

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
March 16, 2010

Committee Members Present: Serio, Decker, Boyar, Shafer, Keesler, Rando, Ritter
Committee Members Absent: McKay
NPS Partner: D. Hamilton
Advisory Members: None
Staff: Douglass, Soete, Coney, Ramie
Guests: J. Dexter; H. Roeder Jr.

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, March 16, 2010 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Jim Serio opened the meeting at 7:05 p.m. A motion by Boyar seconded by Rando to approve the Feb. 16 meeting minutes was carried. There was no public comment on the agenda.

Old Business

Delaware River Sojourn Update: Ramie reported the Sojourn Steering Committee is looking into funding through the POWR (PA Organization for Watersheds & Rivers) organization. The daily costs for participating in the Sojourn have not been finalized as yet. The T-shirt design chosen was one including a bridge picture in keeping with the theme of the event. On April 13 there will be a face-to-face meeting (as opposed to a teleconference that usually takes place) of the Steering Committee at PA DEP in Bethlehem, PA. The day plans for the event should be finalized soon and posted on the Sojourn website.

Upper Delaware Scenic Byway Update: Ramie reported that the Feb. 22 meeting of the Byway group did not have a quorum. It was decided to take votes by email on some issues that needed to be handled. The Byway discussed a monetary donation to the Upper Delaware Council that provides staff time and meeting room facilities to the Byway. The Nominating Committee will be appointed. Election of officers takes place at the April 26 Byway meeting. A report was heard from the Rt. 97 landscape survey consultant. The visitor center project is being reviewed and changes may be made given Sullivan County's fiscal issues with the matching funds grant criteria. The next meeting of the Byway group will be March 22 at the UDC office in Narrowsburg.

Wayne Independent article: "DEP relaxes rule, Secretary admits 'mistake' in application turn back": The committee was provided with copy of a Feb. 20 *Wayne Independent* news article. The article indicated that the PA DEP is trying to figure out a new way to approach the on-lot sewage issue in Wayne County. The law has been changed as a result of a court decision. The way the PA DEP used to approach this issue has been ruled illegal. DEP will no longer be returning modular applications with no explanation to the townships. The issue met fierce opposition by county and municipal officials and others and DEP is working with them to meet the law as well as protect the water quality of the area.

NYC DEP West of Hudson Hydroelectric Project-Couch White Progress Report No. 2: The committee received copy of a letter from NYC DEP's attorney to FERC that constituted Progress Report No. 2 concerning the West of Hudson Hydroelectric Project. It noted that the FERC issued an Order Oct. 21, 2009 granting the City's request to utilize the Traditional Licensing Process (TLP) with respect to the Project. The UDC had issued a letter of concern to FERC favoring the Integrated Licensing Process (ILP) since it would ensure the necessary framework through which the permittee and the participants could engage in an open dialog regarding the necessary studies to be performed. It would also allow a broad range of operational alternatives to be considered in terms of power generation and potential environmental impacts. The City's Cannonsville Reservoir feeds the main stem Delaware River.

The committee discussed the concerns it had with the TLP process, such as impacts to water temperature, flows, habitat, and such. If New York City would be using the simplified process, some of the concerns the committee discussed might not be fully addressed. Serio offered to contact the NYC DEP to see how UDC can start the process to have someone from DEP attend a meeting to explain operations

under TLP and answer questions. Ritter suggested video-conferencing if no one from DEP could make the trip to a committee meeting.

New Business

Report, DRBC Public Hearing Feb. 24 Stone Energy Dockets: The committee heard a short report from staff concerning the Delaware River Basin Commission's public hearing Feb. 24 on the Stone Energy natural gas Dockets. There was an audience of over 200 people. DRBC took testimony from 3 p.m. to 8:20 p.m. Testimony was limited to three minutes each. The majority of the statements were against the Stone Energy proposals citing numerous impact concerns. Those in favor cited economic benefits to the area. Comments were also made to give the states (NY and PA) time to get regulations in order. The comment deadline for these Dockets has now been extended to April 12. There was no time limit announced on when the DRBC would make a decision on the Dockets.

Report, Common Waters Partnership Stakeholders meeting March 10: The committee heard a short report from staff on the Common Waters Partnership meeting of March 10. The Partnership is attempting to gather all stakeholders, both pro and con on gas drilling, to discuss common interests on natural gas. Hess and Chesapeake representatives attended the meeting. Participants broke up into focus groups to discuss different issues. The Partnership plans to meet every two months on this issue and there will most likely be subcommittees formed. Hamilton felt the meeting was good and it seemed the best way to protect natural resources was to get everyone at the table to discuss issues and accommodate people's concerns. He mentioned that the Pinchot Institute had received a grant to facilitate the meeting. Soete noted that a flow chart of ideas out of the discussions would be sent to the participants. Serio requested that the flow chart be emailed to the WU/RM Committee.

TH-Record article: "Sullivan Legislature votes against gas drilling on county-owned land": The committee received copy of a news article indicating the Sullivan County (NY) Legislature unanimously voted in committee not to allow natural gas drilling on county-owned property until its impact on the environment, safety and public roads and bridges was identified and addressed. The measure would not stop private property owners from selling their mineral rights for gas drilling. In a related vote, the committee unanimously passed a resolution asking the federal government to regulate fracking and end the current exemption gas drilling enjoys from the federal Safe Drinking Water Act.

