

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMMITTEE MEETING MINUTES
April 20, 2010

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

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, April 20, 2010 at the Council office in Narrowsburg, NY. Committee Chairperson Jim Serio called the meeting to order at 7:06 p.m. A motion by Chase seconded by Rando to approve the March 16 meeting minutes was carried. There was no public comment on the agenda.

Old Business

Delaware River Sojourn Update: Ramie reported the Sojourn Steering Committee held a face-to-face meeting on April 13 in Bethlehem, PA. There was a decision to keep the rates the same---\$60 per day per adult; \$40 15-years and under; \$5 insurance; after June 1 the rates increase by \$10. They are offering a \$25 discount on the rates for first-time paddlers. T-shirt bridge design finalized. Day Plans for the River segments were reviewed. For the Upper Delaware section: June 20 - Ten Mile River to Barryville; June 21 – Barryville to Staircase Rapids; June 22 – Staircase Rapids to Matamoras. Kittatinny Canoes will cater all meals except for the kick-off event. Retired NPS-Upper Delaware Assistant Superintendent Sandy Schultz will be specially honored for her years of service and dedication to the Sojourn event. The next meeting of the Sojourn Steering Committee will be a teleconference on May 11.

Upper Delaware Scenic Byway Update: Ramie reported the Byway group met March 22. They issued a grant support letter to Sullivan County Planning for a grant application they were submitting. The Hancock Partners are doing an application for a town square project that will also act as a main location for Byway signage. They also hope to link a fitness trail to the town square property. The Byway group issued a support letter for the Partners grant application. There was a presentation by Sullivan County Parks and Recreation and DPW concerning using the Fort Delaware site in Narrowsburg for the Byway visitors' center. The County owns the facility so it has built in maintenance and operating monies. Both the federal and state grants for the project could be applied to the new site proposal. The Byway passed a resolution to support the conceptual idea to use the Fort Delaware site as long as it met the Byway management plan requirements. Sullivan County is preparing a Request for Proposals for the visitors' center design concept at the Fort.

The Byway Nominating Committee provided their report for the slate of officers. There was a landscape survey project report. The top five sites selected were in the towns of Tusten, Cochection, Highland, Lumberland and Deerpark. Up next will be using a certified arborist to do site reviews and clear land.

The Byway received a letter from the NPS-Upper Delaware explaining the stoppage of the Mongaup Visitors Center project. The \$25,000 Byway grant NPS would have used was reallocated to the Byway visitors' center project. The Byway group meets again April 26.

New Business

NPS Northeast Regional office comment letter to DRBC on Stone Energy Dockets: The committee was provided with copy of the National Park Service's comment letter to the Delaware River Basin Commission relative to public comment on the Stone Energy Dockets related to gas exploration and water withdrawal. Hamilton noted that NPS had input on the letter from their geologic division and water resources division. As to the Matoushek 1 Well Site there were comments on use of steel tanks for wastewater storage; defining a timeframe for "temporary" storage on-site of wastewater; evaluation of wastewater chemicals with proper sampling and record keeping; Non-Point Source Pollution Control Plan;

production casing of appropriate weight and grade to handle treatment pressures and three points relating to the open annulus between the production and surface casing; water conservation measures in all types of use; and the Pre-Alteration Groundwater Quality Survey Plan.

As to the surface water withdrawal for natural gas exploration at West Branch Lackawaxen site there were comments relating to Special Protection Waters; withdrawal site and operations; and need for cumulative impacts analysis of natural gas development in the Basin.

Various News Articles handed out: The committee received eight articles of interest for their review and information. These included:

- NYS DEC review of comments and preparation of a final SGEIS on natural gas drilling/exploration will most likely be delayed until late summer or early fall due to staff shortages and responding to 13,500 comments from the general public on the draft document, which must be finalized before permits to drill are granted. There are 58 pending gas applications for permits from the State.
- NYS Assembly proposed Bill A10490 has been introduced and referred to the environmental conservation committee. The bill would result in "an act to establish a moratorium upon conducting hydraulic fracturing (for natural gas) pending the issuance of a report thereon by the federal Environmental Protection Agency". The committee was provided with copy of the actual bill.
- Cabot Oil and Gas Corp. operating in Susquehanna County plans to install methane removal systems in at least 13 homes where the state found that gas had seeped into drinking water because of nearby natural gas drilling. The PA DEP has to review and approve Cabot's plans before the company can begin installing the systems. Rando said he heard that Cabot would not be allowed to drill wells in PA for a year and they cannot drill in Dimock at all.
- The NPS-Upper Delaware will again hold its Water Snapshot program for area school children. Fourth through eighth grade students in two states, four school districts, six schools and twenty classrooms will have a Park Ranger visit their classroom to explain the principles of water quality and environmental stewardship. This is followed by a hands-on water quality sampling to get a "snapshot" of what the water quality is like in their "backyard", the Delaware River and tribs.
- The NPS-Upper Delaware has announced that it will work with the U.S. Fish & Wildlife Service, PA Fish & Boat Commission, and the NYS Dept. of Environmental Conservation on a NPS funded project to provide an overall description of the age structure of the spawning stock of American shad in the Upper Delaware River. From May 1 through June 19 fishers at 12 river access points along the Upper Delaware River will be contacted and a valid creel survey will be utilized to gather valuable information on American shad. The harvest of American shad is managed under an interstate management plan coordinated by the Atlantic States Marine Fisheries Commission.
- The NYS Dept. of Environmental Conservation has announced the finalization of changes to the state's freshwater fishing regulations which will become effective on Oct. 1, 2010. Some of the changes apply to multiple waters in New York, while others are waterbody-specific. Modifications to enhance angling opportunities for a particular species or group of species and regulations that provide for the protection of vulnerable game fish species are among the changes. For the Delaware River and the West Branch Delaware River, a 10-fish daily limit has been established for river herring (alewife and blueback herring).
- An article from the Atlantic States Marine Fisheries Commission's newsletter was provided to the committee that entailed a species profile on the American shad and the new amendment passed seeking to recover depressed stocks. American shad, a species of the Upper Delaware River, play an important ecological role in freshwater, estuarine, and marine environments during its anadromous life cycle.
- The NYS Dept. of Environmental Conservation has announced that for the first time, New York would classify non-native plants and animals to help prevent the spread of invasive species through waterways, forests and farmlands, under a proposal by the state's Invasive Species Council. Invasive species have a devastating impact, not only on the environment but also the economy. They have wiped out certain tree species, hurt recreational and commercial fishing, and tainted water supplies. The best way to prevent their spread is to focus on the many pathways by which plants and animals are moved around the globe. The comment period on the draft plan runs through May 14, 2010 and the Council's draft report is available through the DEC's website (www.dec.ny.gov).

