



Upper Delaware Council

P.O. Box 192, 211 Bridge Street, Narrowsburg, New York 12764-0192 • (Tel.) 845-252-3022 • (Fax) 845-252-3359

www.upperdelawarecouncil.org

UPPER DELAWARE COUNCIL MEETING MINUTES

May 4, 2023

The Upper Delaware Council held its monthly meeting on Thursday, May 4, 2023. Chairperson Robinson called the meeting to order at 7:00 p.m. and roll call followed.

In attendance: Town of Hancock- Fred Peckham (Zoom), Town of Fremont- Jim Greier, Town of Delaware- Harold Roeder, Jr. (Zoom), Town of Cochecton- Larry Richardson, Town of Deerpark- Virginia Dudko, Town of Highland- Andy Boyar, Lackawaxen Township- Doug Case, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Shohola Township- Aaron Robinson, State of New York- Ryan Coulter, Commonwealth of Pennsylvania- Tim Dugan (Zoom), Delaware River Basin Commission- Beth Koniers Brown, National Park Service- Lindsey Kurnath. Absent: Town of Tusten, Town of Lumberland, Westfall Township. Staff in attendance: Executive Director- Laurie Ramie, Resources and Land Use Specialist- Kerry Engelhardt, Secretary- Ashley Hall-Bagdonas. Guests: Jennifer Garigliano, Heidi Haynes- Department of Environmental Protection, Amy Shallcross - DRBC (Zoom), Diane Tharp- Nordel Conservancy, Chester Tharp- Nordel Conservancy, Bill Dudko- Town of Deerpark Alternate, Alex Garcia- Maldonado- NPS (Zoom), Don Hamilton- NPS (Zoom), Terry Nestler- Indian Head Canoes, Daniel and Jessica Corrigan- Northeast Wilderness Experience, Sharon Davis- NPCA (Zoom), Amy Salvia- Indian Head Canoes (Zoom), Tom Vichiarello- Port Jervis EMS (Zoom). Media: Meg McGuire- Delaware Currents, Rosie Starr (WJFF), Liam Mayo- River Reporter, Peter Becker- Tri-County Independent (Zoom).

Presentation: “Update on the Delaware Aqueduct Shutdown Postponement” by Jennifer Garigliano, director of Water Resources Management for the New York City Department of Environmental Protection (DEP) Bureau of Water Supply: Garigliano shared they have been doing presentations up and down the Delaware as well as they get closer to the shutdown. She gave a quick system overview sharing there are 19 reservoirs and 3 lakes with 570 billion gallons of storage throughout the big and robust system that serves half the population of New York State. There are 9.8 million customers in the city, and about 1 million north of the city line via wholesale water customers. Though we have more than a million people on the system the demand has decreased over time and a lot of that is because of conservation measures and just educational campaigns. NYC DEP delivers approximately 1.1 billion gallons of water each day. About 1 billion gallons go into the city, and about 100 million gallons go to people north of the city. The entire watershed both west of the Hudson and east of the Hudson is about 1.2 million square miles. The watershed covers ground in 8 upstate counties in New York, plus a small sliver of Connecticut. They are the nation's largest municipal water supply, and 90% of it is unfiltered.

The aqueduct shutdown is the largest and most complex repair project in the 180-year history of the NYC's municipal water supply. The total program cost is about \$1 billion, and the goal is to fix or eliminate leaks in the Delaware Aqueduct. The aqueduct is currently leaking about 20 million gallons a day. That is dependent on what the flow is. It's approximately 20 Olympics size swimming pools. They need to fix that and connect a new 2.5-mile-long tunnel, 600 feet below the Hudson River from Newburgh to Wappinger.

The shutdown of the Delaware Aqueduct won't happen until October, but its effects will be felt as early as next month. On 6/1, NYC DEP will begin preparations to “close the faucets” on the three huge reservoirs on the Upper Delaware headwaters, to stop water from flowing southeast down the Delaware Aqueduct to make repairs. The shutdown is tentatively scheduled to start 10/1 and will last six to eight months in order to make the \$1 billion repairs. The DEP has built a bypass tunnel, 2.5-miles long and 14-feet wide, beneath the Hudson River to circumvent these leaks. Its greatest depth is 900 feet, near Newburgh. The shutdown is necessary to connect the bypass to the existing aqueduct on both sides of the Hudson. The aqueduct must be depressurized to make the

connections and this was successfully tested a few weeks ago. Water conservation measures were promoted to ensure adequate water supply in the city during the shutdown. The Catskill Aqueduct had to be repaired and rehabilitated before turning off the Delaware reservoir supply. To determine if the shutdown will occur this fall, DEP must examine water supply and infrastructure conditions. They had to know if the Catskill system and the Croton pump stations could deliver enough water in the interim. With the dry condition in 2022, DEP could not have gone forward with shutting off the Delaware Aqueduct. Garigliano stressed that decision to “go” or “no go” are made in real time based on precision data and in coordination with expert and regulatory partners. If they need to restore the Delaware connection early, it could take one to nine weeks. If something goes wrong in the project, they will be able to bring the Delaware Aqueduct back into service but how long it takes depends on where they are at in the construction cycle.

