

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
Feb. 17, 2009

Committee Members Present: Wieland, Bowers, Serio, Chase, Sundholm, McKay, Shafer, Fluhr, Keesler
Committee Members Absent: Flaherty
Partner: Hamilton-NPS
Advisory Council: None
Staff: Douglass, Soete, Coney, Ramie
Guests: None

Committee Chairperson Charles Wieland called the meeting to order at 7:04 p.m. A motion by Fluhr seconded by Bowers to approve the Jan. 20 meeting minutes was carried. There was no public comment on the agenda.

New York Regional Interconnect proposed transmission line, update on activities:

◆CARI (Communities Against Regional Interconnect): Douglass attended a meeting in Delhi where CARI representatives made a presentation to officials of Delaware County. The County will be making a donation to CARI. Douglass mentioned that CARI has been receiving donations from its county members as well as some local municipalities. The funding is needed as CARI continues its task of dealing with the proposed power line. Already \$1 million has been spent for attorney fees, court cases, and other projects.

Fluhr suggested maybe it was time to send a letter to the new Secretary of the Interior to apprise him of the status with this power line and remind him that under the River Management Plan for the Upper Delaware Scenic and Recreational River, a power line of this size is a non-compatible use. The committee will discuss this at the next meeting after gathering some information. Bowers offered his concern that the Wild & Scenic Rivers Act could be trumped by this power line given the broad range of powers provided in the Energy Policy Act of 2005. Even if this power line proposal by this particular company goes away, another such entity could decide to offer a similar proposal. Bowers wanted feedback from the federal level as to the security of the Wild and Scenic Rivers Act. Fluhr mentioned that the new Administration has to come to grips with the conflict of protecting natural resources and the country's energy needs. Hamilton commented that the feds have stopped some drilling in Utah close to public lands. Soete mentioned that CARI has provided "expert" testimony to the NYS PSC as part of the hearing process with this power line application.

◆NYS PSC Ruling on Motion to Compel 2-10-09: Douglass noted that the PSC issued a Ruling to address NYRI's motion to compel responses to discovery requests served by NYRI on the New York Power Authority (NYPA). The PSC Ruling agreed on only two items for NYPA: "NYPA shall provide a copy of any final agreement or memorandum of understanding dated since January 1, 2008 to import incremental amounts of Canadian power. And, NYPA shall provide a copy of its most recent completed transmission study addressing the adequacy or needs of the State transmission system assuming the addition of 1000 MW of incremental Canadian power purchases."

◆FERC: Soete mentioned that there was a new ruling from the Federal Energy Regulatory Commission soon to be online regarding NYRI's rate of return request for its power line project. FERC had allowed around 2.5% with additional review pending. NYRI had requested 13.5%.

Old Business

Upper Delaware Scenic Byway Update: Ramie reported that the Byway board passed its 2009 budget. The draft NYS DEC Open Space Conservation Plan was provided to the board for review relative to the Scenic Byway. The group will confer with the surrounding counties' Planning Divisions for further input and may offer comments to DEC by the Feb. 27 deadline. The group accepted a proposal from the Fred Suljic firm for its landscape viewshed project. The Byway is dealing with nine grants that are in various stages. The Byway group will be monitoring the Little Joseph Mine project that was approved by the Town of Cocheton and NYS DEC relative to any impacts to the Byway. The next meeting of the group will be Feb. 23 at the UDC office.

Delaware River Sojourn Update: Ramie reported that the Sojourn Steering Committee has accepted a new fiduciary and administrator for this year's Sojourn, the Upper Delaware Preservation Coalition with assistance from the National Canoe Safety Patrol. They will be paid for their services. New marketing has been instituted with Sojourn information on MySpace, YouTube, and Wikipedia online. The Sojourn has a participation limit of 100 individuals per day for safety reasons. As for the sections to be paddled in the Upper Delaware region, Dick Rhodes is working on that schedule. The next teleconference for the Steering Committee will be March 10.

