

UPPER DELAWARE COUNCIL MEETING MINUTES July 2, 2009

The Upper Delaware Council held its monthly meeting Thursday, July 2, 2009 at the Council office on Bridge Street in Narrowsburg, NY. Coney reviewed amendments to the June 4 meeting minutes: On page 2, next to last paragraph – next to last sentence...”Wastewater going out of our Basin....change depleted use to “depletive use”. On Page 3, second line; second sentence...Susquehanna only regulates water....add “withdrawal”. A motion by Sundholm seconded by Chase 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., Damascus Township-Dolores Keesler, Town of Cohecton-Larry Richardson, Town of Tusten-Charles Wieland, Berlin Township-Andy Dean, 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, and National Park Service-Sandy Schultz. Absent: Westfall Township; State of New York; Commonwealth of Pennsylvania; Delaware River Basin Commission. Also in attendance: Jim Rodgers, Alternate, Town of Fremont.

Committee Reports: The committee reports were provided based on the meeting minutes. These included: June 16 Water Use/Resource Management by Wieland; June 23 Operations by Fluhr; and June 23 Project Review by Roeder.

Status Reports

Delaware River Basin Commission: In the absence of a representative from DRBC, handouts were provided. The New York City Delaware River Basin combined reservoir storage was 99.2% of capacity. This represents 12.5 bg above the long-term median and 28.2 bg above the level of one year ago. In June, which was a wet month, Pepacton and Cannonsville Reservoirs were at 100% capacity. The flow at Montague was observed at 7,880 cfs on July 2 with the norm being 2,576 cfs. The salt front was at River Mile 60 with the norm being River Mile 72 at this time.

Richardson brought up the issue of full reservoirs – he mentioned that if storms backup, we’re going to have severe problems. We need to get on New York City again to release from the reservoirs. Peckham noted that the creeks by him were not too bad; when the creeks get high start looking for impacts to the Delaware River. He also agreed the reservoirs were too high. Shafer added his concern that all we needed is another flood after the last three terrible events. Douglass agreed with Richardson to the point that we need to raise the red flag again to the City on reservoirs being too high. Roeder pointed out that according to the DRBC data we’re 4.89% above the daily storage median. Peckham offered that NYC water consumption is down from normal use. McKay added that we also have the aqueduct leaking 35 mgd. Wieland commented that about three years ago NYC took Cannonsville down 5 bg looking at the same scenario. The City wants full reservoirs June 1. However, after the drawdown we had lots of precipitation and the reservoir filled right up again. NYC considers every day the first day of a drought, but they did bring the reservoir down. Chase and Peckham remarked the lower basin states that have experienced serious flooding in the recent past are concerned with anything that might add to another round of disastrous flooding down basin.

A motion by Richardson seconded by Chase to send a staff letter signed by Douglass to the DRBC and the NYC DEP listing our concerns relative to the full reservoirs was carried.

NYS Dept. of Environmental Conservation: In the absence of a representative from DEC, three news releases were handed out.

◆NYS DEC Commissioner Pete Grannis and Office of Parks, Recreation and Historic Preservation Commissioner Carol Ash announced on June 17 the release of the state's 2009 Open Space Conservation Plan, which provides a comprehensive blueprint for focusing and achieving the state's conservation goals. The 2009 plan builds on previous state plans and contains a list of 135 priority conservation projects across the state, identified by nine citizen-based Regional Advisory Committees. The Open Space Plan includes recommendations on how the state and local governments can protect and enhance riparian, coastal and floodplain areas and forests as part of the adaptation to a changing climate, while at the same time improving wildlife habitat and creating new outdoor recreational opportunities. The Plan was finalized after a series of public meetings on a draft proposal earlier in the year. The 2009 Open Space Plan can be accessed on the Internet at www.dec.ny.gov/lands/47990.html.

◆NYS Agriculture Commissioner Patrick Hooker as well as DEC Commissioner Grannis announced June 17 the discovery of an Emerald Ash Borer infestation in Randolph, Cattaraugus County. The EAB is a small but destructive beetle that infests and kills North American ash tree species, including green, white, black and blue ash. This is the first time it has been detected in New York. New York has more than 900 million ash trees at risk. This beetle has been detected on either side of Lake Ontario for several years now and there is little that can be done to stop the natural spread of this devastating pest, but the state will work to learn more about the infestation and try to limit the artificial spread of the beetle through regulations, surveys and public education. In 2008, NYS adopted regulations that ban untreated firewood from entering the state and restricts intrastate movement of untreated firewood. This was done as a precaution against the introduction and spread of EAB and other invasive species because of the documented risk of transmission by moving firewood. More information can be obtained on DEC's website, www.dec.ny.gov, at the Emerald Ash Borer page.

◆DEC announced on June 30 the launch of "DEC TV," a video platform offering content on a range of outdoor experiences from across New York State. DEC TV will also provide information on wildlife, plants and important environmental programs. DEC TV can be found at www.dec.ny.gov/dectv.html.

