

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
May 20, 2008

Committee Members Present: Wieland, Serio, Chase, Sundholm, McKay, Wall, Bowers
Committee Members Absent: Shafer, Flaherty
Partner: Hamilton
Advisory Council: None
Staff: Soete, Coney, Ramie
Guests: C & B Fullerton

Committee Vice-Chairperson Alan Bowers called the meeting to order at 7:07 p.m. A motion by McKay seconded by Sundholm to approve the April 15 meeting minutes was carried. There was no public comment on the agenda. Chairperson Charles Wieland arrived later and conducted the remainder of the meeting.

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

- CARI: the committee was provided with a printout of the “CARI ACTIONS, Time Line of Significant Developments” chart that laid out from 2006 to 2007 the highlights of actions taken by Communities Against Regional Interconnect relative to NYRI’s proposal for an electric transmission line in New York State that includes the Upper Delaware watershed.
- FERC ruling May 13 NYRI Petition Rate Incentives: the committee was provided with copy of the May 13 FERC letter to NYRI’s legal firm relative to NYRI’s request for certain rate incentives. FERC stated, “Please be advised that your submittal is deficient, and that additional information and clarifications are required to process the filing...”
- NYS PSC Ruling May 8 Parties motion to PSC requesting NYRI to file additional information: the committee was provided with copy of the May 8 NYS Public Service Commission’s Ruling addressing motions from the Parties requesting further information from NYRI under its Article VII application. The PSC ruled that “because NYRI has agreed to provide the information requested by the parties...and has responded to the requests by providing additional information ...the motions of Con Edison, DEC, and Staff ...are denied. That denial, however, is without prejudice to renewal if parties feel that the information NYRI supplies is not adequate.”
- *Mid-Hudson News* online article “NYRI and disabled vets’ business group partner”: the committee was provided with copy of the *Mid-Hudson News* article of May 13 that stated in part, “The National Disabled Veterans Business Council and New York Regional Interconnection have joined forces to provide job opportunities for disabled vets while the company moves forward with its plans to build a 190-mile long power line from Oneida County to Orange County. Under the agreement, members of the business council would work as subcontractors for the prime contractor performing work like procurement, security rights of way and apprentice-type programs...the prime contractor would employ union labor.”
- U.S. DOE news release: the committee was provided with copy of the U.S. DOE’s May 16 news release “U.S. Department of Energy Schedules Regional Workshops to Provide Expert Input on 2009 Transmission Congestion Study, Second Congestion Study to Further Evaluate our Nation’s Electricity Reliability in the Face of Growing Energy Demand”. The release stated in part: “As part of the Bush Administration’s comprehensive effort to provide wide-ranging data and thorough statistical analysis in its 2009 National Transmission Congestion Study, the Department will hold six regional technical workshops across the country, to seek input on available transmission congestion data to be considered during preparation of the Congestion Study. The Congestion Study – as directed by the Energy Policy Act of 2005 – is intended to provide detailed analysis of the state of transmission capacity across the United States, and to identify those geographic areas requiring additional attention to transmission congestion and constraint.” The news release goes on to list the regional workshop locations that include San Francisco, Oklahoma City, Hartford, Atlanta, Las Vegas, and Chicago.

Old Business

D & H Transportation Heritage Council update: Ramie reported on the April 16 D & H meeting. They discussed members’ projects, concerns or questions on issues. They revised the logo to D & H Corridor

Trail to solidify the design for all D & H members' use. The next quarterly meeting will be held July 15 at the Wayne County Historical Society.

Upper Delaware Scenic Byway update: Ramie reported on the April and May Byway meetings. The annual meeting was April 28 and included election of officers. The officers remain Larry Richardson, Chairperson; Ed Boyar Vice-Chairperson; and Norma Schadt, Secretary/Treasurer.

There was discussion on the invitation to join the Upper Delaware Greenway management board. A letter will be drafted to the NYS legislators dealing with this matter following further discussion by the Byway board. A litter strategies subcommittee was established to help organize and establish cleanup for the Byway (NYS Rt. 97) litter. The subcommittee will be meeting with the local beautification groups to coordinate this effort. The Byway reviewed grant project applications and tabled action to obtain further clarification on some projects. A report by Dr. Pammer of Sullivan County Planning was provided regarding the Byway's proposed visitors center. The county budget committee endorsed the \$910,000 level for the project that includes federal, state and county funds. The county will seek Byway municipalities input regarding maintenance and operations funding for the center since the federal funding has been cut down some since approved. The property transfer of five-acres for the center site is now proceeding. The county budget committee recommendations will now go before the full County Legislature for action.

The marketing subcommittee endorsed a five-month ad campaign on 1010 WINS-FM radio. The campaign will run during the summer of 2008. This project was funded through the federal marketing grant.

The Town of Highland mentioned they would opt out of the proposed Upper Delaware Greenway to secure more information on the project.

The model Byway interpretive signage project for Narrowsburg should have the signs installed this July. There will be a public reception for this and the date and location will be announced shortly.

The next meeting of the Byway group is June 23.

Delaware River Sojourn update: Ramie reported early registration for the Delaware River Sojourn is June 1. They are finalizing their programs before a press release is issued. The matter of comping UDC members to the Upper Delaware section of the Sojourn will be brought before the Council's Operations Committee for a decision. The t-shirt artwork was displayed to the committee. The next meeting will be held at PA DEP is Bethlehem, PA on June 3. The last teleconference before the Sojourn is scheduled for June 17.

