

Upper Delaware Council  
PROJECT REVIEW COMMITTEE MEETING MINUTES  
October 25, 2011

Committee Members Present: Fred Peckham, Nadia Rajs, Harold Roeder, Jr. Scott Rando, Larry Richardson  
Committee Members Absent: Debra Conway  
NPS Partner: Sean McGuinness  
Staff: Dave Soete, Laurie Ramie, Cindy Odell, Bill Douglass  
Guests: Jack Niflot

The UDC's Project Review Committee held its monthly meeting on Tuesday, October 25, 2011 at the Council office in Narrowsburg, NY. Chairperson Fred Peckham called the meeting to order at 8:04 p.m. A motion by Rajs seconded by Richardson to approve the August 23 and September 13 Special meeting minutes was carried. There was no meeting September 27<sup>th</sup> due to no quorum. 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:

**Little Joseph Realty, Inc. Sand & Gravel Mine (Town of Cochection) Update:** Soete reported that he had received another concerned citizen complaint that on October 16th there was a lot of truck activity. He said that he had not heard back from Bill Rudge or NYS DEC. Richardson said that someone had commented at a town board meeting that the mine was closed, but he could not confirm this. Roeder questioned if they had a permit to operate. Soete said that they did. He wondered then why we were called. Richardson noted that originally the issue was that a pond across the road from the mine was dirty and there was concern that something was coming off the site.

**Tennessee Gas Pipeline TDP 300 Line Expansion Project (in various Pike and Wayne County, PA townships) Update:** Soete reported that work appears to still be continuing, but that there is a lot less truck traffic. They are seeding any open areas. Peckham said that they are supposed to be finished on November 1<sup>st</sup> and they say they are on schedule. Soete said they had been testing the lines by running water through them. There had been a lot of tanker trucks north of Honesdale at the Wayne County Fairgrounds.

**Pond Eddy Bridge (Town of Lumberland and Shohola and Westfall Townships) Update:** The UDC did sign, under protest, the Memorandum of Agreement (MOA) at the October 6<sup>th</sup> Council meeting. Douglass and Odell sat in on the last conference call on October 18<sup>th</sup>. Rajs questioned if the Design Advisory Committee (DAC) had met this past summer. McGuinness said no and Ramie added that the members have not been named yet. McGuinness said that the MOA has to be executed first. It was discussed that the Town of Lumberland and UDC were not listed on the Design Advisory Committee in the MOA. Ramie said that was noted in our letter that accompanied the MOA. Rajs said that the Town of Lumberland will sign the MOA also under protest. McGuinness said that it was discussed during the 10/18 conference call that the DAC might meet in December. Soete said that he had seen in the news this past week on the Susquehanna River they had a similar steel bridge that they put a new bridge up next to and before they could tear down the old bridge, part of it fell into the river. They are deciding how to best dismantle it now that it is in the river. He said that it made him think of the Pond Eddy Bridge.

**Natural Gas Leasing/Drilling in the Region Update:** The DRBC has rescheduled the 10/21 special meeting to 11/21 from 10:00 a.m. to noon in Trenton, NJ. Soete noted that he has heard there are bus trips going to this and peaceful protests are planned to take place. McGuinness asked if anyone had seen Josh Fox's new video. He said that it is a recent one that has a really nice video of the Delaware River and they are on Damascus Bridge and then at the end they invite people to learn about civil disobedience so that they can attend this meeting. Soete said that the DRBC is supposed to post the draft regulations on their website on November 7<sup>th</sup>. Soete said that the NYS DEC hearing on their draft regulations is scheduled for November 29<sup>th</sup> at the Sullivan County Community College in Loch Sheldrake from 1:00 p.m. – 4:00 p.m. and 6:00 p.m. – 9:00 p.m. Soete said that some Council members feel that UDC should comment on the

