

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
Sept. 16, 2008

Committee Members Present: Wieland, Serio, Decker, Sundholm, Fluhr, Bowers
Committee Members Absent: McKay, Shafer, Flaherty
Partner: Martinez
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 Bowers seconded by Wieland to approve the Aug. 19 meeting minutes was carried. There was no public comment on the agenda.

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

- CARI: wants public hearings on NYRI application in counties along entire proposed route and has provided list of locations to NYS PSC.
- NYS PSC: NYS Public Service Commission held a pre-hearing conference Sept. 8 relative to the NYRI application. Douglass and Soete attended via internet connection broadcast. The PSC had scheduled three public hearings on the issue with two in upstate NY and one location yet to be determined in the southern tier. CARI and others argued for hearings in all counties affected by the transmission line. Two Administrative Law Judges conducted the pre-hearing conference. While funding might be an issue to hold the number of hearings requested, they would entertain location suggestions and make a determination later. The pre-hearing conference covered such items as establishing a schedule for litigation, establishing a coordinated Parties service list, and setting up rules of procedure among other items.

In answer to committee questions, Douglass indicated that while the NYRI application provides an alternate route, and NYRI says it won't go in the River corridor, circumstances may put the River corridor route back into main focus. That remains to be seen as this process goes along. Soete commented that NYRI has leased the Central New York Railroad property for \$2 million and that property runs through the Upper Delaware River corridor. He also mentioned that any federal approval of the transmission line secured through the federal process would be for an "interstate" line, but currently the proposed line is located in New York State only. However, the railroad line location would be considered interstate and FERC could review the transmission line proposal. Also pointed out was that no determination has been made so far by FERC as to the rate of return on investment for the transmission line (13.5%) that NYRI is seeking.

Martinez mentioned that a teleconference was held at NPS with UDC staff invited on Sept. 5 regarding power line routes on public land. NPS contacted Washington on this issue to explain impacts on this area. They also requested a Washington contact for this issue. NPS will be researching the Code of Federal Regulations relative to this issue.

Old Business

Upper Delaware Scenic Byway Update: Ramie updated the committee on recent activities of the Upper Delaware Scenic Byway. They discussed NYS DOT's landscape mowing process as complaints had been received following chemical spraying of vegetation along some sections of NYS Route 97 (scenic byway). The Byway group will be inviting NYS DOT to a meeting to discuss this issue.

A response letter was received from NYS Senator Bonacic regarding the Upper Delaware River Greenway legislation and agreeing to meet with the local municipalities whether legislation is passed or not. The Byway sent letters to Bonacic and Gunther agreeing to sponsor a meeting with the local municipalities regarding the Greenway and Gunther has agreed and they're waiting to hear from Bonacic.

The NYS DEC is seeking comments on the Little Joseph Mine permit issued with conditions and DEC issued a notice to the Byway group.

Ramie reviewed the grants the Byway group is administering. The Byway will have an information booth at the NPS's 30th anniversary EXPO celebration Oct. 25 at the Damascus School. The County of Sullivan is applying for lead agency status for SEQR regarding the Byway visitors center and

letters have been issued to interested parties with 30 days to reply to the County with their comments. The County is looking for more partner participation with the visitors center process since continued maintenance for the facility is still being debated.

The Byway group has received a letter from the D & H Canal & Gravity Railroad Conservancy requesting a letter of support for a 17.5 mile Route 97 (Sparrowbush to Roebling Bridge) designation as "D & H Canal Corridor Trail" location.

The next Byway meeting at the UDC office will be held Sept. 22.

Gas Drilling Updates: The NYS Assembly has issued notice of an Oct. 15 hearing to accept oral comments on what should be included in the state regulations that NYS DEC is preparing regarding gas drilling/exploration. Martinez noted we have some time yet to file for party status on the DEC's Supplemental GEIS. Soete noted that the *River Management Plan* (RMP) indicates that major pipelines are an incompatible use in the River corridor. Martinez offered that Hamilton and Soete could work together to prepare comments. Fluhr mentioned it was time for the UDC to prepare a policy statement that we support what's in the RMP. He made a motion that staff prepares such a statement clarifying the UDC's current position; it was seconded by Bowers and carried. The draft position would be discussed at the Project Review Committee meeting before being forwarded to the full Council for action. Fluhr noted that we need a clarifying policy. The gas companies are not familiar with the RMP and the UDC members have signed off on the RMP. The gas companies need to know what's in the RMP.

PA State Water Plan-Delaware Regional Committee Update: Douglass updated the committee on the PA State Water Plan process. The state has been divided into six regions, for example the Delaware Regional Committee, and each region has been working on priorities to be coordinated into the PA State Water Plan. On Sept. 11 there was a public input meeting held in Bethlehem, PA for the draft water plan for the Delaware Regional Committee. About 75 people were in attendance. The draft state plan should be ready sometime next year.

