

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
January 15, 2013

Committee Members Present: Tony Ritter, John McKay, Pat Jeffer, Al Henry
Committee Members Absent: Andy Boyar
NPS Partner: Don Hamilton
Staff: Laurie Ramie, Travis O'Dell, Cindy Odell
Guests: None

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, January 15, 2013 at the Council office in Narrowsburg, NY. Chairperson Ritter called the meeting to order at 7:07 p.m.

Election of Committee Chairperson and Vice-Chairperson for 2013: Henry made a motion to nominate Tony Ritter for Chairperson of the Water Use/Resource Management Committee for 2013. The motion was seconded by Jeffer. Ritter was elected by voice vote. McKay made a motion to nominate Alan Henry for Vice-Chairperson for 2013 and Ritter seconded the motion. Henry was elected by voice vote.

A motion by McKay seconded by Jeffer to approve the December 18 meeting minutes was carried. There was no public comment on the agenda.

Old Business:

Department of Interior 12/18 comment letter: Cannonsville Hydroelectric Project: Ramie said this issue is not an action item. She noted the letter was lengthy, but encouraged members to read it when possible. Henry asked for an explanation of the project. T. O'Dell told him it has been proposed to install a hydroelectric plant at the Cannonsville Reservoir. Hamilton said he understands they will be taking advantage of the current operations to generate electricity from the water that they move through different pipes. O'Dell noted that one of the terms and conditions is that the project be in compliance with the Flexible Flow Management Plan with Operations Support Tool. He covered other terms and conditions that were recommended. Henry said that on page 4 of the letter, it states that "The new power line will be much larger and higher and produce more voltage than the existing line." He wondered if that was a concern to anyone locally in the area of the proposed project. Ritter asked Hamilton for confirmation that this is a New York City Department of Environmental Protection (NYCDEP) venture. Hamilton said it is. Ramie agreed and added she did not know what the plan is for the electricity that will be generated.

Other: None

New Business:

EPA 1/4/13 Webinar: Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources: T. O'Dell noted that in 2010 the US Congress urged the Environmental Protection Agency (EPA) to examine the relationship between hydraulic fracturing and drinking water resources. The EPA is collecting and analyzing data on five primary topics including (1) water acquisition, (2) chemical mixing, (3) well injection, (4) flowback and produced water, and (5) wastewater treatment and waste disposal. All the information that is collected is to be peer-reviewed. The complete study is slated for completion in 2014. More information is available online at www.clu-in.org/live/archive/. O'Dell said he will share any more information that he receives on this study with members. Henry noted that a documentary called "FrackNation" will be shown January 22nd at 9:30 p.m. on AXS.tv. A brief discussion about the film and the filmmaker took place.

Wayne Tomorrow Sustainability Committee 1/9/13 Meeting Report: T. O'Dell stated that in an effort to update their comprehensive plan, the Wayne County Commissioners created an initiative called **Wayne Tomorrow!** The initiative was broken into five key areas including, (1) Agriculture, (2) Business and Economic Development, (3) Quality of Life, (4) Sustainability, and (5) Workforce/Education. Jamie

Knecht of the Wayne Conservation District, as a member of the Sustainability Committee, is heading the county's sub-committee for Natural Resources. The Upper Delaware Council and National Park Service were among invited participants at a meeting arranged to perform a SWOT (Strengths, Weakness, Opportunity and Threats) analysis for the natural resources in the county. The preliminary meeting was to identify natural resource challenges. O'Dell noted that the commissioners expect that surveys, listening sessions, and public forum opportunities will be given at various times throughout the next 18 months while the project develops. Ramie asked O'Dell if the sub-committee that he participated on will meet again. O'Dell said he is not sure and will wait to hear back as well as to receive minutes from the January 9th discussion.

NPS 1/10/13 letter to NYS DEC: Draft Hydraulic Fracturing Regulations Comments: Ritter referenced a copy of the letter in members' packets and stated that the deadline for comments was January 11th. Ritter said he heard that a large number of comment letters had been received. Ramie said the number staff heard was over 200,000. Hamilton noted that the cover letter touches on some of the points that the Park Service tried to make. He said the NPS requested a conditional prohibition on surface development activities for the Upper Delaware Scenic and Recreational River Corridor and other National Park System units and affiliated areas, and requests appropriate setbacks for these areas to protect nationally-recognized significant resources and values. He added the letter states that in total, NPS lands are less than ¼ of 1% of the land area underlain by Marcellus Shale in the State of New York. Hamilton said they have received a lot of good advice from the Geologic Resource Division over the years that deal with this type of development all over the country. One piece of advice is the best way to protect your resources is to keep the surface activity away from it. Hamilton said the Park Service is asking that their lands be treated with the same status as state-owned lands in New York, which are not allowing surface activity development. Henry questioned the acreage referred to as NPS lands in the letter. Hamilton said the letter contains detailed, regulation-specific comments and noted that a lot of people participated in the review and contributed towards it.

