

Lower Delaware River Wild & Scenic Management Council

Meeting Minutes

March 23, 2017, 7:00 pm
Bridgeton, PA

Notes: Text marked in red are action items.

7:06 Richard called the meeting to order and welcomed everyone

For the few new people in the group, Richard explained what the Lower Delaware River Wild & Scenic is. Since the evening's meeting will cover voting for officers and new Steering Committee members, Richard reminded everyone that, in order to vote, their organizations must have signed the W&S MOU.

He talked briefly about the Management Committee and the Steering Committee and acknowledged the attending Steering Committee members: Himself, Richard Dodds (Chair), Marion (Marty) Kyde (Vice-Chair), Diane Rosencrance (Treasurer), Mark Zakutansky (outgoing Secretary), Val Sigstedt, Patti Ruby, and Jamie Fosburgh (NPS). Absent are: Les Isbrandt, who has agreed to take on the role of Secretary, Norman Torkelson, and John Mauser, who has asked to step down from the Steering Committee.

Nominations / Election of officers

Richard explained the differences between the Management Committee and the Steering Committee. Mark announced that he would like to step down from the Steering Committee but has agreed to remain if no one else volunteers to take his place.

Hans Reimann, the representative for Cooks Creek Watershed Association and Kris Kern, of the Heritage Conservancy, both volunteered to join the Steering Committee.

Richard proposed that the Executive Committee and Steering Committee for 2017/2018 be as follows:

- Richard Dodds – Chair
- Marion Kyde – Vice-Chair
- Lester Isbrandt – Secretary
- Diane Rosencrance – Treasurer
- Val Sigstedt
- Patricia Ruby
- Norman Torkelson
- Hans Reimann (new)
- Kris Kern (new)

Since all nominees agreed to serve and there is only one person nominated for each position, Richard asked if anyone was opposed to accepting the nominations as announced. There was no opposition so the roster was passed unanimously.

Richard thanked Mark for his service on the Steering Committee and the wonderful job he did as Secretary.

Mark introduced Jamie Fosburgh, the Wild & Scenic (W&S) representative from the National Park Service (NPS)

Jamie, who lives in Massachusetts, talked about the Northeast region. He is currently serving as the Program Manager for the entire region.

The National Park Service supports the community-based organizations that oversee the budgets as offered by NPS.

Budget

Richard started the budget discussion by referring to the budget handout document, explaining that it is a draft, at this point – a request for money from the NPS.

Explanation that National Lands Trust (NLT) acts as the fiscal agent for W&S, since W&S is not a 501c3.

The W&S Budget is a cooperative agreement with NLT, Hunterdon Land Trust (HLT), Heritage Conservancy, Delaware River Greenway Partnership (DRGP) and the Delaware River Experience to provide on-going activities that meet the goals of W&S.

Each item on the budget was addressed.

The line item for arsenic testing would be a gathering in one place of data that has already been collected, with the intent of creating a report for the Penn East Pipeline if it should become necessary.

The Mini Grant program would allow membership organizations, municipalities, or educational groups to apply for funds to be used to promote goals of W&S programs.

Acceptance/approval of the budget will not be known until later in the year. Jamie explained that the budget should be approved by May and funds should be available around August of 2017.

Patty asked if contracts will be retroactive so we can continue to work on projects. Jamie said you can get approval to spend monies up to 90 days before the monies are actually available.

Val asked if Jamie has heard about anything in the new administration. Jamie said that he feels pretty good about funds for 2017 for the whole country. For fiscal 2018 there is a scheduled 12 per cent cut but the details will not be known for a long time.

Mark explained that DRGP, as the administrative arm of W&S, has been advocating for money every year and is already asking for funding in 2018. He said, “We have strong support locally. We partner with other rivers in the Northeast who band together.” He also said that there will be a formal gathering of all of partnership Wild & Scenic rivers in July of 2017. The meeting will be in Massachusetts.

Diane, formerly of NLT, and Patti, currently with HLT, talked more about the budget, saying that the organizations submit a draft budget and go back and forth, working with the cooperative agreement in

determining the funds. They do not get specific about each line item they know how much money will be available.

