

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
July 28, 2009

Committee Members Present: Roeder, Shafer, Richardson, Wall, Keesler, Peckham
Committee Members Absent: Bowers
NPS Partner: Schultz
Staff: Douglass, Soete, Coney, Ramie
Guests: J. Sundholm

The committee chairperson Harold Roeder Jr. called the meeting to order at 7:34 p.m. A motion by Shafer seconded by Peckham to approve the June 23 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: Soete reviewed the Discussion Items Report; highlights follow:

New York Regional Interconnect, withdrawn NYS proposed transmission line project: NYRI is seeking help from FERC to revive plans for a large electrical transmission line from Marcy in Oneida County to New Windsor in Orange County. On July 7, New York Congressmen Hinchey, Hall, and Arcuri sent a letter to FERC urging them not to grant any cost allocation provisions to NYRI.

Natural Gas Leasing/Drilling in the Region Update: The Delaware River Basin Commission at its July 15 business meeting and public hearing accepted testimony on draft Docket D-2009-20-1 for the Chesapeake Appalachia proposed surface water withdrawal project located in Buckingham Township, Wayne County, PA on the West Branch of the Delaware River, but did not take action. The Commission announced at this meeting that the public record on the draft docket would remain open until July 29 to allow additional opportunity for the public to submit written comments. The Council was provided with copy of the NPS-Upper Delaware's comment letter, in addition to comment letters from Damascus Citizens for Sustainability and Councilman George Belcher, 2nd Ward, City of Port Jervis.

At the July 21 UDC Water Use/Resource Management Committee meeting, the committee discussed this docket and directed UDC staff to prepare a draft comment letter for consideration at the UDC's Project Review Committee meeting on July 28.

On July 22, the PA DEP issued a natural gas drilling permit to Pennswood Oil & Gas for the Stockport Assn. 1 site located in Buckingham Township, Wayne County, PA. The property is approximately one-mile west of Stockport just outside of the Upper Delaware Scenic and Recreational River corridor.

Upcoming seminars: Aug. 4 PennDOT hosting Local Technical Assistance Program course entitled *Posting & Bonding of Local Roads*; Aug. 14 Penn State Cooperative Extension hosting *Community Impacts of Marcellus Shale Natural Gas*. Schultz noted that the Marcellus Shale Committee, a gas industry group, has announced a series of public meetings. There is one planned for July 30 in Waymart to discuss drilling for natural gas and to answer questions. Soete noted he has also been viewing webinars hosted by various entities about natural gas related topics.

Pond Eddy Bridge Update: PennDOT has scheduled a teleconference for the Project Committee of the Pond Eddy Bridge Project for Aug. 4. (Note to minutes: staff received notice the teleconference was re-scheduled to Sept. 8.)

FEMA issues updated Sullivan County flood hazard maps: Following the issuance by FEMA of updated flood zone maps for Sullivan County, there has been some controversy relative to expanded flood areas and problems with downloading the online map versions. Local town governments were provided with CD-ROMs of the documents but some towns experienced issues with the software. There have been meetings on the preliminary maps and after any appeals/resolutions; a final ruling will be issued on the maps by FEMA. These maps are also used by the National Flood Insurance Program.

Upper DeLAWARE River Roundtable Update: The next meeting of the Upper DeLAWARE River Roundtable will be the afternoon of Aug. 6 at the Tusten Town Hall in Narrowsburg, NY. Some agenda

topics include: Land use training, GIS mapping, and Multi-Municipal Gas Drilling Task Force progress report.

Old Business None

New Business

TAG 2007-08 Town of Tusten: The Town of Tusten submitted a request for payment under their TAG for their completed project involving converting town laws to PC format. Staff reviewed the town's documentation. The grant was \$4,500, they expended \$1,515, and \$2,985 would be de-obligated. A motion by Wall seconded by Shafer to approve payment of the grant was carried.

The committee was reminded that a special meeting would take place Aug. 11 at which time the committee will interview TAG 2009 grant applicants. The grant application deadline is July 31.

Draft FY 2010 Committee Work Plan: The committee reviewed and made changes to the staff's draft fiscal year 2010 committee work plan. A motion by Peckham seconded by Shafer to recommend full Council approval was carried.

Draft Comment Letter to DRBC: Chesapeake proposed surface water withdrawal West Branch Delaware natural gas activities (referred from Water Use/Resource Management Committee): The draft comment letter from committee to DRBC on Docket D-2009-20-1 had been provided to the committee prior to the meeting. The DRBC comment deadline is July 29.

