

UPPER DELAWARE COUNCIL MEETING MINUTES May 1, 2008

The Upper Delaware Council held its monthly meeting on Thursday, May 1, 2008 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Alan Bowers called the meeting to order at 7:34 p.m. A motion by Wieland seconded by Shafer to approve the April 3 meeting minutes was carried. There was no public comment on the agenda.

In attendance: Town of Fremont-Jim Rodgers, Town of Tusten-Charles Wieland, Town of Highland-John Sundholm, Town of Lumberland-Jay Shafer, Town of Deerpark-Phil Chase, Lackawaxen Township-John McKay, Shohola Township-George J. Fluhr, Westfall Township-Alan Bowers, State of New York-Bill Rudge, Commonwealth of Pennsylvania-Dennis DeMara, and National Park Service-Vidal Martinez. Not in attendance: Town of Hancock, Town of Delaware, Town of Cochection, Delaware River Basin Commission.

Committee Reports The committee reports were provided based on the meeting minutes; they included April 15 Water Use/Resource Management by Wieland; April 22 Operations by Bowers; and April 22 Project Review by Douglass.

Status Reports

Delaware River Basin Commission: While the DRBC was not in attendance, handouts were provided. The Delaware River Flow and Storage Data as of April 25 showed that the combined storage of the NYC Delaware River Basin reservoirs was 98.3%. This was -0.99% below the NYC daily storage median. Douglass noted that the average withdrawal by NYC from April 21 to 27 was 490 mgd as compared to what NYC could actually withdraw by Decree at 800 mgd. The next DRBC Flood Advisory Committee meeting would be held on May 7 at West Trenton, NJ starting at 10 a.m.

NYS Dept. of Environmental Conservation: Bill Rudge referenced his handouts. He explained the Environmental Assessment Form (EAF) pertaining to drilling permits that would be used in gas leasing reviews. Some scrutiny is afforded with this form, for example, question 5 is the Environmental Resources On/Near Project Site section and asks such questions as Does the project site contain any species of animal life that are listed as threatened or endangered? Will proposed project significantly impact visual resources of statewide significance? Rudge noted that this form was just the start of the permit application and the Department can pursue any impacts. If they are drilling within one-half mile of water well the Department would give it a deeper look and then go to mitigation. As to withdrawing water from streams for the fracturing process, Rudge said they cannot disturb the bed or bank of the stream. If it's a significant withdrawal, a State permit is needed. Rudge was not sure of the withdrawal threshold. McKay offered that he thought in Pennsylvania it was 10,000 gpd from a stream.

A DEC press release handed out indicated that New York's bluestone mining industry has grown steadily over the last decade. Part of this is due to improvements DEC made to get mines documented and enrolled in a permit program while encouraging exploration, but also due to growing interest in New York as one of the few repositories of bluestone in the nation. The law governing bluestone mining expires on July 31, 2008 and DEC is recommending that the statute be made permanent. The current regulatory framework provides ground rules that both foster this work and provide substantial oversight. In 2007, 85 bluestone mining permits and authorizations were provided.

The DEC has launched a free, electronic newsletter for all New Yorkers, "DEC Outdoor Discovery". It will focus on kid-friendly events and seasonally-oriented topics. This new family e-newsletter focuses on the environment and enables everyone to connect to nature. The newsletter will be e-mailed every other Wednesday afternoon as well as being posted on DEC's website. To view the newsletter or to subscribe to receive the newsletter free of charge, visit the DEC website at www.dec.ny.gov/public/43355.html. The first issue highlights backyard birds and gives tips on feeding birds, keeping a birding journal and creating a bird bath.

Continuing with the handouts, another DEC press release notes that applications are now being accepted by DEC for approximately \$900,000 in grants to foster urban forestry projects across the State. There is a 50/50 match requirement. Additionally, \$1,000 Quick Start Arbor Day grants, with no match

requirement, will be available to help communities generate support for a tree program with an Arbor Day celebration. Funds are made available from the State's Environmental Protection Fund. For information and grant application go to www.dec.ny.gov/lands/5285.html. The application deadline is June 4, 2008.