Beginning 6/1, DEP will draw down water from the Delaware reservoirs by releases in the Delaware River and diversion through the aqueduct. They are anticipating about 30% (normally they only bring them down to ~15%). Shutdown is anticipated until March 2024, but contractors advise it could take longer. If they were delayed they would have to bring the Delaware Aqueduct back in service early and have another shutdown the following year, which they want to avoid. Garigliano said, “I don’t have a crystal ball, and cannot tell what the releases will be on a specific date.” DEP must rely on a range of potential amounts based on historical data. Releases will still be made according to the FFMP regulations, since water will not be needed to divert to the aqueduct, DEP will be within the higher end of the FFMP restriction on river flow rates.

Diane Tharp, executive director of the North Delaware River Watershed Conservancy, had a concern with flooding. Tharp would like the DEP to confirm “from day one of the closure, you are going to be proactive and aggressive enough in the release schedule to maintain those voids in the first at least five months of this closure... because otherwise, I really am very concerned about what could actually happen.” “We are being proactive, and that’s why the drawdown is starting in June,” said Garigliano. “We don’t have a lot of buffer room as far as what we can legally operate within for our liveries,” said Daniel Corrigan with Northeast Wilderness Experience. The issue stems from the measures the DEP needs to take to prepare for the shutdown. Normally, the Delaware Aqueduct takes around 600 million gallons of water a day from the Upper Delaware to New York City. During the shutdown, that number will drop to zero, increasing the risk of flooding as water builds up in the reservoirs at the river’s tailwaters. To manage the build-up, the DEP will release more water than usual from the reservoirs down the Delaware River. Starting in June, the DEP will keep releases high and draw down the reservoirs to have them approximately 70 percent full before the October shutdown. A summer of higher-than-usual releases could affect those who work on the river. With full releases, the river will be approximately 4.2-to-five-feet high at the Barryville gage, said Corrigan. The canoe liveries can’t have open-cockpit boats out on the river if the level is above six feet; a full-release river height doesn’t give the liveries a lot of room to work with, and that room can easily be erased by a rain event, he said. The DEP just learned about that issue at the start of the week, and will be taking it into consideration, said Garigliano.

Garigliano said that while it is hard to predict, DEP expects river levels will probably be better than normal this summer. Another concern was that the FFMP release schedule will not be sufficient in a major storm to avoid more frequent spilling. DEP was advised to be “proactive and flexible” to maintain voids. UDC will have an 8/3 presentation by the DRBC on flood risk analysis related to Delaware Aqueduct concerns. Garigliano said she would be happy to return for the 9/7 meeting for another update. A recording of the presentation can be found here: <https://www.youtube.com/watch?v=1UQJKUzwD0>

Approval of April 6, 2023 meeting minutes: A motion by Henry seconded by Dudko, to approve the April 6, 2023 meeting minutes carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding previously distributed minutes: Water Use/Resource Management, April 18th (Dudko), Project Review, April 25th (Richardson); and Operations, April 25th (Robinson).

Status Reports

Delaware River Basin Commission: Koniers Brown said the copy of their weekly Hydrologic Conditions Report was provided in the meeting packet. They will be holding a public hearing on Wednesday, May 10th at 1:30 p.m. via

Zoom. They have 27 draft dockets up for review. Camp Fimfo is not on the agenda for this month. It is still going through the review process. Their second quarter public hearing usually has their annual budget as well as their annual water resources program which are both resolutions for consideration. The water resources program in particular provides an overview of a forward look of almost three years of their short term activity will be focused.

Their second quarter business meeting is in-person, meeting on Wednesday, June 7th at 1:00 p.m. at Rutgers University, Camden campus. They are also planning to live stream it; however, if you're interested in making comments during the open public comment session they do ask that you come in person. They are also having a couple exciting wrap around events to draw in more members of the public and community.

The DRBC released a new study of storage potential options in the basin and that press release was included in the meeting packet. On May 11th Brown and Amy Shallcross will be doing a live public information session in Trenton, NJ (also livestreamed). Brown thanked Ramie for including the "Paddler's Guide to the Delaware" book flyer in the meeting packet. Engelhardt saw today in the NYS budget DRBC is only getting an annual level. Brown acknowledged the budget was finalized and that level has been pretty constant the last several years, saying they were moved to a different line.

