

UPPER DELAWARE COUNCIL MEETING MINUTES November 3, 2011

The Upper Delaware Council held its monthly meeting on Thursday, November 3, 2011 at the Council office in Narrowsburg, NY. Chairperson Larry H. Richardson called the meeting to order at 7:35 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder, Jr., Town of Cochecton-Larry Richardson, Town of Tusten-Tony Ritter (Susan Sullivan 8:16 p.m.), Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajs, Town of Deerpark-David Dean, Damascus Township-Joseph Canfield, Shohola Township-Scott Rando, National Park Service-Sean McGuinness. Also in attendance: Virginia Dudko-Town of Deerpark alternate, Debbie Conway-Town of Highland alternate, Jim Rodgers-Town of Fremont alternate. Absent: Berlin Township, Lackawaxen Township, Westfall Township, State of New York, Commonwealth of Pennsylvania, Delaware River Basin Commission

Approval of October 6 Meeting Minutes: A motion by Rajs seconded by Rando to approve the October 6 meeting minutes was carried unanimously.

Public Comment on the Agenda: There was no public comment on the agenda, but Boyar took the opportunity to welcome the new representatives from the Town of Deerpark. He noted that alternate Dudko had been involved with the UDC for a long time as a guest and he is very happy to see that she is joining the group. Richardson formally introduced David Dean as the new representative and Ginny Dudko as the alternate. He told the Council that Ginny's dad was the long-time Town of Highland UDC representative Lew Schmalzle.

Committee Reports: Committee reports were provided based on the meeting minutes. They were: October 18 Water Use/Resource Management by Ritter; October 25 Operations by Richardson; and October 25 Project Review by Peckham.

Odell noted that there had been a correction to the October 18 WU/RM minutes. Under the subject titled "NYC West of Hudson Hydroelectric Project", Eagle Creek Hydro Power, LLC was changed to read NYC so that the corrected sentence reads "He said that NYC's idea is to harness the power from the existing releases of the reservoirs."

Ritter said that the Town of Tusten's second public hearing on the zoning re-write was held on October 27th and that approximately 95 people showed up. Ritter explained to Council members that Article 14 is one of the articles within the draft zoning which addresses high impact, industrial uses within the town. He said if anyone wanted any more information on Article 14, it is available on the town's website www.tusten.org.

Rajs said that a public hearing will be held in the Lumberland Town Hall on Friday, Nov. 4 at 7:00 p.m. for the upgrade of the facilities at Eagle Creek and the proposed changes to its FERC license at the Rio Reservoir.

Peckham noted that he heard the Tennessee Gas Pipeline is up and running as of November 1st.

Richardson reminded Dean and Dudko that the Council has three standing committees and if they had time and interest and would like to be on any of them, to let Odell know. McGuinness asked Dean and Dudko if they had their own copies of the River Management Plan. They answered they did not. He told them we would get copies to them. Richardson questioned Ramie if the RMP is sent out with the orientation packets. She told him they are not, that it is available on line, but we also have print copies and CD versions available in the office upon request.

Status Reports:

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of October 30 was at a combined capacity of 95.1% with Cannonsville at 89.2%.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge.

PA Dept. of Conservation & Natural Resources: No report in the absence of Representative Dennis DeMara.

National Park Service-Upper Delaware: McGuinness reported he feels the Park Service will be in good shape as far as the budget is concerned. He said they will be operating under a continuing resolution throughout this whole fiscal year. There was a 3% cut to the budget, but it does not look like there will be any reduction in the UDC's funding, which was a possibility if the cut had been higher.

McGuinness brought to Odell's attention, a mistake in the WU/RM October 18th meeting minutes. Under New Business, "DRBC Postpones Vote on Draft Natural Gas Regulation" it should read that Lieutenant Colonel Secrist is acting in Brigadier General DeLuca's capacity, as DeLuca has been transferred. The decision has not been made yet as to who his replacement will be as federal representative to the DRBC.

McGuinness noted that he will have the honor of a visit from the Associate Regional Director for Natural Resources and Science, Rick Harris, and the new Deputy Regional Director for Parks Operations, Gay Vietzke, on December 1st and 2nd. They will attend the next UDC meeting scheduled for December 1st.

McGuinness announced that the Park Service has received funding for an "Outstanding Remarkable Values" (ORV) three-day workshop. "Outstanding Remarkable Values" are the reasons that the Upper Delaware River was designated as a Wild and Scenic River. He expects this project to start in January of 2012 with the actual workshops taking place in late March, and anticipates publishing the new ORV statement in June or July. He said that Park Service staff from the Upper Delaware and Delaware Water Gap will be attending the workshop and hopes that some representatives from their partners including the Council will also participate. The funding for this \$45,000 project is coming from the Park Service Planning office in Washington.

