

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
October 18, 2011

Committee Members Present: Tony Ritter, Andy Boyar, Scott Rando, John McKay
Committee Members Absent: Jay Shafer
NPS Partner: Don Hamilton
Staff: Bill Douglass, Dave Soete, Cindy Odell
Guests: Anne Willard

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, October 18, 2011 at the Council office in Narrowsburg, NY. Chairperson Ritter called the meeting to order at 7:00 p.m. A motion by Rando seconded by Boyar to approve the September 20 meeting minutes was carried. There was no public comment on the agenda.

Old Business:

Upper Delaware Scenic Byway 9-26-11 Monthly Meeting Report: Laurie Ramie provided the September 26 meeting minutes in her absence.

PA River of the Year Delaware River Celebration October 19th Shawnee, PA: Odell noted that Douglass, Ramie and Soete will be attending the event tomorrow. Soete told the committee that he is taking the day off and will be the official photographer. He stated that it is the DRBC's 50th anniversary as well as the Shawnee Inn's 100th anniversary and the River of the Year celebration. Ritter asked if there would be a report next month and it was stated that someone would have one.

Pond Eddy Bridge Project Update 10-4-11: Laurie Ramie had provided an update from the consultants on the Pond Eddy Bridge project dated Oct. 4. Soete advised the committee there had been a conference call held today. Douglass said that the UDC and National Park Service participated in that. Odell noted that they are still waiting for a signature on the Memorandum of Agreement from New York State and that they are hoping to maybe have a Design Advisory Committee meeting by the end of the year.

NYC West of Hudson Hydroelectric Project: Soete referenced the handout provided and told committee members that there is a lot of information available on the website. He said that NYC's idea is to harness the power from the existing releases of the reservoirs. He believes that the generators would be hooked up to where the out fall is. He is not sure if there would be much impact on the Upper Delaware Scenic and Recreational River, but wonders if something should be in writing that they are not going to alter the flows in order to generate the power. He assured the committee that an eye is being kept on this. Hamilton asked if there was any information on the amount of generating capacity the different reservoirs would have. Soete replied that he is sure that there is, although he was not sure that he had it readily available. Soete then looked at the project summaries and noted that the total electrical capacity for Cannonsville Reservoir would be 14.080 mw and that Pepacton would have a maximum electrical capacity of 1.70 mw.

Other: Soete asked Hamilton is there was anything new with the illegal fish hatchery. Hamilton stated that there was nothing new to report.

New Business:

DRBC Postpones Vote on Draft Natural Gas Regulations: Ritter noted that the special meeting for the commissioners to consider draft natural gas development regulations is now re-scheduled for November 21, 2011. Ritter questioned if anyone had any idea why it was rescheduled. Soete said that it sounded to him like they were still in the process of rewriting it and it hadn't been posted publicly. Ritter asked if they were still digesting all of the information. Soete replied that he thinks so and they want to post it on their website for at least two weeks before the meeting. Odell noted that the posting would be November 7 and for informational purposes only since comments will not be accepted. Soete believes the federal agencies are

still looking at various drafts. He thinks they may be up to the sixth or seventh drafts. Soete pointed out that there is a new representative for the Army Corps of Engineers. Brigadier General DeLuca has been transferred and Lieutenant Colonel Secrist is acting in his place. Ritter questioned if anyone from UDC is planning on going to the DRBC special meeting in November just as an observer. Douglass said it had not been discussed, but if people felt it was necessary, it is something that can be looked at. Soete commented there may be a lot of protesters down there. Ritter said there certainly could be and referred to e-mails that he received referencing civil disobedience training programs to be held the day before. Soete added they are not taking any more public comment, that it is just going to be a vote and that it sounds like it could be a close vote. Ritter questioned if the pending litigation has any bearing on the vote. Boyar asked if it is a majority vote. Ritter and Soete both answered that it is. Ritter believes that the City of Philadelphia is joining the New York State Attorney General in their lawsuit against the DRBC. Soete said that is a good question if the lawsuits will make a difference. He feels that no matter what the DRBC does, they will be sued again.

Notice of Public Hearing – Eagle Creek Hydro Power LLC – Minimum Flow Unit at Rio Dam Rio Hydroelectric Project (FERC No. 9690): Soete said that Eagle Creek is trying to harness the energy from the 100 cfs release at Rio that flows in the Mongaup River between the Rio Reservoir and the lower penstock. He recalled that this flow was something that Phil Chase fought long and hard for. It is a constant 24 hours a day, 365 days a year flow assuming there is enough water in the reservoir. He noted that they have on occasion cut the flow back over the past years when there was not enough water in the reservoir. There are two hearings on November 4th. The agenda for the afternoon meeting includes an optional site visit at the Rio Dam from 1:00 until 2:30, followed by an agency meeting at the Lumberland Town Hall from 3:00 – 4:30. The evening meeting is a public meeting to be held at the Lumberland Town Hall from 7:00 – 9:00 p.m. Boyar noted the picture on the front cover of the handout that shows the release. He said it is amazing to see. Rando commented that he briefly looked through the handout and wanted to point out that the pair of eagles nesting in that area that did not breed in 2010; they did in fact breed in 2011. He feels timing of the project would be important as a lot of eagles roost in the area over winter. He said that will be probably be disclosed at the hearing. Referring to figure two, Soete noted it looked like the penstock would be towards the base of the dam and that it doesn't look like they are planning on making it much further downstream. It is possible there may be a little stream area that is not watered. He does not know how significant that would be. Soete referred to page two of the handout where it states that Eagle Creek is proposing to expand the capacity for the Rio Project by adding a 600 – 900 kw turbine/generator unit near the dam to generate electricity from the minimum flows required in the reach downstream of Rio Dam. Soete said he will try to get to one of the hearings so he can ask questions.

