

## UPPER DELAWARE COUNCIL MEETING MINUTES Oct. 2, 2008

The Upper Delaware Council held its monthly meeting on Thursday, Oct. 2, 2008 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Alan Bowers called the meeting to order at 7:35 p.m. Minor amendment to meeting minutes of Sept. 4: first page, last sentence should read, Then the property owner would need to be “issued” a DRBC docket for that withdrawal. A motion by Fluhr seconded by Wieland to approve the amended minutes was carried. There was no public comment on the agenda.

*In attendance:* Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder Jr., Town of Cohecton-Larry Richardson, Damascus Township-Dolores Keesler, Town of Tusten-Charles Wieland, Town of Highland-John C. Sundholm, Town of Lumberland-Jay Shafer, Town of Deerpark-Phil Chase, Lackawaxen Township-John McKay, Shohola Township-George J. Fluhr, Westfall Township-Alan Bowers, Delaware River Basin Commission-Clarke Rupert, and National Park Service-Sandra Schultz. Absent: State of New York; Commonwealth of Pennsylvania.

**Committee Reports:** The committee chairpersons provided the monthly committee reports based on the meeting minutes. They included: Sept. 16 Water Use/Resource Management by Wieland; Sept. 23 Operations by Bowers; and Sept. 23 Project Review by Roeder.

### **Status Reports**

**Delaware River Basin Commission:** Clarke Rupert referenced the handouts he provided. The Delaware River Flow and Storage Data for September 2008 and Oct. 1 and 2 were provided. Rupert noted that a month ago Tropical Storm Hanna was coming and we had 212 bg combined storage in the reservoirs, or 78.3%. The current combined storage is 72.3% or 196 bg, with Cannonsville at 64.4%; Pepacton at 77.4%; Neversink at 73.1%. The “Hydrologic Conditions for the Delaware River Basin as of Sept. 23” report shows the observed precipitation for the Basin above Montague, NJ for the period January 1 through Sept. 22, 2008 was 2 inches above normal.

For the period Sept. 1-22, the average observed streamflow of the Delaware River at Montague was 1,857 cfs, or 85.7% of the long-term average for the month.

As of Sept. 22, the average ground water level in eight reported USGS observation wells in the Pennsylvania portion of the basin was below the long-term average for the month. Water levels at three of these wells are within their normal range for Sept. 22; water levels at the remaining five wells are below their normal range for Sept. 22. The salt line as of Sept. 22 was located at river mile 80. This is one mile upstream of the normal location for September.

A colored-coded national map produced by the Western Regional Climate Center in Reno, Nevada, *72-month Accumulated Precipitation Departure from Normal through the end of August 2008*, revealed that the upper Delaware River watershed area saw 65 to 80 inches which was the highest in the nation for the six-year period. We usually get 42-48 inches of precipitation in a year but we got one to two years extra precip over this six-year period.

Also provided to the Council members was a DRBC produced chart, “Recent and Ongoing Flood Studies and Projects in the Delaware River Basin (Working DRAFT)”. This chart covered the project, the lead agency/partners, and the purpose/deliverables of each of the 29 projects listed. For example, included on the chart was the new subcommittee of the DRBC’s Flood Advisory Committee, the Floodplain Regulations Evaluation Subcommittee. This subcommittee will have their first meeting in October or November and the meetings are open to the public. There are 20 members of the subcommittee which will be chaired by NJ DEP and PA DCD. They will hold 46 meetings. They will make recommendations to the Flood Advisory Committee within nine months; then the FAC will make recommendations to the Commissioners within three months. The meeting dates of this subcommittee will be posted on the DRBC website. This subcommittee is charged to review, catalog and evaluate the similarities and differences in floodplain regulations throughout the Basin.

Rupert reported that the Commissioners took no action on the Flexible Flow Management Program (FFMP) at their Sept. 24 meeting since further review is taking place. The next opportunity for this topic to be included on the agenda would be at the Dec. 10 DRBC meeting.

