

**CORRECTED**  
Upper Delaware Council  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**February 24, 2015**

Committee Members Present: Larry Richardson, Fred Peckham, Nadia Rajs, Jeff Dexter, David Dean, Harold Roeder, Jr., Susan Sullivan, Alan Henry  
Committee Members Absent: Debra Conway  
NPS Partner: Kris Heister, Carla Hahn  
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell  
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, February 24, 2015 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:13p.m.

A motion to approve the February 5 meeting minutes was made by Henry, seconded by Dexter and carried with Roeder and Rajs abstaining as they had not been in attendance at the February 5 meeting. There was no public comment on the agenda.

**Discussion Items Report**

**Project Review Update**

**Town of Hancock:** T. O'Dell reported that the Friends of the Upper Delaware River applied to the New York State Department of Environmental Conservation to conduct an ecological restoration of the stream and floodplain of approximately 2,800 feet of Sands Creek. Sands Creek sustained significant damage from flooding in 2006 and 2007. This project is unlisted and considered to have no significant negative impact on the environment. O'Dell noted that this project lies outside of the corridor, but has been discussed in the past.

**Town of Tusten:** T. O'Dell noted the Council received certified letters regarding special use permit applications for three proposed projects in the Town. A public hearing was held on February 16 for all three. The projects include a real estate/law office at 25 Main Street, Narrowsburg; a two-room hotel suite at 240 Bridge Street, Narrowsburg; and an eating and drinking establishment at 226 Bridge Street, Narrowsburg. O'Dell stated that all the proposed projects are compatible special uses within both the Hamlet and Recreational sections of the corridor as per the Land and Water Use Guidelines.

**Town of Highland:** O'Dell reported that the Town is proposing to add "Farm Brewery" as a special permitted use in their Hamlet Commercial District and Residential-Agricultural District. A farm Brewing Law was passed by Governor Andrew Cuomo in 2012 and put in to effect January 1, 2013. It was designed to increase demand for locally grown products to further increase economic impact and create new businesses surrounding the brewing industry. Under the new law, in order to receive a Farm Brewery license in New York State, the beer must be made primarily from locally grown farm products. Until the end of 2018, at least 20% of the hops and 20% of all other ingredients must be grown or produced in New York State, increasing to no less than 90% of the hops and 90% of all other ingredients must be grown or produced in New York State after 2024. While farm breweries are not specifically mentioned in the Land and Water Use Guidelines they would most likely be considered a "Light Industrial Use". "Light Industrial Uses" are only considered permitted special uses in hamlet areas of the river corridor as per the schedule of uses in the Land and Water Use Guidelines. A public hearing is scheduled for March 10<sup>th</sup> at 6:30 p.m. Richardson recommended that the committee comment on the proposal. O'Dell said he would send a comment letter to the Town on the proposed addition of "Farm Brewery" as a Special Permitted Use in certain districts.

**Masthope Sewage Discharge:** O'Dell stated that we have not received any response to our January 8<sup>th</sup> letter to Mr. Michael Bedrin, Regional Director of the PA DEP Northeast Regional Office regarding the Masthope Mountain Community sewage issue. A copy of the DRBC Docket No. D-76-21 from December

1995 was sent out with the January packets to committee members. Richardson questioned Heister if she is moving forward with the direction she chose to address this matter. Heister said she has a meeting scheduled with Aqua Pennsylvania on March 13.

**Pond Eddy Bridge:** O'Dell reported that the UDC office received Penn DOT's application for Section 7 Authorization on February 17. The application includes bridge design plan, causeway design plan, aids to navigation/boating safety plan, wetland location map, threatened and endangered species coordination, hydrologic and hydraulic analysis, and the erosion and sedimentation pollution control plan. The application is under review. He noted that in the Project Review Workbook, there is a section for projects that are permitted or proposed to be constructed by state or federal agencies. O'Dell referred to section SP-5 of the Workbook which states "If the application is received by a county, state, regional or federal agency, the Council is notified by mail of the permit application. Council staff would then determine whether the application is on the list of significant projects or the list of conditional and incompatible uses." O'Dell shared a discrepancy in review criterion he identified in the Workbook. Hahn noted that the Park Service has the responsibility to review projects under Section 7 of the Wild and Scenic Rivers Act. Richardson asked that O'Dell provide a written report summarizing his review of the Pond Eddy Bridge Replacement Project Section 7 Authorization Package for handout at the March 5 UDC meeting at which time any required action can be taken. He feels there should be documentation of the Council's actions. Hahn asked that any reports be shared with the Park Service. **Hahn noted that comments by NPS to PennDOT will be submitted in approximately 30 days (from February 12). UDC comments received in time to be considered during the NPS review must be received as soon as possible.**

