

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMMITTEE MEETING MINUTES
Nov. 17, 2009

Committee Members Present: Wieland, Bowers, Serio, Chase, Sundholm, Fluhr
Committee Members Absent: McKay, Shafer, Keesler, Flaherty
NPS Partner: Schultz
Advisory Committee: None
Staff: Douglass, Soete, Coney, Ramie
Guests: D. Hamilton-NPS

The monthly meeting of the UDC's Water Use/Resource Management Committee was held on Nov. 17 at the Council office in Narrowsburg, NY. The committee chairperson Charles Wieland called the meeting to order at 7:06 p.m. A motion by Bowers seconded by Fluhr to approve the Oct. 20 meeting minutes was carried. There was no public comment on the agenda.

Old Business

Upper Delaware Scenic Byway Update: Ramie reported on the Byway activities. A meeting was held on Oct. 26. The quarterly website report indicated the number one page visited on the site was the photo gallery, followed by hospitality, shopping, hiking, recreation and eagles. Two individuals have responded to the want ads for an on-commission position soliciting business memberships for the website. The Narrowsburg Beautification Group has notified the Byway group that the panel signs on the Narrowsburg deck are deteriorating since their installation last December. Sullivan County Parks and Recreation is working on plans to remediate the problem. Regarding the Sparrowbush DEC leased access site, a response letter was received from DEC indicating that the DEC's term easement on the property that allowed the DEC to manage the property as a public fishing access site expired in 2008, and that it's now up to the property owner what they'll do with the site. The Town of Deerpark is looking into options to keep the access public.

The Byway placemats stored at the UDC office are being distributed and are a popular item. The Litter Strategy Committee reported that the NYS bottle bill injunction was lifted and there will now be a 5 cent deposit on water bottles as of Oct. 1, 2009. The next meeting of the Byway group is Nov. 23.

Upper Delaware River Roundtable Update: Soete reported he attended the recent meeting of the Roundtable's draft Supplemental Generic Environmental Impact Statement subcommittee held Nov. 5. This subcommittee is reviewing the NYS DEC's dSGEIS document relative to natural gas drilling oversight. Some of the discussion included cumulative impacts, wastewater, water quality, accidents, accountability, data/science, and local governance. Soete noted that some accountability oversight has shifted to the NYS Dept. of Health but they do not have the staff to manage the issues. There was mention of local governance going beyond just roads oversight. There will be more discussion at the Nov. 19 subcommittee meeting.

Delaware River Sojourn Update: Ramie reported that the 2010 Sojourn co-chairs will be Kate O'Hara of the Delaware River Basin Commission and Sara Bellois of the PA Dept. of Conservation and Natural Resources. The theme for next year's event will be "Bridging the Delaware Valley, Connecting Communities". A new newsletter to promote the Sojourn is being produced. The Sojourn website will be transferred from the Delaware River Basin Commission to be hosted by DJ Branch and Troy Bystrom, and the Sojourn Day Planners now will have the capability to adjust their day plans right on the website instead of going through a second person to have it posted. The next meeting of the Sojourn Steering Committee is Dec. 8.

Common Waters Update: Douglass noted that a fact sheet about the Common Waters group that UDC participates on was handed out. The ad hoc stakeholders from the Delaware River Basin are working on cross-border issues such as strengthening stakeholder capacity to address key issues; encourage cross-boundary communication and collaboration; assemble and share information for objective decision making; increase public awareness and create support for positive action; and develop a clear identity for the region and encourage a pride in that identity.

Ramie reported on the Oct. 29 Common Waters forum she attended to provide an article for the UDC's newsletter. She mentioned there were 70-75 in attendance. An "operations" model is in the works. They're looking at 15 partners made up of the National Park Service, land trusts, conservation organizations, states, counties, and the like. An organization in Washington, DC is also working with the group. The intent is to work together to conserve the resources. The forum was held at the Riverview Inn and ran from 9 a.m. to 9 p.m. There was a professional facilitator. Regional collaboration opportunities were discussed. The Upper Delaware Council was brought up as a "model" example for regional collaborations. A result of the forum will be a summary of collaboration methods, and a grant application will be put in for a specific project.

Schultz noted that there is good NPS representation on Common Waters. They're looking at partnering with other agencies. The focus is clean water. There is lots of land in this area that is forested and the counties are fast growing. They'll look at impact to resources due to development activity. The county planners have attended the meetings and the non-government organizations are interested in participating.

Serio asked how they are different from the Delaware River Basin Commission's agenda. Ramie responded Common Waters is non-regulatory and an ad hoc group that works together on issues from both sides of the river. They hope to have another forum next year. Schultz mentioned that the group wants to create an "atlas" of area natural resources and impacts happening or pending. They'll be talking about the NYS DEC's dSGEIS as well.

