

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
March 18, 2008

Committee Members Present: Charles Wieland, Jim Serio, John Sundholm, John McKay, George J. Fluhr, Alan Bowers
Committee Members Absent: Phil Chase, Jay Shafer, Mike Flaherty
Advisory members: None
Partner: Don Hamilton; Al Henry
Staff: Bill Douglass, Dave Soete, Carol Coney, Laurie Ramie
Guests: R. Jan, C. & T. Patane, B. Arrindell, M. Malkin, P. McGinnes

The meeting was called to order by Chairperson Charlie Wieland at 7:05 p.m. A motion by Bowers seconded by Fluhr to approve the Feb. 19 meeting minutes was carried.

Public Comment on the Agenda

The Damascus Township residents mentioned that they brought information about the health and other impacts from gas drilling and would be happy to present it.

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

~CARI – has been reviewing the NYRI supplement to the Art. VII application submitted to the NYS PSC. They hope to meet with the NYS Governor’s representative next week to discuss energy issues. Even though the UDC has not signed the CARI Cooperation Agreement for contractual reasons, it is still considered an NGO member of CARI.

~Lawsuit filed against DOE – The Wilderness Society, Natural Resources Defense Council filed a lawsuit March 13 against the U.S. Dept. of Energy (DOE) saying it violated the National Environmental Policy Act and failed to comply with Sec. 1221 of the Energy Policy Act of 2005 when it designated National Interest Electric Transmission Corridors (NIETC) across huge swaths of land in the nation’s Southwestern and Mid-Atlantic states. The lawsuit followed the DOE Order that it was not accepting any re-hearing requests on the NIETCs.

~NYS Attorney General filed legal challenge against DOE – The NYS Attorney General Andrew Cuomo filed a Petition For Review March 17, 2008 with the U.S. Court of Appeals for the Second Circuit against the DOE. The legal challenge is seeking to prevent the federal government from taking over the approval process for the New York Regional Interconnect (NYRI). A recent decision by the DOE would subject major regions of New York State to the development of massive electric transmission lines and the DOE’s action was taken without proper environmental review and could harm residences, businesses and natural resources.

Old Business

NYS Comptroller report excerpt, Delaware Aqueduct System: The members were provided with copies of the NYS Comptroller’s audit report, “New York City Department of Environmental Protection, Delaware Aqueduct System: Water Leak Detection and Repair Program” issued Aug. 15, 2007, Report 2005-N-7.

The audit objectives were to determine whether the NYC DEP monitored the extent and nature of the leaks in the Delaware Aqueduct System; initiated repair of the leaks; and established a plan in the event of a sudden and unexpected loss of water from the System. One of the results of the audit was the recommendation that DEP fast track the repair of the Rondout-West Branch Tunnel. DEP officials have stated that they have revised the date for unwatering the tunnel to 2011 from an original date of 2014. The report contained seven recommendations to address the testing, monitoring, and repairing of the water leaks at the RWB tunnel. DEP officials have agreed with all of the recommendations. In a DEP letter dated April 6, 2007 attached to the report, it stated that DEP was about to award a contract for \$239 million for the first piece of the repair, the rehabilitation of Shaft 6, an access point to the tunnel. The report can be accessed at www.osc.state.ny.us.

The committee discussed the impacts to the Upper Delaware River when the system is shut down to make tunnel repairs. Fifty percent of the water supply for NYC comes from NYC’s Delaware Basin

reservoirs. There was also concern with potential natural flooding situations and mitigation of same during any repairs.

Upper Delaware Scenic Byway update: Ramie reported the Byway met Feb. 25. Two reps from the Sullivan County grants' office were there. The federal grant for the Byway visitors' center has been reduced 14 percent. The State grant needs budget work done and then it goes to the NYS DOT for approval after which the architectural firms could be hired. Total funding for the visitor center now is \$916,000. Sullivan County as lead agency is looking for outside grants to fund the loss in federal revenues. A report will be made at the next Byway meeting.

A nominating committee was appointed to prepare a slate of officers for the annual election; they discussed the insurance policies; brochure distribution by a company that specializes in that service; and *The River Reporter's* Readers' Choice Award was presented to the Byway for the "Best Scenic Drive". The next Byway meeting is March 24.

Wayne Independent article, Lake Wallenpaupack flood control resource: The members were provided with an article from the March 14, 2008 *Wayne Independent*, "Lake Wallenpaupack Valuable Flood-Control Resource for Region". Douglass noted that PPL runs Lake Wallenpaupack different than the NYC reservoirs. PPL doesn't want Lake Wallenpaupack at 100% and they maintain certain water levels throughout the year. Water levels are lower in the fall and are raised in late spring.

The article mentioned that during the recent rainy period, PPL operated the Wallenpaupack hydroelectric plant to help manage lake level and maintain the capacity to store water. PPL's management of the lake level throughout the period accounted for the expected heavy rainfall and the snowpack already on the ground in the watershed. PPL is continuing to manage the lake level by operating the hydroelectric plant. Lake Wallenpaupack was built by PPL in 1926 to provide water for the company's hydroelectric power plant. The 5,700-acre lake is on the border of Wayne and Pike counties in PA and feeds into the Delaware River through the Lackawaxen River.