state's draft. Peckham stated that the comments have to pertain to anything new that has come out since the original draft and he does not feel that we have the technical expertise to address this. McGuinness said that what the Park Service is considering doing is taking the concepts of what they have already commented on for the DRBC regulations and asking the NYS DEC to include them in their regulations. Their comments include the basic principles of water protection. Peckham reiterated that they were specific that comments are to just pertain to anything new since the original draft came out. Peckham said it is his understanding that we have until December 12<sup>th</sup> to comment. He said that if we are going to comment, a draft letter could be ready for review at next month's Project Review meeting, voted on at December's Council meeting and sent out before the December 12<sup>th</sup> deadline. Richardson advised asking Council members if they have something specific they would like addressed, to send in their comments and the Project Review committee can review them. McGuinness said that a general comment could be that they follow the guidelines of the River Management Plan and the Executive Order. Soete said that we could poll Council members by e-mail and see if there is something specific they would like to address. Peckham and Richardson said to make it clear that it has to be something new.

**Proposed Major PJM Mid-Atlantic Power Lines (several lines in various states) Update:** Soete believes that there was something that came through President Obama and FERC recently where they are trying to push along the power line to Delaware Water Gap. Peckham said that has been going on for years.

**Holbert Bros. Bluestone (Lackawaxen Township) Update:** Soete said that the Save Lackawaxen group has hired Attorney Klemeyer of Milford, PA to represent them. Roeder asked what the Save Lackawaxen group is seeking in court. Soete said that it is his understanding that they are claiming since Holbert exceeded what he is permitted for, he is operating illegally and therefore he should not be operating at all. Peckham questioned if the court had put ours and Save Lackawaxen's cases together. Soete said that they are trying to. He added that Holbert's attorney wants the appeals consolidated and that is what the December 9<sup>th</sup> hearing is for. McGuinness said that he told Save Lackawaxen members at the last UDC meeting that a shut-down is not what we are looking to achieve. Soete said that we will be meeting with the Pennsylvania DEP mining staff on Thursday in Pottsville. He added that Holbert has applied for a major non-coal mining permit and it has gone through several steps of the process already. He noted that we will be doing a letter for the next UDC meeting requesting legal funding assistance from the Park Service.

**Tennessee Gas Pipeline TGP Northeast Upgrade Project (in various Pike and Wayne County, PA townships) Update:** Soete commented that he is not sure if the crossing of the Lackawaxen River is part of the 300 line or the Northeast extension, but that they both parallel the existing line.

**Town of Lumberland Zoning Law:** Soete said that the Town of Lumberland is proposing revisions to their zoning law. He noted that he does have copy of it, although he has not had a chance to review it yet. He plans to attend the hearing on November 30<sup>th</sup>. He does feel that there should be time to get comments through Project Review next month. Peckham wanted to clarify that our concern is the river district. Soete said he will be reviewing it and preparing a draft letter.

**Town of Highland Comprehensive Plan:** Soete noted that the Town of Highland is proposing revisions to their Comprehensive Plan and zoning law. He said that they are pushing the Comprehensive Plan more at the moment and it is his understanding that they are trying to correspond that with the census which comes out every ten years. There was a public hearing tonight; that is why Debra Conway was unable to attend our meeting. Soete said that he had reviewed it briefly and noted that now that it is on the computer, you can easily search different words. He searched Upper Delaware Council and had three hits which are noted in his Discussion Items Report. Soete said that he feels that it would be nice if there were more of a general statement in the Comprehensive Plan about participating as a member of the UDC to help implement the River Management Plan for the Upper Delaware Scenic and Recreational River, and conserving and protecting the special resources for which it was designated. Soete does plan on going through this in more detail and noted he was unsure what the deadline for comments is.

