

UPPER DELAWARE COUNCIL MEETING MINUTES June 5, 2008

The Upper Delaware Council held its monthly meeting on Thursday, June 5, 2008 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Alan Bowers called the meeting to order at 7:40 p.m. Bowers welcomed officials from Berlin Township and Damascus Township who were visitors at the meeting. A motion by McKay seconded by Niflot to approve the May 1 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., Town of Cohecton-Larry Richardson, 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-Robert Tudor, and National Park Service-Vidal Martinez. Also in attendance Jim Rodgers, Alternate from Town of Fremont. Absent: State of New York; Commonwealth of Pennsylvania.

Committee Reports: The committee reports were provided based on the meeting minutes; they included May 20 Water Use/Resource Management by Wieland; May 27 Operations by Bowers; and May 27 Project Review by Roeder.

Status Reports

Delaware River Basin Commission: Bob Tudor explained the role of the Delaware River Basin Commission in the Upper Delaware for the visitors attending the meeting.

At the DRBC's Federal Coordinators Summit held May 15 the topics covered were water quality monitoring and flood mitigation. The meeting is usually held annually to coordinate activities with the federal agencies relative to the Delaware River.

The NYC Delaware River Basin reservoir storage as of May 30 was at 96% of capacity. The precipitation has been above normal, and February 2008 was the wettest February on record above Montague with March 2008 coming in as the second wettest month.

PA Gov. Rendell issued a letter to the NYC Dept. of Environmental Protection asking that they and the basin states work together to lower the reservoirs for flood runoff based on weather predictions. The Decree Parties agreed to put in place a wet weather program and 1 bg was released from the reservoirs. This water release will need to be "paid back" to the City, probably through the excess release quantity.

The FFMP (Flexible Flow Management Plan) received a huge amount of public comment and DRBC put together a response document for the Commissioners to review. The FFMP will be on the agenda of the September 24 DRBC meeting.

The DRBC is working together with National Park Service through its Wild and Scenic Rivers program. The DRBC goal is to protect the high water quality of the Delaware River. They are now looking at Wild and Scenic designation from the GAP to Trenton. The DRBC will be reviewing this issue at the July 16 meeting.

Tudor touched on the gas leasing boom in Wayne County, PA. DRBC has been coordinating with PA Dept. of Environmental Protection and letters will be sent tomorrow to Wayne County reminding them that DRBC also regulates gas drilling facilities. They'll look at water withdrawal of streams and the fracturing fluid. The gas drilling could be an impact to the water in the upper watershed. DRBC will review the drilling permits and water issues to avert harmful activity.

Tudor referenced an article handed out from the *Walton Reporter* of May 28, "Co-op Wants to Harness Reservoirs for Power". The article notes that Greg Starheim, CEO and general manager of the Delaware County Electric Cooperative, said the co-op proposes "run of the river" generators, which would take advantage of the normal flow of water out of the reservoirs and would not be a factor in flood control. The turbines would not regulate water releases, but would use the water that the NYC DEP is required to release under agreements with the Delaware River Basin Commission, as well as any additional water during high-water periods. The cooperative has submitted a preliminary permit application to the Federal Energy Regulatory Commission (FERC), which must approve such projects. Even though the City owns the dams, no one owns the water. Starheim has met with City officials to discuss the plans for the Pepacton, Cannonsville, Gilboa, and Neversink reservoirs. Starheim said the "siphon design" would

include underwater modules that would connect to large pipes, which would go over the dams and feed into small structures that would house turbines near the spillways of the reservoirs. Neither the dams nor the City's water supply would be affected. A kick-off meeting of interested parties could happen in late summer or early fall. Starheim was to appear before the Delaware County Supervisors on May 28 to talk about the project.

Tudor continued that the DRBC has copy of the Cooperative's application to FERC and DRBC will issue a letter to the Cooperative that DRBC has review over this project. Tudor noted that the Cooperative would have to take advantage of FFMP. They cannot take water for power but have to use leftover water.

Bowers asked why the Rendell releases need to be paid back to the City since they ended up with 100% of reservoir capacity anyway. Tudor explained that the down basin states get a percentage of the excess release quantity. In this case 10% (10 bg); so 9 bg left. The City wants reservoirs full by June 1. The Decree Parties said use water more aggressively before June 1.

Chase commented that the great concern is we're not going to have enough cold water with the hot weather that's expected. He said as to the co-op any reservoirs that have hydro directly to rivers FERC will have a lot to say about recreational use as well. Tudor said we'll all learn together to see how this plays out. Soete asked how the 10% owed will be made up. Tudor indicated they'll use the bank over the summer. It depends on weather how the bank gets used up.