PA Dept. of Conservation and Natural Resources: No Report

National Park Service-Upper Delaware: Sandy Schultz announced that the Zane Grey Festival will be held July 18 at the Zane Grey Museum. There will be activities for both adults and children. There will be various and numerous exhibits and the train excursion from Honesdale. The recently completed Delaware River Sojourn saw high and fast River levels and the sojourners did over 100 miles on the River in six days, including stopovers and programs. The Lord High Admiral in Philadelphia was Mayor Nutter who was on hand to welcome the sojourners and participated in a nice ceremony. Lord High Admirals in the Upper Delaware section were NPS Superintendent Vidal Martinez and Congressman Chris Carney. The NYS DEC has issued a letter of support for the NPS using its Mongaup access for a temporary Upper Delaware River welcome center. Schultz noted other ongoing projects: stabilization of the Smith Family Farm; restoration of the tow path trail at the Roebling Bridge; ice breaker repair on the Roebling Bridge; handicap accessibility to Zane Grey Museum; and going into contract to do an update of the Zane Grey House for the National Register since NPS is expanding the designation to include the entire property and out buildings.

Two NPS news releases were handed out to the members. ~Children's summer programs will be held at the Zane Grey Museum including "River Readings", held every Thursday at 10:30 a.m. beginning July 2; and "Backyard Biology", beginning on July 1 at 10:30 a.m. and running through Aug. 12. To register or for more information, contact NPS Education Specialist Ingrid Peterec at 570-685-4871.

~Evening nocturnal program to be held at the Zane Grey Museum using demonstrations so visitors will learn why some species of animals are nocturnal and the adaptations they hold, as well as why it is important for some species to be nocturnal. The nocturnal program will be held 7:30 p.m. July 11. Additionally, on July 25 there will be a Night Sky program at 7:30 p.m. also at Zane Grey Museum.

UDC Executive Director's Report: Bill Douglass announced that the UDC's annual family raft trip will be on Aug. 2 and a news release was handed out to the members and distributed to area media.

The Delaware River Basin Commission meeting will be July 15 in Bethlehem, PA, a different location, and there will be no morning conference session. UDC will attend. On the agenda of dockets will be one for surface water withdrawal for natural gas exploration and development involving Chesapeake

Appalachia. The purpose of this project is for approval of up to 30 mg/30 days or 1 mgd of surface water withdrawal from the West Branch Delaware to support Chesapeake's natural gas development and extraction activities in the Delaware River Basin for natural gas wells drilled into the Marcellus Shale and other shale formations within Pennsylvania and New York State. The surface water withdrawal is located on private property under lease agreement in Buckingham Township, Wayne County, PA. Chesapeake estimates that the majority (90%) of the withdrawn surface water will be used to stimulate horizontal and/or vertical natural gas wells by hydraulic fracturing. Each well stimulation may utilize as much as 8 million gallons of water. This docket only provides the approval of surface water withdrawal to be used to support the aforementioned natural gas development activities. It *does not* approve the natural gas development and extraction activities, which require a separate application. The Commission staff is recommending approval of the surface water withdrawal docket.

Douglass commented that we thought the New York Regional Interconnect's proposed transmission line might be dead, but NYRI has their attorney working on filings to the Federal Energy Regulatory Commission (FERC). UDC will track this.

The teleconference for the Project Committee of the Pond Eddy Bridge has been changed from July 17 to Aug. 4 at 1 p.m.

Old Business None

New Business None

Public Comment

- Buck Moorhead, Building Consensus for Sustainability: Moorhead emailed a public comment to UDC staff for tonight's meeting. It said, "In the interest of clarity and accuracy, and contrary to assertions made by representatives of the UDC and public at last month's meeting, the term "hydraulic fracturing" is *not* mentioned in the River Management Plan. Reiterating my point in last month's meeting, given the fact that over twenty years has passed since the River Management Plan was written, it would be helpful and valuable to the Upper Delaware region to have a conversation between all stakeholders, including landowners, agencies, organizations, and municipalities within this region to see if consensus can be reached about the extraction of gas through hydraulic fracturing in the portion of the river corridor designated as a Wild and Scenic River."

Wieland clarified that he misspoke at the last meeting as hydraulic fracturing was mentioned in the UDC's Draft Position Paper on gas and not the River Management Plan.

- Mike Uretsky, Northern Wayne Property Owners' Alliance: Uretsky noted that at the last meeting, Marian Schweighofer offered to provide the UDC with scientific data on gas drilling from the Alliance's records. The data was included in file folders that Marian handed out to each UDC member. Fluhr thanked Marian for taking the time to make the copies for the Council members. The documents included were: ♦Modern Shale Gas Development in the United States: A Primer ♦Evaluating the Environmental Implications of Hydraulic Fracturing in Shale Gas Reservoirs ♦An Overview of Modern Shale Gas Development in the United States ♦Hydraulic Fracturing Considerations for Natural Gas Wells of the Marcellus Shale ♦Marcellus Shale: What Local Government Officials Need to Know ♦The Economic Impact of the Oil and Gas Industry in Pennsylvania ♦Understanding and Fixing the Gas Exploration Paralysis ♦Hydraulic Fracturing At A Glance.

Adjourn A motion by Roeder seconded by McKay to adjourn the meeting at 8:19 p.m. was carried.

Carol Coney, Office Manager