

**UPPER DELAWARE COUNCIL MEETING MINUTES**  
**February 7, 2008**

The Upper Delaware Council held its monthly meeting on Thursday, Feb. 7, 2008 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Alan Bowers called the meeting to order at 7:32 p.m. Introductions around the room were made as well as the introduction of new Council members Jay Shafer, John C. Sundholm, Fred Peckham, Jim Serio, and new NPS Upper Delaware Superintendent Vidal Martinez.

A motion by Roeder seconded by McKay to approve the Jan. 3 meeting minutes was carried.

*In attendance:* Town of Hancock-Jim Serio, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder Jr., Town of Tusten-Charles Wieland, Town of Highland-John C. Sundholm, Town of Lumberland-Jay Shafer, Town of Deerpark-Phil Chase, Lackawaxen Township-John McKay, Shohola Township-George J. Fluhr, Westfall Township-Alan Bowers, Commonwealth of Pennsylvania-Dennis DeMara, and National Park Service-Vidal Martinez. Also, Town of Hancock Alternate-Fred Peckham, Town of Fremont Alternate-Jim Rodgers. Members absent: Town of Cochection, State of New York, Delaware River Basin Commission.

**Public Comment on the Agenda:** Helga and Bill, two Lackawaxen Township residents, introduced themselves and mentioned that they would give remarks later in the meeting in opposition to the Holbert Bros. quarry expansion. UDC had a comment letter on this issue on the agenda.

**UDC Committee reports:** The committee reports were provided. They included: Jan. 15 Water Use/Resource Management by Wieland; Jan. 22 Operations by Bowers; and Jan. 22 Project Review by Roeder. Following Project Review report, Schultz of NPS mentioned that NPS can put boundary line of River corridor on digitized quad sheet based on USGS survey maps in the River Management Plan. She would provide information to Shohola Township. Wieland mentioned that the Town of Tusten proposed cell tower in not located in the River corridor. It will service about 4-5 miles in the corridor. This project is about one year out.

### **Status Reports**

**Delaware River Basin Commission:** The Delaware River Flow & Storage Data charts were handed out. The NYC Delaware River Basin combined reservoir storage is 93.1% as of Feb. 1. Cannonsville should be spilling in two to three days.

The DRBC has extended the comment period to March 3, 2008 for comments pertaining to the FFMP (Flexible Flows Management Program).

An *Express Times* online article dated Jan. 24 entitled "Push on for river flood plan, Area representatives concerned commission not acting fast enough" was handed out. The article relates concerns that were expressed in a letter dated Jan. 16 to the DRBC from U.S. Representatives Holt, Murphy, Smith, and Garrett that the Commission may not be doing enough to prevent flooding this spring. The Commission is working to create a computer model of the river basin to study how different storms will affect the reservoirs. While applauding the effort, they fear it may take too long to properly protect area residents. The model will study all 15 major reservoirs in the basin and will be able to evaluate the effects of the reservoirs' voids and release operations. While the model won't be completed until 2009, the Commission is undertaking several other flood mitigation projects. Among them is enhancing the region's flood warning system with \$235,000 in federal money the Commission received last year. Most of the projects recommended by the Commission's flood mitigation task force, however, are not funded and require cooperation from several levels of government. There are no easy solutions to flood-loss reduction and it involves looking comprehensively at all scenarios.

**NYS Dept. of Environmental Conservation:** Members received copies of a DEC press release "DEC Recognizes Sullivan County Officials For Environment Commitment". Town of Rockland residents Pat Pomeroy and Supervisor Patrick Casey were honored by DEC Commissioner Pete Grannis Jan. 16 for their dedication to improving area stormwater management programs. Town of Rockland officials have been implementing an advanced program to reduce peak flood levels, while acting to remove buildings and

residents from dangerous flood-prone areas. Grannis also acknowledged and expressed thanks to Congressmen Hall and Hinchey as well as Congresswoman Gillibrand for their efforts to secure \$700,000 for the Army Corps of Engineers to study and develop solutions to water management and flood problems in the Upper Delaware River.

**PA Dept. of Conservation and Natural Resources:** Dennis DeMara reported that eleven organizations are suing the U.S. Dept. of Energy (DOE) over DOE's designation of an eight-state area where federal eminent domain can be used to fast track new high-voltage transmission lines. The organizations include PA Land Trust Assn., Brandywine Conservancy, Natural Lands Trust, Clean Air Council, Piedmont Environmental Council, National Wildlife Federation, Sierra Club, National Parks Conservation Assn., Environmental Advocates of New York, Civil War Preservation Trust, and Catskill Mountainkeeper. Also, Senator Casey is holding a forum in Harrisburg, PA to help educate the public on the impacts of the eminent domain clause and New York Regional Interconnect's proposed power line.

DeMara noted nearly \$50 million in grants is available to communities and non-profit organizations to help fund community recreation, open space, land trust, rails-to-trails, rivers, and conservation projects. The grant application deadline is April 25, 2008. There will be no "intermediate" grant round in the fall like last year. Workshops are being presented to assist would be applicants at Carlisle, Williamsport, Clarks Summit, Altoona, Clarion, Pittsburgh, King of Prussia, and Breinigsville. DeMara provided a Community Conservation Partnerships Program grant application manual and forms package to the PA townships at the UDC meeting.