McGuinness said that he and his staff have been preparing comments for the New York draft SGEIS on the Oil, Gas and Solution Mining Regulatory program. He noted that it is a daunting task, but there are many people involved in the process.

McGuinness said that every year the Park Service conducts a visitor survey. Five hundred survey cards were handed out and from the approximately 100 responses received back, results showed that 93% of the visitors were satisfied overall with the facilities, services, and recreational opportunities. He passed around the report to the council members. Richardson told McGuinness that the Upper Delaware Scenic Byway would be interested in those results and asked for a copy of the report.

McGuinness reported on a new "Junior Ranger River Safety" booklet. The new edition is a collaboration among the other three units on the river and it will be able to be distributed along the entire Delaware River. He said it will be available next summer.

Richardson told McGuinness that Sandy Schultz used to supply the UDC with visitor statistics. He questioned if they still offer that information. McGuinness said that he will have those figures available at the next meeting.

UDC Executive Director's Report: Douglass said that he had nothing specific to report.

New Business:

Draft letter to National Park Service: Legal Assistance Request: A motion to send the letter was made by Rando, seconded by Rajsz. Dean questioned, as he was new to the Council, why this letter needed to be sent. Richardson informed him that the Holbert Bros. went to Lackawaxen Township to expand their

mining operation. Their application exceeds what is allowed by the River Management Plan and is contrary to Lackawaxen Township's zoning that is based on the River Management Plan. The UDC wanted to have some say in the hearings and was denied status which had been granted to the UDC and NPS in 2008 when Holbert made a similar application to the township for a major mining expansion. As a result, the UDC has appealed the Township decision. The letter is to request monetary assistance from the National Park Service to help pay for the attorney's bills. After a lengthy discussion about the River Management Plan, the motion to approve the letter was carried with 8 ayes and 2 nays by Dean and Canfield.

Appointment of Nominating Committee for 2012 Officers: Richardson named the following members to serve on the Nominating Committee to produce a slate of officers for the UDC for the calendar year 2012: Susan Sullivan (Town of Tusten); Harold Roeder, Jr. (Town of Delaware); and Scott Rando (Shohola Township). The Nominating Committee will issue its report at the December UDC meeting.

Other: Boyar noted that he has not seen any effort to address the NYS draft SGEIS. He said that the UDC did do a very well vetted and heavily discussed commentary to the DRBC expressing fundamental concepts that we believe in and asking (insisting) that the RMP be respected. He asked if a similar letter, drafted on that DRBC template, can be sent to the NYS DEC. Peckham said that several letters have been sent to the NYS DEC on the original regulations. Richardson said that council members are encouraged, if they have any thoughts, to get them to Soete. He reminded members that the NYS DEC is only going to consider comments on the new changes to the regulations. Richardson added we will be prepared to send something out. Sullivan wanted to clarify that any comments should go to Soete. Richardson asked that any comments be provided to Soete by the next Project Review Committee meeting. Sullivan questioned McGuinness on whether the Park Service had sent a comment letter to the NYS DEC. McGuinness told her they are currently working on it. She feels it is very important that the NYS DEC be aware of the uniqueness of this area. Richardson told McGuinness that he hopes the Park Service will share their thoughts with the UDC. McGuinness said we will work together.

Old Business: None

Public Comment: Hester Greene of Damascus said she has noticed an increase in rail traffic recently and wondered if anyone had any information on it. Peckham noted that he had seen a couple more trains, but nothing significant. Greene recalled discussing a year ago the manifest that the train company is supposed to supply to local emergency services so that they know what might be on the trains. Peckham believes that they are supposed to carry those on the train themselves. Boyar said that he has heard the trains are transporting large amounts of sand out of New York State into Pennsylvania.

Bernie Handler of Damascus wanted to bring to attention to anyone who may be making comments to the NYS draft SGEIS that there is a whole new section on socio-economics, people can comment on what has been omitted from the report, and it also addresses several new regulations that came out. McGuinness noted that there are comments for the SGEIS as well as comments for the new regulations that have come out. Handler questioned if there was something for the Clean Water Legislation Act that just came out. No one was sure about that subject.

Anne Willard of *The River Reporter* questioned if Holbert Bros. had started the reclamation process on their open four acres that was found in violation yet. Soete answered that he believes the PA DEP has given them until December 26. McGuinness said he understands that Holbert is doing the reclamation and was fined.

Richardson announced that the Executive Session on the agenda will be skipped this evening.

Adjournment: A motion by Rajs, seconded by Canfield, to adjourn the meeting at 8:35 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 11/9/11