

## UPPER DELAWARE COUNCIL MEETING MINUTES

**Jan. 8, 2009**  
*(Annual Meeting)*

The Upper Delaware Council held its annual meeting on Thursday, Jan. 8, 2009 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson Alan Bowers called the meeting to order at 7:46 p.m. There was no public comment on the agenda. A motion by Bowers seconded by Roeder to approve the amended (Keesler name correction) Dec. 4, 2008 meeting minutes was carried with one abstention.

*Introductions:* Bowers introduced the members from Berlin Township. The Township is a new member of the Council. Their Representative will be Andrew Dean and their Alternate Lillian Russell. They were presented with a UDC lapel pin welcoming them onboard. Paul Henry, Berlin Township Supervisor, also came to the meeting. Bowers introduced Bill Manner from the PA Dept. of Environmental Protection who is the Alternate-designate from Pennsylvania. Pam Bush from Delaware River Basin Commission was attending the meeting as well as the Alternates from Deerpark, Mel Decker, and Fremont, Jim Rodgers. NPS-Upper Delaware also had their Assistant Superintendent, Sandy Schultz, attend the meeting.

*In attendance:* Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder Jr., Damascus Township-Dolores Keesler, Berlin Township-Andy Dean, Town of Tusten-Charles Wieland, Town of Highland-John C. Sundholm, Town of Lumberland-Jay Shafer, Town of Deerpark-Phil Chase, Shohola Township-George J. Fluhr, Westfall Township-Alan Bowers, State of New York-Bill Rudge, Delaware River Basin Commission-Pam Bush, and National Park Service-Vidal Martinez. Absent: Town of Cochection, Lackawaxen Township, Commonwealth of Pennsylvania.

**Election of 2009 Officers of the Council:** The Nominating Committee had presented its slate of officers at the December meeting. Bowers asked for nominations from the floor; there were none. A motion by Wieland seconded by Shafer to close nominations was carried. One vote was cast by the Secretary that the slate of officers as presented be elected; motion by Wieland seconded by Shafer and carried by all.

The following UDC members will be the 2009 Council officers: Chairperson - George J. Fluhr (Shohola Township), Vice-Chairperson – Harold Roeder Jr. (Town of Delaware), and Secretary/Treasurer – Jack Niflot (Town of Fremont).

The officers were sworn in by the Honorable Ronald J. Edwards, Pennsylvania District 22-3-04 Magistrate, followed by the passing of the Chairperson's gavel from Bowers to Fluhr. Fluhr thanked Bowers for his work as 2008 Chairperson. Bowers offered remarks wishing Fluhr success in his tenure. Fluhr commented that the Council is starting its 21<sup>st</sup> year in business with the future unknown as to what the environmental policies will be of the new administration in Washington and the impacts of the slow economy. However, the Council will move forward with its work to preserve and protect the Upper Delaware Scenic and Recreation River.

**Committee Reports:** The reports of the committee meetings on Dec. 16 were provided by Roeder, Operations and Project Review; and Douglass, Water Use/Resource Management. As to WU/RM, Chase noted that the 1 mg flow in 17 seconds passed the Montague gauge was a vague statement. Bowers added it depended on the flow rate of the River how many seconds it would take. Manner commented that the 1 mg of water mentioned in the minutes to frack a gas well is on the low side. Pennsylvania is finding that it takes 3 – 5 mg per well to frack the well.

## Status Reports

**Delaware River Basin Commission:** Pam Bush mentioned that if anyone has not received the DRBC's *State of the Basin Report*, Coney had some on hand for hand out. She noted she handed out the DRBC's 2006-2007 *Annual Report*. Coney had extra copies. Also handed out was the Dec. 9 DRBC Hydrologic Conditions Report. As of January 5, the combined NYC Delaware River Basin storage was at 99.3%, about 40% above the long-term median. New York City has diverted over 800 mg. Reservoir levels: Cannonsville 99%; Pepacton 99.8%; Neversink 98.6%. No reservoirs are spilling. Flows: Callicoon at 4.7 feet (4,000 cfs); Port Jervis 4.7 feet (7,000 cfs); and Montague 8 feet (7,500 cfs). The flows are well below flood stage and the recent precipitation had no impact. The releases are at the FFMP's L1a level to compensate for the West Branch tunnel shutdown. Bush reviewed some of the FFMP's temporary measures in place at this time.

