

UPPER DELAWARE COUNCIL MEETING MINUTES

July 1, 2010

The Upper Delaware Council held its monthly meeting on Thursday, July 1, 2010 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Harold Roeder Jr. called the meeting to order at 7:31 p.m. A motion by Kenny seconded by Boyar to approve the June 3 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-Sue Sullivan, Berlin Township-Lillian Russell, Town of Highland-Andy Boyar, Town of Lumberland-Nadia Rajsz, Town of Deerpark-Phil Chase, Lackawaxen Township-John McKay, Shohola Township-Scott Rando, Westfall Township-Peter Kenny, and National Park Service-Carla Hahn. Also present: Jim Serio-Town of Hancock Alternate; Jim Rodgers-Town of Fremont Alternate. Absent: 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 June 15 Water Use/Resource Management by Jim Serio; June 22 Operations by Harold Roeder Jr.; and June 22 Project Review by Fred Peckham.

Status Reports

Delaware River Basin Commission (DRBC): Handouts were provided to the members. The Delaware River Flow and Storage Data identified a combined New York City Delaware River Basin reservoir storage of 93%. The Delaware flows at Montague from June 1 to June 25 registered 89.1% of normal mean flow or 3,184 cfs average for the period.

The next DRBC meeting/public hearing will be held on July 14 with an informal conference at 10:30 a.m. and the business meeting at 1:30 p.m. Topics of interest to the UDC are a presentation by U.S. Fish and Wildlife Service on the Delaware River Dwarf Wedgemussel Habitat Study, and Stone Energy Corp. docket for water withdrawal for gas drilling.

A copy of an excerpt from the DRBC draft meeting minutes of May 5 for information purposes was provided that presented discussion on a resolution for the DRBC minutes relating to development of new regulations and consideration of pending applications for projects associated with natural gas development in the basin. The resolution directed DRBC staff to develop draft regulations on well pads in the shales for notice and comment rulemaking, postponing the Commission's consideration of well pad dockets until regulations were adopted, and moving forward with water withdrawal dockets in due course.

NYS Dept. of Environmental Conservation (NYS DEC): Two DEC news releases were handed out for the members' information. One announcing that DEC would be removing nearly 100 ash trees in Randolph, Cattaraugus County, in an effort to prevent the spread of the Emerald Ash Borer (EAB) – an ash tree-killing beetle first confirmed in New York State in 2009. For more information, visit USDA's EAB page at www.emeraldashborer.info.

Also reported was that the New York State Invasive Species Council submitted its final report on June 28 to Governor Paterson and the State Legislature entitled, "A Regulatory System for Non-Native Species". The report recommends giving the Species Council authority to develop regulations for a new process that will prevent the importation and/or release of non-native invasive species in New York's waterways, forests and farmlands. The new assessment process would allow the state to categorize invasive species – such as zebra mussels, Sirex wood wasps and Eurasian milfoil – as "prohibited", "regulated" or "unregulated". The 131-page Final Report dated June 10, 2010 can be accessed and downloaded at: www.dec.ny.gov/animals/63402.html or by contacting the NYS DEC Office of Invasive Species Coordination in Albany at 518-408-0436.

Chase brought up a concern he had on retaining the 100 cfs conservation release from the Mongaup system now mandated under the FERC license with Alliance Energy, which has applied to FERC for a license transfer. Chase wanted to be sure the NYS DEC was supporting the continuation of the 100 cfs conservation release. Chase noted that the conservation release doesn't take away from any releases directed from Cannonsville or Pepacton by the Delaware River Master to meet the Montague flow target. Rajsz reported that Sullivan County may be issuing a comment letter on this license transfer. She'd like to see the conservation release remain. Boyar agreed and said the release sustains the Mongaup River very well by adding cold water and aeration. Chase explained that the recreational kayakers through a FERC ruling get two-turbine releases for whitewater kayaking on certain weekends during the season. Rajsz said she'd also like to see the NYS DEC complete its Unit Management Plan for the Mongaup Valley Wildlife Management Area which has been taking years to complete. Rando felt that DEC has supported the 100 cfs in the past and probably would again.

