

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
Jan. 15, 2008

Committee Members Present: Wieland, Serio, Bowers, Chase, Fluhr
Committee Members Absent: Barnes, McKay, Shaffer, Flaherty
Partner: Henry
Advisory Council Members: None
Staff: Douglass, Soete, Coney, Ramie
Guests: None

Election of 2008 committee chairperson and vice-chairperson: The committee meeting was called to order by the 2007 chairperson Alan Bowers. The floor was opened for nominations for election of committee chairperson and vice-chairperson. Chase nominated Fluhr; Fluhr declined. Fluhr nominated Wieland. Charles Wieland was elected as 2008 WU/RM Committee chairperson and conducted the remainder of the meeting.

Wieland nominated Bowers for vice-chairperson; Bowers declined. Wieland nominated Serio. Jim Serio was elected as 2008 vice-chairperson.

Minutes A motion by Fluhr seconded by Bowers to approve the Dec. 18, 2007 meeting minutes was carried.

Public Comment on the Agenda None

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

~CARI: Douglass reported that CARI had received \$400,000+ funding as promised by the NYS Senate. This is partial funding of the amount promised. Each county member of CARI has also provided funding to the group.

CARI has filed with the NYS PSC a Response to Petition of NYRI for a Declaratory Ruling from the PSC regarding eminent domain. CARI requested PSC not to approve the NYRI request, but if they do, CARI would like an approval to respond. The City of Utica also filed a similar petition with the PSC.

~NYS Governor proposed legislation to enact a new power plant siting law during his State of the State address on Jan. 9. The Administration will work with the Legislature to enact a new siting law that provides certainty and speed for power companies looking to build new, cleaner generation, while protecting state citizens and communities from the adverse environmental effects of power plant construction and operation. New York State's previous legislation on this, Article X, expired in 2003.

~Environmental groups sue DOE over NIETC: Eleven regional and national environmental organizations have joined the growing opposition to the federal ruling that would allow power lines like NYRI's to bypass state approval. These groups will file suit Monday with the U.S. Dept. of Energy (DOE) over its recent designation of a Mid-Atlantic National Interest Electric Transmission Corridor. The groups say the DOE violated the National Environmental Protection Act and the Endangered Species Act by failing to study the potential harmful impact of the NIETC on air quality, wildlife, habitat, and other natural resources. Some of the groups filing suit include the Catskill Mountainkeeper, Sierra Club, and National Wildlife Federation.

Old Business

UDC comment letter to DRBC regarding FFMP: The committee had been asked to review the UDC's comment letter of September regarding the FFMP relative to making changes. DRBC will hold a public hearing about the FFMP on Jan. 16 in West Trenton, NJ and the comment deadline is Jan. 18. The committee was provided with documents that included statements on the FFMP from Trout Unlimited (TU) and the Delaware Riverside Conservancy. Serio also provided the committee with a copy of the Jan. 15 clarification statement from TU. Chase felt that TU made an excellent statement. Wieland noted that the UDC comment letter seemed to be comprehensive enough. Serio noted that TU supports the FFMP but they feel there's a need to conserve more water to protect the Delaware River fishery. He mentioned that the Conservation Coalition, of which he is a member, has been asked to be on the agenda of the RFAC

(Regulated Flows Advisory Committee) meeting on Jan. 16 to present their modeling findings and other information. The DRBC wants the Callicoon flow target gage to be on record. The DRBC thinks this will assist the Upper Delaware due to the flows out of PPL's Lake Wallenpaupack. Serio and Douglass agreed the UDC comment letter was sufficient and the committee concurred.

Sullivan Co. casinos, U.S. Interior denied: Douglass reported that the U.S. Dept. of Interior Secretary has issued a press release indicating that the federal government rejected plans for two casinos in the Catskill Mountains because the reservations of the two tribes that submitted casino plans were too far from where the casinos would be built. The Secretary of the Interior issued letters to the tribes, St. Regis Mohawk in Massena, NY and the Stockbridge-Munsee in Wisconsin. The Secretary indicated in his letters that the casinos would be too far away to offer jobs to tribal residents and that forcing residents to relocate would hurt the reservations. The casinos proposed would have been built in Sullivan County, NY.

Delaware River Sojourn update: Ramie briefed the committee on Sojourn activities. The theme selected is "2008 Delaware River Sojourn, Conserving Our Wild and Scenic River." They hope to involve more children in the Sojourn and have risen the low-rate age to 15 years. Cost would be \$60 for adults and \$40 children under 15, with a one-time insurance fee of \$8. The Upper Delaware section of the Sojourn includes trips from Narrowsburg to Ten Mile River and Callicoon to Narrowsburg. There will be activities planned at Fort Delaware in Narrowsburg as well. The Sojourn Steering Committee's next teleconference is Feb. 12.

Upper Delaware Scenic Byway: Ramie briefed the committee on Upper Delaware Scenic Byway activities. The member municipalities are providing the names of their 2008 representatives and alternates to the Byway group. The Sullivan County Legislature has restored \$150,000 in funding for the visitor center which will be the County's match to a federal grant. This will allow work to proceed on the visitor center. The property transfer from the Cochecton Preservation Society to Sullivan County is still pending. The NYS Scenic Byways program has approved a \$12,500 federal grant work plan for digital mapping of the Byway and placemats using the map as an advertising tool. Orange County had secured a \$5,000 I Love New York reimbursement grant that covered the Byway radio ads on 1010 WINS. The Byway group intends to increase its donation to the Upper Delaware Council for use of its facilities and staff by 10% making the amount \$2,750. Byway ads are appearing in the Sullivan County and Delaware County travel guides. Ramie displayed the Delaware County ad. The Byway group meets again on Jan. 28 at 7 p.m. at the UDC office in Narrowsburg.

