

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMMITTEE MEETING MINUTES
April 15, 2008

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

Committee Chairperson Charles Wieland called the meeting to order at 7:07 p.m. A motion by Chase seconded by Bowers to approve the March 18 meeting minutes was carried. There was no public comment on the agenda.

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

♦CARI: Douglass reported Communities Against Regional Interconnect is awaiting additional information to NYRI's Art. 7 supplement that the NYS PSC found deficient. The CARI attorney has been tracking activities on energy, etc in Washington, DC.

♦Cong. Hinchey press release: The committee was provided with a copy of Congressman Hinchey's press release, "Hinchey, Arcuri, Hall & Clinton Call On Feds To Reject NYRI Request For Ratepayer Subsidy". The press release indicated that the four elected officials sent a letter strongly urging the FERC to dismiss a petition by NYRI requesting ratepayer subsidies for its proposed electricity transmission project in upstate New York. These rate incentives would guarantee NYRI's investors a high rate of profit on their investment for their \$1-2 billion proposal and would be paid by electricity consumers. The rate incentives amount to nothing more than an unnecessary and exorbitant subsidy of a project that's not even wanted or needed by New York residents in the first place. A copy of the letter to FERC was also provided.

♦PA House of Representatives letter to Congressional Committee on Energy and Natural Resources: The committee was provided with copy of the letter from various PA House of Representatives' members to the Chairman and Ranking Member of the Committee on Energy and Natural Resources in Washington, DC. The letter is asking for an investigation into DOE's implementation of the NIETC. It stated: "Under § 1221, a person applying to construct a transmission line project proposed within a NIETC could request federal 'backstop' siting authority if the application is not acted upon by a NIETC State within one year. It is this federal 'backstop' authority, coupled with the accompanying power of federal eminent domain, which nationalizes what has been a traditional role of State government; the approval and siting of transmission facilities, and has the potential to disrupt the fundamental balance of power between local, state, and federal governments in land use issues. Therefore, we support the efforts of Senator Casey and conclude that a Congressional investigation and oversight of the DOE's implementation of § 1221 is warranted. We submit that the intent of Congress would be better served by NIETC designations that target specific congestion and recognize the physical laws governing electric transmission rather than massive corridors without lines of demarcation."

♦Senator Casey nationwide petition: The Council received notice that Senator Casey has launched a nationwide petition on his website against the DOE's implementation of the NIETC designation. NIETC designation affects all or portions of 8 states in the Mid-Atlantic and 2 in the Southwest, and is quickly becoming a national program. For information visit <http://casey.senate.gov/actions/>.

♦NYS Governor Executive Order No. 2, develop State Energy Plan: The committee was provided with copy of NYS Governor David Paterson's Executive Order No. 2 "Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan". The Order states in part: "There is hereby created a State Energy Planning Board. The Board shall consist of the Chair of the Public Service Commission, the Commissioner of Environmental Conservation, the Commissioner of Transportation, the Commissioner of Health, the Commissioner of Economic Development, the President of the New York State Energy Research and Development Authority, the Director of the Budget, the President of the Urban Development Corporation, the Secretary of State, the Governor's Deputy Secretary for Environment, and the Governor's Deputy Secretary for Energy who shall serve as the Chair of the Board."

“Members of the Board may designate an executive staff representative to participate on the Board on their behalf. A majority of the members of the Board shall constitute a quorum, and all actions and recommendations of the Board shall require approval of a majority of the total members of the Board. The Board shall create a State Energy Plan which shall include. . .” (15 items were listed).

“The Board shall publish a draft Energy Plan on or before March 31, 2009. The Board shall solicit comments on the proposed Energy Plan from the public and other interested parties...The Board shall hold no fewer than six public meetings on the proposed Energy Plan...The Board shall publish the final Energy Plan on or before June 30, 2009.” Douglass mentioned that CARI will be asking for at least two public hearings in this area, one in the northern section (around Utica) and one in the southern section (Sullivan or Orange County) regarding public comments on the draft Plan.

Wieland offered that the DOE can override the Plan. Douglass mentioned that NYS’s siting plan, Art. 10, was not renewed and therefore no new energy facilities have been built in NYS for about 10 years. One of the issues to be determined now is where to build new infrastructure.

Don Hamilton-NPS suggested writing again to the new NYS Governor regarding an updated Executive Order relative to enforcement of the Final River Management Plan, just like the PA Governor has done. The committee agreed and staff will proceed with that task.

◆Equinunk Historical Society letter to government officials opposing NYRI project: The committee was provided with copy of a letter the Equinunk Historical Society issued to various government officials in March 2007 “unanimous position of the Board of Directors...as being opposed to the efforts of New York Regional Interconnect to establish a high voltage direct current transmission system through the Delaware River corridor and/or other rural locales in Pennsylvania or New York State.”

Old Business

Mid-Hudson News article “Orange County launches countywide water supply study”: The committee was provided with copy of the online news article from *Mid-Hudson News* dated March 27, 2008. “The Orange County Water Authority began its 10 month journey into figuring out a countywide solution to its water and infrastructure issues as officials met Wednesday. ...the long-term project, which is aimed at addressing ground and surface water supply and demand issues, along with watershed protection, drought management, and long-term effects of climate change. County Planning Commissioner David Church agreed that municipal involvement is key to carrying out the Water Master Plan, which is due to be released sometime next January by the water authority.”

Chase said he and Douglass met with Orange County Executive Ed Diana awhile ago about the water issue relative to pressure on the Delaware River system. Chase said he felt the water loop proposed then was not workable and the same type of proposal 15 years ago had been defeated. UDC staff will track this new study.

