

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
August 28, 2012
Corrected Minutes

Committee Members Present: Larry Richardson, Nadia Rajs, Harold Roeder, Jr., George Fluhr,
Debra Conway, Fred Peckham
Committee Members Absent: None
NPS Partner: None
Staff: Dave Soete, Laurie Ramie, Cindy Odell
Guests: Anne Willard, Cheryl Korotky

The UDC's Project Review Committee held its monthly meeting on Tuesday, August 28, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:04 p.m. A motion by Rajs seconded by Roeder to approve the July 24 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: Soete reviewed his written discussion items report that contained information on project review/substantial conformance developments. Highlights were as follows:

Natural Gas Leasing/Drilling in the Region update: Soete reported that the three test wells that were done in the Delaware River Watershed are being plugged. Peckham added that it is three of the Newfield wells. Soete said there was a court decision that was issued stating that the injunction issued regarding Pennsylvania Act 13 will remain in place while the decision is under appeal. He noted that means the Pennsylvania townships do not have to comply with Act 13 until the issue is settled. He said he saw an article today where Pennsylvania is coming out with a 23-page "concept paper" to change the drilling regulations to make them more strict to protect water quality. Soete said he keeps hearing that New York State may be coming out with drilling regulations any time now. Peckham reported that Mayor Bloomberg just endorsed gas drilling. Rajs questioned if that includes his watershed. Peckham answered no, but in the state. Richardson noted that Bloomberg is investing millions of dollars to look into drilling safely. Peckham said six million dollars to the Environmental Defense Fund. Roeder said there is a regulation in place that says New York City will phase out the use of unrefined oil sludge and the most-polluting grades of heating oil by 2017, adding that natural gas is coming to New York City.

Simon Arscott variance request – Town of Lumberland: Soete reported that staff prepared a draft comment letter which was approved at the August 2nd UDC meeting. The UDC offered no detrimental comments on the area variances.

Janet L. Threshman property Town of Delaware: Soete noted he saw a notice in the August 1st issue of the NYS DEC *Environmental Notice Bulletin*. He said the property owner was looking to re-slope some of the river bank which was damaged during the floods in recent years. He said the NPS obtained a copy of the application and shared it with the UDC. The site was visited and Park Service personnel met with the property owners. They did not see any problems and were going to send a comment letter to the NYS DEC. A copy of the letter was provided in members' packets. A NYS DEC permit was issued on August 24 and contained numerous conditions. A brief discussion about Japanese Knotweed and its presence and impact took place.

River Road, Damascus PA construction: Soete reported that it was brought to his attention that there is a new driveway or road being constructed on the Delaware River side of River Road at the intersection of Maccubbins Road in Damascus Township. Soete said he sent an e-mail to the township code enforcement officer who was not aware of the construction. That individual visited the site and referred it to the Wayne Conservation District. Soete said that Len Grover of the Conservation District inspected the site and said that it is a new road surface, but that it is heavily mulched all the way to the end. Soete said that Grover is checking with Penn DOT to see if any highway occupancy permit has been applied for or issued if required. It is believed that the road will be used for access to the river, Soete added.

Proposed Port Jervis Whitewater Park (City of Port Jervis) update: Soete reported that at their monthly meeting on August 27th, the Upper Delaware Scenic Byway heard a presentation about the proposed Port Jervis Whitewater Park. The proposed park is outside of the river corridor, Soete noted, but we have been following the project to ensure it will not impact the river's free-flowing condition. Richardson said it was a great presentation. Ramie noted the proposed park is not in the main channel of the river. Richardson said they spoke about using a section of the river that currently does not see much use. Discussion took place about the location of the proposed park. Rajsz said she walked away from the presentation thinking this proposed park is a huge opportunity for Port Jervis with minimal impact on the river. Peckham noted that is the section of the river that is in between the Delaware Water Gap and the Upper Delaware. Ramie said they are currently in the permitting stage of the process.