**Town of Tusten Zoning Law:** Soete said that he has been spending quite a lot of time on this and that he just sent a letter of comments that he signed. Rajsz questioned what his comments were. Soete said that there were 30 comments and noted that his biggest gripe was the repeated reference to "residential" instead

of “recreational” when referring to certain segments of the river district. Soete said that on October 24<sup>th</sup> the Town of Tusten issued a Response to Public Comment document, part of which was included in the handouts to the committee, and he noted that they did address most of the UDC’s and Park Services’s comments with the exception of a few subjects that they want to discuss further. He said that they don’t really have the river corridor boundary on their zoning map and one of his suggestions was for them to put that boundary on there. Soete said that he plans on attending the Re-write Committee meeting to be held on Thursday, October 27<sup>th</sup>. Ramie questioned if the 84 commenters listed on the response document were all at one meeting. Soete said that list included people who had sent in written comments as well. Ramie asked if the committee had any issues with people who don’t live in the town, commenting on Tusten’s zoning. Soete said not so much. Richardson said after reading through the responses to just Soete’s comments, he feels there is a lot of work left for the Re-write Committee. Soete agreed to some degree. Soete said that when the zoning law is adopted, Council should make a determination whether or not the Town of Tusten is still in “substantial conformance” with the Land and Water Use Guidelines in the River Management Plan for the Congressionally-designated Upper Delaware Scenic and Recreational River.

**West of Hudson Hydroelectric Project:** Soete noted that this subject was discussed at the WU/RM meeting. He said it is the intention of NYC to harness the existing releases to produce electricity. He noted that it looks like there are already existing power lines close to the dams so he didn’t see that as a concern. He did say that as Peckham noted, hydrogeneration may make the water warmer, and that could be an issue. Soete said we are keeping an eye on it and that there is a lot of information available on the internet. Soete added that he hopes that the NYS DEC and the Fish and Boat Commission of Pennsylvania are taking a close look at how this may affect the fisheries.

**Eagle Creek Hydro Power LLC – Public Hearing:** Soete said that we will plan on attending the evening meeting at the Lumberland Town Hall on November 4<sup>th</sup>.

**Upper Delaware River Roundtable update:** Soete attended the meeting on October 6<sup>th</sup> and noted that most of the meeting was spent looking at resource maps for Sullivan County’s Waterfront Revitalization project. Ramie said that the meetings are every other month so one could assume that the next meeting will be held in December.

### New Business

**Upper Delaware Scenic Byway Resolution: Rt. 97 Heavy Industrial Traffic:** Ramie said that this was on the agenda for last month, but since there was no quorum, it was tabled until this month. She said that the handouts include a memo from the Scenic Byway committee which requests feedback, the Resolution in its entirety, and some of the responses that have come in from municipalities and agencies. Ramie said that the committee did not have to make any comments. Rajsiz questioned if the Town of Tusten supported the resolution. Ramie answered that they had; she did not have a copy of the resolution, but she does have a copy of an article referencing their support. Rajsiz then questioned if the Town of Highland ever responded. Ramie said not to date. Peckham said he believes that the Village of Hancock came out with a statement saying that it was not the village’s vote, but an individual vote. Ramie said that she had seen an article to that effect. She said that their representative voted for it, but the village opted not to take any official action through a resolution. After a brief exchange between Rajsiz and Peckham, Richardson said he feels that the Scenic Byway had to issue that resolution; that is their mission. He feels that the UDC should abstain from voting on this issue. Richardson continued that a Byway’s mission is to enhance and protect and promote that Byway for recreation and the beauty and the bicycles and everything else that is really not compatible with heavy traffic. He doesn’t feel that the Byway can be criticized for making a statement. The UDC is not so committed to those specific objectives. Peckham said that the committee would do nothing with this matter.

**Other:** None

### Old Business

**Use of 1988 Project Review Workbook:** Ramie told the committee that staff had discussed the idea brought up at last month's meeting of assigning pages to go through the book a little bit at a time. She questioned if that was still something that they wanted to do. Peckham suggested putting it on the agenda. McGuinness stated that he had taken a look at the manual and that it wasn't a lot of reading. Rajs said she would like to go through the book in manageable chunks. Peckham suggested dedicating 30 minutes per meeting until we are through the book. Ramie clarified that he was suggesting reviewing it collectively in that half hour. He said that he was.

**Public Comment:** None

**Adjournment:** A motion by Rando seconded by Richardson to adjourn the meeting at 8:50 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell, 10/31/11*