At the DRBC's Dec. 10 meeting, they withdrew the rulemaking to make the FFMP a rule of the Commission. The plan is to provide staff with a new direction so they can provide new rules. They'll be looking at the flood analysis, OASIS models, dwarf wedgemussel studies, along with other items. A handout was provided to the members that included a copy of the PowerPoint presentation made by Bill Muszynski on Dec. 11 to the Regulated Flow Advisory Committee (RFAC), "Briefing on DRBC Withdrawal of Proposed Amendments to the Water Code and Comprehensive Plan to Implement the FFMP" that provided information regarding Bush's remarks. The FFMP will continue on a temporary basis. A draft Response Document to the public comments on the draft FFMP proposed should be released to the DRBC website by the end of the week ([www.drbc.net](http://www.drbc.net)).

Bush noted that the DRBC will rely on the PA DEP gas drilling regulations with additional requirements through the DRBC for the Pennsylvania gas drilling permits. There is still one application in NYS by Chesapeake for 1 mgd water withdrawal at Peas Eddy. That application is not complete. The DRBC is still discussing gas drilling regulations with New York State.

Chase commented that this time of year (Dec.-Jan.-Feb.) with full reservoirs you can reduce the reservoir levels by 50% and they'd still refill by June 1, as the City wants. The City is afraid of one drought that might occur. Seven organizations are putting pressure on the NYC DEP to lower reservoirs. The organizations include the North Delaware River Watershed Conservancy, Friends of the Upper Delaware, Aquatic Conservation Unlimited, Delaware Riverside Conservancy, Drowning on the Delaware, Residents Against Flood Trends, and Trout Unlimited. Chase noted that New York City has been indicating they cannot use reservoirs for flood control, but they can provide methods for relief.

**NYS Dept. of Environmental Conservation:** Bill Rudge thanked Dave Soete of the UDC staff for attending the Dec. 4 public meeting regarding the draft scoping document pertaining to the draft supplemental Generic Environmental Impact Statement for the gas drilling/exploration regulations. The Scoping document should be released by the end of the month.

Rudge announced that the DEC will be issuing permanent firewood restrictions to protect forests from invasive species. Emergency regulations had been put in place Dec. 5, 2008. The regulations are to reduce the risk of introduction and spread of invasive insects and diseases of trees by preventing untreated firewood from entering New York State and restricting the movement, sale and possession of untreated firewood that originates in New York State. Confirmed threats to NYS include: emerald ash borer, Asian long-horned beetle, European gypsy moth, Asian gypsy moth, and a number of other wood boring or defoliating insects, plus decay and wood-stain fungi, as well as the pathogens that cause Dutch elm disease, oak wilt, and sudden oak death. There is a massive educational outreach effort DEC is conducting to get the word out about transporting untreated firewood. Firms that sell firewood will be certified by the State. Log-length material is not automatically covered under this regulation, unless it is used to produce firewood. Log loads to sawmills is processed quickly so less vector danger. Logs destined to be used for lumber, poles, pallets, pulp manufacture or biomass energy are not affected by this firewood regulation. For further information go to the DEC website [www.dec.ny.gov](http://www.dec.ny.gov).

Rudge announced that the draft 2009 NYS Open Space Plan was released yesterday. Coney can produce copies of the draft relating to Regions 3 and 4. The Regional Committees feed information to the DEC central office and those insights were taken into consideration for the draft. This draft contains additional recommendations than the 2006 version, such as addressing climate change, going "green", fossil fuels, connecting people to nature and recreation; as well as safeguarding and enhancing the state's unique natural and cultural heritage. Also included in the document are Regional Priority Conservation

Projects. Rudge noted that four priority project areas are included for Regions 3 and 4 which are the Neversink Highlands, Catskill River & Road Corridors, NYC Watershed Lands, and the Upper Delaware Highlands. Rudge read from the draft Plan concerning the Upper Delaware Highlands, which stated "Few of the large globally significant forest ecosystems remain intact today in the continental United States. One of these key remaining ecological regions, the High Allegheny Plateau, covers land areas in both New York and Pennsylvania. Those portions in Sullivan and Delaware Counties are known as the Upper Delaware Highlands where the geology, soils, climate, elevation and landform configuration/ownership define the ecological potential of this system for providing significant water quality preservation and unmatched wildlife habitat. With such close proximity to major Metropolitan areas such as New York City, Trenton and Philadelphia, this ecoregion is a critical hub for other collections of nearby smaller forests, river corridors and ridge tops to provide contiguous natural resource protection."

Public comment on the draft Plan will be accepted from Jan. 7 to Feb. 27, 2009. Public hearings on the draft Plan are scheduled. The public hearing for Region 4 Capital Region is Jan. 21 in Schenectady and Region 3 Lower Hudson Valley Jan. 22 in Bear Mountain. For further information go to the DEC website.