D & H Transportation Heritage Council Update: Ramie reported that the D & H Transportation Heritage Council met Oct. 21. The Times Herald-Record newspaper came to the meeting to interview members of the group. The group has just received a federal grant to improve the nearly twelve mile section of former canal stretching from the Sullivan County line in Westbrookville to the City of Port Jervis. Written information about this grant was provided to the committee. Easements have been secured from all of the property owners along the section involved. Ramie displayed a trail blazer sign that will be posted along the route. The group decided to send a comment letter to NYS DEC regarding the mushroom factory slated to be built along the banks of part of the D & H Canal around Wurtsboro. The group wants to digitize the historic maps of the Canal now in the possession of the Canadian Pacific Railroad. The next meeting of the group is Jan. 20.

UDC additional follow-up with Central New York Railroad, hazmat training (referred from Council): Douglass explained that the CNYR had indicated they would assist the Council in updating the Delaware River Valley Emergency Response Guide relative to railroad accidents. However, no response has been forthcoming from CNYR for a long while. Schultz mentioned we should think about this as natural gas drilling fracking fluid and sand may be transported over the rail lines in the future. Fluhr noted there is shipping of other hazardous materials already taking place on the line and there's no movement by the railroad to give local fire departments any information. The railroad has already been fined regarding an accident in Shohola.

Bowers asked what federal agency would be responsible, and Fluhr responded the Federal Railroad Administration. Bowers felt maybe it was time to contact FRA regarding the lack of cooperation from the railroad. Schultz offered that the letter should include that we want the railroad to work with us on hazmat training and that there has been no response from them. The training needs to be done annually. The UDC is in an ideal position to send such a letter. Fluhr felt that an updated Emergency Response Guide should be the first priority. All county EMAs and local emergency responders should be included in this training, as we've done in the past. We need to know what to do in case of a train wreck for the safety of the local populace especially when there are hazardous materials onboard. Wieland felt the letter should be an inquiry to the counties to get something organized and explain that the wreck in Shohola proved problematic since location of the manifest took over an hour to obtain and evacuations had already begun given the uncertainty of the situation.

Bowers felt we should send the letter to all parties listed in the previous emergency response guide explaining the situation and concerns and asking if they would be willing to participate in updating the response guide, and he made that a motion. He added the parties should meet and decide what needs to be done and who will take the lead. Wieland suggested Ramie write a news release on this. The motion was seconded by Serio and carried.

New Business

UDC second dSGEIS comment letter - Gas companies/local emergency responders preparedness training (referred from Council): Coney explained the reasoning behind this second comment letter to the NYS DEC as referred from the Council relative to natural gas drilling/exploration accidents or explosions and the need for local responders to be trained and prepared to answer emergency calls that deal with any gas drilling accidents, whether it's a truck spill or on-pad incident. Bowers said the letter should be generic to cover the whole area. Ramie asked if the letter should be prepared for the Project Review Committee and Wieland said yes, and that the letter would ultimately need to go through the full Council. Based on the committee's input, staff will draft a letter for committee review.

Sullivan County Pre-Charrette Focus Group on Economic Development Nov. 12: Douglass and Soete attended a Nov. 12 focus group meeting hosted by the Sullivan County Planning Division relative to economic development for Sullivan County. Douglass explained the intent of the meeting was to find out how Sullivan County can change the way it does things and get people to come to Sullivan County. He felt the meeting offered some good ideas. Soete indicated the actual Charrette would take place on Dec. 7 from 8 to 5 at Bethel Woods. About 100 people will be invited.

Soete indicated the pre-Charrette focus group discussed such things as the identity of Sullivan County now (the borscht belt) and the need for a new look to get people to start new businesses here and get more visitors to come. They're looking at alternatives to big business and they want sustainable businesses as well. This pre-Charrette focused on the environment and conservation and those stakeholders were in attendance to provide input to the county.

Pinchot Institute/Common Waters Request for Support Letter for "Advancing Healthy Watersheds through Healthy Forests" grant proposal: The committee received information on the Common Waters Healthy Forests, Healthy Waters Program and copy of a draft support letter for review that was being issued to the U.S. Endowment for Forestry and Communities in South Carolina relative to a grant proposal being submitted by the Pinchot Institute for Conservation. Ramie noted the deadline for the letter was Nov. 23. The committee asked for further information as this was the first time they've heard about the proposal. A motion by Bowers seconded by Chase not objecting to the goal of the grant was made and discussion followed. Bowers amended his motion later to indicate the Council is a participant and not a member of the Common Waters group and it was seconded by Chase. The committee indicated they wanted more time to review this proposal. They also had questions regarding the "home rule" weaknesses as interpreted by the Common Waters group in its Facilitating Regional Cooperation in Water Policy fact sheet and questions about the local municipalities' participation at the inception of the grant proposal. In answer to a question, Ramie explained that the Common Waters group handled things in the basin while the Pinchot Institute handles out-of-basin items. Soete also provided handouts to the committee regarding the Endowment group providing the grant that he had just downloaded from their web as the committee requested. Following further discussion, a vote of the committee to issue the support letter at this time did not pass.