Soete said that the other items in his Discussion Items Report are ongoing or not much has happened during the past month.

Old Business

Use of the 1988 Project Review Workbook: Members continued review of the workbook. Reading began on page SC-1, "How to Use This Chapter", and continued through page SC-4. Rajsz questioned what Class I and Class II projects referred to on the first page are. Soete said they are defined in the River Management Plan. Discussion took place about the Town of Hancock's conformance status. Richardson noted that determination for the Town of Hancock should be made as that is the obligation of the Upper Delaware Council. Ramie said it is in the Project Review Committee's Work Plan for 2013 to complete that review.

Other: Fluhr discussed Shohola's proposed total review of their zoning laws and discussion took place about UDC membership and substantial conformance. Richardson noted that a town or township's membership on the Council does not depend on whether they are in substantial conformance or not. They can be a member and still not be in conformance, he added. Richardson stated the Project Review Committee and the Resource Specialist are supposed to review all of the ordinances within the towns and townships and see whether they substantially support and uphold the aims and objections of the River Management Plan. The checklist in the workbook assists in this process. This committee would review the ordinances and make a determination if they are in substantial conformance, then it goes to the Council, the Council communicates that then with the National Park Service, the Park Service then makes their own determination based on Council's recommendation, and then it goes to the Interior and the process continues, Richardson stated. Peckham questioned if the towns and townships that do not have zoning or ordinances, but because nothing has been done to the land on the river that makes it out of conformance, are they out of conformance. Richardson said yes, that the towns and townships that do not have the rules and regulations in place to preserve and safeguard the aims and objectives of the River Management Plan, are not in substantial conformance. Richardson said that he feels there is not anyway this committee or the Council could find a town/ship in substantial conformance if it doesn't have the laws and regulations in place to safeguard against possible threats. Peckham said that is another discussion. Richardson asked if Damascus Township is in substantial conformance. Soete said they are and the Park Service made that determination because they were not a member of the Council at the time of the determination. Fluhr asked what the purpose is of reviewing the Project Review Workbook now. Richardson said the book has not been used in a really long time and if the guidelines of the book are followed, all issues are sure to be covered and documented in conducting reviews. Ramie said that by using the workbook, consistent procedures can be followed. Fluhr asked if the workbook was going to be revised. Members told him the workbook is just being reviewed to familiarize everybody with its contents. Ramie said the workbook makes it easier to enforce the River Management Plan because of the checklists. Peckham added it is a review of the process. Richardson noted that over the years this committee has been remiss in that much has been deferred to the staff, when in reality, this committee should be as much a part of that process as the Resource Specialist. Rajsz agreed it is the charge of the committee to do this review. Richardson said most took towns were declared in substantial conformance a long time ago. Discussion took place about the TAG program and a particular program from Cochection. Richardson reiterated that the Project Review Committee should be involved in the whole review process and we want to make sure we are all "on the same page" with whoever has the lead and with the Resource Specialist, and that can be accomplished by using the workbook.

New Business

FY 2013 TAG Applications due August 31st/Special Meeting scheduled for September 11th at 6:30 p.m.: Ramie stated this is a reminder for members that the deadline is 4:30 p.m. on August 31st. Richardson noted we have turned people down who have brought applications in late.

Comments on UDC Draft Five-Year Plan : FY 2013 – 2017: Members decided this subject had been discussed enough during the Operations meeting. Conway asked if she missed the opportunity to vote on the priorities or was the voting on priorities strictly at the meeting. The voting took place at the June Strategic Planning Workshop and there was not an opportunity to vote after that she was told. There was opportunity to comment on the Five Year Plan. She asked for clarification that people who were unable to attend that meeting, for whatever reason, were never extended the opportunity to vote on the priorities. Richardson said that was correct, there was a certain obligation to be at the meeting and if you or your alternate were unable to be there, there was no other opportunity to vote.

Public Comment: None

Adjournment: A motion by Roeder seconded by Rajsz to adjourn the meeting at 8:56 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 8/30/12