New Business

Gas leasing issues: Staff announced a series of workshops coming up relative to gas leasing. The Penn State Extension will be hosting "Fundamentals of Natural Gas Exploration and Leasing" on April 16 at the Tunkhannock High School Auditorium. There will be an open house from 5 to 7 p.m. to review displays and ask questions, and the gas leasing seminar will take place from 7 to 9:30 p.m. The program is for educational purposes only. Topics to be covered include: Marcellus Shale Development; Understanding and Negotiating a Gas Lease; and Dollars and Sense-Should you sign that lease? Learn more at www.naturalgaslease.pbwiki.com. Another session is planned for Clarks Summit on March 27 but details are still pending.

Don from NPS mentioned that NPS-Upper Delaware has been going to various meetings on this subject to learn more and have contacted their Denver geologist and are sharing information on Best Management Practices regarding this issue with landowner groups. Don indicated that there is talk about holding a seminar locally with Penn State Extension and UDC could co-sponsor.

At this point in time the committee agreed to hear some comments from the residents in attendance as mentioned earlier in the meeting under agenda comment. While listening to the residents' information, the committee also suggested that the group present the same information to their township officials. The group handed out an article from the March 6, 2008 *The River Reporter*, "Congress investigates possible water contamination caused by gas well drilling" relative to the process called hydraulic fracturing, or fracking, used in the creation of gas wells, which allegedly has caused contamination of drinking water in several locations around the country. Congressman Henry Waxman began hearings on Oct. 31, 2007 on the subject of diesel fuel and other toxic chemicals being mixed into the fracking fluid. Dr. Theo Colborn said at the hearing, "The toxic chemicals are employed for fracturing operations and are added to alter the underground strata to allow methane to escape up the well pipe. We have identified 171 products used in Colorado containing altogether 245 different chemicals, 92 percent of which have adverse health affects."

The residents, some members of Damascus Citizens for Self-Government and Friends (DCS), provided audio CDs to the Council for research purposes of Dr. Colborn's "Poisoning the Pond" talk on the Living Well Show. To view Colborn's presentation to Waxman's Congressional hearing,

www.prx.org/pieces/20015. The DCS also provided an information sheet on the effects of gas well drilling, that included polluted drinking water, carcinogens in farmland, torn up roads, risk of gas fires, plummeting real estate values, and screeching noise pollution. Given the length of their information, Wieland suggested that the group could continue its information presentation following the meeting for any committee member that wished to stay. DCS agreed they would be available after the meeting for anyone wishing more information.

UDC public workshop March 26, RMP Land & Water Use guidelines: The members were provided with copy of the UDC press release, "UDC March 26 Workshop to Focus On River Valley Land Use Practices." The primary objective of the workshop is to help make the connection between the *River Management Plan for the Upper Delaware Scenic and Recreational River* and local land use practices. Members of river valley planning and zoning boards should find the information particularly beneficial. Speakers at the workshop will provide a contextual overview of how the Upper Delaware fits into the National Wild and Scenic Rivers System and what the Plan's Land and Water Use Guidelines advise about best management practices in keeping with local municipalities' home-rule authorities. Presenters include Chuck Barszcz, manager of the National River Program for the National Park Service's Northeast Region; Tom Shepstone, regional planning consultant; Sandra Schultz, assistant superintendent National Park Service-Upper Delaware; William Douglass, executive director of the UDC; and David Soete, senior resource specialist with the UDC. There will be time for questions and answers during the session. The workshop is free and open to the public and was made possible by a grant from NYS Assemblywoman Aileen Gunther.

UDC press release, UDC celebrates 20th anniversary: The members were provided with copy of a UDC press release, "Upper Delaware Council Celebrates 20th Anniversary". The 6-page press release covered the history of the Council and was distributed to regional media outlets.

NYS DEC press releases/info sheet: The members were provided with copy of two NYS DEC press releases and an informational sheet. The press releases were, "DEC Submits Fish/Wildlife Bills to Legislature", and "New York Joins Elite Company with Certified 'Green' Forests, State-owned Forests Meet Highest Requirements for Protection, Sustainability". The information sheet covered details about the DEC's interactive mapping application, "Environmental Resource Mapper". These maps are intended as one source of information for landowners, land managers, citizens, local officials, and project sponsors engaged in land use decision making, conservation, or environmental assessment. Currently included on the maps are locations of: freshwater wetlands regulated by the State; streams, rivers, lakes, and ponds with water quality classifications; generalized locations of animals and plants that are rare in the state including endangered or threatened species; and significant natural communities such as rare or high-quality forests, wetlands, and other habitat types. These documents can be obtained from the DEC web at www.dec.ny.gov.

UDC Awards Ceremony Nominations: Ramie requested nominations from the members for the annual UDC awards ceremony. The nomination forms had been provided earlier. The deadline for nominations is March 21.

FFMP followup: Serio commented that the provisional FFMP (Flexible Flow Management Plan) is still proving to be relatively close to what we want during this winter period. The spill mitigation program has reduced spills and flooding proved with the recent heavy rains.

Public Comment None

Adjourn A motion by Bowers seconded by Serio to adjourn the meeting at 8:03 p.m. was carried.

Carol Coney, Office Manager 