The DRBC will be providing an exhibit at the NPS 30<sup>th</sup> anniversary EXPO being held Oct. 25 at the Damascus School.

Rupert noted that he had no additional information to report regarding gas drilling in the Basin. DRBC is still waiting for its first application to be reviewed. DRBC staff is updating the addendum to the application to reflect additional information DRBC will need to review any applications. They are also reviewing the PA DEP and NYS DEC gas drilling regulations as well. Peckham indicated he heard that Exxon and Hess are moving into Pennsylvania for gas drilling leases. He asked Rupert if the DRBC will require information from the gas companies as to what elements make up the fracturing fluid being used. Rupert responded that some gas companies regard that information as proprietary but DRBC will ask the company to prove why they feel it is proprietary information. This will be included in the application addendum. Richardson wondered what happened to the extracted fracturing fluid. Is it tested? Rupert noted that gas companies will have to provide DRBC with that information. There are only two places in Pennsylvania that can treat the extracted fracturing fluid. Peckham mentioned that some gas companies are using a process to clean the fracturing fluid on the project site to be used again. Soete offered that he heard there is a shortage of drilling rigs and money and that's why they're not drilling in the area. Rupert commented that the Acting Secretary of the PA DEP testified in Harrisburg recently that his department needs an additional 68 people to work on the gas drilling issues but right now there's a hiring freeze.

**NYS Dept. of Environmental Conservation:** Bill Rudge could not attend the meeting but he provided handouts. Coney referenced the news release from the Atlantic States Marine Fisheries Commission regarding hearings for the American Eel Draft Addendum II approved for public comment. The Atlantic coastal states have scheduled their hearings to gather public comment on the draft addendum. The NYS DEC has a hearing scheduled in East Setauket, NY but DEC wanted input from the Delaware River fishers so another meeting has been scheduled for Oct. 9 in Port Jervis, NY from 6:30 to 8:30 p.m. at the Port Jervis Free Library on Pike Street.

The second press release was from NYS DEC announcing that grant applications are now being accepted for projects proposing to eradicate terrestrial invasive species. DEC is making up to \$1 million in state grants available to municipalities and not-for-profit organizations for projects to eradicate and/or permanently remove infestations of terrestrial invasive species throughout the state. Project costs can range from \$2,500 up to \$100,000. Application materials for Invasive Species Eradication Grants have been mailed to municipalities throughout the state. Copies are also available on the DEC website or by calling 518-402-9425. All project applications must be postmarked by Oct. 31, 2008.

**PA Dept. of Conservation and Natural Resources:** No Report

**National Park Service-Upper Delaware:** Sandra Schultz provided the members with a registration packet to the "Upper Delaware Scenic and Recreational River Thirty-Year Retrospective." The NPS and UDC are hosting this Thirty-Year Retrospective on Nov. 8 at Central House in Beach Lake, PA from 8 to 5. The cost for this symposium is \$25 and includes meals. The registration deadline is Oct. 31. The Retrospective will be an opportunity to recognize the contributions that so many have made to the success of protecting and conserving the Upper Delaware River. The event will include speakers and panels who will share their reminiscences of their times and roles in shaping the Upper Delaware story. Some topics to be covered are conservation heritage, the fight over Tocks Island, qualifying values, the first thirty years, role of UDC and NPS, and roundtable discussion on the next thirty years.

Also handed out was information on the 30-year celebration EXPO. This event will be held at the Damascus Elementary School on Oct. 25 from 10 a.m. to 4 p.m. There will be a live reptile and amphibian program, live raptor program, art contest display, numerous exhibitions and demonstrations, and children's activities. In addition to NPS, the UDC and Upper Delaware Scenic Byway will also be participating in this EXPO, along with other partners.

