

## UPPER DELAWARE COUNCIL MEETING MINUTES Dec. 3, 2009

The Upper Delaware Council held its monthly meeting on Thursday, Dec. 3, 2009 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson George J. Fluhr called the meeting to order at 7:31 p.m. A motion by Shafer seconded by Roeder to approve the Nov. 5 meeting 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., Damascus Township-Dolores Keesler, Town of Cohecton-Larry Richardson, Town of Tusten-Charles Wieland, Town of Highland-John C. Sundholm, Town of Lumberland-Jay Shafer, Town of Deerpark-Mel Decker, Lackawaxen Township-John McKay, Shohola Township-George J. Fluhr, and National Park Service-Sandra Schultz. Also present: Town of Tusten Alternate-Sue Sullivan. Absent: Berlin Township, Westfall Township, State of New York, Commonwealth of Pennsylvania, Delaware River Basin Commission.

Committee Reports: The committee reports were provided based on the meeting minutes. These included: Nov. 17 Water Use/Resource Management by Wieland; Nov. 24 Operations by Fluhr; and Nov. 24 Project Review by Roeder. During the Operations Committee report a moment of silence was held in memory of Dick Albert, a former colleague from the Delaware River Basin Commission.

### **Status Reports**

**Delaware River Basin Commission:** The members were provided with copy of the New York City Delaware River Basin Storage data sheets. As of Nov. 30, the combined reservoir storage was 88.6%. The storage is 74 bg above the long-term median and 16 bg above the level of one year ago. The flows at Montague showed 117% of normal. The salt front was at River Mile 80. The next update on these statistics will appear on the Delaware River Basin Commission's website on Dec. 4.

**NYS Dept. of Environmental Conservation:** The members were provided with copy of two news releases issued by the NYS DEC. The DEC has announced that with the American shad population in the Hudson River at historic lows, they have announced draft regulations to prohibit commercial and recreational fishing for American shad both in the Hudson River and the Marine and Coastal District of New York. The draft regulations propose a change to the daily creel limit for American shad in the Delaware River from 6 fish a day to 3 fish to further protect that population. The public comment period on these draft regulations will be open until Jan. 4, 2010. Further information on this topic can be viewed on the DEC website at [www.dec.ny.gov](http://www.dec.ny.gov).

On Dec. 3, the DEC announced new and enhanced tools to help the public find wildlife, accessible recreation, boat launch sites and much more throughout New York State. Now available on the DEC website's Mapping Gateway is a combination of existing, web mapping applications and the map collections with new offerings. Among the enhancements to DEC's Mapping Gateway are: Accessible Recreation Destinations; Boat Launch Sites; Public Fishing Stream Parking Areas; New York State Breeding Bird Atlas; Bird Conservation Areas; DEC Campgrounds; Lake Contour Maps; and the Northern/Southern Hunting Zone Lines. Instructions are available on the website for those needing information about how to download and use the Google Earth software. In addition, DEC has incorporated some data into Google Maps, which does not require any software downloads, to provide an even more accessible way for people to obtain DEC's information.

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

**National Park Service-Upper Delaware:** Acting Superintendent Sandy Schultz provided a report to the members. NPS-Upper Delaware is dropping the idea of using Commercial Use Authorizations for commercial eel weir operators on the Upper Delaware. The status quo remains.

NPS is busy developing their work plans and next year's focus will be on operations. They'll be working on the tow path trail, upgrading Zane Grey Museum exhibit space, getting the Mongaup Visitors Center up and running, and working with the Eagle Institute to get ready for winter eagle viewing in the Upper Delaware Valley. Schultz noted that in looking at the preliminary visitor use statistics for last season, it appears that visitation is down about 10% from last year. The final report would be provided to the members.

Schultz handed out for the members information the news release issued by NPS today warning that intermittent closures of the Roebling Bridge for snow removal would happen this winter season to allow for bridge deck and sidewalk snow removal as well as the parking areas. Schultz indicated that NPS balances keeping the Bridge open for people with protecting the historical structure from deterioration that might be caused by snow and road salt that accumulates on the structure. Schultz noted that temporary closure signs have been ordered for use at the Bridge. Schultz had mentioned this closure at a committee meeting and UDC staff drafted a comment letter at the committee's request. Fluhr referenced the draft letter that was handed out and asked for member input. The chief concern of the members was having a bridge closure for up to an hour during the early morning commute to work and the daily use of the bridge between the two states given the length of the detours. Following discussion, Fluhr offered an amendment to the draft letter that would become number 4. A motion by Richardson seconded by Roeder to approve the amended letter was carried. The UDC letter, with copy going to the NPS Regional Director, covered items pertaining to making the public aware through various means of the closures in time to make travel plans; keeping the bridge open to vehicular traffic should be a first priority; closure of the bridge should be avoided during heavy use hours in the morning and evening as much as possible; and allowing intermittent opening of the bridge for passage of vehicles during snow removal was strongly recommended.

