DRBC contends that they are not a federal agency because the

whole idea of the river basin commission is to bring the states and the federal government together on equal planes. Peckham noted a discussion about this topic took place at the March Project Review Committee meeting. Collier said a judge is going to decide. Collier said DRBC has said all along that they need to look cumulatively at the natural gas development plan portion of the regulations, but if they are required to do NEPA, it really affects states' rights. When the states joined the commission, they didn't know they were signing up for federal requirements. The judge's decision could have major ramifications, Collier said.

Collier said she is really happy that the Council is talking about the DRBC budget. She noted the DRBC has not had any federal funding with the exception of one time since 1996. She reported she did have a meeting with upper level staff in Vice President Biden's office. She added that Biden was a Senator in Delaware and is familiar with the DRBC. That led to a meeting with high level staff at the OMB (Office of Management and Budget). She noted that at least the DRBC is now getting a little attention that they didn't get before. Unfortunately, on the legislative side, there are no earmarks this year. This year, NYS cut their funding down to 39% of their budget and in January Pennsylvania put a freeze on \$400,000 of their budget. At this point, they don't know if that will be permanently lost or if they will get that back in June or how it will affect the baseline for FY 2013. Basic services to the basin include monitoring, flow management, water quality control, and special protection waters. 85% of DRBC's budget is salaries. A cut to the budget means losing personnel or cutting major activities. If the natural gas regulations get passed, the DRBC will be less ready if they are forced to make budgetary cuts. New Jersey and Delaware are at their full funding levels. Collier said that natural gas fees would be used to cover project review staff. In an effort to not duplicate what the states are doing, they have administrative agreements in place with Delaware and New Jersey and drafts in front of Pennsylvania and New York. She added the DRBC was created in 1961 and they need to re-invent themselves every once in a while to make sure they are working correctly with the states. The DRBC is there to set the bar on what is needed to protect the waters of the basin. Because there are Special Protection Waters, 15 million people drink the water, and all the lands are in wild and scenic areas, it is different than other rivers. Establishing where the bar needs to be for protection for different types of uses including natural gas development is a challenge and then how do you implement it if a state has an equally stringent program in place. Peckham asked Collier how much authority the DRBC has over the NYC watershed. She answered they have dockets in the NYC watershed. They do have both water quality and water withdrawal regulations that cover their watershed.

Collier reported that the next commission meeting is May 10th and there are a number of advisory committee meetings scheduled. Regulated Flow Advisory Committee meets Tuesday, April 17th. Water Management Advisory Committee meeting is May 1st. Toxic Advisory Committee meeting is May 7th. Flood Advisory Committee meeting is May 15th. Rajsz questioned what the Toxic Advisory Committee is. Collier said they look at PCBs and emergent contaminants mainly down in the estuary. Boyar asked in respect to the drought alert, if they have any technical or meteorological expertise guiding them, is the alert triggered by the month of March being the fourth driest in history, or both. She said that the combination of talking with the National Weather Service and looking at trends from other years indicate we are looking at a dry summer.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge. A handout, "DEC Issues Guidance to Discourage Black Bear Encounters" was provided in members' packets at Rudge's request.

PA Dept. of Conservation & Natural Resources: No report in the absence of Representative Dennis DeMara.

National Park Service-Upper Delaware: McGuinness introduced Leslie Morlock who is a GIS coordinator for the National Park Service working out of the Delaware Water Gap. She does spend 25% of her time here in the Upper Delaware. McGuinness added she is taking part in a graduate course and was present to fulfill a requirement of attending a public meeting. He noted that mapping done over the past year has been done by Morlock. Roeder questioned if there is any information concerning the river corridor boundaries that is more definitive than the line on the maps. Morlock answered that is a challenge. She said the river corridor is described in the River Management Plan and it was mapped on USGS maps. When it was digitized, they only had that information to go from. There are no metes and bounds available like one

would have on their personal property survey. She added there is some description in the RMP that is more detailed, especially at the beginning and the end including Mill Rift and the No. 2 bridge. She said it is difficult to map, but that she is trying to get it as accurate as possible. Richardson said in the Town of Cohecton, they were told by former Superintendent Hutzky that if they had a piece of property that was in question, they could send somebody out to define where that boundary is. Discussion took place about if water will flow towards the Delaware River, the property is within the corridor. Peckham feels we need a determination of river corridor boundaries. Roeder commented that the new maps are an improvement. Morlock said Park Service is working on going through the River Management Plan word by word and looking at the old USGS maps that the lines were drawn on to get them as accurate as they can.

