Upper Delaware Council

WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES

July 20, 2010

Committee Members Present:	Serio, Chase, Boyar, Keesler, Rando
Committee Members Absent:	McKay, Shafer, Ritter
NPS Partner:	D. Hamilton
Advisory Members:	None
Staff:	Douglass, Soete, Coney, Ramie
Guests:	Prof. P. Kolesar, A. Willard

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, July 20, 2010 at the Council office in Narrowsburg, NY. Committee chairperson Jim Serio called the meeting to order at 7:14 p.m. A motion by Boyar seconded by Rando to approve the June 15 meeting minutes was carried. There was no public comment on the agenda.

Old Business

Upper Delaware Scenic Byway, Inc. Update: Ramie reported the Byway group met June 28 but no quorum was seated to conduct official business. The group embarked on informal discussion. The landscape survey project now has 5 to 6 property owners willing to allow selective vegetative clear-cutting on their property to open up vistas to the Delaware River. The visitor center request for proposals for design concepts has 6 entities invited to interviews taking place July 14 and 28.

Pond Eddy Bridge Update: The PennDOT Project Committee teleconference for the Pond Eddy Bridge project was held July 6. Ramie noted that lack of funds for projects is slowing down all project work. Since this bridge project is dealing with the public safety, they're going to try and elevate the project's priority on the project list and possibly secure some funding under safety considerations. Construction costs only for this project are: 4-span $8.7 million; 3-span $9.3 million; 2-span $10.3 million; and rehab existing bridge $10.8 million. PennDOT is continuing to promote replacement of the bridge. Both NYS and PA will share the costs. The next teleconference is scheduled for Aug. 3.

Flow and Release Presentation and Discussion for the Delaware River, Part 2: Serio introduced Prof. Peter Kolesar who would be expounding on the points discussed by Serio at last month's meeting. Kolesar reiterated items covered at the June meeting with added facts in his PowerPoint presentation, Improving Water Releases Policy for the Upper Delaware River. (Serio will try and provide to the committee the hard copy of the PowerPoint presentation.)

(In Brief) Kolesar summarized Serio's description of the Delaware River system from last month's presentations. He described the current FFMP (Flexible Flow Management Program) and he encouraged the committee to support improvements. He noted there were diverse and competing interests for the river, including water supply, flood protection, recreation, environmental (i.e. trout, shad, dwarf wedgemussel, Delaware Bay oysters), and the usual political issues since this involves the four basin states and the City of New York He displayed a schematic view of the New York City water diversions from Cannonsville, Pepacton, Neversink. NYC can divert 800 mgd for water supply based on the Supreme Court Decree. NYC has obligation to maintain the 1,750 cfs flow target at Montague, NJ on the Delaware. Anything done about flows on the River has to bear these constraints.

The role of PPL's Lake Wallenpaupack dam is to generate power so the release schedule assists with maximizing revenue. It has an impact on the upriver Delaware as water released from Lake Wallenpaupack (through Lackawaxen River) is counted towards the 1,750 cfs flow target at Montague. When PPL is generating, NYC doesn't have to release as much water to meet the flow target. Chase commented that the Rand Corp. study said some day in the future the 800 mgd could be reduced. Kolesar noted that it was a view in some organizations that the 800 mgd should be challenged in Court since NYC does not use that amount, but they are entitled to it. Kolesar mentioned that he was working within the 800 mgd under the Decree. Is the 800 mgd a "fair use"? Was there appropriate environmental impact review of that 800 mgd?

Boyar commented that he heard NYC was down to 615 mgd and he queried if that was true, and if true, can that figure be plugged into the OASIS model. Kolesar responded that's a major principle of what Serio and I are working on; to make calculations on "actual" NYC usage. NYC is now in range of 500 mgd. Hamilton felt flow targets further upstream were needed in addition to Montague and wondered how difficult it would be to get flow targets upstream of Montague. Kolesar offered that might not prove as good as you think. We looked at Jeff Cole's paper on dwarf wedgemussel habitat and ran various ideas with flow targets at Callicoon. This is not the most efficient way to manage river, but an upriver flow target is an option we'll look at. We can run many and varied simulations on the models. Serio added that as you move upriver with higher flow targets then flow targets downriver take care of themselves. Kolesar stated there are alternative ways to use the releases in a better way. Hamilton asked if the Mongaup flow was left out of calculations because it was too small. Kolesar agreed it didn't have significant impact on the Montague flows. He said you can model Lake Wallenpaupack releases as they are included in DRBC policies.

Chase asked if NYC connects the Delaware and Catskill aqueducts won't that allow NYC to take the full 800 mgd? Kolesar responded that the Delaware system is the best water for NYC to take and the City doesn't want to do filtration avoidance, so it's easier to use tunnels and the aqueduct connection should be studied.

Kolesar mentioned that all water in the reservoirs has to get into the ocean some how. The issue is the timing, water is either diverted, released or spilled. We want maximum benefit of that flow. Our goal is to get more coldwater in trout habitat river sections in the summer months. Hancock to Lordville is a critical cold water habitat section of the river. Cannonsville releases are twice as effective at creating cold water habitat as are Pepacton Reservoir releases. Pepacton is better drinking water and NYC prefers to divert that higher quality water to NYC. This works out well, as NYC prefers to release from Cannonsville for the river and so do we, as it produces more habitat.