A motion by Chase seconded by Rajsz that UDC issue a letter to the NYS DEC at Region 3 and U.S. Fish and Wildlife at Cortland for assurances that with the Alliance license transfer that the 100 cfs conservation release would be continued in the FERC license to the new operators was carried with one abstention. It was directed that staff would prepare the letter tonight for full Council approval on motion by Keesler, seconded by Rajsz, and carried with one nay. After the letter was prepared, the members reviewed and amended it. A motion by Rajsz seconded by Chase to approve the amended letter was carried.

PA Dept. of Conservation and Natural Resources (PA DCNR): No Report

National Park Service-Upper Delaware (NPS): Carla Hahn, Program Specialist for NPS, provided the report for the NPS Superintendent. The Acting Chief of Protection at Upper Delaware, Joe Nicholson, is retiring this week after over 30 years with the National Park Service at various locations.

Natural Resource Management staff collected water samples at 20 sites which will be assessed for 18 water quality parameters, as part of the Scenic Rivers Monitoring Program. The sampling is in cooperation with the Delaware Water Gap NRA and the Delaware River Basin Commission. The staff has also completed six weeks of creel survey work as part of the cooperative American shad study, along with U.S. Fish and Wildlife Service, NYS DEC, and PA Fish and Boat Commission. Data collection was completed gauging the impact of Galerucella beetles on non-native, invasive purple loosestrife at the release site south of Pond Eddy. On June 30, another 3,000 beetles were released at the site.

Resource Management Specialist Don Hamilton was successful in competing for funds to purchase additional continuous water quality monitors. These monitors collect data without needing constant manpower at various sites throughout the River corridor.

Hahn noted that NPS participation in the Delaware River Sojourn was conducted by volunteers and she added that the event in the Upper Delaware section was very successful. She also gave kudos to Laurie Ramie of UDC who was part of the land-based planning team.

NPS staff will be involved in the following events in July: Zane Grey Festival July 17, Battle of Minisink Commemoration July 17, Sounds and Silence poetry reading July 18 at Zane Grey House; and commemoration at the tomb of the unknown Revolutionary War soldier July 22.

The stimulus funding maintenance projects are nearly complete. The headquarters buildings are nearly all sided for insulation and energy savings. The roofing contract at Zane Grey House should be completed this week.

After recent discussions at UDC meetings, Superintendent McGuinness has arranged for NPS staff to produce 100 River Management Plans, as well as get the Design Handbook reprinted for the benefit of those who do not use computers. This is also in preparation of the River Management Plan review. The

Design Handbook will also be scanned and posted on the NPS website and provided to UDC to do the same. The website is www.nps.gov/upde.

NPS Regional staff have been working with Upper Delaware staff to bring science people together from partner agencies to talk about what we need to know and what we need to do regarding Marcellus Shale gas drilling. The Regional office and U.S. Fish and Wildlife Service have issued a letter to DRBC encouraging them to exercise their Project Review jurisdiction over all natural gas wells, including exploratory wells, in the area draining to Special Protection Waters in the Delaware River Basin. NPS Superintendent McGuinness has encouraged DRBC to exercise their Project Review jurisdiction over all natural gas wells, including exploratory wells.

Hahn reminded the Council about the Aug. 12 U.S. EPA public information meeting in Binghamton on the proposed study of the relationship between hydraulic fracturing and its potential impacts on drinking water.

Hahn also requested that we remind our friends and family again during the July 4 weekend to wear a life jacket when you are recreating in the Delaware River.

She reminded everyone that the Upper Delaware River Roundtable and the Common Waters Partnership are hosting a stakeholders meeting with the gas companies invited on July 22 to provide an opportunity to hear directly from the gas companies about their operations and how they are working to address the major issues raised by stakeholders in the Upper Delaware River basin.

UDC Executive Director's Report: Douglass reminded everyone of the Sullivan County Planning-hosted "Understanding Gas Drilling" series of public forums on natural gas development in Sullivan County, NY. He mentioned he attended the June 29 session on Property and Landowner Issues and felt the forum was very good. The next forums are on July 15-Environmental and Health Concerns, and Aug. 19-Economic Development and Community Impacts. The sessions are held at the Monticello High School. He advised everyone to try and attend these forums.