Walton Reporter article “DEC Concludes Angler Diary Study on Delaware Branches”: The committee was provided with copy of the *Walton Reporter* article of March 26, 2008 outlining the results of a six-year study, that ended in 2007, by NYS DEC under an “angler diary” program to monitor trout catch rates, species composition and size distribution in the “tailwaters” areas on 15 reaches of the West and East branches of the Delaware River, and on the River’s main stem below the confluence of the branches at Hancock. The angler diaries tracked catches of wild brown trout, rainbows, hatchery browns, brook trout, and tiger trout. Don Hamilton of NPS indicated that NPS-Upper Delaware works with the fishers to keep diaries on the Upper Delaware and the results are posted on a website. Don will let Coney know the URL for the site to be passed on to the committee members.

Upper Delaware Scenic Byway Update: Ramie reported that the Byway group met March 24. The board is fully represented with final appointments made from the Town of Highland. Dave Sager Dist. 1 Sullivan County Legislator attended the meeting as well as other County officials. There was discussion about the Byway visitors’ center project and the reduction in federal funding. Some building specs were changed, for example, the square footage and the geo-thermal system. They may build to retrofit the geo-thermal system if funding can be secured at a later date. The proposed project budget will consist of expenses for one-third design work and two-thirds construction. They will build what they can with their funding and look at adding on later. NYS DOT is reviewing the project as Federal Highway monies will be channeled through them.

The Byway member towns are preparing projects for the \$65,000 Bonacic grant. They discussed expanding the business membership program with incentives. The historical pictorial booklet will be moved into the 2009 fiscal year. This will be a fund-raising project. The Byway interpretive signs for Narrowsburg are being reviewed by the NYS DOT. The Town of Hancock and the Town of Fremont want guarantees their bluestone industry will not be impacted due to the Byway designation before considering joining the group. This is controlled by NYS and a Byway, Inc. guarantee cannot be provided. The next meeting of the Byway group will be April 28 at the UDC office. They will hold elections of officers at this meeting.

Delaware River Sojourn Update: Ramie reviewed the proposed Day 1 and Day 2 of the Sojourn which will take place in the Upper Delaware June 22 and 23. The theme for the Sojourn this year will be "Conserving our Wild and Scenic River" commemorating the 40th anniversary of the National Wild and Scenic Rivers Act, under which much of the Delaware River is protected. A new look for the Delaware River Sojourn website is being worked on by DRBC staff. New artwork is being prepared for the Sojourn t-shirts.

Upper Delaware River Roundtable Update: Douglass noted that the Roundtable was a loosely organized group of agencies and organizations working on projects that could become a cooperative "across the river" endeavor. They met April 3 at the Tusten Town Hall. A PowerPoint of Soete's photos put to music was displayed. The group plans to meet every two months the afternoon of the Council meeting so the agency people don't have to make a special trip. They are working on a regional development map of the River corridor counties and Sussex, NJ. Hope to have a final version of the map May 15. The map should be a snapshot of proposed and developed land as well as open space and will be in a GIS format. It will be a tool for planning boards. The group discussed having Pace University's Land Use Law Center offer planning training in the River Valley. Ramie offered that information on the Roundtable is contained in "The Upper Delaware" Council newsletter Spring 2008 on page 7.

New Business

Damage to Pond Eddy Bridge stone pier: Photos from NPS were handed around showing the damage done to a stone pier of the Pond Eddy Bridge by a fallen tree in the Delaware River. Bowers wondered if any assessment was done by PennDOT as to the structural integrity of the pier but that was not known.

Rio Whitewater Access Release Schedule 2008: The committee was provided with a 2008 schedule from Alliance Energy just posted to their website relative to the Rio Whitewater Release Schedule for kayakers. A toll free hotline (866) 624-9004 has been instituted by Alliance that should be checked by Wednesday before the release date to verify the release. These one and two-turbine water releases are made Saturdays and Sundays from April 19 to Oct. 19, 2008 and are a negotiated part of the FERC license for the Mongaup River system.

Chase gave a brief history of the reservoirs and the boating releases. The UDC was opposed to 2-turbine releases as they felt it posed a boating hazard to novice boaters coming through the Mongaup Wave with the additional water release from the reservoir. Chase noted that recreational use was part of this FERC license now, however, the boaters and fishers are to share the resource and he didn't feel that was happening as the boaters seem to be there before and beyond the allowed hours. This then makes it hard for the fishers to use the Mongaup River. He wanted to see a letter issued to FERC explaining this problem and mentioning that some sort of policing of the area needs to be done so kayakers are not on the river at off hours. Bowers noted if FERC made accommodations for the kayakers they can do the same for the fishers. There is a pull-off area for the kayakers to use for parking but they don't seem to use it which causes another issue. Following further discussion, a motion by Chase seconded by Bowers for staff to draft a letter for committee review was carried.

NOAA press release "Current Major Flooding in U.S. a Sign of Things to Come": The committee was provided with copy of a March 20, 2008 press release from NOAA (National Oceanic and Atmospheric Administration) entitled "Current Major Flooding in U.S. a Sign of Things to Come". The press release in part covers NOAA's spring flood outlook. The release includes the statement, "Above-normal flood potential is evident in much of the Mississippi River basin, the Ohio River basin, the lower Missouri River

basin, Pennsylvania, New Jersey, most of New York, all of New England, and portions of the West, including Colorado and Idaho.” For further information visit www.weather.gov.

Public Comment None

Adjourn A motion by Bowers seconded by McKay to adjourn the meeting at 8:27 p.m. was carried.

Carol Coney, Office Manager