UDC-NPS Public Information Forum on natural gas development May 21: The committee was provided with copy of the press releases issued by UDC announcing the public forum on natural gas issues to be held May 21 at the Wayne Highlands Middle School gym from 7 to 9 p.m. The panel will make presentations on a variety of aspects about this hot issue in the watershed. Council members were encouraged to attend.

Excerpts from 2006 edition *Conserving Open Space in New York State*: The committee was provided with excerpts from the 2006 edition of *Conserving Open Space in New York State* for review prior to commenting on the draft 2009 edition that is being prepared by the NYS DEC.

Draft letter to NYS DEC-boating policy on Mongaup River: The committee was provided with a draft copy of the letter to NYS DEC based on discussion at the April committee meeting regarding the boating policy on the Mongaup River. The committee provided input to the letter and another draft will be prepared. A motion by Bowers seconded by Wall to make the committee amendments to the letter and forward to the Council in June for action was carried. Chase asked UDC staff to contact the Delaware River Master to inquire if the Rio Reservoir releases are now back to 100 cfs from the cut back when the Swinging Bridge dam was under repair.

New Business

Upper Delaware River Safety Committee meeting April 29: Soete reported on the Upper Delaware River Safety Committee meeting held April 29 at NPS. He indicated that a major time was devoted to the prospect of requiring that PFDs be worn at all times when on the River due to safety issues. The insurance

risk exposure for the liveries and the idea of wearing PFDs at all times as opposed to just having available in the vessel was explored. The livery operators need a permit from NPS for River based activities and would of course follow the Superintendent's directive in this matter. No formal decision has been made regarding this issue. Serio requested that future Safety Committee meetings be held before April 15 since most liveries are very busy after that date.

Based on a complaint from a Shohola resident, the liveries and NPS will be working together to track down any river users that trespass on private property that also involved luring children into canoes or rafts.

DRBC Flood Advisory Committee meeting May 7: The committee was provided with copy of the DRBC's Flood Advisory Committee agenda for its May 7 meeting. No report was provided as Douglass was at another meeting but the agenda revealed some topics of discussion included the hydrologic conditions report and flood analysis model update, formation of a workgroup to explore establishing uniform floodplain regulations for PA and NJ, flood warning improvements, AHPS flood inundation mapping status, status report on updated floodplain study and mapping delineation for the Delaware River, among other topics.

DRBC meeting May 14: The committee was provided with copy of the DRBC's agenda for its May 14 meeting since no report was provided. The agenda revealed that 30 projects were reviewed for action along with five resolutions. The resolution approving the 2008-20013 Water Resources program would be deferred to July.

DRBC Federal Coordination Summit May 15: Don Hamilton of NPS reported that he attended the DRBC's Federal Coordination Summit on May 15. He mentioned that the Delaware River did get picked as a pilot basin for the National Water Quality Monitoring program, and it was one of only three chosen within the country. He noted that FEMA is revising the Delaware River floodplain maps and they hope to have this project completed by January 2009. The PA DEP is working to get a handle on the enormous gas leasing that is taking place in northeast Pennsylvania. The DRBC is also looking into water withdrawals and transfers permitting for water being removed from the Basin for the facing part of the gas drilling. This shattering of rock to get to the gas uses a huge amount of water.

News Eagle article: The committee was provided with an article from the May 14 *News Eagle*, "Releases Shortchange The River's Habitat". This article covers a letter to the editor issued by the New York, New Jersey and Pennsylvania presidents of Trout Unlimited. The article mentions that the amount and timing of reservoir releases continue to be detrimental to the river and its aquatic life. This summer the Delaware River Basin Commission and New York City will further define the rules of how the Delaware River will be managed. A new plan must provide enough water to the Upper Delaware River during spring, when reservoirs are full or nearly full. Flooding issues of course need to be addressed as well.

Walton Reporter article: The committee was provided with an article from the April 30 *Walton Reporter*, "Appeals Court Upholds Decision in Favor of NYC". The article states in part, "A group of people who live downstream of the Pepacton Reservoir have failed to overturn a court decision, dismissing a lawsuit against New York City. According to court papers, citing an earlier case, the appellate concluded that, since the reservoir at issue was not constructed for flood control purposes, there was no legal duty of any kind either under statute or common law to regulate the outflow of water from the dam so as to minimize or eliminate the flooding of lands below to an extent greater than would be the case if the river flowed naturally."

PPL Lake Wallenpaupack Boating Releases Schedule 2008: The committee was provided with the Lake Wallenpaupack Boating Releases Schedule for 2008 that begins July 4 and ends around September 20.

Sullivan County Democrat article: The committee was provided with an article from the *Sullivan County Democrat* of April 22, "Recreational access to Rio, Mongaup Falls". The article includes a letter from FERC to Alliance Energy in Monticello and concerns the opening of recreational access at the Rio and Mongaup Falls Projects. The letter states in part, "Accordingly, you are able to resume normal operation at

the projects along the Mongaup River. You are now authorized to reopen recreational access at the Rio and Mongaup Falls Projects. The scheduled two-turbine releases for whitewater boating at the Rio Project should commence beginning within one month after the area is reopened to recreation.”

NYS Assembly Bills, stream maintenance: As a point of information, the committee was provided with copy of the NYS Assembly bills mentioned by Assemblyman Crouch at the UDC awards ceremony during his keynote address. The bills pertain to establishing a stream maintenance and flood control program for use by the counties. The bills are currently in the environmental conservation committee.

Public Comment None

Adjourn A motion by Serio seconded by McKay to adjourn the meeting at 8:36 p.m. was carried.

Carol Coney, Office Manager