Diane suggested W&S do more outreach, creating brochures, maintaining the website, environmental education. Someone reminded all that the Delaware River Sojourn offers youth paddling scholarships. The Delaware River Experience includes the adult community. The Heritage Conservancy provides outreach in Bucks County. Hunterdon also has outreach in the form of videos and brochures. HLT offers forest management and removing of invasive species. Historic Preservation is working with municipalities to conduct historic surveys.

Short discussion on frequency and detail of reporting requirements of the grants. Quarterly reports and a yearly report are submitted to the NPS for projects that have been completed and how the money was spent. Jamie said he would like to minimize the reporting that needs to be done. Richard said that the main focus of reporting is to keep track of activities and finding roadblocks where help is needed and to ensure that the projects are successful.

Patti clarified that all projects listed at the top of the budget are there to promote the goals of W&S.

CC Hopf of Bridgeton Twp asked for details on the arsenic report. Can we start now with monies from other categories? She suggested going to the [BNT](#) (Bridgeton-Nockamixon-Tinicum Groundwater Committee) website where there is lots of information.

Richard suggested that, if enough towns got together and there was a fiscal entity we could work with, there might be enough money donated from the towns that could pull together to get the project started now.

CC asked if the committee could consider doing that? It would also be an opportunity for outreach.

Mark suggested CC work with Norm Torkelson to start on a scope of work.

Speaker – Elaine Panuccio, Water Resource Technician for the Delaware River Basin Commission

Elaine presented the interactive App she created that allows a user to view water quality data collected between 2000 and 2016.

The Link for information: <http://www.nj.gov/drbc/programs/quality/spw.html#3>

Link to the App: <https://elainepanuccio.shinyapps.io/specialprotectionwaterexplorer/>

Marilyn will add these links in a MailChimp email blast and will add to the W&S website.

Arsenic letter

Richard handed out a 2014 letter that from the W&S to the DRBC explaining the W&S view on the PennEast Pipeline. He also made available a reprint from a website article from NGI Shale Daily that discusses arsenic as it relates to the PennEast Pipeline <http://www.naturalgasintel.com/articles/109857-new-jersey-senators-tell-ferc-to-investigate-arsenic-concerns-from-penneast-pipeline>.

Marilyn will make this link available in the MailChimp email.

Announcements

Marty announced that Delaware RiverKeeper Network is looking for volunteers to walk the proposed PennEast Pipeline route to collect data. They will teach you what to look for and how to collect the data. This sign-up form is available at this link <http://bit.ly/2mhVfEo>.

RiverKeeper Network has also invited Governor Wolf to a PennEast Pipeline open house event on April 1st: <http://www.delawareriverkeeper.org/node/4585>

There was some additional discussion about the PennEast Pipeline. Richard suggested that the next Management Meeting focus on the Pipeline.

Adjournment – at 8:31 PM.



Lower Delaware River Wild & Scenic Management Committee
March 23, 2017

MEETING AGENDA

Welcome – Richard Dodds

Election of officers

- Description of Steering committee and Officer Duties
- Nomination of officers and Steering Committee Members
- Voting

Introduction of Jamie Fosburgh, National Park Service

- His role as the W&S representative
- Intro to Budget

Budget Discussion

- Overview by Diane Rosencrance
- Review of draft budget proposal (handout)

Speaker - Ms. Elaine Panuccio from Delaware River Basin Commission (DRBC)

- Presenting a new “App” (visual interface) that DRBC has developed for presenting Lower Delaware water quality data

Announcements

Adjournment

Remaining 2017 Management Council Meetings

- June 22
- September 28
- December date TBD

Lower Delaware Wild and Scenic Management Council
 2017 Proposed Cooperative Agreement Budget