NPS Marcellus Shale 1/14/13 Teleconference Report: T. O'Dell said that the two main agenda items discussed during this call were the New York State Department of Environmental Conservation's (NYS DEC) proposed regulations and the Environmental Protection Agency's study of the potential impacts of hydraulic fracturing on drinking water. O'Dell said the agenda for the next conference call on February 11th will include the next step for the Delaware River Basin Commission (DRBC) and their regulations on the industry and 9B regulations that regulate horizontal drilling underneath national parks. O'Dell asked Hamilton if he knew anything about the 9B regulations. Hamilton said they govern the exercise of non-federal oil and gas rights within the boundaries of units of the National Park System and that the NPS is undertaking a rulemaking effort to revise them. Hamilton said he hopes to learn more about them during the next teleconference.

Ritter noted that February 27 is the deadline for the NYS DEC to respond to the public comments. He said that if the deadline is not met, there is a possibility they may file for another 90-day extension. He asked O'Dell if they could file for yet another extension after that. O'Dell said he was unsure. Ritter said he does not see how they will be able to get through more than 200,000 comments in just four weeks.

Henry asked where the 9B regulations could be found. Hamilton said he would get a reference for him.

Pond Eddy Bridge Repairs: Ramie thanked the Park Service for getting this information to us and noted that we have our tribulations trying to get information from Penn DOT on the bridges. T. O'Dell said he inquired about work going on at the Narrowsburg bridge earlier in the day from a Penn DOT employee and was ignored. Henry said he observed them putting plate steel on the deck of the bridge. A handout concerning the Pond Eddy Bridge emergency repairs was provided in members' packets. Henry noted he read they are still planning on replacing the bridge. Discussion about efforts to stop the replacement took place. Ritter asked if the project is on hold right now. Ramie said there was a meeting back in June that Senator Bonacic arranged with all the involved parties. New York was to discuss with Pennsylvania some alternatives and meet again in six months. Ramie noted that meeting has not taken place yet. Henry asked what the status is on the Skinner's Falls bridge. Ramie said they estimate that is a six-month project and it is still closed.

Delaware River Flow and Storage Data Report: Ritter reported that Cannonsville is at 81% and Pepacton is at 78%. He added that combined storage for the reservoirs is currently at 86% and that normal for this time of year is 79%. Ritter noted that precipitation for the months of November, December, and January is at 5.4" and normal is 10.6".

Ritter said that he reached out to Glenn D. Horton, Assoc. Project Manager of NYC Environmental Protection, to obtain snow pack information. He said he will be receiving that information when it is available and share it with the committee.

Upcoming Informational Presentations: Ritter said he received an e-mail from Thomas Murphy Jr., P.E. | Chief | NYC Environmental Protection Bureau of Water Supply, Reservoir Releases Policy Development stating "Please send me the dates, times and locations of your group's upcoming meetings. Outline any specific concerns and interest of your group so we can put together a presentation that's the most useful to you." O'Dell noted the proposed hydroelectric plant would be a good topic for a presentation. Ramie questioned the committee members if there were to be a presentation by the NYS DEP, what sort of questions would they want them to answer for us. Hamilton asked for some time to think about this. Henry suggested that if someone from New York City Department of Environmental Protection were coming to present, that it be done at a full Council meeting so that more people would be in attendance. Discussion about publicizing a NYC DEP presentation took place. Ritter said that he spoke with Council staff about posting upcoming presentations on the Upper Delaware Council website. Ramie added that it is emphasized in the press releases when a guest speaker will be at meetings. It was decided to see if the NYC DEP would be available for the March 7th full Council meeting. Henry asked if Dr. Kolesar's upcoming presentation will be at a full Council meeting or the WU/RM Committee meeting. He was told at the February 19th WU/RM Committee meeting. Ritter asked if staff would reach out to Mr. Thomas Murphy of the DEP. Ramie said she would ask him to pencil in the March 7th date and tell him we would get back to him with the concerns and interests that we would like to have addressed.

Other: Ritter said he looks forward to working with the committee again this year. He told members to call him if they have any suggestions.

Henry noted that Council staff is looking, as the UDC celebrates its 25th anniversary in 2013, to compile a list of "25 UDC Accomplishments" that will be issued as a news release, offered on a flyer, and posted on the website. Ramie said she would appreciate contributions of ideas for that list.

Henry said he attended Winter Trail Days hosted by the Friends of Prompton at Prompton State Park on January 12th. It was a well-attended, great day, he said. In speaking with someone there that day, Henry learned that Pennsylvania Governor Corbett really enjoyed the time he spent on the Upper Delaware and was going to plan on coming back sometime soon. Ramie questioned if he would come back for the UDC's award banquet and be the keynote speaker. Henry said he would try and find out who it was that told him that information and reach out to him. Hamilton shared a story about Corbett's day on the Delaware River.

Public Comment: None

Adjournment: A motion by Jeffer seconded by Henry to adjourn the meeting at 8:05 p.m. was carried.

Minutes prepared by Cindy Odell, 1/23/13