**PA Dept. of Environmental Protection:** Bill Manner announced that the first stage report of the PA State Water Plan should be out this year. He said he's the Program Manager for the DEP Watershed Management Program and covers Bucks County, PA to the NYS border and has also worked in this area for 30 years. DEP is doing an Act. 1 stormwater management plan with Pike County and Wayne County will also be doing this. Some ordinances will be produced. DEP is also working with the Susquehanna River Basin Commission on gas drilling in the Marcellus Shale. Fluhr inquired if there was adequate coordination with New York State on the gas drilling, and Manner indicated yes. Fluhr hoped there wouldn't be a duplication of effort and that each state would be learning and sharing with the other, especially for the Upper Delaware region. Manner noted that Pennsylvania has increased its fees for gas and oil procedures, and there are 37 more hires included in the Pennsylvania budget to deal with natural gas matters.

**National Park Service-Upper Delaware:** Superintendent Vidal Martinez welcomed Berlin Township as part of the Council. He referenced the handed out "National Park Service 2008 Director's Report". In the Preserving History section, the Roebling Bridge was included due to the completed re-building of the dry-laid stone abutment retaining wall that supports the national historic landmark bridge. The Drystone Conservancy rebuilt the wall by hand and did a magnificent job. The wall had been damaged in the recent years' flooding.

Martinez noted that with the change in the administration in Washington, the new Secretary of the Interior nominee is Senator Ken Salazar (D-CO). We don't know who the new Director of the National Park Service will be. Mary Bomar has submitted her resignation.

The U.S. Dept. of Interior, through the National Park Service and the U.S. Fish and Wildlife Service, has announced the final amended version of its changes to rules on carrying of firearms in national parks and wildlife refuges. The new regulations allow right-to-carry permit holders to exercise their rights on national park and wildlife refuges in those states that recognize such permits. The move will provide consistency across the nation's federal lands and put an end to the patchwork of regulations that governed different lands managed by different federal agencies. The previous regulation required that firearms be unloaded and placed somewhere that is not easily accessible, such as inside a car trunk. Beginning January 2009 these new regulations will allow visitors to carry a loaded gun into a park or wildlife refuge if the person has a concealed weapon permit and if state law also allows concealed firearms.

Martinez mentioned that the tow path restoration under the Roebling Bridge continues. They need the dwarf wedgemussel study as to impact. They've hired one maintenance worker and hope to have another to assist with addressing the maintenance backlog. The exhibition changes in the Zane Grey Museum are moving along. They hope to speak with Doug Austin of the PA Fish and Boat Commission regarding Delaware River accesses. NPS will participate in the Jan. 17 EagleFest in Narrowsburg, NY. The Zane Grey Museum will be opened Jan. 18 for the Eagle Institute's Eagle Watch Weekend event in Lackawaxen, PA.

NPS is working with the NYS DEC and the Town of Lumberland on the Mongaup Visitor Center proposal. There will be a meeting with the contractor and the Town to review maximizing the space for the mobile units that would be the visitors' center facilities.

**UDC Executive Director's Report:** Bill Douglass reported that Damascus Township has completed its first project under a UDC Technical Assistance Grant. The UDC was happy to be able to assist this new member with a grant.

UDC will participate in the Jan. 17 Narrowsburg EagleFest with a booth in the Town Hall. The Eagle Institute guided eagle watch excursions will be held Jan. 10, Jan. 18, Jan. 24, Jan. 31, Feb. 14, Feb. 21, and Eagle Watch Weekend festivities Jan. 17 and 18. Check their website for details [www.eagleinstitute.org](http://www.eagleinstitute.org).

**Old Business** None

**New Business**

**UDC Resolution 2009-01 Approving Member NYS Towns' projects for State grant M080103:** The members reviewed a resolution recommended through the Operations Committee. It allows for conceptual approval of the eight project proposals submitted to UDC to be included in the work plan for Draft Grant Agreement No. M080103 with New York State. A motion by Roeder seconded by Wieland to approve the resolution was carried with one abstention.

**UDC Resolution 2009-02 Authorizing Corporate Resolutions for fiscal year 2009 bank accounts:** This resolution allows for new bank signature cards to be executed by the newly elected UDC officers as co-signers on UDC accounts in various banking institutions to reflect the change in officers. A motion by Wieland seconded by Bowers to approve the resolution was carried.

**Public Comment** None

**Adjourn** A motion by Bowers seconded by Roeder to adjourn the meeting at 9:15 p.m. was carried.

Carol Coney, Office Manager