**UDC Executive Director's Report:** Bill Douglass provided the members with copy of a data sheet he obtained while attending a NYS DOT Public Information Meeting today. The purpose of the meeting was to provide information to the public about an upcoming bridge replacement project on NYS Route 97 (Upper Delaware Scenic Byway) over Ten-Mile River, and to solicit public comments regarding the proposed design of the project. NYS Dept. of Transportation is currently engaged in the preliminary design phase, during which alternatives are developed that would address the project needs and objectives. The DOT also investigates the benefits and impacts of various alternatives. The preliminary design is followed by final design, bidding, assignment of a construction contract, and construction.

The bridge is located approximately 4 miles south of Narrowsburg. It was built in 1932 and is nearing the end of its service life. Rehab of the bridge is not feasible because of the bridge type. Under the current design, the bridge will be replaced on the existing alignment. The new bridge will be approximately 8 feet wider, which will meet current design standards and provide additional shoulder width for pedestrians or cyclists. There is no feasible off-site detour for this project, so DOT plans to construct a temporary on-site detour, including a temporary bridge, adjacent to the existing bridge for use during construction. DOT is still analyzing whether the temporary detour will be one or two lanes. No right of way acquisitions are anticipated for this project. NYS DOT currently expects to solicit bids for the contract in August of 2011 and construction is currently expected to begin in the Fall of 2011 with an eight-month construction window.

Douglass noted that there was a natural gas summit in Tioga County and some Town of Tusten officials attended and provided information to the Council.

It was announced that NYC Mayor Michael Bloomberg on Nov. 30 had appointed Caswell F. Holloway as the NYC Dept. of Environmental Protection's Commissioner. The NYC DEP owns the reservoirs at the headwaters of the Delaware River.

**Old Business** None

**New Business**

**UDC Second Comment Letter NYS DEC draft SGEIS/gas drilling:** The members were provided with copy of a draft comment letter as referred by UDC to the committees to initiate. The comment letter would be the second one issued by the UDC to the NYS Dept. of Environmental Conservation relative to its draft Supplemental Generic Environmental Impact Statement concerning regulatory issues dealing with natural gas drilling/exploration. A grammatical correction and an addition to the carbon copy list (Federal Railroad Administration) were made.

The comment letter states 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 hazmat 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. Other potentially hazardous sites, such as compressor stations and pipeline segments, should also be identified to assist emergency first responders. If hazardous materials or waste products are to be transported by train, the drilling companies should be required to provide additional coordination and training with the emergency response officials and railroads to assist emergency first responders. It is critical that everyone know exactly what hazardous materials are involved should an incident ever occur." A motion by Wieland seconded by Shafer to approve the letter as amended was carried.

**UDC Nominating Committee Report:** Richardson presented the Nominating Committee report. The slate of officers for 2010 as submitted included: Chairperson-Harold Roeder Jr. (Town of Delaware); Vice-Chairperson-Dolores Keesler (Damascus Township); and continuing for the sixth year as Secretary/Treasurer-Jack Niflot (Town of Fremont). Fluhr noted the elections would be held in January at the Council's annual meeting. The floor was open for additional nominations. No other nominations were received. A motion by Wieland seconded by McKay to close nominations was carried.

### **Public Comment**

~ Sue Sullivan mentioned that she heard a small part of a report on the radio that indicated NYS DEC had grants for stormwater runoff through federal stimulus funds. She suggested that UDC staff could look into this. Fluhr requested Douglass and Soete to look into this and send an email with information to the town supervisors.

~ Sue Sullivan also mentioned that under the NYS DEC's draft SGEIS for gas drilling the NYS Dept. of Health is being delegated with water quality issues. Sullivan said she has spoken with the DOH and they indicated they don't have enough staff to do this at the county level. Fluhr referred this matter to the Council's Water Use/Resource Management Committee and noted it may warrant another comment letter from the UDC.

~ Bernie Handler noted the problem with NYS DOH testing is that they would not have a list of substances to test for as the chemicals in the fracking fluid would not be known. Peckham offered that he felt the NYS DEC, who should have this information on file, would share it with the DOH.

**Adjournment** A motion by McKay seconded by Roeder to adjourn the meeting at 8:37 p.m. was carried.

Carol Coney, Office Manager