**Oil Trains:** O'Dell said that in May, the WU/RM Committee discussed proposed regulations regarding the shipment of crude oil via DOT-111 tank cars. At that time, the U.S. Department of Transportation was working on a set of regulations to retro-fit and/or phase-out the use of the antiquated DOT-111 cars. First deemed unsafe by the National Transportation Safety Board in 1991, there seems to be proposed regulations set to be released May 12, 2015. O'Dell referred members to the handout in their packets titled, "DOT Delays Final Rule for Rail Tank Cars." The article states that "Final regulations for phasing out older freight-rail tank cars carrying crude oil and ethanol will be released May 12 instead of March 31 as originally planned, according to the U.S. Department of Transportation." The railroad running the entire length of the river could be a serious concern, O'Dell noted. Members discussed the February 16 oil train derailment and explosion in southern West Virginia. Richardson said he believes the train was hauling newer model tank cars. Members recommended drafting a letter asking that the safest cars be used to transport any high risk materials along the river. Richardson noted that during the West Virginia derailment, crude oil poured into a river that supplies drinking water. He noted the Delaware River supplies drinking water to a much larger population. O'Dell suggested that it be requested that the emergency responders in the area be advised of what is traveling through the river corridor. Richardson spoke of Senator Schumer's efforts to improve railroad safety. Heister said she believes that a rule is going to be put in place that if a train has more than 100 cars, then there is to be notification to municipalities along that route. Henry agreed with O'Dell that an effort should be made to find out what is being hauled along the river. Peckham does not believe that information will be made available because of national security reasons. After brief discussion, it was decided that O'Dell would prepare a draft letter to the New York, Susquehanna & Western Railway/Central New York Railroad regarding the potential transport of crude oil through the river valley. O'Dell said he would look into the comment period for the DOT regulations.

**NYC DEP:** O'Dell reported that the NYC Department of Environmental Protection is currently building a shaft to construct a 2.5 mile bypass tunnel to replace a profusely leaking section of the 85-mile Delaware Aqueduct. The Delaware Aqueduct will have to be temporarily drained for repairs in 2022 during the end stage of this project. In one stretch of the aqueduct near Wawarsing, the leak is so severe that NYC is buying dozens of homes that have been plagued with flooded basements and lawns. The leaks are even worse in sections of the tunnel under the Hudson near Newburgh. Approximately 15-35 million gallons of water per day seep through the cracks. The project is scheduled to finish in 2023.

**TAG Update:**

T. O'Dell reported that TAG Mid-term reports are due this Friday, February 27<sup>th</sup>. He is waiting on those reports from the Town of Highland, Damascus Township, Town of Tusten, Berlin Township, and Sullivan County. Ramie noted the form is available on the UDC website.

Richardson questioned if there is any update on Shannon Thol's Upper Delaware River Corridor mapping project. O'Dell said that he and Ramie will be meeting on Thursday, February 26<sup>th</sup> with Thol, Hahn, and Jamie Myers of NPS to discuss where the project is at. It is hoped that Thol will offer a presentation on this project at the April 2<sup>nd</sup> full Council meeting. Hahn said she has been tasked with contacting the towns and townships to determine if there are electronic versions of the current maps that they have available. She noted that many of the maps developed for the towns in Sullivan County by Chris Knapp of the Sullivan County Real Property Office have been accepted by the towns. Most of these approvals have not been conveyed to Knapp, therefore he has been unable to update them in his software. Hahn is not sure of the procedure for notifying Knapp of the approvals.

Peckham suggested that non-participating townships may need to be reminded of the management actions in those towns according to the River Management Plan. The plan reads, "Alternately, a town may elect not to join the Council. In such a case, the key decisions in Section 704 will be accomplished solely by the National Park Service with no provision for effective local input (although the National Park Service may request the advice of the Council or a non-participating town may request the assistance of the Council)". He suggested the Park Service could send those non-participating townships letters to accomplish this reminder. A brief discussion took place regarding this. Heister said she plans to meet with elected officials all along the corridor eventually. She said she could offer this reminder at such a time.

Sullivan asked Hahn for clarification on what is needed for the GIS mapping project. Hahn told her a "shape" file or kmz file of their current zoning is what is needed. She explained that these references are computer extensions. She reiterated that it is important that the people who created the maps for the towns know that the maps have been approved. Richardson questioned if any towns have provided what is required. Hahn said the Town of Fremont has. Confusion about what is required was discussed.

**New Business:** None

### **Old Business**

**Use of 1988 Project Review Workbook:** Because of the time, members agreed to table review of the Workbook until next month.

**Other:** None

**Public Comment:** None

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