

UPPER DELAWARE COUNCIL MEETING MINUTES March 4, 2010

The Upper Delaware Council held its monthly meeting on Thursday, March 4, 2010 at the Council office on Bridge Street in Narrowsburg, NY. Council Chairperson Harold Roeder Jr. called the meeting to order at 7:35 p.m. A motion by Richardson seconded by Peckham to approve the Feb. 4 meeting minutes was carried. There was no public comment on the agenda. Later in the meeting Roeder introduced and welcomed the newly appointed Representative from Westfall Township Peter Kenny.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder Jr., Damascus Township-Dolores Keesler, Town of Cohecton-Larry Richardson, Town of Tusten-Sue Sullivan, Town of Highland-John C. Sundholm, Town of Lumberland-Nadia Rajs, Town of Deerpark-Phil Chase, Lackawaxen Township-John McKay, Shohola Township-Scott Rando, Westfall Township-Peter Kenny, and National Park Service-Sean McGuinness. Also present: Town of Hancock Alternate-Jim Serio; Town of Fremont Alternate-Jim Rodgers. Absent: Berlin Township; State of New York; Commonwealth of Pennsylvania; Delaware River Basin Commission.

Committee Reports: Douglass provided the Water Use/Resource Management Committee's Feb. 16 report for Chairperson Jim Serio. The Operations and Project Review committee meetings on Feb. 23 were cancelled due to inclement weather conditions.

Status Reports

Delaware River Basin Commission: The members were provided with the Delaware River Basin Flow and Storage Data for the month of February and for the first day of March 2010. Roeder noted that the reservoir storage was coming down; however, there is a large amount of snowpack still to melt. The combined New York City Delaware River Basin reservoir storage as of March 1 was 86.6%.

Chase indicated that he felt people were realizing that if there's a void in the reservoirs, it can become flood control assistance, and New York City was starting to realize that as well. Roeder indicated that would be good since the latest study we received from DRBC indicated that there was no difference in flooding with a void. That might be true downriver but up here we get flooding.

NYS Dept. of Environmental Conservation: Rudge emailed handouts for the members. The first was a NYC Dept. of Environmental Protection news release. It indicated that NYC DEP has been monitoring the amount of snowpack in the Catskill/Delaware watersheds during the winter season so that they could address potential impacts of higher than expected snowfall. Due to last week's historic snowstorms, the quantity of water in the snowpack has quickly outpaced its historical average. To deal with this, NYC DEP has enacted a series of initiatives to minimize any negative effects on the surrounding community and on the quality of NYC's water. One of these steps was to release the maximum amount of water allowed under the Flexible Flow Management Plan (FFMP), which is intended to provide a more adaptive means for managing the Cannonsville, Pepacton, and Neversink reservoirs. DEP includes half of the water content in the snowpack in the total storage for its Delaware reservoirs. Accounting for this snowpack water allows DEP to enhance the flood mitigation already provided by the reservoirs. The news release also mentioned that DEP would continue to monitor the snowpack amount and take appropriate measures.

The second handout was a NYS DEC news release. It indicated that with an annual mid-winter bald eagle survey near completion, preliminary results showed that the bald eagle population in New York State may be at an all-time high since the state began its repopulation efforts more than 30 years ago. New York has conducted annual surveys since 1979. More information about bald eagles in NYS can be found at: www.dec.ny.gov/animals/7068.html.

The third handout was also a DEC news release. It indicated that bear harvest numbers in 2009 were the second-highest ever recorded in New York State. While overall population size plays the largest role in the annual harvest, take numbers are also strongly influenced by environmental factors that affect bear movements and the timing of bear denning, such as food availability and snowfall. The 2009 bear harvests by county, town, and Wildlife Management Unit, with comparisons to previous years' bear harvests, as well as historical bear harvest data, are available on the DEC website.

The final handout was another DEC news release. It indicated that the 2009 deer season harvest is showing a high rate of harvest. Another notable factor put forth in the release was that nearly 16,000 signed-up for Junior Big-Game Licenses, this covers the 14- and 15-year olds. As to Chronic Wasting Disease that affects deer, elk and moose, no additional cases have been found in the state.

PA Dept. of Conservation and Natural Resources: There was no report.

National Park Service-Upper Delaware: Superintendent Sean McGuinness told the members that he is learning more about the area as he goes along and there is a lot to know, and he also intends to meet with every town and township Supervisor.

UDC Executive Director: Bill Douglass noted that in the members' handout packets they would find the testimony of the Lackawaxen River Conservancy that was presented at the Feb. 24, 2010 Delaware River Basin Commission public hearing on the Stone Energy Dockets regarding natural gas drilling/exploration. The public hearing was held in Matamoras, PA. The Stone Energy projects are taking place at the headwaters of the Lackawaxen River, a tributary of the Upper Delaware River.

Old Business

UDC office parking lot issues: Roeder mentioned that again, the Chinese Restaurant patrons are parking in the Council's lot and it causes inconvenience and confusion for those trying to park to attend the Council meetings. Maybe something could be done about re-stripping the parking area. Coney asked for names of vendors. Richardson noted he would contact her with information.