Richardson asked if DRBC was going to get involved in the gas leasing in New York State since only Pennsylvania was mentioned. Tudor said DRBC is having discussions with NYS to see what their regulations are. They can incorporate DRBC regs or DRBC will do alone. Discussions are not that far along. Richardson noted that in his Town there is a lot of anxiety with this gas drilling matter and he wanted to be informed, as acting Supervisor, what transpires with the discussions with New York State. Tudor mentioned that DRBC would like to see a level playing field with all the states on how they deal with this issue.

NYS Dept. of Environmental Conservation: Bill Rudge could not attend but he provided handouts for the Council members. A DEC press release announced that new natural resource maps and other environmental information are part of a recent expansion of the NYS DEC's website. The Mapping Gateway - www.dec.ny.gov/pubs/212.html - will provide DEC's partners and the public with a range of services that consolidate and enhance accessibility to DEC's extensive geographic information on a large variety of environmental topics. The Mapping Gateway combines existing web mapping applications and map collections with new offerings, including a full-featured, interactive data inventory and map viewer. The map viewer and other Geographic Information System (GIS) tools will provide the public with important location-specific information about many of the programs DEC manages, such as locations of brownfields, dams and critical habitats. The Mapping Gateway will also provide private experts with access to several environmental databases developed by DEC staff.

The second DEC press release focused on New York State taking new efforts on June 4 to stop the influx and spread of tree-killing pests such as the Emerald Ash Borer, Asian Longhorned Beetle and Sirex Wood Wasp by restricting the importation, transportation and sale of untreated firewood. The action closely follows measures imposed by Pennsylvania and other states to stem the proliferation of invasive species that can wipe out trees in forests and neighborhoods. These new measures, available at www.dec.ny.gov/regulations/2359.html, are emergency regulations, effective for 90 days. Meanwhile, DEC will be submitting a formal rulemaking proposal to the Governor's Office of Regulatory Reform for review. The review approval would initiate a public involvement process leading to a permanent firewood regulation. The regulations do not affect homeowners cutting wood on their property for use on that same property. They also do not affect firewood being transported through New York for sale and use in another state.

The final press release handed out was issued from the NYS Governor's office on May 29. The Governor announced a new set of initiatives aimed at developing a better understanding of the Hudson River estuary ecosystem and restoring several imperiled fish species, including the American shad. The comprehensive program addresses several needs that are expected to help rebuild fish stocks, assess the potential causes of fishery decline, and examine other aspects of the Hudson River ecosystem to determine the River's health and ways to improve it. For further information go to www.dec.ny.gov/lands/4920.html.

PA Dept. of Conservation and Natural Resources: No Report

National Park Service-Upper Delaware: Superintendent Martinez reported that the Roebling Bridge retaining wall repair was completed in May. The next project will be restoring the Bridge ice breaker abutments.

Martinez commented that the surge in gas leasing activity in the watershed has been controversial both pro and con. Some want the leases and others do not. Both sides of the issue were approached at an informational forum on May 21 co-sponsored by the Council and NPS. Wayne County Commissioner Wendell Kay moderated the forum. The panel of speakers included Patrick O'Dell, petroleum engineer with the NPS Geologic Resources Division in Colorado; Ron Gilius, director of the PA Dept. of Environmental Protection's Bureau of Oil and Gas Management; Wes Gillingham, program director of non-profit organization Catskill Mountainkeeper; Paul M. Schmidt, co-counsel for the Damascus Citizens for Sustainability; Les Greevy, mineral rights law specialist from Greevy & Associates; and Harry Weiss, co-counsel for the Northern Wayne Property Owners Alliance. The forum was held at the Wayne Highlands Middle School. It is hoped a similar forum could be held on the New York side of the Upper Delaware River.

Martinez continued that the museum exhibit at the Zane Grey House will be upgraded to tell the story of Zane Grey more fully. NPS is looking at recreating the landscape around the museum to match closely that which was in existence when Zane Grey inhabited his house in Lackawaxen.

The NPS held its annual D & H Days that had participation from over 1,000 area school students. This program combines classroom projects with an actual site visit to the Roebling Bridge and canal remnants.

The NPS has completed its seasonal employees' orientation process.

This year NPS is celebrating the 40th anniversary of the Wild and Scenic Rivers Act, the 30th anniversary of the Upper Delaware being designated a federal wild and scenic river, and the 20th anniversary of the Upper Delaware Council. A number of activities are being planned including an Expo on Oct. 25. All events are open to the public. A brochure regarding these anniversaries is available on the NPS web site at www.nps.gov and go to Upper Delaware. A logo was developed for this anniversary year and it appears on the brochure, on decals to be used on NPS-Upper Delaware vehicles, and a commemorative pin. The pin will be presented to the Council members shortly.