NYS Governor Paterson issued a press release on April 10 outlining his administration's initial steps to meet downstate energy needs. Initial steps to develop comprehensive alternatives include establishing a State Energy Planning Board, energy efficiency initiatives including natural gas, and increasing supply with natural gas and solar. Additional information at www.ny.gov/governor/press.

Rudge mentioned that the City of New York has announced the establishment of a task force to explore the idea of opening Cannonsville Reservoir to other recreational uses. The Cannonsville was built on the West Branch Delaware in Delaware County, NY and was put in service in 1964.

Rudge reported that the office building at NYS DEC Region 3 in New Paltz has a new addition. The Natural Resources staff has moved into this addition, however, their telephone, fax, e-mails, and addresses remain the same.

PA Dept. of Conservation and Natural Resources: Dennis DeMara reported the Bureau of Forestry gypsy moth program will see 11,000 acres in Pike County sprayed for the pest. Pennsylvania Rivers Month is celebrated in June and touts the value of the state's rivers for recreation, drinking water, navigation, and natural beauty. The event is sponsored by DCNR. As part of the event, the department names a "featured" river and the Youghiogheny River will be the 2008 River of the Year.

DCNR has launched a new program, iConservePA.org. At times, many environmental challenges seem overwhelming and beyond our control. But, as you can learn through iConservePA.org, you don't have to solve the world's environmental problems to make a difference. You can take simple steps toward conservation that collectively go a long way to helping conserve the state's natural resources. DeMara provided literature on this new program and noted more information can be obtained online at www.iConservePA.org.

DeMara also noted that he brought a small supply of DCNR's "State Park and Forests in Pennsylvania" brochure offering much information on what's to see and do in the state's parks and forestland.

It was mentioned that DCNR is one of the sponsors of the workshop, "The Financial Benefits of Land Conservation" with expert Stephen Small. A discussion with landowners will take place May 27 from 5:30 to 7:30 p.m. at Hawley, PA and on May 28 at Ferndale, NY. The workshop for professionals is May 28 in Hawley, PA from 8:30 a.m. to Noon and May 29 in Harris, NY. For further details and costs contact Delaware Highlands Conservancy at 570-226-3164.

The Sept. 28-30 Greenways & Trails Summit will take place in Northeast PA at the Inn at Pocono Manor. Save the Date.

On April 17, Governor Rendell announced conservation grant awards of \$12 million to protect natural resources and open space. Among the grantees are the Pennsylvania Land Trust - \$120,000 for conservation easement assistance program for land conservancies re-grants; Monroe County - acquisition of 220 acres that included three properties. DeMara noted DCNR is reviewing the applications from the grant round that ended April 25.

National Park Service-Upper Delaware: Supt. Vidal Martinez commented that he was pleased that the Lackawaxen Township Supervisors have recognized the National Park Service as an "interested party" to the Holbert Quarry conditional use permit hearing. NPS will be attending the hearings along with their Solicitor.

As to the natural gas leasing activities, the NPS's position is it's reviewing what's important for the River corridor natural resources and its continued support of protecting the River corridor.

Martinez offered that he is continuing his acclimation to the various organizations in the corridor and has met with The Eagle Institute, the National Canoe Safety Patrol, and the Upper Delaware Preservation Coalition.

NPS has had specialists look at the structural issues at the Zane Grey House for pending repairs. A new exhibit at the Zane Grey Museum is being planned and the Schematic Plans were passed around to the Council members.

The 40-30-20 anniversaries events are being planned. A site bulletin and other material are being designed. They will be provided to the Council members once they are completed. The Assistant Regional

Director for Administrative Services, Frank Connor, visited the Upper Delaware and also met with the Upper Delaware Council staff.