| Organization | Env. Ed. | Outreach | Land Trans. | Stewardship | Historic Pres. | Mini-grant | Arsenic Report | Admin. | TOTAL |
|-------------------------------------|-----------------|-----------------|-----------------|----------------|----------------|-----------------|----------------|-----------------|-----------------|
| <u>NLT Agreement:</u> | | | | | | | | | |
| Natural Lands Trust | | \$2,400 | | | | | | \$5,034 | \$7,434 |
| Delaware River Greenway Partnership | \$5,000 | \$6,000 | | | | \$15,000 | \$5,500 | \$8,500 | \$40,000 |
| Heritage Conservancy | | \$2,000 | \$5,000 | | \$5,000 | | | | \$12,000 |
| Delaware River Experience | \$5,550 | | | | | | | | \$5,550 |
| TOTAL NLT Agmt | \$10,550 | \$10,400 | \$5,000 | \$0 | \$5,000 | \$15,000 | \$5,500 | \$13,534 | \$64,984 |
| <u>HLT Agreement:</u> | | | | | | | | | |
| Hunterdon Land Trust | | \$5,134 | \$16,831 | \$8,051 | | | | | \$30,016 |
| TOTAL HLT Agmt | \$0 | \$5,134 | \$16,831 | \$8,051 | \$0 | \$0 | \$0 | \$0 | \$30,016 |
| TOTAL 2017 Budget Request: | | | | | | | | | \$95,000 |



Lower Delaware River Wild & Scenic Management Committee

Carol Hoffmann
New Jersey Chair

Nancy Janyszeski
Pennsylvania Chair

lowerdelaware@lowerdelawarewildandscenic.org / www.lowerdelawarewildandscenic.org

October 14, 2014

Steven J. Tambini
Executive Director
Delaware River Basin Commission
25 State Police Drive
PO Box 7360
West Trenton NJ 08628-0360

Dear Mr. Tambini:

We are contacting you on behalf of the Lower Delaware River Wild & Scenic Management Committee. We represent the Delaware River communities from south of the Delaware Water Gap to Washington Crossing State Park, county and state agencies and nonprofit conservation organizations interested in protecting river resources.

The Management Committee held its annual meeting on October 6, 2014, in New Jersey. At this meeting the Management Committee voted unanimously to request the Delaware River Basin Commission, pursuant to its authority and obligations under Section 3.8 of the Delaware River Basin Compact, to exercise its jurisdiction under the Compact and the current rules of Practice and Procedure over the PennEast gas transmission pipeline project.

The PennEast pipeline is proposed to pass through a significant portion of the Lower Delaware Wild & Scenic corridor. We are concerned with the project's potential adverse impacts to the lower Delaware River, with its great diversity of significant resources.

A high density of population and recreational opportunities combine with a wealth of natural, cultural and historic features of national significance. The river valley contains habitats that do not occur elsewhere in the region. The River is also an important component of the Atlantic Flyway. From an historic viewpoint, the River is one of the most significant corridors in the nation. The corridor contains buildings used during Washington's crossing, historic navigation canals, Native American and colonial era archaeological sites and mills. Just as important is the magnificent scenery supported by unique geological features in the river corridor.

The DRBC and the National Park Service are parties to the Lower Delaware Wild & Scenic and are strongly encouraged to exercise their jurisdiction and authority to provide review and comment pursuant to the Management Plan for the Lower Delaware National Wild & Scenic River.

Respectfully,

Signature
Carol Hoffmann
New Jersey Chair

Signature
Nancy Janyszeski
Pennsylvania Chair

cc: Chuck Barszcz, Division Chief, National Wild & Scenic Rivers, NPS
Julie Bell, River Manager, NPS

From Website: NGI Shale Daily

New Jersey Senators Tell FERC to Investigate Arsenic Concerns from PennEast Pipeline

Charlie Passut

<http://www.naturalgasintel.com/articles/109857-new-jersey-senators-tell-ferc-to-investigate-arsenic-concerns-from-penneast-pipeline>

March 22, 2017

TAGS **arsenic** / **booker** / **ferc** / **investigate** / **menendez** / **penneast**

U.S. Sens. Cory Booker (D-NJ) and Robert Menendez (D-NJ) have asked FERC to investigate concerns raised by several federal agencies over the proposed PennEast natural gas pipeline, including the risk of possible arsenic contamination.

Meanwhile, a spokesperson for PennEast Pipeline Co. LLC said the company appreciated the senators' concerns and that a three-month field study conducted by New Jersey's leading arsenic expert should allay the contamination concerns.

In a [letter](#) to Cheryl LaFleur, acting chairman of the Federal Energy Regulatory Commission, the senators said the issue of arsenic contamination, which was raised by the Department of Interior (DOI), was "of particular concern," and that PennEast Pipeline Co. LLC needed to be more forthcoming with information on the proposed pipeline's construction.

