

## UPPER DELAWARE COUNCIL MEETING MINUTES August 7, 2008

The Upper Delaware Council held its monthly meeting on Thursday, Aug. 7, 2008 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Alan Bowers called the meeting to order at 7:36 p.m. The Council members welcomed Supervisor Jeff Dexter from Damascus Township. It was the Township's first meeting as a member of the Council. A motion by Wieland seconded by Richardson to approve the July 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., Town of Cohecton-Larry Richardson, Damascus Township-Jeff Dexter, Town of Tusten-Charles Wieland, Town of Highland-John C. Sundholm, Town of Lumberland-Jay Shafer, Town of Deerpark-Phil Chase, Westfall Township-Alan Bowers, Commonwealth of Pennsylvania-Dennis DeMara, Delaware River Basin Commission-Carol Collier, and National Park Service-Sandra Schultz. Members absent: Lackawaxen Township, Shohola Township, State of New York.

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

### Status Reports

**Delaware River Basin Commission:** Carol Collier reported the reservoirs are back up again and the combined NYC Delaware River Basin reservoir storage is at 88.3%.

At the July 16 DRBC meeting, the Commissioners permanently designated the Lower Delaware as Significant Resource Waters under DRBC's Special Protection Waters (SPW) Program. This action expands coverage of the DRBC's SPW anti-degradation regulations to include the entire 197-mile non-tidal Delaware River from Hancock, NY south to Trenton, NJ. It is believed this establishes the *longest stretch of anti-degradation policy on any river in the nation*.

Collier announced the Decree Parties unanimously approved a temporary program, "Interim Excess Release Quantity Extraordinary Needs Bank for an Emergency Thermal Releases Program for Fishery Protection". DEC is authorized to make emergency releases from a bank of nearly 1 bg of water in the Cannonsville Reservoir to moderate temperature spikes until 9-15-2008. This bank should address thermal needs of the upper main stem of the Delaware River under extreme conditions.

The DRBC will be looking into the 10 new projects on the Neversink River regarding affluent discharge.

The Flexible Flow Management Plan (FFMP) may not be acted on at the Sept. 24 DRBC meeting as previously announced. There are still some points of disagreement.

The DRBC is going to take an active stand on permits regarding water usage in relation to the gas drilling activities in the Basin. A letter was sent to Stone Energy in Wayne County explaining that a review by DRBC of their project was necessary. A verbal response was mentioned but DRBC has not received a written response yet and fines may be applicable. According to DRBC regulations, a withdrawal of 100,000 gpd triggers DRBC review.

Collier handed out an article from the *Albany Times Union*, "NYC demands drilling ban". The article states that "New York City officials have demanded a ban on natural gas drilling near its Catskills reservoirs because they fear the drilling could contaminate the City's drinking water. They've asked the state Department of Environmental Conservation to establish a one-mile wide protective perimeter around each of the City's six major Catskill's reservoirs and connecting infrastructure—a buffer that would put at least 500,000 acres off limits to drilling."

Collier reported she attended an Upper Delaware River Roundtable group meeting in the afternoon prior to the UDC meeting. Pennsylvania just strengthened its regulations by adding a two-page addendum to their drilling permits. She commented the question we have here - are there sensitive areas up here that shouldn't have drilling at all.

Peckham commented that gas companies have formed a group to look into water usage and impacts. There have been meetings with regulatory agencies and the gas companies. Peckham felt that if you restrict land use because of where it is, you should compensate for it, otherwise it could be considered a "taking". Wieland wondered where the DRBC stood regarding running gas pipelines in the watershed or under the Delaware River.

Collier replied it's a concern if it affected a floodplain. As to treatment plants, before gas goes into a pipeline, there are standards that apply regarding quality and psi.

Richardson asked if there was DRBC concern with DEC allowing fracking fluid in open pits. Will DRBC look at this? Collier responded all agencies are looking at this. This is new and different up here. Pennsylvania is addressing this with its regulations. New York State is somewhat lax on this so far. Peckham added that landowners can require steel holding tanks for this fluid in their gas leases. He agreed the wastewater should be treated. Collier commented that DRBC would like to deal with each gas company individually on all their projects in the Basin and not get into a well-by-well scenario.

