

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
Feb. 16, 2010

Committee Members Present: Serio, Chase, Boyar, McKay, Keesler, Rando, Ritter
Committee Members Absent: Shafer
NPS Partner: Schultz
Advisory Committee: None
Staff: Douglass, Soete, Coney, Ramie
Guests: None

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, Feb. 16, 2010 at the Council office in Narrowsburg, NY. Chairperson Jim Serio called the meeting to order at 7:02 p.m. A motion by Chase seconded by Boyar to approve the Jan. 19 meeting minutes was carried. There was no public comment on the agenda.

Old Business

Delaware River Sojourn Update: Ramie reported on Sojourn activities. On Jan. 22, the Upper Delaware section planning group met to outline the river trip and programs. The Upper Delaware section of the Sojourn will be held June 20-21-22. The river segments to be paddled will be from Ten Mile River to Barryville; Barryville to Staircase Rapids; and Staircase Rapids to Matamoras. Programs for each day are being finalized. The Sojourn Steering Committee met on Feb. 9. An offer to have Kittatinny Canoes as the canoe livery for the entire Sojourn was received and reviewed. The Steering Committee is reviewing tee shirt logo designs for this year's event. The Steering Committee will meet again on March 9.

D & H Transportation Heritage Council Update: Ramie reported the D & H held a meeting Jan. 20 at the UDC office. Luncheon was held at the historical Narrowsburg Inn prior to the meeting. Election of officers for 2010 were held, resulting in Kristen Porter as President; Cliff Robinson Jr. as Vice-President; and Sally Talaga as Secretary with Jane Varcoe as Treasurer. The D & H approved a letter of appreciation to Joe Gross of the Town of Highland for coordinating improvements to the D & H canal lock in Barryville. A letter to Orange County officials will be issued expressing the group's concern with re-watering the canal section in Cuddebackville to prevent further deterioration. A memorial donation to Century House in Rosedale in honor of Dietrich Warner was approved. The next D & H meeting will be held April 21 at the Zane Grey Museum, with a tour of the canal property in Barryville at 11 a.m. Meetings of this group are open to the public.

Upper Delaware Scenic Byway Update: Ramie reported the Byway group met Jan. 25, however, with no quorum no business could be conducted so general discussion was held. There were two recently elected officials in attendance to familiarize themselves with the Byway group—Peggy Harrison Supervisor of Tusten and Dennis Simmons of Orange County Legislature. The individual recommended for hiring as the business membership representative to solicit business memberships and ads for the Byway website was in attendance. The website host, Wdesign, provided the quarterly web report. A report from Fred Suljic, the consultant for the Landscape Survey Project, identified nine sites on Rt. 97 as priority sites for selective clearing demonstration sites. A subcommittee did site visits on Feb. 4. The Sullivan County Planning Commissioner Luis Aragon has suggested that the Byway serve as a central agency to promote the Upper Delaware River Corridor as a tourist recreational area. A subcommittee will meet with Aragon on Feb. 19 to discuss this matter. A Byway visitor center subcommittee has been established to rework the concept so that it is not a financial burden for Sullivan County. The Byway interpretive panels in Narrowsburg were replaced; the Byway placemats are being distributed; seven grants received are in process; and the next Byway meeting is Feb. 22.

Upper Delaware River Roundtable Update: Schultz and Douglass reported briefly on the Feb. 4 Upper Delaware River Roundtable meeting. Schultz noted the NPS Northeast Regional Director and new Upper Delaware Superintendent attended the meeting. Regional issues are discussed around the table and issues for partnering brought up. The Roundtable meetings are held on the even months in the

afternoons before the UDC meetings so that agency UDC members could attend. Douglass noted that Wayne and Pike Counties are getting involved in the Roundtable. Schultz mentioned that these are informal meetings to share issues and concerns within the watershed. The goal is to coordinate issues in the region and work together for solutions.

New Business

U.S. Fish & Wildlife Service Report-Reserve Pit Management: Risks to Migratory Birds: The committee received excerpt of the September 2009 U.S. Fish & Wildlife Service report, *Reserve Pit Management: Risks to Migratory Birds* at the request of Scott Rando. Rando provided a brief overview of the report. The report was intended to help the USF&WS employees and other natural resource managers understand reserve pits, their uses, associated mortality risk to birds and other wildlife, and alternatives to the use of reserve pits in drilling for oil and gas. The document also provided a summary of state and federal oil and gas rules that relate to reserve pits.

