

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

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

Committee Chairperson Charles Wieland called the meeting to order at 7:15 p.m. A motion by Bowers seconded by Sundholm to approve the Oct. 21 meeting minutes was carried. There was no public comment on the agenda.

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

□CARI: Douglass handed out a "Final Hearing Summary" produced by Bystrom for the Communities Against Regional Interconnect. Douglass noted the listing of topics summarized resulted from the NYS Public Service Commission's public hearings on the NYRI application in Hamilton, Oneonta, Utica, Middletown, Montgomery, Callicoon, Lake Huntington, Hancock, and Norwich. There was a total hearing attendance of 1,749. People making statements included 370; majority against, including some elected officials such as NYS Senator Bonacic, Assemblyman Crouch, Congressman Hinchey, and Senator Clinton. The topics covered by Bystrom's overview that was handed out included attendance, total statements, CARI accomplishments, elected officials making statements, organizations making statements, topics covered, and alternatives suggested. The issues brought up the most with those against the power line were the use of private property and the eminent domain threat to build the line, plus the environmental and economic impacts concerns. There was no ranking of what issue was most important and the statements ran the gamut of concerns. The next step in the process will be the evidentiary hearings.

□FERC: Soete mentioned that NYRI filed an action with FERC Nov. 17, Request for Rehearing or Clarification and Expedited Action of The New York Regional Interconnect, Inc. Soete indicated he did not read the entire filing but it looks like NYRI is asking FERC not to have the NYISO have the final say on power lines. He would read the filing in depth later and report back.

Old Business

Upper Delaware Scenic Byway Update: Ramie reported on Byway activities. The Byway group met Oct. 27. A report from the webmaster indicated that during the week of Oct. 5 the Byway website received 31,500 hits, with the top interest categories being the photo gallery, hospitality lists; shopping, recreation, and bald eagles. The webmaster is working on PayPal access to allow businesses and members to join online. They will also use this method to allow the sale of two fund-raising books.

The Byway provided testimony at the NYS PSC public hearings in Callicoon opposing the power line's impacts to scenic resources. The testimony was given by Ed Boyar.

Landscape survey consultants' proposals were received for selected clearings to enhance the Byway's viewshed relative to ability to see the Delaware River from the scenic byway. A consultant has not been chosen to date.

The model interpretive signage has been installed in the Narrowsburg area. An unveiling ceremony is in the plans for Dec. 6 from Noon to 2 p.m. at the Tusten Town Hall. A news release will be issued. All UDC members are invited to this event.

The Byway is working on 10 active grants through the State of New York. It is hoped no grants will be cut given the fiscal crises hitting the State. Donation requests have been sent to the Byway member towns. The member towns have been providing operating funding to the Byway.

The next monthly meeting of the Byway is Nov. 24.

Delaware River Sojourn Update: Ramie reported there will be a 15th annual Delaware River Sojourn to be held the week of June 21, 2009. The theme will be "No Child Left Inside" and they hope to acquaint children with the River resource. The Sojourn Steering Committee will meet again Dec. 8 at which time

the group will elect co-chairs for the 2009 event as well as set up subcommittees. The River sections for the 2009 Sojourn have not been chosen as yet. The committee suggested that if the Sojourn will be catering to children, they should consider the use of rafts instead of kayaks. Ramie would pass that along to the Steering Committee.

Upper DelAWARE River Roundtable: Douglass reported the Roundtable group met Nov. 6 in the afternoon with 32 in attendance. They are looking at raising funds to cover the cost of tuition for a Pace University training event to be held in May for local officials. They also discussed the gas drilling in the area. NYS DEC Region 3 Regional Director Willie Janeway provided information on how the State is progressing with the supplemental GEIS project. There is a public input meeting on Dec. 4 at the Sullivan County Community College regarding analysis issues for the supplemental GEIS document. He encouraged attendance. The deadline for comment on the draft scoping document is Dec. 15. Sullivan County Planning Commissioner Pammer also addressed the Roundtable and defined the DEC scoping document and what this supplemental GEIS could accomplish. The County of Sullivan has established a Natural Gas Task Force given the current climate on this issue.

Soete asked Janeway with the invasive species (didymo) in the River would that impact water withdrawal for the gas drilling and Janeway answered yes. Douglass said Carol Collier, Exec. Dir. of the DRBC, also provided information on what DRBC is doing regarding the gas drilling and surface and groundwater withdrawals. At the December Roundtable meeting state agency staff from Pennsylvania should be attending to provide information on what Pennsylvania is doing regarding the gas drilling issues.

Hamilton noted that following the Roundtable meeting, some of the stakeholders had a meeting with Dr. Pammer relative to comments that should be made about the DEC draft scoping document.