Peckham offered that the comment letter should have been presented at the July 15 DRBC meeting and not now. He also felt that the procedure was not in keeping with Robert's Rules of Order. Coney explained the Project Review Committee has had, under policy, the latitude to issue committee comment letters so that deadlines could be met relative to project review items. This procedure has been in the UDC's five-year plan for a long time. Wall noted that some issues need short reaction time. Shafer queried why this letter was being done now if we knew it was going to be on the docket of the DRBC meeting July 15, and if no board member wanted a letter sent then, why now. Richardson felt that the letter should be handled at a full Council meeting. He also agreed that since 1989 the committee has been issuing comment letters on projects as necessary.

Roeder noted that the DRBC has extended the comment period to July 29 and wondered if there was any difference from May (when docket was on DRBC website) to July in the docket. Peckham indicated there was no difference in the docket language. He agreed the comment letter should be sent but from the full Council. Sundholm reminded the members that at the WU/RM Committee meeting two members were not in favor of the procedure to send to this committee for action and wanted to discuss it with their towns first. Soete mentioned that the UDC letter echoed the NPS comment letter on certain issues of concern. Keesler remarked that UDC added some items.

Roeder commented we should have sent a comment letter when this docket was on the agenda at the July 15 DRBC meeting, but we should have gone back to our towns and asked them for input. Schultz felt UDC could have stepped up to the issue in July. Shafer reminded the committee that UDC only has a draft position on the gas issue and no formal voting has taken place. Keesler pointed out it's not about the gas industry, but how these activities may affect the Delaware River. Schultz agreed. Peckham added that was one reason why at the July 15 DRBC meeting during the public comment period some speakers were shut off since they were starting on the gas drilling and not addressing the surface water withdrawal that was the docket up for public comment. Schultz noted the committee comment letter is about natural resources. Peckham agreed but procedurally he felt the letter should go to the full Council. The process failed this time and next time we should get the comment letter done earlier and go through the full Council.

Roeder pointed out due to the comment deadline the committee was the last chance to meet that deadline. But, he felt that since the DRBC was a member of the UDC it would be a member-to-member letter if it goes out after the deadline since the next UDC meeting is Aug. 6. Schultz offered that the UDC staff could write a letter to the DRBC by the deadline explaining that a comment letter has to be reviewed by the town/township Council members and a letter could be approved at the UDC meeting on Aug. 6. Wall mentioned that she was not aware that a comment letter could have been offered at the July 15 DRBC meeting since the township was not notified of this issue, but she felt the letter was important enough to

send. Peckham disagreed procedurally. Keesler said we've been working awhile on the draft position paper on gas issues and now's the time to get that done. Soete brought up that at the Water Use/Resource Management Committee meeting Martinez reviewed the NPS comment letter and the committee felt the UDC should issue a letter also, but since WU/RM could not issue its own letter, the matter was referred to the Project Review Committee for action with a draft letter issued to UDC members prior to this meeting. Roeder felt Schultz's idea of sending a notification letter to DRBC was good and that the draft comment letter should go back to the towns for review.

Schultz said this is a water withdrawal comment letter, not a gas drilling letter. Shafer mentioned that his town was in favor of gas drilling so he felt that this water withdrawal by Chesapeake was tied into that issue. Richardson disagreed saying he felt that you can separate water withdrawals from gas drilling. We're not saying they cannot withdraw, but we want it done responsibly. Roeder felt water withdrawals should be done when the River is at high flow and not low flow. Schultz wondered if New York City would be releasing more water to meet the Montague flow target if this water withdrawal was approved. Peckham provided the committee with a chart explaining flows in cubic feet per second to show impacts. He obtained the baseline data from USGS. He felt the River could handle the water withdrawal but no one knows what the cumulative impacts will be, and that's for DRBC to figure out. He said the Town of Hancock was for responsible drilling. Shafer added there needs to be thought about how many water withdrawals will be made from the River and can the River tolerate those amounts.

A motion by Richardson seconded by Peckham to have staff issue a notification letter to DRBC as Schultz suggested and send the draft comment letter to the towns for review prior to the Aug. 6 UDC meeting was carried.

The committee reviewed and amended the draft comment letter. A motion by Peckham seconded by Keesler to approve the amended letter and recommend UDC review the letter for action at the Aug. 6 Council meeting was carried.

Public Comment None

Adjournment A motion by Wall seconded by Richardson to adjourn the meeting at 9:29 p.m. was carried.

Carol Coney, Office Manager