The NPS resource management staff participated with the National Audubon Society in its bird count of the Upper Delaware. Thirty-eight species were documented and that's down from 48. The Philadelphia Academy of Natural Sciences is continuing its study in the Upper Delaware for the bridal shiner, an endangered species. One was found in the River on May 28.

Fluhr commented that he felt that NPS needs to encourage "locals" to become more involved with the NPS facilities, like the Zane Grey House, to use as economic tools and as educational resources for the local area as well. During this anniversaries year it would be a good time to think about doing this. Martinez mentioned that there was a big celebration at the Brooklyn Bridge anniversary recently and the man who built it, John A. Roebling, started with the Roebling Bridge right here in Lackawaxen.

UDC Executive Director's Report: Bill Douglass noted that the Council's Technical Assistance Grants Program application packets were mailed to over 150 individuals from member municipalities and county governments located within the River corridor. To date, \$609,000 has been awarded for various projects. This year there is \$30,000 available for re-grant. The application deadline for this grant program is July 31 by 4:30 p.m. The Council will review the applications and grant recipients should be announced in September.

The UDC and NPS participated in the Lackawaxen Supervisors' public hearings relative to the application for the expansion of the Holbert Quarry within the River corridor. The applicant's attorney has notified the Parties that the applicant is withdrawing the application without prejudice. Douglass noted this stops the process with this particular application.

Douglass displayed a PPL map showing parts of a proposed power line upgrade along existing routes for the most part. PPL has announced eight public input workshops for this project. At this point, the line will not run in the Upper Delaware River corridor but would affect Wayne and Pike counties. The closest public hearing would be in Hawley, PA and would be held June 18 from 5 to 8 p.m. at the Wallenpaupack Area High School. Property owners in a 1,000-foot wide corridor along each possible route have been mailed letters by PPL with details of the routes and an invitation to attend one of the workshops. Residents can call PPL toll-free at 1-800-291-5403 for further information.

It was announced that Penn State Extension would be holding two forums on Natural Gas Wells and Drinking Water June 9 at Honesdale High School and June 10 in Montrose. To learn more about natural gas leasing and exploration in Pennsylvania: <http://naturalgaslease.pbwiki.com>. Also mentioned for the PA townships was a reminder to review the June 2008 issue of "Pennsylvania Township News" that is devoted to gas leasing issues.

Old Business None

New Business

UDC comment letter NYS DEC – boating policy on the Mongaup River: The members were provided with a draft of a letter that came through committee for Council action. The letter would be sent to NYS DEC and would comment on the boating policy on the Mongaup River below Rio Reservoir. The letter states in part: "As the New York State Department of Environmental Conservation continues its internal review of the Unit Management Plan for the Mongaup Valley Wildlife Management Area, the Upper Delaware Council recommends that boating be restricted on the Mongaup River below Rio Reservoir to just the present special weekend releases for kayakers specified in the Federal Energy Regulatory Commission license for the reservoir. This section of the Mongaup River...also serves as an important wild trout 'hatchery' for the Upper Delaware Scenic and Recreational River. Orange and Rockland Utilities only opened the area to fishing in the 1950s and boating was never allowed until the FERC license was issued in 1992. At that time, the UDC, local municipalities, and various emergency response organizations were opposed to special two-turbine releases for boating because of safety reasons, not only because of the difficult terrain in the valley for rescues, but concern about the wave created entering the Delaware River. We continue to hear complaints by anglers that boating interferes with their fishing experience. The natural resources and wild nature of the area must be protected."

Chase offered that when the river was being considered for boating, a past DEC employee noted to allow boats on the Mongaup River is like allowing ATVs on a wilderness trail. While Chase admitted you cannot stop recreational use since it is part of the FERC license, kayakers get 2-turbine weekend releases so the fishers would like the weekdays. Douglass noted that the Town of Deerpark Supervisor called the UDC office and told him the Town would be issuing a support letter to DEC as well. A motion by Richardson seconded by Roeder to approve the letter was carried.

UDC press release - NY-PA Joint Interstate Bridge Commission Meeting May 27: The members were provided with copy of a UDC press release issued May 29 providing highlights of the NY-PA Joint Interstate Bridge Commission meeting on May 27. Douglass pointed out the Commission meets annually and covers the 10 cross-border bridges in the Upper Delaware River corridor. He referenced the release saying the Pond Eddy Bridge replacement will be let 2010; the Callicoon Bridge is probably going to be rehabilitated instead of replaced; and the Port Jervis-Matamoras Bridge will see a major capital repair project contract-letting proposed for 2012.

Public Comment None

Adjourn A motion by Roeder seconded by McKay to adjourn the meeting at 9:04 p.m. was carried.

Carol Coney, Office Manager