Earthen pits, also known as reserve pits, excavated adjacent to drilling rigs are commonly used for disposal of drilling muds and well cuttings in natural gas or oil fields. The contents of reserve pits depend on the type of drilling mud used, the formation drilled, and other chemicals added to the mud circulation system during the drilling process. Once the drilling rig and other equipment are removed from the well pad, the reserve pit is attractive to birds and other wildlife. Reserve pit fluids are allowed to dry and the remaining solids are encapsulated with the reserve pit synthetic liner and buried in place. Birds and other wildlife mortality in reserve pits is preventable. Several states recommend or require netting or screening of reserve pits. Immediate removal of the drilling fluids after well completion is the key to preventing wildlife mortality in reserve pits. An alternative to the use of earthen reserve pits is closed-loop drilling systems using steel tanks to hold the drilling muds and cuttings. Other options to dispose of drilling wastes include: downhole injection; solidification and burial; or treatment and reuse.

Rando mentioned that at the present time neither NYS nor PA have netting regs for these pits. For pit removal, NYS requires 45 days while PA requires pit removal in 275 days. Some other states are allowing up to a year to remove these pits. The report can be accessed at www.fws.gov/mountain-prairie/contaminants/documents/ReservePits.pdf.

DRBC Notice of Public Hearing Feb. 24 - Stone Energy Proposed Surface Water Withdrawal & Natural Gas Well Site: The committee was provided with copy of the DRBC's "Notice of Public Hearing Stone Energy Corporation Proposed Surface Water Withdrawal and Natural Gas Well Site". The hearing takes place on Wednesday, Feb. 24, 2010 from 3 to 7 p.m. Written comments will be accepted until 5 p.m. on March 12, 2010. The hearing will take place at the Best Western Inn at Hunt's Landing, 126 Routes 6 & 209, Matamoras, PA. Written comments can be submitted at the hearing and may also be sent via email and otherwise to the DRBC. The draft Dockets (D-2009-13-1 water withdrawal) and (D-2009-18-1 natural gas well drilling pad site) can be viewed on the Commission's website, www.drbc.net.

Soete and Douglass reviewed the project sites with the committee via maps and photographs. Douglass noted that a statement in the hearing notice regarding the surface water withdrawal says, "The water will be used to support natural gas well stimulation activities in an existing well located in Clinton Township, Wayne County, PA (the Matoushek #1 well), located within the drainage area of Special Protection Waters, and in proposed natural gas wells targeting the Marcellus Shale geologic formation within the SPW drainage area in the Commonwealth of Pennsylvania. Flow-back water from well stimulation activities is proposed to be exported to approved treatment facilities located outside of the Delaware River Basin."

The committee discussed and provided its concerns to staff regarding a UDC comment letter. Schultz recommended that the committee review the actual Dockets to obtain further information. Serio asked the committee to send their input to Soete in preparation of the comment letter from the Council. He also noted that the Project Review Committee will also be involved in this process and he asked Soete to provide a list of the WU/RM committee concerns to Project Review. Any comment letter would come through the full Council meeting.

PA DEP Act 537 Sewage Facilities Program, On-Lot Systems: The committee was provided with fact sheets and news releases relative to PA Act 537, sewage facilities programs. This issue had been mentioned at previous meetings and is affecting the Pennsylvania township UDC members. On Jan. 24,

1966, the Pennsylvania Sewage Facilities Act (Act 537, as amended) was enacted to correct existing sewage disposal problems and prevent future problems. The sewage facilities program is largely administered by individual municipalities, groups of municipalities, local agencies including County Health Departments and groups of local agencies. These agencies receive technical and financial assistance and oversight from the PA DEP.

Municipalities are required to revise, unless exempt, their Official Plan if a new land development project is proposed or if unanticipated conditions or circumstances arise that make the base plan inadequate.