NPS-Upper Delaware has been hiring seasonals and offering training for this tourist season. Martinez thanked the UDC for awarding Asst. Superintendent Sandra Schultz its Distinguished Service Award at the recently held ceremony in Hancock, NY. He passed around photos of the Roebling Bridge retaining wall work done by the Dry Stone Conservancy, who also received an award from UDC.

The annual Upper Delaware River Safety Committee meeting was held April 29. Martinez said he explained his vision of what he'd like to see done relative to safety and obtained feedback from the liveries. The use of PFDs on person to have a more responsible river user was reviewed. Douglass attended the meeting and noted that trespass was an issue again in certain sections of the River, to the point that some river users were trying to entice youngsters on land to get into their watercrafts. Martinez said NPS will definitely address this issue and it will not be tolerated. Douglass added they also discussed the need for more river rest stops available to river users. Martinez also mentioned the mixture of alcohol and boating is allowing users to get careless with their lives and that needs to be addressed.

UDC Executive Director's Report: Douglass noted there were 91 guests at the UDC's Awards Ceremony held April 27 in Hancock, NY. NYS Assemblyman Cliff Crouch gave the keynote address that was well-received. Douglass remarked it was nice to see all four NPS-Upper Delaware Superintendents that have served here at the ceremony to honor Sandy Schultz.

The UDC has issued a follow-up letter to the current NYS Governor requesting his consideration in updating the NYS Executive Order #169, originally issued by past-Governor Cuomo, directing the state agencies to act consistently with the Upper Delaware *River Management Plan*. It was noted that all of the original Order's clauses remain accurately stated and in practice. This action would reaffirm the State of New York's continued commitment to the *River Management Plan* guidelines. A similar action was taken by PA Governor Rendell in 2003.

It was announced that the NY-PA Joint Interstate Bridge Commission's annual meeting will take place May 27 in Binghamton. The DRBC's Flood Advisory Committee meeting will be held May 7. The DRBC will meet May 14 and the Federal members annual gathering will be on May 15, both in Philadelphia. UDC staff will be attending the above meetings.

Douglass noted that NPS and UDC are working on plans for a comprehensive seminar on natural gas leasing. Speakers are being finalized. He also passed around information on a Penn State Extension forum June 9 in Honesdale and June 10 in Montrose regarding "Natural Gas Wells and Drinking Water". Drinking water contamination is of concern.

Old Business

Upper Delaware Releases/Flows: Phil Chase discussed some items of concern he had with the reservoir releases regime for the month of April as it relates to the cold water fishery. In the first half of April, spillage from Cannonsville was supplemented by heavy releases resulting in West Branch flows of 3-5,000 cfs. Then on April 16, Cannonsville releases were reduced from 1,500 cfs to 251 cfs. Spillage began again so on April 20 the releases were increased again to 1,500 cfs which increased the overall flow to over 1,700 cfs. On April 23, they dropped releases to a low of 80 cfs, driving West Branch flows below the seasonal normal of 800-1000 cfs. The release from Pepacton was 54 cfs. The low releases promises to leave gravel bars exposed, impact fly life, and eventually affect the tribs and main stem.

Chase offered that this "yo-yo" release effect should stop. All organizations were opposed to "yo-yo" releases in the past and it is hoped that these types of releases don't continue in the future. If we get warm weather we're in trouble with these low flows. We dodged a bullet this time when we returned to cooler weather recently. Chase said he hoped that the stakeholder organizations continue to support no "yo-yo" releases.

New Business None

Public Comment

Sandy Long of *The River Reporter* announced that the PA Fish & Boat Commission on April 23 bestowed its highest honor, the Ralph W. Abele Conservation Heritage Award for 2007, on Barbara Yeaman of Milanville, PA. The Council members offered congratulations to Barbara and Bowers said she

was well-deserving of such an award for her many years of working on conservation issues. Barbara serves on the Council's Water Use/Resource Management Committee's advisory council.

Adjourn A motion by McKay seconded by Rodgers to adjourn the meeting at 8:33 p.m. was carried.

Carol Coney, Office Manager