**NYS Dept. of Environmental Conservation:** Bill Rudge was absent but sent to the members copy of a NYS DEC press release issued July 25, "DEC Announces Public Process to Review Potential Impacts of Drilling the Marcellus Shale Formation". The article noted that DEC has initiated a public process to supplement the generic environmental review for horizontal natural gas drilling activities in the Marcellus Shale formation by featuring a series of public meetings across the Southern Tier and Catskills. At the direction of Governor Paterson, DEC has begun work to supplement the Department's Generic Environmental Impact Statement (GEIS) applicable to natural gas and oil drilling. This supplement will specifically address the potential environmental impacts of horizontal natural gas drilling in the Marcellus formation. While the process of scoping and preparing the Supplemental GEIS is ongoing, any entity that applies for a drilling permit for horizontal drilling in the Marcellus and opts to proceed with its permit application will be required to undertake an individual, site-specific environmental review. That review must take into account the same issues being considered in the Supplemental GEIS process and must be consistent with the requirements of State Environmental Quality Review Act (SEQR) and the state Environmental Conservation Law. Four drilling applications have been filed by gas companies at this point, according to DEC.

By the end of the summer, DEC expects to make a draft scoping document available for public review and comment. To develop the scoping document, DEC will hold a series of public hearings anticipated to begin in September. The DEC will release a final scoping document and then prepare the Supplemental GEIS. They hope to have a draft GEIS ready for public review by early spring, 2009. For more information, go to [www.dec.ny.gov](http://www.dec.ny.gov).

**PA Dept. of Conservation and Natural Resources:** Dennis DeMara reported the Department has been reviewing grant applications the last few months. There is \$26 million in requests from northeast Pennsylvania. The Department hopes to announce grant awards in September or October.

Pike County has completed its Open Space Conservation Plan. It's hoped the Pike County Commissioners will approve it. We'll be working with them on acquiring conservation easements on sensitive properties.

PPL has selected Route B for its expansion of existing power lines.

Northeastern Pennsylvania has been selected for the site of the Greenways & Trails state conference to be held Sept. 28-30 this year at Pocono Manor. DeMara said he had some registration brochures with him if anyone was interested in attending.

**National Park Service:** Sandra Schultz reported the NPS attended a July 9 meeting of the Lumberland Town Board to make a presentation on the mobile units that would be used at the proposed visitors center site. The Town did a resolution of support for the visitors center concept. NPS has ordered two mobile units. They're doing a Request for Proposals for design services for development of the site.

The Zane Grey Museum free weekend event on July 19 saw a good turn out. The new exhibit plans will allow for self-guided tours of the museum so visitors will no longer have to wait for timed tours. NPS is working on design contracts for the Zane Grey historical landscapes project.

Schultz mentioned that unfortunately, there were two drownings in the Delaware on July 4 and one on July 18 related to swimming incidents. The Safety Officer from Washington, DC came up to look into why this was happening. Schultz said clientele coming here are used to swimming pools and are not aware of the dangers of a river environment. NPS can require PFDs on children 12 and under only. NPS tries to make contact with river users explaining safety issues. News releases are issued along with personal contact. The liveries also provide safety talks prior to river trips. Schultz pointed out that this issue shows more contact with visitors at a visitor facility could help to press the message about wearing PFDs all the time when on the River. The NPS-Upper Delaware has a PFD awareness campaign and eye-catching posters are displayed at various locations.

**Executive Director's Report:** Bill Douglass announced the UDC's new website has been up and running since July 4 ([www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org)). There's a section on the site to offer comments.

The Communities Against Regional Interconnect (CARI) will hold a meeting in Binghamton on Aug. 8 and also does teleconferences weekly. The attorneys are working on NYRI proposed power line issues.

The Technical Assistance Grants Program applications will be reviewed by the Project Review Committee at its special meeting on Aug. 12. Applicants are required to attend this meeting. Requests for over \$58,000 were received with the funding pool budgeted at \$30,000 for the 2008 awards.