McGuinness said he met with the Merger Transition Committee which is in place as a result of the merger between the Eagle Institute and the Delaware Highlands Conservancy. They invited him to be on the committee. There was discussion on many issues including working together more on messaging to the public. McGuinness feels the merger between the two organizations is going to be a good thing. They are working together to preserve eagle habitat and move more towards an ecological, conservation-minded agenda.

Jamie Myers, a NPS biologist, has started the Water Snapshot program. This program was devised to allow students to get a "snapshot" of the health of the Delaware River basin and learn how they can make a difference in their own back yard. This program instills in the students who participate an awareness of the importance of the watershed of the Upper Delaware River Valley and the valuable role it plays in all of our lives. Students are also provided with the opportunity to learn some lessons in the field while collecting water samples to be analyzed for nitrate and phosphate levels, dissolved oxygen, pH levels, turbidity, and water temperature. The program has been running for the past few weeks. Rajsiz questioned what schools are involved. McGuinness said she is currently working with Damascus, Preston, Hancock, and Sullivan West. Rajsiz wondered if Eldred Central's Mackenzie Elementary has ever been approached about participating in the program. McGuinness said he will inquire.

McGuinness said a meeting had been held earlier in the day with four of the local liveries at the Crossroads Restaurant. Lunch was sponsored by the National Canoe Safety Patrol. All were in attendance to talk about the water safety campaign. The objective is to come up with a message and signs to try and prevent drownings this summer. The liveries that were present gave a lot of input and everyone is in agreement that the message needs to be short and to the point. McGuinness said it was a "real partnering meeting".

Maintenance crews have started working on the accesses, McGuinness reported. They are cleaning them up and getting them ready for the season. Some portable toilets have already been installed at the popular fishing access areas. He said this year the Park Service is going to focus on the Ten Mile River Access to try and make it more attractive and park-like. He noted it is a popular site and it is one that the Park Service directly manages. They have a lease with the Boy Scouts. Many of the other sites are co-managed with the NYS DEC or the Fish and Boat Commission. McGuinness said the Park Service has decided to abandon the Callicoon Access because of the complications with the channel that goes through there. The NYS DEC is still going to maintain the site. People are talking about whether there is another alternative in the Callicoon area for an access. Discussion about the liability issue of the gate to the site being open when there is water in the channel took place.

Roeder asked McGuinness if he knew how long the Skinners Falls Bridge would be closed. McGuinness said that he heard three weeks. Peckham asked what happened to it. Ramie said it was discovered during a routine inspection that vertical truss member cords are defective.

Henry asked McGuinness if he could at some time give Council a briefing on the issue of public safety concerning the possibility of boaters needing to portage at the site of the proposed Pond Eddy Bridge project. Ramie said that at the WU/RM Committee's request, this issue of the causeway was brought up at the Pond Eddy Bridge Design Advisory Committee (DAC) meeting. Henry said he would like specifics at some point. Discussion about portaging options and the hazards that go along with them were discussed. Henry said it is a concern and many questions need to be answered. McGuinness noted that at the last DAC meeting, it was brought up that regardless which route they were to take, whether they rehabilitated the existing or build a new bridge, there will have to be a causeway constructed in the river. Ramie said the engineers said the causeway would be phased in, that it would not be across the entire river at any given

time. Henry questioned if there was discussion about a start date for the project. McGuinness said they are hoping to start in 2013.

UDC Acting Executive Director's Report: Ramie said "The Upper Delaware" newsletter is out and if members have not already received it, they should soon. She pointed out the article about the NPS Water Safety Campaign on the front page which gives details about the program and statistics for why it is necessary. The newsletter was delivered on March 30th which was a few days earlier than the deadline. She listed some of the other articles included in the newsletter. She encouraged members to remember the newsletter is posted on the Upper Delaware Council website in full color and that there are extra copies available in the office if they would like to distribute them anywhere or have extras for their own purposes.

Ramie reported that 43 people participated in the River Management Plan Workshop held on March 24th. A news release that she issued was included in members' packets. It offers a comprehensive account for the sake of those who couldn't attend as well as for historical records to document what happened there. McGuinness noted that he and Carla Hahn are in the process of drafting letters to Manchester and Buckingham townships to tell them about the workshop, thank Buckingham for their representation at the workshop, and let them know how nice it would be if they were to participate on the Council. The letters also reminds them that the River Management Plan still applies to their townships, and that membership would allow them the privilege to be at the table and talk about issues.

Reservations for the 2012 UDC Awards Ceremony are due by April 13th. Ramie said members can see Odell to make reservations and she hopes to see as many of them there as possible. A press release listing the honorees was included in the packets. The list is also posted on the UDC website along with a reservation form.

