

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
July 21, 2009

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

The committee chairperson Charles Wieland called the meeting to order at 7:10 p.m. A motion by Sundholm seconded by Fluhr to approve the June 16 meeting minutes was carried. There was no public comment on the agenda.

Old Business

DRBC's Regulated Flows Advisory Committee Meeting June 17: Douglass noted that he attended the RFAC meeting at DRBC June 17. A copy of the meeting agenda had been provided to the WU/RM Committee previously. Serio also attended and mentioned there was lengthy discussion on the future duties of the Subcommittee on Ecological Flows (SEF) and discussion about FFMP (Flexible Flows Management Program) but no decisions were made.

Serio made the personal observation that when the reservoirs were spilling, there needs to be graduated releases; not what we have now as it goes up to 1500 cfs, etc., right away. There's been a yo-yo release level recently due to spilling, then releases and reservoir goes down, then precipitation fills reservoir again, and they release again at the high rate. However, the weather has been good for fishing and they're still catching rainbows. Hamilton wondered how things were on the East Branch Delaware pertaining to any yo-yo effect there. Serio explained no, that was a smaller reservoir and less drainage area. New York City uses Pepacton and Neversink for drinking water. The water quality is better on the West Branch now that they've been working on that. Hamilton noted that Cannonsville used to be the lowest water quality of the headwaters reservoirs. Serio indicated that the West Branch has more water to release and it's colder water which is better for the fishery. Fluhr asked why Cannonsville is lower water quality and Serio indicated that it was farmland runoff, but the City has programs in place to address that issue, one of which is buying off land. That land buying has a negative impact on Delaware County economics per a report issued recently.

Penn State Cooperative Extension natural gas programming video segment interview with UDC:

Douglass explained that the video is part of the programming Extension does annually in Pennsylvania's 67 counties and reflects how its programs provide a positive impact in the area. Douglass was interviewed in various locations when three video program staffers came over to the UDC office on June 18. The staffers also visited the Robeson gas well site in Wayne County.

Pinchot Institute Board Upper Delaware Tour June 26: Douglass reported that he took part in the Pinchot Institute Board visit to the Upper Delaware and provided information to them about the Upper Delaware Council. Hamilton noted that he participated as well when the group came to the National Park Service-Upper Delaware headquarters complex. They discussed resource management, threats, and challenges for the Upper Delaware area. The Pinchot Institute has been working with the Common Waters group that involves various stakeholders working together on common goals, issues, and threats with an eye toward water quality focusing on the Pennsylvania, New York, and New Jersey area. The Pinchot board needed to become more familiar with the Upper Delaware area. Martinez mentioned that he and Douglass have been attending the meetings of the Common Waters group. Douglass offered that the Common Waters group is planning a seminar in the fall.

Wieland asked if the Pinchot Institute has a copy of the *Final River Management Plan* for the Upper Delaware in their office. Hamilton said he'd check on that and make sure they had a copy or NPS would provide a copy. Soete pointed out that the UDC website (www.upperdelawarecouncil.org) has a link to the Plan that is posted on the NPS-Upper Delaware website (www.nps.gov/upde).

New Business

Delaware River Basin Commission's July 15 meeting; Chesapeake Docket Public Comments

Extended: Douglass and Martinez attended the July 15 DRBC meeting and public hearing. The DRBC accepted testimony on draft docket D-2009-20-1, but did not take action on the docket. In fact, as a result of the public comments, the Commission announced that the public record on the draft docket would remain open until July 29, 2009 for additional comments. Martinez noted that about sixty people wanted to comment at the meeting and Douglass estimated that there was about 170 public in attendance.

The draft docket reads: "Chesapeake Appalachia, LLC D-2009-20-1. A surface water withdrawal project to supply a maximum of 29.99 mg/30 days of water for the applicant's exploration and development of natural gas wells in the State of New York and the Commonwealth of Pennsylvania. Surface water will be withdrawn from the West Branch of the Delaware River at a location known as the Curtone site in Buckingham Township, Wayne County, Pennsylvania. This withdrawal project is located in the Delaware River Watershed within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters."

Martinez noted that DRBC had placed conditions on the docket to address some issues, but the NPS-Upper Delaware had more concerns. He thanked Don Hamilton of NPS for his work on this matter and added NPS was pleased to have an employee like Don who's passionate and dedicated to the River.

The NPS comment letter sent to DRBC was reviewed by Martinez. The National Park Service has been monitoring the unfolding developments and the proposed projects associated with natural gas extractions in the Delaware River Basin. This proposed development brings a potentially large amount of industrial activity associated with shale-gas extraction into the sensitive headwaters area of the Delaware River Basin drainage which makes up the Special Protection Waters of this Basin. This is the first proposed water withdrawal associated with natural gas development in the upper Basin.

The comment letter included topics of concern relating to: Species of Concern and Water Intake Specifications; Flow Needs-Pass-by Flow; Impacts on Recreation; Lack of a Non-Point Source Pollution Control Plan; and Need for Cumulative Impacts Analysis.