DRBC is hiring. They have an opening for a Community Engagement Specialist. If you know anyone that might be interested in that role, please pass that information on to her. This is a grant supported temporary position so it's contingent on future funding from grants.

NYS Dept. of Environmental Conservation: Coulter dropped off Freshwater Fishing Guides and "I fish NY" stickers to hand out. The spring is super busy for staff and their hatchery staff have been out every day trout stocking throughout the region. A big attraction is the striped bass fishing in the Hudson River. Deer harvest numbers can be found here: <https://www.dec.ny.gov/outdoor/42232.html> Coulter noticed a 10% increase from last year. In the Hudson Valley a lot of the numbers were lower and hopefully there will be a rebound next year.

An update on the Highland Access site. It falls on NYS DEC to finish up the project. Contractors are hopefully going to be out on site within the next couple of weeks to get an estimate of costs. They contract the job out.

He received an update from their Region 4 Fisheries folks, they are working to finalize a summary document from the Delaware Joint Investigation Plan which is a trout fishery project. They continue to collect adult and younger year monthly long-term data. They will also continue with the catch and release evaluation on the east and west branches as well as the Bashakill.

They are planning on doing their due diligence to monitor the Snakeheads in Region 4. They are looking to put in an updated barrier at the Baskakill from the temporary one installed last year.

Boyar asked Coulter if there were any statistics on Catch and Release survival rates. Coulter will check.

PA Department of Conservation and Natural Resources: Dugan said there's been a lot of really good press lately for the Upper Delaware Council Litter Sweeps and a lot of people getting out in the month of April for Earth Day and Arbor Day. The wet weather has been a blessing for us here in Pennsylvania. We had really dry April and a lot of fire activity. The Spring fire season was very active, but the recent local wet weather helped dampen their fire season. It's also going to help them control Spongy Moth going into the next month. They've already seen egg masses hatching across much of Pike County, heading up even into Wayne County, and definitely down into Monroe County. Their spray program is going to kick off, probably within the next week to 10 days for our region. They already started in Pennsylvania, out in South Central PA. They have about a 290,000 acre spray program in the northeast. Here on State land they are only going to be treating about 18,000 acres in Pike and Monroe counties. They expect to see a lot of private applicators as well. Anyone that's a resident in the region, have your awareness up over the next 2 to 3 weeks. There probably will be a fair amount of helicopter or even fixed wing activity in the region as they go into May, and especially into early June, so as long as we get some rain events every 3 to 5 days it's really going to help those natural controls stay in place.

Trout season is ongoing. Walleye season opens this Saturday that includes the Upper Delaware. Spring Gobbler Turkey season is open right now, so be careful and hopefully you're even finding some mushrooms out there.

National Park Service-Upper Delaware: Kurnath reported UPDE has had successful meetings this past month with their Commercial Use Authorization holders. They met with the fishing guides in Hancock and also with the liveries at the UDC office.

NPS is continuing to work to push through the full 12 months of UDC funding to try and avoid doing it piecemeal.

They have a new Deputy Regional Director Cinda Waldbuessar who Kurnath reports to. Kurnath has yet to brief her. Waldbuessar was a Management Assistant directly to the Regional Director a few years back and is pretty familiar with our issues.

Kurnath neglected to mention last month that their Chief of Facilities Jessica Weinman was asked to do an assignment as the Superintendent at Steamtown. They are grateful that she's willing to help out our region and that detail will be through August. They are still working on hiring their Community Planner and Administrative Officer positions.

NPS and this UPDE park unit in particular received money through the Inflation Reduction Act and they have 5 years to spend it. She's happy to dive into the details if anyone is interested. They are bringing on a temporary employee to improve their digital media presence and improving their website.

Staff are preparing for summer at the accesses and preparing for a summer prepping accesses and training new employees and volunteers. National Canoe Safety Patrol training took place last weekend. They are also monitoring for the Special Protection Waters for the Delaware River in collaboration with the DRBC. NPS has collected over 30 years of data to support their software standards and the Special Protection Water regulations that are in place for the whole 197 miles from a non-tidal Delaware.

UDC Executive Director's Report: Ramie is pleased to announce that as of yesterday, U.S. Congressman Marcus J. Molinaro has accepted our invitation to deliver the keynote address at the 35th Annual River Valley Awards to be held on Sunday, Sept. 10, at Central House Resort in Beach Lake, PA. The Republican congressman was newly elected in November to represent New York's 19th District which includes all our Sullivan and Delaware County town members. It was interesting to find that Marc Molinaro began his public service at the age of 18 by being elected to the Tivoli Village Board in 1994, then gained the distinction in 1995 of serving as the youngest mayor in America, being re-elected 5 times, moving on to the NYS Assembly for 5 years, then being elected to serve as the Dutchess County Executive prior to running for a redistricted Congress in 2022.