**National Park Service-Upper Delaware:** Supt. Vidal Martinez took the opportunity to thank all those people in the River valley for offering him such a warm welcome. He's met the NPS and UDC staff and already has been on road trips to various stakeholder meetings. He commented the complexity of issues has taken him aback regarding the Delaware River Basin. It is a phenomenal resource and he said he was proud to be part of the team to preserve it. His intentions were to continue the work Dave Forney started and to work closely with the Upper Delaware Council to achieve preservation of this resource. He mentioned that 2008 as the anniversaries year (20<sup>th</sup> UDC first meeting; 30<sup>th</sup> Upper Delaware River designation; 40<sup>th</sup> National Wild and Scenic Rivers System Act) was an opportune time to showcase all the efforts being made to protect and conserve the resource.

A National Park Service press release was handed out to the members relating that internship opportunities were available at NPS-Upper Delaware. The internships will run between May 12 and Sept. 1, 2008. Contact Ingrid Peterec at NPS for further information.

**UDC Executive Director's Report:** Bill Douglass reviewed the items discussed at the DRBC's Flood Advisory Council meeting yesterday. There was a presentation made on the flooding that took place at the headwaters of the Beaverkill last year that caused loss of life. It was dramatic seeing the statistics on this isolated, deadly flood event.

UDC staff would be attending meetings coming up on gas leasing, one by PA DEP Feb. 20 and one at Cornell Cooperative Extension in Liberty.

Douglass noted that UDC staff is working in cooperation with the NPS staff relative to putting together the events coming under the "anniversaries" celebration umbrella. An expo and symposium are being discussed.

**Old Business** None

### **New Business**

**UDC comment letter to Lackawaxen Township-Holbert Bros. mining permit:** Members were provided with copy of the draft UDC comment letter to the Lackawaxen Township Supervisors regarding Holbert Brothers Bluestone Conditional Use Permit Application for a major, 40-acres, mining permit. Douglass explained that Holbert owned 268 acres. He wants to expand a 25-acre piece to 40 acres for mining. This type of mining in the River corridor is prohibited by the River Management Plan guidelines. The Lackawaxen Township Zoning Ordinance specifically prohibits "major natural resource uses as regulated by Section 506 of their ordinance and natural resources processing in the DRC district. The UDC strongly recommended denial of the application.

At this point, Bowers allowed public comment on this issue from the audience. The comments were negative about the mining taking place and proposed at the site with reasons given for their feelings. Bowers explained to the residents that their concerns should be taken up further with the Township and thanked them for their input. He noted that the UDC letter addresses itself to the River Management Plan guidelines that the township signed-off on along with other municipalities, and the federal and state governments. There was discussion on the issues involved. Following discussion, a motion by Wieland seconded by McKay to send the comment letter was carried. Staff will attend the public hearing on the mining permit.

**DRBC Regulated Flows Advisory Committee meeting Jan. 16:** Serio reported to the Council on the RFAC meeting he attended. There was discussion on the FFMP. The Conservation Coalition's position on FFMP was also provided in the form of a "paper" on "An Augmented Flexible Flow Management Plan", a proposal to improve the FFMP. They desire more water in the River and also realize that the flooding issues need to be mitigated. They feel reservoir releases should be based upon a realistic estimate of the water that New York City will actually divert in the coming year. It is clear that there is more Delaware water available for both habitat enhancement and flood mitigation. It was suggested that the Decree Parties implement Montague averaging, a Callicoon target, and improved adaptability and monitoring. Serio provided a copy of the "paper" to the UDC. Wieland, as UDC Water Use/Resource Management Committee chair, said he would put the FFMP and the UDC's comment letter on the agenda for further discussion at the next committee meeting.

**New York Regional Interconnect's Public Notice, proposed power line; alternate routes:** Douglass handed out copies of *The River Reporter* Feb. 7 edition "Public Notice" sponsored by NYRI. The Notice outlines the proposed project, offers alternate routes, and informs that NYRI expects to file the Supplement to its Article VII Application with the NYS Public Service Commission on or about Feb. 22, 2008. Some alternate routes include Marcy South and the gas pipeline. Douglass noted the supplement to the application was to include items requested by the NYS PSC.

#### **Public Comment**

Fred Peckham, Town of Hancock Alternate, reviewed with the Council members the gas leasing that's taking place on private property within the River corridor. Damascus and Manchester townships have huge tracts of private land leased to gas companies for gas exploration. If gas is found, it would have to be pumped across the Delaware River to hook into the Columbia Gas pipeline to be transported out of the area. Federal law gives a free hand with eminent domain to these gas companies.

Laurie Ramie, UDC's public relations specialist, conferred with the membership in updating the Council's River map and guide brochure business listings where she's had no response or cannot locate a new business. The members offered their assistance.

**Adjourn** A motion by Roeder seconded by McKay to adjourn the meeting at 8:47 p.m. was carried.

Carol Coney, Office Manager