Ramie commented that the New York State redistricting was very confusing and she found it impossible to find all the information in one place. Therefore, she did some research and put together a fact sheet along with maps outlining the Congressional, Senate and Assembly districts. There are a lot of changes coming up in 2013. Ramie did verify the information with all of the involved elected officials. She said it is a resource for members and staff. McGuinness thanked Ramie for putting this together.

Ramie noted a list of small office improvement projects that Odell arranged including new toilet seats in the restrooms and an electrician was in to fix the light and fan switch in the front restroom. He will be returning soon to install a dusk to dawn light on the parking lot side of the building.

Ramie noted that the closure of the Skinners Falls Bridge on April 3rd for emergency repairs was already mentioned. She added that PennDOT has said that it is undetermined how long it will be closed. The final meeting of the Pond Eddy Bridge DAC took place on March 29th in Shohola. In members' packets was a matrix which compares all of the design alternatives that were presented to the committee. Factors include the number of piers in the water, construction duration, and costs. At the beginning of the third DAC meeting it was announced how much funding has been programmed for this project. The amount is \$10.5 million, which appeared to knock out of contention most of the designs. It was stated that because that was the amount that has been allocated, it is not necessarily the final verdict on what they can build. It would be possible to potentially find funds elsewhere and that should not be the predicated factor on which the decision is made. The two DOTs presented renderings of the four most popular options from past voting and then asked for another vote from the DAC members. Of the nine entities represented, three opted against voting because they did not want a new bridge and therefore said they could not in good conscience vote on alternatives for replacement. Six members did participate in the voting and ultimately it was a tie between the 3-Span Steel bridge and the Modified 2-Span Truss. Ramie reported that after three hours of discussion, it was announced that Penn DOT and NYS DOT would be getting together and in the next month or two, they'll decide on the final structure. They will come back with one final reportout meeting to the DAC after they have settled on the final structure. At that time they will consider setting up an architectural committee that would consult with the DOTs on the final design. The final design phase is when the issues of a causeway and staging of the equipment will be addressed. Ramie said the UDC will follow up on this topic. The Park Service will ultimately need to sign off on the causeway design. The minutes from the last DAC meeting are expected to be out by April 10th in time for the WU/RM committee where she usually gives a detailed report on the Pond Eddy Bridge. Ramie referenced copies of letters concerning the Pond Eddy Bridge provided in members' packets. The letters were provided not as any endorsements to any positions, but because they were copied to the UDC.

An updated April calendar for the UDC was provided to members. It lists meetings, deadlines, and upcoming activities.

Old Business: None

New Business

Resolution 2012-03: Adopting a Policy for Credit Card Use: Ramie noted this resolution was to have come up at the March meeting which was cancelled due to weather. The only change that had taken place was to remove the word “on-line” with regards to purchases. A motion to accept the resolution was made by Peckham, seconded by Boyar and carried unanimously.

Draft letter to Governor Cuomo: NYS Funding for the DRBC: A motion to send the letter was made by Richardson and seconded by Boyar. Boyar noted that in the future he would like to see the historical information appended and more in depth and keep the letter short, but present it “stronger”. He apologized to office staff for not having seen the letter in advance as it had been sent out to members for their review. The motion was carried with Peckham abstaining.

Draft letter to Governor Corbett: PA Funding for the DRBC: Ramie noted that the numbers in each letter were verified with Richard Gore, DRBC Chief Administrative Officer. A motion to send the letter was made by Jeffer, seconded by Niflot and carried with Peckham abstaining.

Collier thanked the Council. Boyar said that he would appreciate it if after the motion and second, the Chairperson would call for discussion. Rajsz acknowledged his request.

Other: Henry noted it had been discussed at the WU/RM meeting that since we were sending letters concerning the DRBC’s funding, we should contact the states and let them know that they have short-changed the DRBC, but they have never funded the UDC. Discussion of letters being sent in the past took place. Henry said if we don’t ask, we’re never going to get it. Peckham suggested sending letters on an annual basis. Boyar agreed. He said the states did sign on to the River Management Plan and that plan included a financial commitment which they have reneged on and are ignoring. Henry suggested simply saying that even if you can’t fully fund, how about something. Boyar asked if staff could develop letters for the May UDC meeting. Ramie said she had recommended against sending those letters this month to avoid distracting from the subject of the DRBC funding and due to the fact that New York has already approved its budget. Rajsz agreed that to send both letters at the same time would be a distraction. Rajsz noted that by May there would be letters for review.