Malfunctioning onlot treatment systems can endanger public health, degrade the environment and reduce property and community value by discharging onto public areas, private property or contaminating receiving waters including drinking water supplies. Management options for onlot systems may include such services as: •public and homeowner education •regular pumping of tanks •operation and maintenance activities tailored to specific onlot systems or treatment components •testing and monitoring procedures to assess the quality of effluent treatment •Periodic inspections to determine system integrity and operational performance and more.

As reported through area news media, township supervisors are protesting a recent request from the PA DEP to change the way septic systems are installed, checked and maintained in the county. The townships say the new regulations will cost them a tremendous amount of time and money. It could also inhibit growth. The rules stem from a 2008 court decision that said the DEP must ensure septic tank discharges do not impact watersheds deemed to have exceptional quality waters. The DEP has moved toward tougher permitting requirements on septic tanks in watersheds affecting nearly all Wayne, Pike and Monroe counties, which lie in the Delaware River basin. Currently there is troubling vagueness as to how to proceed with development. Further clarification from the PA DEP is pending.

NYS DEC news release “New Law Requires Submittal of Water Use Data to DEC”: The committee was provided with copy of a NYS DEC news release relating to water use data. The new law requires reporting water withdrawals for any individual or industry using more than 100,000 gallons per day. New York’s water resources are under pressure by heavy demands from increasing commercial, industrial, and public uses as well as the need to maintain river and stream flows for fisheries, wetlands, and other environmental needs. Water users are already required to report significant water withdrawals in some portions of the state. The recently passed legislation Title 33 will expand this requirement statewide and ensure that water use is adequately documented. Further information may be obtained at www.dec.ny.gov/lands/55509.html?showprintstyles.

NYC DEP West of Hudson Hydroelectric Project, Minutes of Public Meeting 12-15-2009: The committee was provided with information as to how to access the FERC website to obtain the “Minutes of Public Meeting, West of Hudson Hydroelectric Project, FERC Project No. 13287, Dec. 15, 2009, at the Sullivan County Community College in Loch Sheldrake, NY”. The website is: elibrary.ferc.gov/idmws/common/opennat.asp?fileID=12263219. The UDC has commented to FERC on this project.

ASMFC news release, “ASMFC Approves American Shad Amendment”: The committee was provided with copy of an Atlantic States Marine Fisheries Commission news release issued Feb. 5. The release indicated that the ASMFC approved Amendment 3 to the Interstate Fishery Management Plan for Shad and River Herring. The Amendment establishes a coastwide commercial and recreational moratorium, with exceptions for sustainable systems. The Amendment was developed in response to the findings of the 2007 benchmark stock assessment for American shad, which indicates that shad stocks are currently at all-time lows and do not appear to be recovering. The Amendment will be available by mid-February via the Commission’s website at www.asmfc.org under Breaking News.

NYS DEC news release, “DEC Adopts Ten-year Management Plan for Ring-necked Pheasants”: The committee was provided with copy of a NYS DEC news release pertaining to the management plan for ring-necked pheasants. The new plan is to guide DEC’s management actions for wild and state-propagated ring-necked pheasants for the next decade. The plan incorporates extensive information gathered by DEC biologists and input provided by sportsmen and other partners to provide a comprehensive assessment of

pheasant management in New York. Information can be obtained from the DEC website at www.dec.ny.gov.

National Park Service Report: Sandra Schultz strongly urged the Council to continue following-up with updating the *Emergency Response Guide for the Upper Delaware River Valley* that was directed again during a committee meeting not long ago. She suggested that UDC and NPS work together to hold another tabletop exercise with the River corridor railroad as was done long ago with CONRAIL. She also mentioned that the railway may be used for transportation purposes by the new gas drilling industry coming to the valley. Staff noted that they have been unsuccessful in getting a response from Central New York Railroad to initiate training and update the Guide. McKay offered that he had good luck when working with Attorney Feno from CNYR. Staff will continue to move on this project.

UDC Awards Nominations Sought: Ramie announced that award nominations are now open for the Council's 2010 annual awards ceremony. Nominations can be made in specific categories and nomination forms are available on the UDC website at www.upperdelawarecouncil.org. Nominations should be submitted to the Upper Delaware Council by the March 15, 2010 deadline.

Public Comment None

Adjourn A motion by Rando seconded by McKay to adjourn the meeting at 8:50 p.m. was carried.

Carol Coney, Office Manager