

Upper Delaware Council
CORRECTED PROJECT REVIEW COMMITTEE MEETING MINUTES
January 23, 2018

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Fred Peckham, Steve Adams, Alan Henry, David Dean, Aaron Robinson, Susan Sullivan, Jim Greier
Committee Members Absent: Debra Conway
NPS Partner: Kris Heister, Carla Hahn
Staff: Laurie Ramie, Cindy Odell, Pete Golod
Guests: Roger Saumure

The UDC's Project Review Committee held its monthly meeting on Tuesday, January 23, 2018 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m.

Election of Chairperson and Vice-Chairperson: Current Chairperson Richardson called for nominations. A motion to nominate the same slate of officers as 2017; Richardson as Chairperson and Dean as Vice-Chairperson, was made by Henry and seconded by Greier. Richardson and Dean were elected by a voice vote.

A motion to approve the December 19th meeting minutes was made by Henry, seconded by Dean and carried. There was no public comment on the agenda.

Discussion Items Report:

Project Review Update

New York

Town of Hancock: Golod reminded members that last month the NYS DEC requested that the UDC review and provide comments on a State Pollution Discharge Elimination System (SPDES) permit modification application for Camp French Woods. He reported that upon review, the NPS determined that the Camp appears to be following all requirements in NYS DEC's Consent Order to develop and implement plans to bring their facility into compliance. Golod noted that although the proposed project is outside the river corridor, he utilized the Project Review Workbook Substantial Conformance checklist to assess the engineering report and site plans to help formulate his comments. He shared his comments regarding soil erosion and sedimentation measures that will be sent to the NYS DEC. He spoke of the design plans, stating that the improvements vastly supersede their current system and should enable them to meet effluent discharge requirements and obtain both the required DEC and DRBC permits.

Town of Lumberland: Golod reported that Eagle Creek Hydro Power submitted an application to the DRBC to modify an existing hydroelectric power project to include the construction and operation of an additional 1.1 megawatts (MW) hydroelectric turbine at the Swinging Bridge Dam. The operational generating capacity will increase to 7.85 MW. The turbine is designed to utilize the minimum flow release required to maintain river flow in the Mongaup system and no modifications to reservoir elevations or flows are proposed because of this project. He noted that the Swinging Bridge Dam is located in the towns of Lumberland and Forestburgh, and consists of several reservoirs within the drainage area of the Upper Delaware.

Pennsylvania

Damascus Township: Single-Family Home Site Plan for 872 River Rd. Golod noted that on December 19th he presented to the Project Review Committee a review for a proposed single-family home on River Rd. in Damascus Township. The committee voted to pass on an initial recommendation to the full Council to recommend to the Secretary of the Interior that the proposed project in Damascus Township be found in substantial conformance. In order to stay within the 45-day review window per the Project Review

Workbook, and due to the cancellation of Council meetings on January 4 and January 16, Golod said he sent out an e-mail asking members to review the materials on the proposed project and cast their vote electronically to approve or deny the Project Review Committee's initial recommendation on Substantial Conformance. The Council recommended that the proposed project adhered to the principles and objectives of the River Management Plan's Land and Water Use Guidelines. On January 19 Golod submitted a letter to NPS Superintendent Heister with the UDC's recommendation and on January 22 submitted a letter to Damascus Township Zoning & Code Enforcement Officer Ed Lagarenne with the findings. Copies of both letters were provided in members' packets.

FY 2018 TAG Update: Golod reported that on December 28 he sent out FY 2018 TAG Award Letters and Grant Contracts to the Town of Tusten and Damascus Township along with other pertinent forms per the vote by the Project Review Committee on December 19. He awaits NPS approval or denial for the Berlin Township project pending their review.

NYC Water Supply: Filtration Avoidance Determination (FAD): Golod reported that on January 5 New York City Department of Environmental Protection announced that it received a 10-year waiver to continue delivering unfiltered drinking water from its Catskill and Delaware water supply systems. The waiver, known as a Filtration Avoidance Determination (FAD), was released by the New York Department of Health (DOH). NYC will commit an estimated \$1 billion over the next decade to comply with the FAD by administering programs that protect the reservoirs and the watershed lands that surround them. He noted that a couple of requirements the new FAD issued by the DOH requires of NYC include the expansion of the small-business septic program in the west-of-Hudson watershed and the implementation of additional best-management practices on watershed farms. Golod's written report contained additional information on the FAD and can be found on the DOH website at <https://health.ny.gov/environmental/water/drinking/nycfad/>.

Resource Specialist's Update:

- On December 28 and January 11, Golod said he and NPS Management Assistant Carla Hahn continued working towards a Project Review Guide final draft.
- On January 18, Golod said he sent a letter to GoTenna, Inc. requesting their product for field testing, as well as requesting staff to offer the UDC a presentation on their devices. A copy of the letter was provided in members' packets.
- On January 23, Golod attended the DRBC's Draft Hydraulic Fracturing Regulations Public Hearing in Waymart, PA.

Additional discussion about the Camp French Woods project in the Town of Hancock took place.