“Findings of Informed Delaware River Advocates Concerning Delaware River Flood Risk: Evaluation of NYC Reservoir Operation Plan and the Resulting Effects on Flooding and Drought” – 10-3-11 letter to Planning Board members: Ritter said that the letter written by Michelle Harrison-Kintner of Minisink Hills, PA could be read and discussed. Soete told him that the letter wasn't actually addressed to the UDC. He said it is his understanding that it went to town and township planning boards. The Wayne County, PA Planning Director sent it to us by e-mail along with a report. Soete noted that the letter brought to mind Elaine Reichart of the Aquatic Conservation group. Ritter agreed and said the letter sounded like it shared some of her concerns. A brief discussion of the location of Minisink Hills took place. Soete summed up the letter by saying that basically they want more flood protection and are blaming their woes on the NYC reservoirs.

Ritter inquired about the other handouts in the packet not listed on the agenda. Odell told him that they were for informational purposes only.

Delaware River Flow and Storage Data Report as of 10-18-11: Ritter said he had some notes that he made before he left for the meeting. He reported that the Cannonsville is now at 89% capacity and the Pepacton is almost full at 99%. The total storage right now for combined NYC reservoirs is at 96.4%. He said that normal for this time of year is 71% so that the reservoirs are about 25% above where they should be for this time of year as they were one month ago. Boyar questioned if they were releasing more water as it was his understanding that there was another storm system approaching. McKay said they are not and

referenced a gage he has and that today it was down two or three inches. Ritter said that the flow at Cannonsville had been at 1,500 cfs for the last month and in the last 24 hours it had been cut down to 650 cfs. Ritter remarked about the color of the water in the past month. He said that up by Hancock it was the color of mud. He commented that the color stain at Point Mountain from the East Branch to the West Branch was incredible. He said he heard that it was due to silt and sediment that had dropped to the bottom as a result of Hurricane Irene and Tropical Storm Lee. Hamilton noted that they have a problem with resuspended sediment at the bottom of the Cannonsville Reservoir and it was his understanding that the NYS DEC was to look into the volume of clear water that existed in that reservoir before they got into the level of resuspended sediment and he has not heard anything about it. Soete noted that Wallenpaupack is quite low. He said that it is at 33.5% and that he does not remember it ever being that low.

Other: Soete noted that last Friday the Park Service dedicated their new water quality lab and there was also a tribute to the late Dick Albert. Albert was pivotal in getting Special Protection Waters regulations for the Delaware River enacted. Soete shared pictures that he had taken at the event and explained what they were of and who was in them. Soete said that the Park Service had one of their datasondes operating so those in attendance could see the reports being generated on a laptop computer. Soete said that some of those in attendance mentioned that when certain water issues arise, it is often said, "What would Dick Albert do?". Hamilton added that Albert was the one who led the effort to get special protection water standards implemented for the Delaware River. That was an important accomplishment he added.

Soete said, for the record, nobody took us up on the letters of request for membership on any of the UDC committees. Ritter said that he knows some people that are river guides that would be good reps, but that they would have to go through their town boards. Ritter feels that someone with an affinity to the water, to the Delaware, would be a good candidate. Soete noted that in the past, the WU/RM Committee had advisory members. They were non-voting members so it wouldn't help with the quorum issue.

Ritter told committee members that the Town of Tusten is going through their zoning re-write. The last meeting of the re-write committee is going to be October 27th at 7:00 p.m. Soete said that he thinks that his next project may be to review the Town of Highland Comprehensive Plan. He asked if it is available on-line yet and Anne Willard said that it was; she had read it that day. Boyar asked when a town revises its zoning and/or master plan, if UDC staff makes a recommendation to the Project Review Committee. Soete said we try to take a look at it. Boyar said the tone of where Highland is going is pretty clearly expressed as they talk about the importance of water. He added that it could be interpreted as a foreshadowing of an Article 14 in the Town of Highland, although he is not sure of that. Soete stated that from his standpoint, the inclusion of the concepts of the River Management Plan and the Upper Delaware Scenic and Recreational River is what the UDC would like to see. He noted that one of his comments in reference to Tusten's zoning re-write was he would like to see the river corridor boundary on their zoning map for reference. It would help in determining if a proposed project is something that the UDC should be reviewing. He emphasized that the corridor is what the UDC needs to be concerned about. Boyar questioned where he could get a map of the corridor. Hamilton told him that the Park Service could get that sent to the town. Sullivan County should also have that information. Ritter said that if the river corridor maps have been created then he feels they should be included on all river town's maps. Soete noted that the river corridor is a Congressionally-designated boundary.

Douglass showed the committee the Time of Travel study done in 1993-94 from Hancock all the way down through the Water Gap. Hamilton stated that was one of Dick Albert's projects. Ritter questioned what the study was. Hamilton explained that dye was put in the river and it was determined how long it took for water to move from one part of the river to another at different flow levels so one could predict if there were ever a pollution event, such as a train derailment, how long it would take for affected water to get to another point. Soete recalled the dyed water staying in the Narrowsburg pool for a long time before it went down river. Douglass said the report is available in the office for viewing.

Public Comment: None

Adjournment: A motion by Boyar seconded by Rando to adjourn the meeting at 7:43 p.m. was carried.

Minutes prepared by Cindy Odell 10/21/11