As to the use of the Upper Delaware water - 54% of the water is taken out to New York City; of the 46% left, 20% is released in the river to meet the Montague flow or conservation needs; 26% is spilled over top of dam (wasted water). We're looking for policies to convert wasteful spills to releases. Also, spills add to the heightened risk of floods. The 54% could increase to 68% if more water diverted (up to 800 mgd) to NYC as there are tremendous imbalances in the system. Each reservoir is different in size and drainage area. You need to understand the differences. On diversions to NYC - 54% out of Pepacton; 69% of spills come out of Cannonsville. The idea is to reduce spills and have water come out late summer and early spring when we need it. NYC operates on a water year of June 1 through May 31 and they want their reservoirs full by June 1. We're in conflict with the flood people that want 20% reservoir void. If we gat a 20% void in June there's not enough "good" water for fishery habitat.

In the 1960s there were droughts one after another and that's what NYC is concerned about. Any suggestions we make have to take into consideration not to make droughts worse. Kolesar said that NYC needs to be prudent, but he felt they ware being excessively prudent. NYC is forcing us to use their drought-days scenario. It has worked well for NYC for 30 years. Interplay between the drought curves is very important.

The major issue with the FFMP as implemented – using 800 mgd as base factor or projection of 765 mgd. NYC is afraid if they say use projected diversions of say 550 mgd; when and if they needed the entitled 800 mgd they would not be able to get it back. Moving forward – The FFMP expires Oct. 1, 2011. New augmented FFMP policy should be based on actual NYC diversions. An interim step would be to implement the NY-PA white paper. Letters and actions of support for that would be desired. Kolesar ended his presentation by stating that our goal is to create a win-win strategy for everyone.

Delaware River Basin Commission July 14 meeting: Douglass noted that staff attended the July 14 DRBC meeting in West Trenton, NJ. There were about 600 in attendance. During the afternoon business meeting, items on the agenda included several requests for hearings filed with DRBC concerning natural gas exploratory wells, and a water withdrawal Docket for the Stone Energy Corp. that had been through a public comment period. During the general comment period, natural gas drilling proponents and those concerned with environmental impacts and/or no drilling were allowed time to make public comment. Proponents wanted the DRBC to modify its recent decisions in order to allow development of the Marcellus Shale gas play to move forward, while the other group wants studies done and oversight in place before natural gas drilling/exploration takes place in the Delaware River Watershed. Ramie reported there were 82 speakers heard in two hours. Sentiments on the issue were running 50/50 for and against. The

DRBC announced at the meeting that its draft natural gas regulations should be published for public review by the end of summer 2010 and will include at least one public hearing and an opportunity for the public to submit written comments on the draft before the Commissioners consider adoption of the regulations. The Commissioners also granted requests submitted by a few groups to schedule an administrative adjudicatory hearing on whether to modify the executive director's June 14 Determination to require natural gas companies to submit applications to DRBC for approval before installing exploratory wells, except those that had received state approval prior to June 14. The Stone Energy West Branch Lackawaxen River water withdrawal for gas drilling was approved.

New Business

Damascus Township Report: Keesler informed the committee that a subsidiary of Newfield Exploration has filed a federal lawsuit against Damascus Township. The township had issued a stop-work order on Newfield regarding an exploratory gas well location because the company had not applied to the township for a change of use permit on the land involved based on its zoning ordinance. The suit alleges that state law supersedes all local authority to regulate or require any special permit upon natural gas exploration and development. The committee was interested in how the Court would rule in this matter. They felt that local municipalities should have some oversight on this industry.

Delaware River Water Trail Sign Plan Public Info Session July 19: UDC staff did attend a public information meeting regarding the Delaware River Water Trail Sign Plan. There was interesting discussion. A map brochure detailing the Delaware River Water Trail was provided to the committee.

Informational Handouts: Serio referenced two handouts that he asked the committee to read and provide comments if they wanted at the next meeting given the lateness of the hour. They were:
~A news article about NYC DEP's public hearing in Grahamsville, NY in July where DEP shared its plan to solicit 440,672 additional acres and acquire as much as 96,948 acres in the Catskill-Delaware watershed by the year 2022. One-third of the watershed is already preserved and the local municipalities are concerned with their economic base. The public hearing was part of the DEP's application for a 10-year extension of its water-supply permit, which expires in 2012. The DEP must continue to buy land to protect its reservoirs under the terms of a federal agreement that let New York City avoid filtration of its drinking water. New York City says a filtration system could cost upwards of $20 billion.
~A copy of a May 26, 2010 NPS-Upper Delaware comment letter to DRBC about natural gas wells in the area draining to Special Protection Waters in the Delaware River Basin. In part the letter stated: "Through the DRBC, the people of this region have considerable discretion over where surface activities and development can be located throughout this blanket shale formation. We recognize that state regulations provide a measure of protection for the region's water resources. However, given the national and regional significance of the Wild & Scenic Delaware River, extra protections above and beyond those already afforded by state programs are warranted. We call upon the DRBC to prioritize landscapes for protection based on the ecosystem services they provide, require thoughtful siting of development to minimize disturbance, and mandate the use of Best Management Practices and riparian buffers to help ensure that Special Protection Waters are not degraded and other high quality resources are preserved for current and future generations."

Public Comment None

Adjournment A motion by Boyar seconded by Rando to adjourn the meeting at 9:30 p.m. was carried.

Carol Coney, Office Manager