

Upper Delaware Council  
**WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES**  
**June 16, 2009**

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

The committee chairperson Charles Wieland called the meeting to order at 7:14 p.m. A motion by McKay seconded by Bowers to approve the May 19 meeting minutes was carried. There was no public comment on the agenda.

**Natural Gas Drilling/Exploration Update on Activities:** ♦The committee was provided with copy of news release from Cong. Maurice Hinchey. The news release was announcing that on June 9, Congresspersons Hinchey, DeGette, and Senator Casey introduced legislation in the House and Senate to protect drinking water supplies from harmful chemicals often used in natural gas drilling. The FRAC Act – Fracking Responsibility and Awareness of Chemicals Act - would close a loophole created in the Energy Policy Act of 2005 that exempted hydraulic fracturing from the Safe Drinking Water Act. The FRAC Act would also require the oil and gas industry to disclose the chemicals they use in their hydraulic fracturing processes. Currently, the oil and gas industry is the only industry granted an exemption from complying with the Safe Drinking Water Act.

♦The committee was provided with a *River Reporter* article of June 4, “DSGEIS: Officials, organizations call for time and access.” The article noted that Sullivan County officials as well as 19 organizations are calling for public hearings and an extended public comment period relative to the pending release of the NYS DEC’s supplemental GEIS (Generic Environmental Impact Statement) for horizontal drilling and hydraulic fracturing for natural gas development in the Marcellus Shale. They are asking for at least 2 public hearings in Sullivan County and an extended public comment period from 30 to 60 days. Sullivan County will also be working with other counties on significant regional issues.

♦Recent newspaper articles are reporting that the Planning Committee of the Sullivan County Legislature approved resolution recommending the Delaware River Basin Commission (DRBC) prohibit extracting gas in 100-year and 500-year floodplains. This is to protect life, property, health of the river basin and its communities, from adverse environmental impacts on water resources resulting from gas extraction.

**Old Business**

**NYC DEP Delaware Aqueduct Leakage:** The committee was provided with a *Times Herald-Record* article of June 6, “NYC launches probe to inspect leaky aqueduct”. The article explained that New York City had lowered on June 5 a picture-taking torpedo (AUV-Autonomous Underwater Vehicle) into a shaft of the Delaware Aqueduct’s Rondout-West Branch Tunnel to take digital pictures that will tell the NYC DEP engineers where all the cracks are, and how much has changed inside the tunnel since a similar inspection was done in 2003. It is estimated that the tunnel leaks as much as 35 mg of water daily.

Chase wondered what the results were of the last probe. Douglass commented that at the DRBC meeting several months ago they showed a video of the last probe. Bowers wondered if NYC had ever de-watered the tunnel and Chase responded no. Chase was concerned that the tunnel would then collapse. Shafer mentioned that Orange & Rockland Utilities had a collapse under similar circumstances years ago.

**NYS DEC open burning rules, proposed amendments:** The committee was provided with copy of a June 10 *Walton Reporter* article, “DEC Prepared to Amend Rules on Open Burning.” The article noted that DEC has proposed amendments to its rules and regulations to further curtail the use of open fires and open burning across the state. DEC says the need to update the laws is based on the changes in the types of materials that are now being burned and the increased knowledge about the toxic materials, including dioxins, arsenic, benzene, lead and carbon monoxide. The amended regulations can be viewed by going to

the DEC website, [www.dec.ny.gov](http://www.dec.ny.gov) and clicking on “Regulations and Enforcement” in the left column, then clicking on “Proposed Regulations” in the left column. Comment deadline is June 26, 2009.

**Delaware River Sojourn Update:** Ramie reported the 15<sup>th</sup> annual Delaware River Sojourn starts Sunday, June 21 in the Upper Delaware section. There was a teleconference today finalizing details. The preliminary counts are June 21 – 43; June 22-53. The Day 1 float will be from Kittatinny’s Pond Eddy Access to Staircase Rapids Access, which is 5 miles. Day 2 will be from Staircase Rapids Access to Kittatinny’s River Beach Campground, 12 miles. Day 1 programs include a group photo at the historic Pond Eddy Bridge; and 18<sup>th</sup> Century Frontier Life and Cooking demonstration by Historian Peter Osborne. Day 2 programs include Geology talk by Dave Kovach of DRBC, greeting from the City of Port Jervis, and musical entertainment by PJ Lynch. The special recognition Lord High Admirals’ designations for each day of the Upper section will be presented on Day 1 of the event.

**Upper Delaware Scenic Byway Update:** Ramie reported the Byway group met June 1. The Village of Hancock has appointed a new Representative to the group, Gerald DaBrescia, who replaces Jim Serio. The Marketing Subcommittee interviewed the candidate to sell business memberships for the Byway website. The Digital Map project subcommittee met May 27 to view the consultant’s GIS map. The Byway group is in the process of purchasing the ArcView software and laptop for this project. Ed Boyer will take the GIS training for the implementation of this project. Members have been reminded to complete their New York State grant projects for reimbursement. The state’s Bigger Better Bottle bill didn’t take effect June 1 due to a lawsuit. The Byway supported this bill. The next meeting of the Byway will be June 29 at the UDC office.

**Upper Delaware River Roundtable Update:** Douglass noted the Roundtable met June 4 at the Tusten Town Hall in Narrowsburg. Aerial and ground photos were shown of the gas drilling in Susquehanna County centered on the Dimock, PA area. Hamilton added that the Roundtable formed one committee to look into significant natural and cultural resources in the area that could be impacted by gas drilling. Hamilton noted that he misspoke at the June 4 UDC meeting. There is no gas drilling application for land near the main stem Delaware. There is an application on property at the West Branch Delaware.

### **New Business**

**DRBC’s Regulated Flow Advisory Committee (RFAC) meeting June 17:** The committee received copies of the RFAC agenda for its June 17 meeting. Among the topics included: report on Subcommittee on Ecological Flows (SEF) activities; temperature range required for suitable trout habitat in Upper Delaware; and fisheries and flood mitigation constitutes’ proposal. Douglass noted he’d be attending the meeting.

**River Reporter article, American Rivers’ rep visits region:** The committee was provided with copy of a June 4 article in the *River Reporter*. The article notes that longtime American Rivers supporter and resident of Long Eddy, NY, Don Downs, invited American Rivers deputy vice president Wilke Nelson to the Upper Delaware and join members of the Mohawk Canoe Club for a river trip beginning in Hancock, NY. Hamilton of NPS was able to speak to Nelson while he was here on various Upper Delaware issues. In 2007, the Upper Delaware River was included in the American Rivers’ Most Endangered Rivers list due to a massive power line project proposed by New York Regional Interconnect.

**NYS DEC news release, “Emerald Ash Borer Traps Are Being Deployed Throughout the State”:** The committee was provided with copy of a June 5 news release issued by NYS DEC. The news release stated in part that DEC along with other federal and state agencies were setting baited traps in ash trees across upstate New York in an effort to search for possible infestations of the Emerald Ash Borer, a tree-killing beetle. It has been documented that a main route that enables this insect, as well as other invasive species, to spread is from moving firewood from one place to another. All New York’s 900 million ash trees are at risk should this invasive, exotic pest become established.

**Wayne County Area Habitat Fragmentation Program:** Douglass noted he had received a request from the Wayne County (PA) Area Habitat Fragmentation Program to assist them with securing additional

speakers to be part of a panel on July 23 dealing with habitat fragmentation due to gas drilling. The Council will oblige.

**Public Comment** None

**Adjourn** A motion by Bowers seconded by Chase to adjourn the meeting at 7:54 p.m. was carried.

Carol Coney, Office Manager