**Executive Director's Report:** Bill Douglass could not attend but Ramie provided his report. Douglass and Soete attended a Tennessee Gas Pipeline public officials meeting on Sept. 30 at Settler's Inn hosted by PA State Rep. Peifer. Soete explained that TGP is putting in a new 30 inch pipeline next to its existing 24 inch pipeline. The lines only need to be 25 feet apart. The timeline on construction would be Pike County 2010 and Wayne County 2011. TGP will negotiate for new rights-of-way and will apply to FERC for permitting. No information is available as to where the gas drilling activity will tap into the TGP lines.

TGP is only running pipeline and is not involved with the gas drilling activity. TGP will hold public meetings in December regarding this pipeline expansion.

Douglass, Ramie and NPS attended a Pond Eddy Bridge meeting hosted by PennDOT for the consulting teams at its Dunmore office on Oct. 1. PennDOT is aware they need to do more advertising to keep the public informed about the Pond Eddy Bridge project status. PennDOT hopes to have the bridge design advisory committee assisting and the advisory committee should meet in early 2009.

The Upper Delaware River Roundtable has cancelled their Oct. 2 meeting and will be discussing gas exploration issues at its Nov. 6 meeting. The NYS DEC will be sending representatives to the meeting.

The NYS Assembly Standing Committee on Environmental Conservation will be holding a hearing on Oct. 15 in Albany and accepting testimony (oral testimony by invitation only) to secure input on the environmental impacts of natural gas and oil drilling in the Marcellus Shale. This hearing will examine the environmental protections needed in the NYS Dept. of Environmental Conservation's natural gas and oil drilling regulatory structure in order to safeguard natural resources. UDC will be leaving it up to the National Park Service to provide scientific analysis testimony at this hearing. The UDC is drafting a position paper on the natural gas situation in the River corridor.

As members will recall, Dave Lamereaux was a past member of the Upper Delaware Council representing the PA Dept. of Environmental Protection. Mr. Lamereaux was highly regarded for his expertise and knowledge while participating on the Council. It was announced that Mr. Lamereaux will be receiving well-deserved recognition from the Pennsylvania Environmental Council when they present him with their highest honor, the 2008 Thomas P. Shelburne Environmental Leadership Award, at their 18<sup>th</sup> Annual Evening for Northeast Pennsylvania's Environment on Oct. 29. A congratulatory letter will be sent to Mr. Lamereaux from the Council.

**Old Business** None

**New Business**

**NYS PSC Ruling Sept. 29 - Additional Public Statement Hearings Scheduled for NYRI Application:**

The NYS Public Service Commission issued a Ruling on Sept. 29 that a total of 13 public statement hearings and information forums will be held relative to the New York Regional Interconnect's Article VII Application for a proposed transmission line in New York State. These hearings had been requested by various stakeholder groups involved with this issue. The selected locations are in, or adjacent to, the counties traversed by the primary and alternate proposed routes of the transmission line. As ruled by the NYS PSC, these hearings should facilitate the public's opportunity and ability to provide comments and obtain additional information in person. Public comments can also be submitted via email, phone, or regular mail. For information go to the PSC website at [www.dps.state.ny.us](http://www.dps.state.ny.us).

The hearings for the Upper Delaware portion of the route will be held as follows:

- Delaware County, Nov. 5: Hancock Central School, Information Forum 6 p.m.; Public Statement Hearings 7 p.m.
- Sullivan County, Oct. 29: Delaware Community Center, Callicoon, Forum 1 p.m.; statement hearings 2 p.m. Sullivan West Central High School, Lake Huntington, Forum 6 p.m.; statement hearings 7 p.m.
- Orange County, Oct. 28: Kuhl's Highland House, Middletown, Forum 1 p.m.; statement hearings 2 p.m.; Valley Central School, Montgomery, Forum 6 p.m.; statement hearings 7 p.m.

It is important that all interested parties attend these meetings. The UDC will be attending the hearings in Sullivan County.

**Public Comment** None

**Adjourn** A motion by Roeder seconded by Shafer to adjourn the meeting at 8:30 p.m. was carried.

Carol Coney, Office Manager