Common Waters Update: Douglass provided a handout to the committee that gave an overview of the Common Waters group. In an effort to protect critical watershed lands and water quality in the Delaware River valley region, The Pinchot Institute for Conservation has received an \$82,500 grant from the William Penn Foundation to complete a project entitled "Common Waters: Clean Water, Healthy Forests, and Sustainable Communities." The mission of the Common Waters project is to preserve clean water, natural places and working lands through cooperation, education, and research. This grant, along with support from the NPS-Delaware Water Gap National Recreation Area, will be targeted at conducting a demonstration project that identifies lands that serve both to protect critical watersheds, and those areas most important for water quality protection.

The second phase will be a Forum in which participants can explore how to work in partnership with governmental and non-profit agencies to advance the agenda of Common Waters. Douglass mentioned that the Forum will take place May 14-15 at the River View Inn in Matamoras. The Common Waters group includes representatives from New Jersey, Pennsylvania, and New York counties bordering the Delaware River. Wieland inquired about UDC participation, and Douglass explained he had been attending the Common Waters meetings. Wieland said one person should cover the Forum and report back to UDC.

New Business

UDC 1st Draft Outline, Position Paper on Natural Gas Exploration in the Upper Delaware Scenic and Recreational River Corridor: Soete reviewed the draft outline for the UDC's position paper on natural gas exploration with the committee. The topics covered in the draft included the UDC mission and goals; the Wild and Scenic Rivers Act; the River Management Plan; Selected references from the River Management Plan related to the topic; the management responsibilities of the NY Towns, PA Townships, counties, states, U.S. Secretary of Interior, Delaware River Basin Commission; a list of issues/concerns; and a summary. The committee discussed the draft and provided some input. There was also discussion if the paper should become a comment to the DEC scoping document (deadline Dec. 15). Soete asked the committee to review the draft outline and provide further comment to him.

Delaware County Meeting NYC Land Acquisition Nov. 17: Douglass reported he was invited and did attend a Nov. 17 stakeholders meeting with Delaware County officials regarding the impacts of New York City land acquisition around the NYC Delaware reservoirs. Douglass mentioned that New York City has \$300 million to spend to acquire new land or get easements. Delaware County wants more use of

easements. The City has lots of land already and Delaware County is concerned with the economic impacts. The land purchasing is part of the filtration avoidance plan with the EPA. There is the question of would this impact private landowners with regard to obtaining gas leases. Manufacturing in Delaware County has the most amount of money involved, not agriculture, and the county is concerned with losing any industrial land areas for future growth. Douglass told the committee he had a copy of the PowerPoint presentation from the meeting if any member wanted a copy. For further information regarding the economic impact analysis, contact the Delaware County Dept. of Economic Development at 607-746-8595.

National Park Service Report: Don Hamilton reported on the Upper Delaware Roundtable meeting he attended and the follow-up meeting on Nov. 10 with Dr. Pammer at Sullivan County Planning. There will be information provided to the public on how to comment on the NYS DEC Draft Scoping Document relative to the Supplemental GEIS on gas drilling. DEC is allowing in its scoping document analysis consideration of such natural resources as the Upper Delaware Scenic and Recreational River and the New York State designated Upper Delaware Scenic Byway. Hamilton indicated that the NPS geologic people have spoken to NYS DEC regarding NPS concerns.

Delaware River Master flow target/habitat release: Phil Chase provided the committee members with copy of correspondence from the Deputy River Master in response to a question from one of the fishing guides pertaining to reservoir releases. The Deputy River Master explained that the Cannonsville release was reduced to the conservation level because of the heavy rain that was expected, so a directed release clearly was not needed. The U.S. Supreme Court Decree in 1954 directs the River Master to maintain a stipulated flow at Montague. The release from Cannonsville takes 48 hours to reach Montague so the Cannonsville release was reduced in advance in accordance with the travel time. The Deputy River Master also explained the he had no authority to release water for habitat, except as specified in the FFMP, and if he released water for habitat without satisfying a corresponding need at Montague he'd be violating the conservation provision of the Decree.

Bowers felt there should be a ramping value in the FFMP. Hamilton commented that the FFMP has the capacity to be an adaptive plan. We have a dwarf wedgemussel study going on and others to support a position on flows needed for habitat. Bowers mentioned that even though FFMP could be adaptive, you still have to satisfy the Decree Parties and the vote would have to be unanimous for changes. Wieland asked if the NPS study had consideration for water temperature, and Hamilton noted it's not strong on the temperature issue. Chase added temperature is key for rainbow trout in the summer. Soete inquired of Hamilton if the water quality monitoring was completed and Hamilton indicated if was, as they monitor May through September. They also did PPL's Lackawaxen River monitoring for a fee and that information has been distributed.

Public Comment None

Adjourn A motion by Bowers seconded by Chase to adjourn the meeting at 8:40 p.m. was carried.

Carol Coney, Office Manager