Richardson said that the Council is very supportive of the Upper Delaware Scenic Byway and presented Rajsz with a donation and a letter stating “The Upper Delaware Scenic Byway is pleased to present a check in the amount of \$3,000 as a donation to the Upper Delaware Council. The Byway very much appreciates the support and the help that the Council provides, without which it would be very difficult to pursue our mission. The Upper Delaware Council’s board and staff work hard to enhance, protect, and preserve the Delaware River and its environs. The Upper Delaware Scenic Byway organization works to do much the same for the roadway and its traveling public. Thank you again on behalf of the Upper Delaware Scenic Byway.” Rajsz thanked the Scenic Byway and the UDC for providing the Byway a home and for Ramie’s services.

McGuinness said he was contacted by the Pennsylvania Public Utilities Commission’s counsel Mr. John Herzog, asking what the impact of Act 13 would be to the townships that are participating on the Council in the river corridor and how it applies to the River Management Plan. McGuinness explained to him that if townships are not in substantial conformance with the RMP, some of the privileges that come with membership could be affected. McGuinness sent out a packet of digital and hard copy information about the Upper Delaware Scenic and Recreational River including the RMP and the Wild & Scenic Rivers Act to Mr. Herzog. McGuinness feels that some of the issues will need to be dealt with at a higher level within the Park Service or the Department of the Interior and the Governor’s office. Much discussion took place about the implications that are possible, steps that could be taken to protect the values of the area, and

the Wild and Scenic Rivers Act. Henry noted that there is a section in the Wild and Scenic Rivers Act that prohibits the states from countermanding federal law. He would urge the Department of Interior to read that law and then perhaps pursue a federal challenge. McGuinness said it is good that the Public Utilities Commission is looking into this issue and he expects to hear back from them. He is hopeful they're going to come up with some solutions. Peckham asked Collier how Act 13 affects the Basin Commission. She said she really does not see a conflict. The only thing prohibited in Section 7.5, the Natural Gas Development Plan, is development on the flood way. That is what the regulations say now. For everything else there are set backs and the potentials to get variances from setbacks. Everything else states that you can build there, but it will cost you more in regulatory time and in actual cost to mitigate and restore those sites. The DRBC is looking at those lands that are really critical to water resources. Dexter commented that state law is now requiring Damascus Township to change its zoning by August to allow natural gas activities in all zones as a permitted use. He noted that could put Damascus Township out of substantial conformance. He added the law permits the town to be sued for failure to comply with state law and the way it is written, the township would probably lose and not only would they have to pay their court fees, but also the fees of those that sued them. McGuinness said Act 13 is something that has to be watched very carefully. Dexter said there is a sentence in the Act that reads "DEP shall (shall, not may) consider Wild and Scenic River areas." He added it does not say what that consideration is, but the sentence is there. Discussion of what that sentence could mean took place.

Dean wanted to update members on the latest on DEC wetlands. He got the information from an Association of Towns meeting. New DEC wetlands are being finalized for all of Orange County and a portion of Ulster County. The new maps nearly double the size of DEC regulated wetlands in Orange County. The DEC has identified 16,000 new acres of wetlands in Orange County. This acreage does not include the 100 ft. regulated buffer. The new wetlands include smaller, connected wetlands that are already regulated by the Army Corps of Engineers. The maps will be the subject of mandatory DEC public hearings, likely to happen later this Spring. Every affected landowner must be sent a notice of the public hearings by certified mail. Dean noted that right now that is the hold up as there is no money to cover the cost of the mailing. The only way to verify whether the new maps are accurate is to have wetlands delineated by a wetland biologist. Dean said this is an expensive proposition. Once those notices of the public hearing are sent out, the new maps go into effect. There is no grandfathering for projects that have previously obtained approval or for those going through the approval process. Rajsz commented that Dean mentioned Orange and Ulster counties, but not Sullivan. Dean said he feels that Sullivan County can't be far behind. Discussion on this subject took place.

Public Comment: None

A motion to go into Executive Session to discuss litigation was made by Roeder and seconded by Dean at 9:11 p.m.

A motion to come out of Executive Session at 9:27 p.m. was made by Dean and seconded by Henry.

A motion to authorize the Litigation Subcommittee to make commitments on behalf of the UDC board in the Lackawaxen/Holbert case and empower the Acting Executive Director to sign any pending settlement agreement was made by Dean, seconded by Niflot and carried with Peckham opposing. McGuinness said this is a "time to heal" and to move the UDC into the next generation of river stewardship.

Niflot announced there will be a Personnel Subcommittee meeting after the next Operations meeting scheduled for April 24th.

Adjournment: A motion by Richardson, seconded by Sullivan, to adjourn the meeting at 9:30 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 4/17/12