River Reporter article "Hinchey tells governor: Keep the Greenway": The committee was provided with a news clip from the *River Reporter's* Feb. 3 edition that noted Rep. Maurice Hinchey asked the NYS Governor to pull an environmentally minded state agency, the Hudson River Valley Greenway, from the state budget chopping block. The agency seeks to help municipalities and organizations balance economic development with the protection of scenic, natural, historic, cultural and recreational resources. The committee felt that this information provided a not so rosy picture of any future for the Upper Delaware River Greenway, which bill the Governor has already vetoed due to procedural reasons.

New Business

Upper DelAWARE River Roundtable Meeting Feb. 5: Ramie reported that the Upper DelAWARE River Roundtable met Feb. 5 to discuss natural gas drilling. A matrix was handed out to show gaps in regulatory oversight relative to "Natural Gas Drilling Regulation in the Upper Delaware River Valley" and "Natural Gas Feeder and Pipeline Regulation". The matrix was created as a collaborative tool for use by the Roundtable, which is a network of regional, state and local agencies and individuals. The Roundtable will be gathering copies of stakeholder comments on the NYS DEC scoping document for its Supplemental Generic Environmental Impact Statement relative to gas drilling regulations. The Roundtable will meet again on April 2 at the Tusten Town Hall in Narrowsburg, NY.

TH-Record article "Industry lays out its take on drilling for gas in Sullivan": The committee was provided with a news clip from the *Times-Herald Record's* Feb. 4 edition that reported on the Feb. 3 public information forum on gas drilling sponsored by the industry group, Independent Oil & Gas Association of New York. The article pointed out that "For the first time, residents heard the industry's side of the issue that some claim could make this poor county rich and others say could bankrupt its natural beauty. The crowd of many drilling-inquisitive landowners heard the trade group mention chemicals needed for the horizontal drilling method called 'fracking'. Even though some claim they might pollute the ground, the industry says the state must approve them when it issues new drilling standards that won't be in place before the summer – one reason no drilling permits or applications have yet been issued."

DRBC Flood Advisory Committee Meeting Feb. 11: Douglass reported on the DRBC's FAC meeting Feb. 11 that he attended. He noted that there are 46 members on this committee representing various agencies, organizations, and individuals that deal with flooding issues in the Basin. The agenda topics included: >Meeting Minutes approval. >Hydrologic Conditions report. >National Weather Service grant application. >Floodplain Regulations Evaluation Subcommittee update. >Inventory and Evaluation of precipitation and stream gages in the Basin. Douglass noted here that there seems to be a potential for some gages to be removed due to funding issues and NYC DEP's arguments. >Delaware Flood Inundation Mapping. >Outlining Future Goals/Priorities for Flood Advisory Committee. >Public comment. >Next meeting, will be held May 19.

River Reporter article "Low water on reservoir lakes": The committee was provided with copy of a *River Reporter* article of Feb. 12 reporting that water levels in the Toronto and the Swinging Bridge reservoirs (part of the Alliance Energy's Mongaup system) have become a concern for officials in the Town of Bethel. The Town issued a letter to various public officials saying that Alliance was not complying with agreements to provide recreational opportunities on its reservoirs. The letter says the Toronto has been drawn down so low that the surface area is 150-200 acres less than usual. Another concern was the continuing lowered tax revenues to the town from properties on the reservoir shorelines. A spokesman for Alliance told the newspaper that the company had returned the Swinging Bridge to recreational use ahead of schedule in 2007 following dam repairs. Bill Rudge of the NYS DEC has said the

water levels at the Toronto have historically fluctuated. Toronto is utilized to ensure that the other reservoirs downstream in the system have enough water; therefore, the Toronto is the first reservoir to recede when more water is needed downstream. Rudge indicated that Alliance is meeting all of the required reservoir levels. Chase agreed with Rudge's statement. (The Rio Reservoir in this system discharges into the Mongaup River that discharges into the Upper Delaware River.)

Public Comment Douglass reported that the UDC received on Feb. 11 its partial FY 2009 federal funding. The next process will be doing the paperwork to obtain the balance of the funding. The feds are under a continuing resolution on certain appropriations and therefore partial funding was instituted. It is not known when the final appropriations bill will be passed.

Adjourn A motion by Bowers seconded by McKay to adjourn the meeting at 7:52 p.m. was carried.

Carol Coney, Office Manager