UDC booth at EagleFest, Narrowsburg: Ramie invited everyone to stop by the UDC booth at the Tusten Town Hall on Saturday, Jan. 19 as part of the activities of the Narrowsburg EagleFest. The event is sponsored by the Delaware Valley Eagle Alliance and runs from 9:30 to 4:30. Douglass noted the event improves every year and attracts many visitors and urged the committee to come and visit.

New Business

RFAC meeting Jan. 16: Douglass announced that the Council has received the minutes of the June 27, 2007 Regulated Flows Advisory Committee if any member wanted a copy. He also mentioned that the RFAC will hold a meeting on Jan. 16 as mentioned that will include further discussion on the FFMP. Serio said he plans to attend.

NY-PA cross-border group meeting Jan. 10: Coney read aloud comments from Sandy Schultz-National Park Service regarding the Jan. 10 meeting at the Tusten Town Hall in Narrowsburg of the ad hoc NY-PA cross-border group. "There is a lot of grass roots and agency support for preserving the River valley and its quality of life as currently being managed by the NPS and UDC. They favor continued natural resource conservation. Meetings will continue for this group. The downriver Tri-State cross-border group is more formalized and is continuing its meetings. NPS-Philadelphia may assist with funding."

Douglass read aloud a statement from notes of the Dec. 6 meeting of the NY-PA group: "While conservation centered around synchronization of grant applications, a regional guide to planning, and possible collaborations between the tourism promotion agencies and county planning departments, the major focus of comment was directed toward how we shift the paradigm of apathy and frustration and work

toward a more engaged citizenry, and thus transforming home rule as a positive for community self-determination." Douglass noted the intent is to get more groups involved and start combining forces for various projects.

ASMFC PID for Amendment 2 to Interstate Fishery Management Plans for Shad & River Herring, comments due Jan. 28: Soete reported that the ASMFC (Atlantic States Marine Fisheries Commission) has issued a PID (Public Information Document) relative to possible changes to the shad and river herring plans. The PID public comment deadline is Jan. 28. Soete noted that the shad populations have been declining and ASMFC is looking at mitigation options. He will review the PID and draft comments if necessary.

NYS DEC public info meeting on American Shad Jan. 15: The committee was provided with copies of NYS DEC correspondence from Kathy Hattala, Senior Fisheries Biologist with the Hudson River Fisheries Unit. Hattala mentions new restrictions for commercial and recreational shad fisheries in New York State may be coming this spring (2008). This past fall, the Shad and River Herring Management Board of the ASMFC, of which New York State is a member, decided to begin development of Amendment 3 to the Interstate Fishery Management Plan for Shad & River Herring. The Hudson River American Shad stock is of concern. New York is now reviewing options for restoring the Hudson's shad stock both in the river and ocean waters. The DEC will be hosting a meeting on Jan. 15 at Region 3 to talk about stock status and possible regulatory actions and to gain public input on options. Soete mentioned that Hattala has indicated she would like to also hold a meeting in the Upper Delaware region on this issue.

Delaware River Master reservoir storage reports: Douglass reported that the NYC Delaware River reservoir storage capacity as of Jan. 14 according to the Delaware River Master was Pepacton 97.2%; Cannonsville 101.4%; and Neversink 86.7%. He didn't have information on snowpack to water conversion figures, although a lot of snowpack had melted in the recent warm weather. Serio noted that FFMP has done a nice job as intended with increased reservoirs capacity. There's releases on West Branch when combined total over 75% and then each reservoir is looked at. When the reservoir is above 95% at Cannonsville, the release is 1500 cfs, and they have been releasing recently. This transfers unnecessary spills to useful releases.

Serio said he had a concern in late October and early November 2007 that the release was low. The brown trout were ready to spawn and at least this forced the browns to spawn in areas that would remain wet all winter. Chase asked if anyone had come up with the percentage of spawning taking place in the main stem River and the tribs. Serio noted it was 50/50, 50% river and 50% tribs. After the study that deduced this, they closed the upper East and West Branch Delaware for spawning as there was more spawning in the river than thought originally. The rainbows mostly spawn in tribs according to the telemetry studies.

Soete asked Serio if he felt the tribs were still messed up after all the flooding we've had. Serio said yes and indicated the next flooding will even be worse. Damaged tributaries tend to funnel the water downstream faster than healthy streams, this creates increased flood peaks. It's helpful to have a few years without any flooding to lessen the stress on the fishery. It takes awhile for the tribs to "fix" themselves.

Serio mentioned that it was interesting to see how PPL manages its reservoirs. They release water to make power money and are usually satisfied that the reservoir will have refill by June based on their studies. NYC's attitude seems to be no releases as a drought is always around the corner. It's an interesting study in different management styles.

DRBC's Chris Roberts passing: Douglass informed the members that DRBC had notified the UDC that Chris Roberts, a former colleague, passed on Jan. 4. Chris had retired from DRBC in June 2004 after serving more than 18 years as the DRBC's public information officer. The UDC enjoyed working with Chris and he was always dedicated and most cooperative. He will be missed.

Public Comment None

Adjourn A motion by Bowers seconded by Serio to adjourn the meeting at 8:01 p.m. was carried.

Carol Coney, Office Manager