Old Business: None

New Business

Draft Letter to Pamela Bush, Commission Secretary, DRBC: Special Regulations Part 440 Hydraulic Fracturing in Shale and Other Formations: Ramie said it is our intention to take this letter to the full Council ultimately for a vote, but it was decided to start the discussion at the committee level. Ramie suggested discussing first the DRBC's Draft Hydraulic Fracturing Regulations Public Hearing in Waymart, PA held earlier in the day. She reported there were 60 different speakers in the three-and-a-half-hour period. Ramie said she had the opportunity to speak and said that the UDC was in the process of discussing our position and would submit comments by the deadline. Peckham shared his thoughts on gas drilling. Ramie said when she wrote the draft letter included in members' packets, she did not address horizontal drilling at all deliberately as she had been advised to only address the river corridor and horizontal drilling is outside. Henry spoke of the leaks in the New York City Delaware Aqueduct and said it is his opinion that the Delaware River Basin Commission should be concerned about the water being lost as a result. He shared his thoughts on the quality of the Delaware River water during high water events. Greier stated that it is his opinion that the designated river corridor should be the Council's only concern. He spoke about the drilling going on in a three-river basin in Pittsburgh. He questioned why the Delaware River Basin should be different. Richardson agreed that the Council's concern should be the river corridor and he does not feel

that there needs to be any changes in the position from 2011. Roeder said that the River Management Plan says “we have to conserve the river, we have to conserve the corridor, and we have to protect private property rights.” He said our 2011 position said we were opposed to surface drilling within the corridor, but would allow access from outside the corridor. He feels that the proposed ban violates the private property rights and would like to see a statement to that effect. Sullivan said that she agreed with the Council’s position in 2011 and would agree with that again. She added that the water aspects of the proposed regulations - water withdrawals and the importing of wastewater - are of concern to her and she opposes them. Robinson suggested modifying the letter to distinguish that “we are opposed to any surface drilling, however, we have no valid reason to oppose the collection of gas from horizontal drilling within the corridor below the ground.” Golod said he’s been doing recent research on the drilling process and learned that most of the chemicals can possibly be removed when treated; however, there are no treatment plants that are currently capable of extracting the radioactive materials that come up in the frack water. He wants Committee members to keep in mind that the current proposed regulations allow for discharged treated water to go back into the river. He shared his concerns on this issue. Heister said that was a great point. Robinson’s letter editing suggestion was discussed. Dean said he feels this issue is very important and that whatever time is needed to hash it out should be taken. Henry asked if the 2011 letter to Pamela Bush, Commission Secretary, DRBC regarding Draft Natural Gas Development Regulations dated December 9, 2010 Article 7 of Part III – Basin Regulations was done appropriately. Members agreed it was; Peckham added that it was not unanimous as he voted against it. A brief discussion about the processing and reuse of wastewater took place. Peckham commented that there have been a lot of changes in industry technology over the years and shared some examples. Roeder spoke about the Susquehanna River Basin, stating that the water quality has not been denigrated as a result of drilling in that area. Ramie read the language from the 2011 letter that addressed horizontal drilling. It said, “Because of the size and scope of today’s natural gas development, we believe that it should be considered as “Heavy Industrial Uses” which would be an incompatible (use) anywhere in the river corridor. As such, we request that all surface activities of natural gas development be prohibited in the river corridor. Horizontal drilling under the river corridor should be considered only if it can be done safely. We request that any well pads be sited as far away as possible from the river corridor boundary to still be able to horizontally drill beneath the river corridor.” Ramie reiterated that the reason she did not include this language in the new letter was that it had been decided that we were specifically confining our comments to the river corridor. Richardson said he feels it is a good paragraph to include. Further discussion about wastewater took place. Richardson re-read the paragraph regarding horizontal drilling from the 2011 letter. Regarding the sentence, “Horizontal drilling under the river corridor should be considered only if it can be done safely”, Dean stated that the catch phrase in the sentence is “if it can be done safely” and he is unsure that there could be committee consensus on it. Henry suggested removing that phrase from the sentence. There was not consensus on this suggestion. A brief discussion about how economics affect gas drilling took place. Members discussed different language to include in the paragraph about horizontal drilling to cover private property rights within in the corridor. Robinson made a motion to substitute the word “safely” with “if it can be done consistent with the objectives of the River Management Plan.” The motion was seconded by Henry. It was noted that the deadline for comments has been extended to March 30, 2018. After a lengthy discussion, Robinson amended his motion to have the Executive Director revise the letter to include horizontal drilling and address private property rights, and to circulate it for review in advance of the February 1 full Council meeting. Henry seconded that amended motion. After more discussion, a vote was taken and the motion carried.

Discuss NPS Response re: Letter of Interpretation to Incorporate UDC Renewable Energy Position Statement into the Land and Water Use Guidelines/Upper Delaware River Management Plan: Henry asked Heister if the correspondence between UDSRR and the NPS solicitor was available. Heister said there is not a formal opinion available, that the correspondence took place in a series of phone calls and emails. She said that the letter is an absolute reflection of the guidance that she was given by the solicitor’s office. A motion to table discussion on this matter was made by Peckham, seconded by Henry and carried.

Other: Golod referred to the information provided in members’ packets on the USDA – Natural Resources Conservation Service (NRCS), Conservation Innovation Grants (CIG). He said he forwarded an email on December 20 he had received regarding these grants funded by the USDA. The applications for 10 million dollars in conservation innovations focus areas are 1) Grazing Lands, 2) Organic Agriculture Systems, and

3) Soil Health. Grant proposals are due by February 26, 2018. He suggested that members take the information back to their municipalities. He said that applications will be accepted from eligible entities in any of the 50 States, the District of Columbia, the Caribbean Area (Puerto Rico and the U.S. Virgin Islands), and the Pacific Islands Area (Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands). A total of up to \$10 million is available for CIG in FY 2018. All United States (U.S.)-based non-Federal entities (NFE) and individuals are invited to apply, with the sole exception of Federal agencies. Projects may be between 1 and 3 years in duration. The maximum award amount for a single award in FY 2018 is \$2 million. Adams asked that this information be sent to the member towns and townships. Golod said he would do that.

Public Comment: None

Adjournment: A motion by Roeder, seconded by Dean to adjourn the meeting at 8:08 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 1/26/18