Wayne Independent article: "County hears of gas well applications": The committee received copy of a news article indicating the Wayne County Commissioners received notice of a proposed exploration gas well in western Lebanon Township. Stone Energy has applied to PA DEP for an Erosion & Sediment Control General Permit for the project. The project, identified as Pitcairn Well Site, involves a 594-acre site. Construction plans include a 7,500 foot access road; 120,000 square foot seeded pad; a frac pond and 22,500 square foot gravel well pad. The Wayne County Commissioners have 30-days to submit any comments on the proposed project to the DEP.

Chronicle-Express article: "DiNapoli presses for natural gas companies to make disclosure to shareholders": The committee received copy of a news article that indicated NYS Comptroller DiNapoli will continue to press energy companies to disclose to their shareholders the environmental and regulatory risks associated with unconventional natural gas extraction including hydraulic fracturing. DiNapoli is a trustee of the NYS Common Retirement Fund and has made contact with five companies – Chesapeake Energy; XTO Energy; Range Resources; Hess; and Cabot Oil & Gas – on the issue. The Securities and Exchange Commission in late January issued a letter disagreeing with Cabot that the company had legal grounds to keep the resolution off the shareholder ballot at its annual meeting this spring.

"PA Environmental Digest" article, with report: "PA Makes Recommendations on Delaware Reservoir Fisheries Water Releases": The committee received copy of a "PA Environmental Digest" news article indicating the PA Fish & Boat Commission (as well as the NYS Dept. of Environmental Conservation) announced the release of a fisheries recommendation for management of water released to Delaware River tributaries from the New York City water supply reservoirs. The recommendation focuses on the Delaware River and its tribs, the East Branch, West Branch and Neversink rivers where NYC

reservoirs are located. The report, entitled *Recommended Improvements to the Flexible Flow Management Program for Coldwater Ecosystem Protection in the Delaware River Tailwaters*, was completed on Jan. 12, 2010, and is a collaborative effort by both fishery agencies.

The newly released fisheries position calls for improvements in the Flexible Flow Management Program (FFMP) that manages reservoir releases and expires in 2011. The report sets management objectives and levels of protection for fisheries in various tributary and Delaware River segments downstream from water supply reservoirs. The fisheries recommendation is condensed to a table of reservoir releases from Cannonsville, Pepacton and Neversink reservoirs that modifies the current FFMP to better support cold water ecosystems downstream of the reservoirs to the town of Callicoon. The majority of flow supporting Delaware fisheries is released from Cannonsville reservoir into the West Branch and the fisheries recommendation calls for 1.35 to 2 times the existing flow in the summer and winter when reservoirs are relatively full. Trout spawning and incubation habitat, adult trout habitat, and riffle dwelling fish habitat all improve significantly under the recommendation. The dwarf wedgemussels will be protected by the fisheries proposals. A complete copy of the recommended improvements can be found on the Fish and Boat Commission website, www.fish.state.pa.us. Serio mentioned this is a step forward and we'll see what happens from here with these recommendations.

NYS DEC news release: "DEC Reports Record-Setting Year for Peregrine Falcon": The committee received copy of a DEC news release indicating that 2009 proved to be a record-setting year for peregrine falcons in many productivity categories according to a new report released March 10 by the NYS Dept. of Environmental Conservation. DEC surveys found that there were 73 territorial pairs of state endangered peregrine falcons present in the state. That's a slight increase from 2008. Also in 2009, 61 pairs bred and produced 132 young, also slightly up from 2008. New York State has the largest population of peregrines in the eastern United States. To view the report go to the NYS DEC website, www.dec.ny.gov.

NYS DEC news release: "DEC Invites Hunter Input on Fall 2010 Waterfowl Season": The committee received copy of a DEC news release indicating DEC is inviting hunters to submit recommendations to regional Waterfowl Hunter Task Forces for the dates of the fall 2010 duck hunting season. DEC will evaluate the task force recommendations in setting waterfowl seasons, which must comply with federal rules. The deadline for comments is March 25. Input on hunting seasons for other migratory game birds, including Canada geese, snow geese, brant and woodcock, may be submitted also to any member of DEC's season-setting team. However, due to greater uncertainty about federal regulations for those species, decisions and tentative dates will probably not be known until later in the summer.

Lackawaxen River Conservancy 2009 Annual Report: The committee received copy of the Lackawaxen River Conservancy's 2009 Annual Report. Through its public outreach programs and partnership activities, the Conservancy works to promote community awareness and an enlightened stewardship of the ecosystem. The Conservancy intends to raise greater awareness of the organization and its goals throughout the 600 square mile Lackawaxen watershed.

The Lackawaxen River has been designated as Pennsylvania's River of the Year for 2010. Further information is available on their website: www.lackawaxenriver.org.

Public Comment None

Adjournment A motion by Rando seconded by Keesler to adjourn the meeting at 8:09 p.m. was carried.

Carol Coney, Office Manager