New Business

UDC Draft Comment Letter, DRBC Stone Energy Dockets: The members reviewed the draft comment letter to DRBC regarding the Stone Energy Dockets that was prepared by UDC staff with input from committee members. The actual Dockets had been distributed to the Water Use/Resource Management Committee and the Project Review Committee on Feb. 17 for review prior to the Council meeting. A draft of the comment letter had been emailed to the UDC members on March 3. The comment deadline was March 12, 2010.

These DRBC Dockets pertained to Stone Energy's application to the Delaware River Basin Commission for a proposed surface water withdrawal (West Branch Lackawaxen River, Mount Pleasant Township, Wayne County, PA) and Matoushek 1 Natural Gas Well Site (Clinton Township, Wayne County, PA). UDC staff had attended the DRBC's Feb. 24 public hearing on these Dockets that was held in Matamoras, PA.

The members reviewed the comment letter line-by-line, changes were made and discussion was had. Following this procedure, a motion by Richardson seconded by Kenney to approve the amended comment letter was carried unanimously.

The comment letter indicated that the Council is responsible for the oversight, coordination, and implementation of many elements of the *River Management Plan*. It also mentioned that the UDC has no regulatory authority and it looks to the Commonwealth of Pennsylvania, the State of New York, and the Delaware River Basin Commission to administer environmental laws which pertain to natural gas development and related issues and to act consistently with the Upper Delaware Scenic and Recreational

River's *River Management Plan*. Since these projects were located within the watershed area of concern, the Council offered its concerns about the cumulative impacts of all development and activities associated with natural gas extraction and the potential industrialization of the watershed; questioned if the minimum pass-by flow of 5.9 cfs for the stream in low water conditions was based on any scientific studies; asked that an Invasive Species Control Plan be required if applicable; recommended a time limit on how long wastewater may be stored on the site before it is removed for disposal outside of the Delaware River Basin; recommended that all wastewater be enclosed and not stored in open pits; and offered that the proposed water withdrawal site facilities such as roads, parking lots, fences not be constructed in the floodplain.

UDC Draft Resolution 2010-04 Accepting Administration of NYS Grant Contract TM09050: The Council had been notified by NYS Senator John J. Bonacic that \$25,000 in an Aid to Localities grant was approved for the Council's NYS member towns. The Council would administer the grant. A dedicated bank account needed to be opened for these funds. The resolution was pro forma for such grants. A motion by Richardson seconded by Peckham approving Council administration of the grant and the dedicated bank account was carried.

Upper Delaware Scenic Byway Donation to UDC: The Council received a letter from the Upper Delaware Scenic Byway, Inc. on March 4 including a monetary donation to the Council for the use of its facilities for meetings and staff time toward the Byway's administration tasks. The letter noted that without the UDC's support services the Byway would be hard-pressed to carry out its enhancement mission for NYS Route 97, a primary north-south motorized transportation corridor in the Upper Delaware Scenic and Recreational River Valley.

Hancock Herald article of Feb. 10: "Local Water Well Driller offers insight into Marcellus shale drilling Process": Fred Peckham, Town of Hancock UDC Representative, asked that staff copy and hand out at the meeting an article that appeared in the *Hancock Herald*. Peckham noted that the article would help people understand methane/sulfur is very common in water wells in the Upper Delaware Region. The article relates a conversation the newspaper had with Francis Tully of Poyntelle, PA, a well driller for most of his life, on drilling for natural gas in the area, based on what Tully calls the science of the drilling process.

Tully said the phenomenon of "fracture zone seepage" is relatively common in Susquehanna and Wayne counties and drillers often found natural gas while drilling for water. Tully noted that he saw photographs of the well that blew up in Dimock, PA that led him to believe that the tank itself blew up.

Public Comment

~ Bernie Handler, Damascus, PA noted that handling the drill cuttings and their toxins was most important. The drillers usually encase them in cement and bury them on-site. He was concerned that cement doesn't last forever and these bury sites would be above the water table. He noted he was confused about the figures Peckham used for the estimated number of wells that could be drilled in the watershed when the comment letter was being discussed. He wondered where he got his information. Handler also let the Council know that at the Feb. 24 DRBC public hearing they mentioned that the DRBC may receive funding for a cumulative impact study of the gas drilling/exploration in the watershed.

~ Harold Roeder Jr. mentioned that the GASFRAC magazine article that was handed out by staff a number of meetings ago seemed to him to show a good method to use for fracking.

~ Jim Serio commented the quantity of water is not nearly as important as what happens to the drilling wastewater. He felt the quantity of water for fracking is a small amount over the fracking period. He felt some of the streams could handle the water withdrawal as long as there were low-flow protective measures.

~ Phil Chase said it was more logical to take water from the main stem Delaware or lakes than the tributaries and small streams. Peckham noted that in western PA they pipe water in along the gas lines as a temporary measure.

Adjourn A motion by Rando seconded by Peckham to adjourn the meeting at 9 p.m. was carried.