The committee discussed the concerns in the NPS letter and offered other items. Keesler made a motion for staff to prepare a draft comment letter for Council review. It was pointed out the comment deadline is July 29 and the UDC meeting won't be until August 6. Keesler amended her motion to have staff prepare a draft comment letter at the committee's request and refer it to the Project Review Committee meeting on July 28 for any action since that committee can send correspondence and it would meet the DRBC comment deadline. The motion was seconded by Serio. Serio also asked that copies of the draft comment letter be sent prior to the committee meeting to Water Use/Resource Management Committee and Project Review Committee. There was further discussion on the motion. Wieland called for a vote; the motion passed 5 to 2. Wieland mentioned that the committee members should be talking to their town boards along the way on the gas issues to keep them up to par and get feedback since there will be occasions when the town representatives will need to vote on pertinent matters relative to the issues.

Pike-Wayne Commissioners Breakfast Meeting June 26: Douglass noted that he attended the June 26 Pike-Wayne Commissioners Breakfast meeting where reports were given and issues discussed. The Commissioners usually hold this type of event about two times a year.

Upcoming Seminar - Sustainable Development & Land Conservation, Sept. 26: The committee was provided with copy of announcement that the Delaware Highlands Conservancy and Sullivan Renaissance are co-hosting a seminar with renowned speaker Ed McMahon on sustainable development and land conservation on Sept. 26 at the CVI Building in Liberty, NY. Mr. McMahon's seminars are well received by professionals, municipalities, and planners. This seminar is designed for public officials, professional planners, developers, engineers, and residents interested in learning more about balancing conservation with development. McMahon will be exploring how new development can be made more attractive, more efficient, more profitable, and more environmentally sensible, as well as the importance of maintaining our downtown districts. Advance registration is required by contacting the Conservancy in NYS at 845-807-0535 or PA at 570-226-3164. The cost is \$10 per person.

Mid-Hudson News Online article July 15 - "Schumer asks DEP to speed up negotiations for hydro power": The committee was provided with copy of news article that indicated U.S. Senator Charles Schumer asked the NYC Dept. of Environmental Protection to speed up talks with Delaware County Electric Cooperative (DCEC) regarding that group's effort to build hydroelectric plants at four reservoirs in the Catskills – the Schoharie, Cannonsville, Pepacton and Neversink. The plants would use water from the reservoirs regular releases to generate electricity. The plants would have minimal impact and not affect the quality or quantity of drinking water. The Cooperative has members in Sullivan, Delaware, Otsego, Chenango and Schoharie counties.

NYS DEC news release – “New Web Page Guides Users to Watchable Wildlife”: The committee was provided with copy of the NYS Dept. of Environmental Conservation's news release announcing a new web page, *Watchable Wildlife*, dedicated to nature lovers and outdoor enthusiasts seeking tips on where to spot Peregrine falcons, river otters, bald eagles, Chinook salmon, Karner Blue butterflies and other animals. Check it out at www.dec.ny.gov.

NYS DEC news release – “DEC Finalizes Greenhouse Gas Review Policy”: The committee was provided with copy of the NYS DEC's news release announcing that greenhouse gas emissions will be included in New York's environmental review of large-scale projects under a new policy that becomes effective in 30 days. The policy provides guidance to help DEC staff consider greenhouse gas emissions and energy efficiency when conducting environmental reviews of new projects under the State Environmental Quality Review Act (SEQRA) which requires that a “lead agency” identify and assess actions for their potential adverse environmental impacts. The new policy is available at www.dec.ny.gov/regulations/56552.html.

NYS DEC news release – “DEC Announces Completion of the Freshwater Angler Survey”: The committee was provided with copy of the NYS DEC's news release announcing the *2007 New York State Freshwater Angler Survey* is now available. The survey is conducted periodically in order to learn more about the current fishing experiences of anglers in New York State, their interests in different types of fishing opportunities, and their opinions on fisheries management issues. The survey gives insight not only into fishing preferences, but also the impact fishing has on state and local economies. New York's resident and non-resident anglers collectively spent an estimated \$331 million at fishing sites. Four targeted reports make up the survey. Each of the four reports, as well as a summary report, is available on the DEC website, www.dec.ny.gov.

NPS-Upper Delaware news release – “Evening Night Sky Program to be Held at the Zane Grey Museum July 25”: The committee was provided with copy of a National Park Service news release announcing the Evening Night Sky Program on July 25 at the Zane Grey Museum in Lackawaxen, PA. The program is geared for all ages. There are 88 official constellations that exist in the night sky today, and some are only visible during certain seasons or certain months.

Review Draft Committee Work Plan FY 2010: The committee reviewed the staff's draft committee work plan for fiscal year 2010. The committee made some changes. A motion by McKay seconded by Serio to recommend Council approval of the work plan was carried.

Public Comment None

Adjournment A motion by Serio seconded by Decker to adjourn the meeting at 9:16 p.m. was carried.

Carol Coney, Office Manager