The NYS Conference of Mayors will be holding a municipal officials symposium relative to the gas drilling activities on Aug. 12 in Binghamton. Douglass felt this event would be worth attending even with the small cost involved. A motion by Wieland seconded by Sundholm to approve Douglass' attendance was carried.

The Delaware Regional Committee of the PA State Water Plan will be holding a public hearing on the draft state water plan on Sept. 11 at the Northampton Community College.

**Old Business** None

**New Business**

**FY09 2<sup>nd</sup> Draft Committee Work Plans:** The members were provided with the draft FY09 committee work plans prior to the Council meeting. Action was taken on the following:

- Water Use/Resource Management Committee work plan: Sundholm made a change to wording on invasive "species". No other changes. A motion by Wieland seconded by Niflot to approve Resolution 2008-04 adopting the work plan as amended was carried; one abstention.
- Operations Committee work plan: No changes. A motion by Richardson seconded by Roeder to approve Resolution 2008-05 adopting the work plan was carried; one abstention.
- Project Review Committee work plan: No Changes. A motion by Roeder seconded by Sundholm to approve Resolution 2008-06 adopting the work plan was carried.

**FY09 2<sup>nd</sup> draft line-item budget:** The members received copy of the line-item budget prior to the meeting. A motion by Wieland to approve Resolution 2008-07 adopting the budget was seconded by Shafer and defeated by a vote of 8 to 2, with 1 abstention. In deference to the timeline to get the cooperative agreement packet to NPS by Aug. 31 that would include the work plans and budget, Bowers would recess the Aug 7 UDC meeting to Aug. 26 at 7 p.m. following the Operations Committee to take action on the FY 2009 budget. The draft budget was returned to the Operations Committee for further discussion and action.

**Draft Letter to the Editor, Sullivan County Democrat – Byway Visitors Center:** The letter to the *Sullivan County Democrat* in support of the Upper Delaware Scenic Byway visitors center came through committee and a draft version was handed out for review. The letter was in support of the visitors center and resulted due to a negative Editorial that appeared earlier in the newspaper. A motion by Richardson seconded by Wieland approving the letter was carried.

**Public Comment** None

**Executive Session:** A motion by Niflot seconded by Wieland to go into executive session at 8:56 p.m. to discuss personnel matters was carried. A motion by Richardson seconded by Wieland to come out of executive session at 9:09 p.m. was carried. No action was taken in executive session.

A motion by Wieland seconded by Roeder to take the recommendation of the Operations Committee in a personnel matter was carried; one opposed; one abstention.

**Recess:** A motion by Niflot seconded by Peckham to recess the Council meeting to Aug. 26 was carried at 9:15 p.m.

Carol Coney, Office Manager

**Upper Delaware Council Recessed Aug. 7, 2008 Meeting  
Aug. 26, 2008**

UDC Chairperson Alan Bowers opened the recessed Aug. 7 Council meeting at 8:36 p.m. on Aug. 26, 2008 held at the Council office on Bridge Street in Narrowsburg, NY.

*In attendance:* Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder Jr., Town of Cohecton-Larry Richardson, Damascus Township-Dolores Keesler, Town of Tusten-Charles Wieland, Town of Highland-John C. Sundholm, Town of Deerpark-Phil Chase, Shohola Township-George J. Fluhr, Westfall Township-Alan Bowers, and National Park Service-Sandra Schultz.

**Public Comment on the Agenda** None

**Old Business**, items of recess

**FY 2009 2<sup>nd</sup> draft Council line-item budget:** The Operations Committee amended the 2<sup>nd</sup> draft of the FY09 line-item budget at its Aug. 26 meeting. Council members attended the Operations Committee meeting to hear the discussion. There were no further changes to the draft budget from the Council members. A motion by Wieland seconded by Chase to approve Resolution 2008-07 adopting the FY 2009 amended budget was carried. There was no further business.

**Public Comment** None

**Adjourn** A motion by Fluhr seconded by Chase to adjourn the meeting at 8:41 p.m. was carried.

Carol Coney, Office Manager