PA DEP Daily Update article Nov. 6 – federal funding urged for Mid-Atlantic River Basins: The committee was provided with copy of a news article that indicated U.S. Senators Bob Casey and Arlen Specter joined eight other Senators in sending a letter to President Obama urging him to include funding for the Mid-Atlantic River Basin Commissions in his FY 2011 budget. The Mid-Atlantic Basin includes the Delaware, Susquehanna and the Potomac river basins. Congressional requests for funding through the Energy and Water Appropriations Bill were not included in the FY 2011 budget. NYS Senators Kirsten Gillibrand and Charles Schumer also signed the letter.

PA DCNR news release Nov. 9: "PA DCNR Announces Balanced, Responsible Plan to Lease Additional State Forest Lands for Natural Gas Exploration": The committee was provided with copy of a news release issued by the PA Dept. of Conservation and Natural Resources announcing a responsible plan for leasing state forest lands that balances the state's environmental and fiscal obligations on behalf of the public. The department will open six tracts of land, totaling approximately 31,967 acres, for a lease sale of subsurface oil and gas rights. The tracks are located in the Elk, Moshannon, Sprout, Susquehannock and Tioga state forests in Cameron, Clearfield, Clinton, Potter and Tioga counties. The department was especially diligent in evaluating which tracks to make available and that the nearly 32,000 acres

constituting the upcoming lease sale represent just a small fraction of the state's 2.1 million acres of state-owned forest land. Bids for the land leases will be opened Jan. 12, 2010.

PA Fish & Boat Commission news release: "Fish & Boat Commission to Inspect Marcellus Shale Drilling Sites": The committee was provided with copy of a Nov. 16 PA Fish & Boat Commission's news release that indicated law enforcement officers and biologists with the PA F&BC will begin conducting field inspections of active drilling sites for Marcellus Shale gas wells beginning in December. The agency will focus on those well sites that are in close proximity to Commonwealth waterways, including wetlands. The inspections will determine if adequate measures are in place at the drilling site and access roads to prevent damage to the nearby aquatic resources. Fish & Boat staff will also be obtaining water quality data from several locations in the nearby waterway. More than 150-active well sites have been identified so far for inspections.

River Reporter Nov. 12 article: "DEC fishing site for sale": The committee was provided with copy of a *River Reporter* news article that indicated the NY state fishing access located off Route 97 in Sparrowbush was for sale by the private owner. The fishing access had been leased by the state and the easement expired last year. Given the current fiscal crisis in NYS, DEC does not currently have funding to acquire this property. The fishing access comes with 17 acres.

Next Committee Meeting Dec. 15: The committee was reminded that due to the holiday scheduling, the next committee meeting would be Dec. 15 at 7:30 p.m. All committees of the Council will be meeting that same evening.

2009 PA Natural Gas Summit Nov. 17-18-19: Hamilton informed the committee that he has been representing the NPS-Upper Delaware at the Nov. 17-18-19 Pennsylvania Natural Gas Summit in State College, PA. The gas summit will address the challenges, opportunities and related actions associated with water use and disposal, regional infrastructure development, issues for local governments, identification of local economic opportunities, and legal issues related to natural gas leasing and development so that stakeholders can make informed, educated decisions that best suit the needs of the region. He especially found interesting the presentation from the Susquehanna River Basin Commission relative to water usage and wastewater disposal at fracking wells. Currently, there is more water being used than disposed of. Hamilton said he would try and obtain the PowerPoint presentation of this talk for the Council.

NPS Report: Schultz informed the committee that the NPS-Upper Delaware is looking into the use of NPS Commercial Use Authorizations (CUA) for commercial eel weir operators on the Upper Delaware since some items are not covered in other state regulations. The NPS is looking at catch numbers and by-catch as well as the dismantling of weirs during most of the summer boating season. The CUAs will require that eel weir operators carry liability insurance. Wieland noted that the eel weir industry was an historical use of the river before the River Management Plan was instituted. There are studies that the eel populations are declining in the Mid-Atlantic States. Schultz mentioned that NPS has had complaints from the canoe liveries that recreational boaters have been snagged by eel weirs on the Upper Delaware.

Town of Hancock updated FEMA floodplain maps released: Serio informed the committee that the new FEMA floodplain maps for the Town of Hancock have been released to the town. There are lots of areas where boundaries have changed, not just the 500-year flood but lots of property in the floodway that will affect real estate values and taxes in the town. There's a 90-day appeal process on technical merits of the maps, and also a protest process that something is not accurate on the maps. Appeals need to go through the local government. Serio noted that the whole Village of Deposit is in floodway now. The costs for flood insurance will go up when the final maps are approved.

Public Comment None

Adjournment A motion by Bowers seconded by Serio to adjourn the meeting at 9:04 p.m. was carried.

Carol Coney, Office Manager