Douglass called attention to two UDC news releases that were handed out in the member packets. One related to the July 13 application deadline for member towns and townships to apply for the Council's FY 2011 Technical Assistance Grants Program funding. A special meeting of the Project Review Committee on Aug. 10 for applicant interviews and project ranking will commence at 6:30 p.m. Announcement of grant awards is expected at the Oct. 7 full Council meeting.

The other news release announced the Council's annual family raft trip to be held this year on Aug. 1. Reservations with advance payment are required by July 23. The raft trip this year will cover the section between Skinner's Falls and Ten Mile River.

Old Business

Trout fishery, River levels/temps: Chase commented that we have one of the finest trout fisheries in the Northeast but the water temps are high and the river levels low. He asked Serio what the cfs was out of Cannonsville now. Serio responded 345 cfs. Chase was concerned that with the water heating up we could lose a lot of coldwater trout. Boyar commented that the Council's Water Use/Resource Management Committee has begun discussing this issue and will make recommendations to the full Council.

New Business

UDC Comment Letter to PA DEP Bureau of Mining, proposed general permit for bluestone mining 5-acres or less: The members were provided with a second draft of the comment letter to the PA DEP Bureau of Mining and Reclamation relative to a proposed General Permit for Bluestone Mining 5-acres or less. Following review of the letter, a motion by Richardson seconded by Peckham approving the letter was carried. The letter basically related the guidelines in the River Management Plan (RMP) on mining and also noted that the PA Governor and state agencies are in support of the RMP. The RMP does support mining with certain parameters. The Council's letter offered its concern that general permits could be issued by the PA DEP for bluestone mining operations in the Upper Delaware Scenic and Recreational River corridor that greatly exceed the parameters of Minor Surface Mining Operations defined by the Land and Water Use Guidelines in the Plan. Therefore, UDC requested that any applications for mining operations located within the river corridor undergo a full review process and that they substantially conform with the guidelines. Also, that a permit condition that the mined area be done in phases followed

by reclamation might be one way to accomplish this. The Council requested that the requirements under 25 Pa. Code Section 77.121 relating to public notices of filing permit applications not be waived for sites operating under this general permit. The Council requested notification of any future applications for mining activities in Wayne and Pike Counties within the Delaware River corridor.

Resolution 2010-06 Approving FY 2011 UDC line-item budget: The draft FY11 budget came out of the Operations Committee recommended for Council action. However, an executive session was requested toward the end of the Council meeting regarding salary issues. A motion to that request by Richardson and seconded by Keesler was carried. The Council would return to this resolution following the executive session.

Resolution 2010-07 Approving FY 2011 Water Use/Resource Management Committee Work Plan; Resolution 2010-08 Approving FY 2011 Operations Committee Work Plan; Resolution 2010-09 Approving FY 2011 Project Review Committee Work Plan: All committee work plans had come through committee with recommendations for Council action and copies of the work plans had been provided to the members prior to the meeting. A motion by McKay seconded by Rajsz to approve Water Use/Resource Management work plan and then amended to approve all three committee work plans was carried. Richardson pointed out that the response letter from NPS-Upper Delaware regarding UDC continuing its support services to the Upper Delaware Scenic Byway, Inc. was included in the member handout packets for review.

Executive Session: The executive session as motioned and passed earlier started at 8:35 p.m. A motion by Rando seconded by Peckham to come out of executive session at 8:53 p.m. was carried.

Back to Draft FY11 UDC line-item budget, Resolution 2010-06: A motion by Peckham seconded by Boyar that the salaries line-item in the FY 2011 Council budget be amended to use the same amount as FY 2010 salaries was carried. Roeder commented that it was not an easy decision to make. We appreciate the staff. The reason was our financial situation.

A motion by Boyar seconded by Rando to approve the Council's fiscal year 2011 line-item budget as amended was carried with one abstention.

Public Comment

~ Jim Rodgers had a few questions on energy savings with the new work being done at NPS facilities and Carla Hahn briefly reviewed with him the savings and other procedures put in place.

Adjournment A motion by Boyar seconded by Roeder to adjourn the meeting at 9:16 p.m. was carried.