"NYC and nonprofit vying to build hydropower plants": The committee was provided with a *Times Herald-Record* article of Sept. 16. The article provided information relative to the NYC Dept. of Environmental Protection competing against a non-profit rural electric cooperative, Delaware County Electric Cooperative, for permission to install hydropower at four Delaware River Basin reservoirs. Both entities have filed competing applications with the Federal Energy Regulatory Commission (FERC). The DCEC hydro project proposes hydro-electric turbines at the Neversink Dam in Sullivan County, the Pepacton and Cannonsville reservoirs in Delaware County, and the Gilboa Dam in Schoharie County. FERC is reviewing the applications.

New Business

NYS DEC press releases handed out: The committee was provided with NYS DEC press releases for their information. The first release pertained to testimony that NYS DEC Commissioner Grannis provided to the NYC Council on gas drilling. The NYC DEP does not want gas drilling taking place around its upstate drinking water reservoirs. Grannis advised the NYC Council that natural gas drilling in the city's watershed is not imminent; that the state has not received any applications for drilling anywhere near the city's watershed in the Catskill Mountain region; and that if any permit applications were received, a full assessment of potential environmental impacts specific to the city's watershed would be required. The emergency NYC hearing was called in response to reports speculating that a Filtration Avoidance Determination issued by the U.S. EPA was at risk because of potential natural gas drilling in the portion of the city's watershed located west of the Hudson River.

The second press release pertained to "Don't Move Firewood – you could be killing our trees!" New York's forests are under attack from numerous invasive exotic insect pests. One common way these insect pests are moved around the country, beyond their natural rate of spread, is on firewood carried by campers, hunters and other users of our forests. The users are frequently not even aware they are moving eggs or larvae of these pests, which may be hidden on or under the bark or buried deep within the logs. Several other states and the province of Ontario have bans or regulations in place concerning the importation or movement of firewood, of any species, as a means to prevent introduction or limit spread of

any of the inspect pests known to live in or on cut firewood. NYS DEC has issued emergency regulations for firewood restrictions. For further information call toll free to DEC at 1-866-640-0652.

PA DCNR Strategic Plan review public input meeting Sept. 9: Soete reported on the Sept. 9 meeting he attended in Hawley regarding the PA DCNR strategic plan. A series of six regional meetings were scheduled to seek public input on how DCNR is carrying out the goals and actions contained in its strategic plan, *Shaping a Sustainable Pennsylvania – DCNR’s Blueprint for Action*. The four broad goals of the plan are: improve stewardship and management of state parks and forests; promote statewide land conservation; build and maintain sustainable and attractive communities; and create outdoor connections for citizens and visitors. The Sept. 9 agenda included progress report, session instructions, session break-outs, session summary, and adjournment. The sessions covered what the department is doing well, what could be done better, and how to do it better. After the public input meetings are completed, a draft results document will be produced. Detailed information about the plan can be found at www.dcnr.state.pa.us, choose the “Shaping DCNR’s Future” icon. Written comments will be accepted until Nov. 5.

NPS press release “Benthic Macroinvertebrate Monitoring at the Upper Delaware Scenic and Recreational River”: The committee was provided with a NPS-Upper Delaware press release reviewing its benthic macroinvertebrate (BMI) monitoring in the Upper Delaware. Beginning this fall, scientists will annually collect BMI from a small area in each of 12 proposed streams throughout the Upper Delaware River corridor. The BMI samples will be returned to the PA State University where they will be identified and counted in the laboratory. By monitoring BMI and other selected natural resources, termed Vital Signs, the NPS will be able to assess the effectiveness of management and restoration efforts. Vital Signs are expected to provide early warning of impending threats and provide a basis for understanding and identifying change in natural systems.

Upper DeLAWARE River Roundtable Update: Douglass announced the next meeting of the Upper DeLAWARE River Roundtable would take place Oct. 2 at the Tusten Town Hall from 1 to 4:30 p.m. They will discuss the need to examine potential gaps in gas drilling oversight. Martinez noted that any UDC members could sit-in on the meeting.

DRBC next meeting Sept. 24: Douglass announced that the Delaware River Basin Commission’s next meeting will be Sept. 24 at the West Trenton Volunteer Fire Company building. The conference among the Commissioners will be at 10:30 a.m. The public meeting will be at 1:30 p.m. and will include 17 project dockets for review; and among other items, a report on hydrologic conditions and consideration by the Commission of a resolution amending the Water Code and Comprehensive Plan to implement a Flexible Flow Management Program (FFMP) for the New York City Delaware Basin reservoirs.

The DRBC Water Quality Advisory Committee will meet Oct. 28 and the Flood Advisory Committee will meet Nov. 5. A member of the DRBC staff will attend the UDC meetings through December 2008 to answer questions about gas drilling issues.

Trout in the Classroom at Sullivan West: John Sundholm announced that the Upper Delaware Chapter of Trout Unlimited is installing tanks at the Sullivan West Jeffersonville campus for the Trout in the Classroom program. This popular breeding program gives the students a hands-on educational approach to the trout species.

Public Comment None

Adjourn A motion by Bowers seconded by Decker to adjourn the meeting at 8:29 p.m. was carried.