"DOI cites 'confusing' and 'contradictory' statements made by the applicant with regard to the risk of arsenic exposure to groundwater at certain locations along the pipeline route," the senators said. They added that comments submitted by a geoscience professor at Princeton University and a research geochemist/hydrologist with the U.S. Geological Survey "raise serious concerns about the potential for groundwater discharge that contains levels of arsenic that will likely exceed the Surface Water Quality Standard for arsenic in stream water."

The senators said the DOI has called for PennEast to further evaluate the potential exposure by conducting a comprehensive well sampling plan.

"While the applicant acknowledges the potential exposure to arsenic, it has not yet put forth a comprehensive plan to monitor exposure and mitigate impacts such that New Jersey residents can be confident that they would not be exposed to harmful levels of arsenic."

Booker and Menendez added that the U.S. Environmental Protection Agency (EPA) has "raised significant concerns regarding incomplete information on the 'direct, indirect and cumulative impacts of the proposed action on the environment and public health.'" They said the EPA has recommended that PennEast outline its plans for mitigating methane leaks along the pipeline, minimizing drilling risks and provide more information on surveys, data collection and analysis.

Meanwhile, the U.S. Fish and Wildlife Service has also called for more information on the potential impacts to federally protected species along the proposed pipeline's route, including the Bog Turtle and the Indiana Bat.

The 120-mile, mostly 36-inch diameter pipeline would transport 1.11 million Dth/d of eastern Marcellus Shale gas to markets in Pennsylvania and New Jersey. About 36 miles of the pipeline would cross New Jersey.

Last January, FERC staff [delayed](#) issuing a final environmental impact statement (EIS) for the pipeline from Feb. 17 to April 7, saying that its staff needed more time to consider additional environmental information for the project [CP15-558]. Six months earlier, FERC determined in its [initial environmental assessment](#) that the pipeline would have minimal environmental impact.

Environmental groups praised the senators for sending the letter to LaFleur.

"Sens. Booker and Menendez have rightly pointed out that FERC has yet to fully address a host of critical concerns raised by public agencies and independent scientists regarding the risks that PennEast poses to our health, safety and environment," said Tom Gilbert, campaign director of ReThink Energy NJ and the New Jersey Conservation Foundation.

"The question is whether FERC will pay attention, or will they move ahead with a flawed EIS that fails to evaluate potential contamination of our drinking water, increases in harmful emissions, damage to threatened and endangered species, and other significant environmental impacts."

Jim Waltman, executive director of the Stony Brook-Millstone Watershed Association, added that "the very serious concern that this pipeline could release poisonous arsenic into our groundwater has received only lip service from FERC and PennEast."

But PennEast spokesperson Patricia Kornick told *NGI's Shale Daily* that the company "appreciates the input from New Jersey's two U.S. Senators and shares in their concerns as it relates to safe construction with minimal environmental impact. That abundance of caution is one of the reasons PennEast filed, and FERC approved, a comprehensive well-monitoring plan.

"PennEast also hired New Jersey's leading arsenic expert to conduct a robust three-month scientific field study that concluded the impacts of PennEast construction would not mobilize naturally occurring arsenic at a level that threatens drinking water supplies. No such study has been conducted that would support the scare tactics and misinformation circulated by opposition groups."

Kornick added that many of the concerns raised in the senators' letter "echo those of various cooperating agencies, and fortunately, are incorporated within FERC's comprehensive review of the project. PennEast appreciates the vote of confidence from two different government regulators under [Democratic] administrations that found, after almost three years of review, PennEast can be built with minimal impacts on the environment."

PennEast is a joint venture owned by AGL Resources Inc. unit Red Oak Enterprise Holdings Inc. (20%); New Jersey Resources' NJR Pipeline Co. (20%); South Jersey Industries' SJI Midstream LLC (20%); UGI Energy Services LLC's UGI PennEast LLC (20%); PSEG Power LLC (10%); and Spectra Energy Partners LP (10%). The partnership is managed by UGI Energy Services.

Last week, Spectra announced that it had [agreed to purchase](#) PSEG's 10% stake in the project. The deal is subject to the approval of the PennEast board and other conditions. If approved, the deal would close in 2Q2017.