DRBC's Regulated Flow Advisory Committee Meeting Announced: Serio announced the Council has been notified that the next meeting of the Delaware River Basin Commission's Regulated Flow Advisory Committee (RFAC) is scheduled for Thursday, May 13 at the DRBC headquarters in West Trenton, NJ. Serio noted he would be attending this meeting.

Serio reviewed the Flexible Flow Management Plan and that basically the minimum flows were bumped up in the winter. The FFMP will be looking at a coldwater start of season and managing it as cold water inventory. More water should be released. The fishers' interests and the flood groups' interests are different in relation to the timing of releases — fishers want spread out and flood people want water released as soon as the reservoirs are spilling. New York City wants full reservoirs by June 1. Cannonsville was drawn down in the spring to prevent flooding. Hale Eddy peaked close to 16,000 cfs but releases helped. When it rains into the dam, it's captured for awhile; but below the dam it flushes down. What is captured in the reservoirs aids flooding.

Keesler wondered why the River seems to be higher than years past. Serio responded we had more precipitation over the recent years. Chase mentioned that officials from the Town of Deerpark met with NYC DEP's Deputy Commissioner Paul Rush and NYS Assemblywoman Aileen Gunther about flooding issues concerning the town and how the DEP could help mitigate potential flooding by controlling the water capacity level at the Neversink Reservoir. The town suggested that December-January-February-March there be a void of 25%, as NYS Senator Bonacic has mentioned, in the reservoirs. Serio wondered how they would arrive at a threshold to release water. Chase said he asked if there was a way to get water from the Catskills to the Hudson and NYC DEP said yes, through Shaft No. 6. Rush said not that much water would move through Shaft 6 and there wasn't an exact amount given on the amount of water that could go through Shaft 6. Chase said he asked about using siphons and DEP said that hydroelectric was going in so probably no siphons. Chase said if they use the hydroelectric, they'll release when they want.

Serio noted that Paul Rush was sending a packet of information on the hydroelectric proposal for the WU/RM Committee to review, as he requested. Soete asked why the River levels were lower recently. Serio responded 1500 cfs at Cannonsville went down to 140 cfs through releases they've been doing. That took about 8 to 10 days, which is good. Because of the tunnel shutdown, NYC agreed to release more water. With the spill mitigation plan, NYC dumped more water out in the winter so we now see less spilling for this time of year. Chase asked why in April they had less releases than May and Serio indicated the fishers wanted more water. NYC is going by the FFMP with releases and so is the Delaware River Master. Chase wondered if the releases were allocated across the reservoirs. Serio mentioned that the River Master works with the Delaware River Basin Commission Decree Parties including NYC with the releases but the River Master doesn't call the shots. He keeps track of and calls for the water that needs to be released to meet flow targets.

Upper Delaware River Safety Committee Meeting: Douglass announced that the UDC has received word that the annual meeting of the Upper Delaware River Safety Committee would be held April 30 at 2 p.m. at the National Park Service headquarters on River Road. UDC staff will attend.

Use of PFDs on the River: Serio mentioned that he has observed no one with PFDs on while on the River which is mandated by NYS until May 1.

Seismic Testing for Natural Gas to Start on River Road in PA: Soete reported that seismic testing wiring equipment and red flag identifiers are going up on River Road with seismic testing for natural gas to begin tomorrow on River Road from Milanville south to the bend at the Narrowsburg area. Keesler noted that in order to prove any damage from the testing, homeowners should have "before and after" photographs taken. She mentioned that some private property deeds allow ownership of the property to the center of the township road, but the township has a 25 foot right of way. Serio agreed and mentioned that any private property owners concerned should look at their deeds. The townships do have the ability to use the rights-of-way which for the township is from the center of the road to 25 feet out usually.

Public Comment None

Adjournment A motion by Rando seconded by McKay to adjourn the meeting at 8:06 p.m. was carried.