If you'd like more information about the Delaware Aqueduct project and reservoir operations, there are several upcoming opportunities. This Saturday, May 6, Rosie Starr's WJFF Radio Catskill's "Farm and Country" show at 11 a.m. will feature an interview that Joseph Johnson conducted with Columbia University Professor Emeritus and Town of Highland resident Dr. Peter Kolesar about the Flexible Flow Management Program (FFMP). Peter has been a speaker here numerous times and was just honored Saturday night at the Friends of the Upper Delaware River's dinner for catching the biggest fish during their One-Bug Tournament. That radio program precedes a webinar that F.U.D.R. will be hosting with the Coalition for the Delaware River Watershed, Trout Unlimited, and the Delaware River Basin Commission next Wednesday, May 10, from 5:30-7 p.m. to review the history of the FFMP and its role in managing our water resources. That next day on May 11, from 6-8 p.m., the DRBC and NYC DEP will hold a public information session about the Aqueduct shutdown in West Trenton, NJ but also live-streamed on the DRBC's YouTube channel. Lastly, DRBC Manager of Water Resource Operations Amy Shallcross will be the UDC's presenter on Aug. 3 to offer a flood risk analysis once the reservoir diversions for this repair project cease. If you'd like details on any of those presentations, let us know.

Briefly previewing our Upper Delaware Litter Sweep report, Ramie thanked our local newspapers and radio stations for their great coverage to help us round up volunteers for the community clean-ups and spotlight the impacts of trash on our scenic river valley. Peter Becker did a very comprehensive article for the *Tri-County Independent* that got picked up on the front page of the *Times Herald-Record* on Apr. 24 headlined, "Study finds Delaware River rife

with plastic waste” which tied together the USGS & NPS 2021 microplastics study, Rebekah Creshkoff’s April 6 Beyond Plastics presentation here, and our Litter Sweep, while the *Sullivan County Democrat* published an Apr. 21 editorial extolling the event, for example. We’re still welcoming clean-up photos with IDs to post on our social media to recognize everybody’s efforts.

Meeting packets included a flyer about the publication of Gary Letcher’s 4th edition of his “Paddlers’ Guide to the Delaware River”. Ramie had mentioned previously that he contacted us for some fact-checking and photo permissions for the Upper Delaware section. The completed book itself arrived in today’s mail. She read the quote that he attributes to the UDC: “Indispensable, the definitive guide to the Delaware River”. The foreword is by DRBC Executive Director Steve Tambini. Speaking of river-oriented books, another new one came out this February called “Tocks Island: Dammed If You Do; The Homegrown Movement that Defeated the Delaware River Dam” which Sharon Davis from the National Parks Conservation Association mentioned to Ramie, then she saw an article about it in the *Pike County Dispatch* a couple days later. The author, David C. Pierce, is a retired journalist who had moved to that area in 1969 when he was a teenager and witnessed the whole controversy and its aftermath first-hand. Last week, she got a call from a contact at PennDOT who was assisting the District Executive with a presentation he is scheduled to make to the American Society of Civil Engineers about the NY-PA Joint Interstate Bridge Commission. He was rounding up some historical tidbits about those 10 bridges for the slide show and asked her if there was a handy source he could consult for that. As one idea, Ramie recommended Frank Dale’s book called “Bridges over the Delaware River”. Shortly after that on Apr. 22, we received an email through our website contact form from a Diana Dale residing in Florida who said that we had been sending our newsletter to her husband, Frank Dale, which “he enjoyed very much” as the author of two books about the history of the Delaware River, but she added that he has passed away so we should remove him from the mailing list. That was so very coincidental, but she passes it along for the history-minded folks among us and his work lives on. His other book is “The Ferry Boat Business on the Delaware River.”

Lastly, please review the May and June calendar handouts. Take note that Ramie is going away on vacation from May 7-15 and won’t be checking email. Besides the various meetings listed there, she encourages everyone to check out the itineraries for the 2nd Annual Festival of the Founding Fish May 19-28 and the 28th Delaware River Sojourn June 17-23.

New Business

Draft Resolution 2023-05: Approving 2023 River & Shoreline Clean-up Grants: A Motion by Dudko seconded by Henry to approve the two 2023 River Clean-up Grant applications for the Town of Deepark (\$3,331.13) and the Town of Lumberland (\$1,100.00) carried.

Draft Letter to NPS: 2023-03: Lackawaxen Township Ridgelines and Buffers Zoning Ordinance

Amendment Substantial Conformance Recommendation: A Motion by Henry seconded by Boyar to approve the substantial conformance recombination draft letter to NPS regarding 2023-03: Lackawaxen Township Ridgelines and Buffers Zoning Ordinance Amendment carried unanimously.

Motion to Exclude UDC Officers from NYSIF Policy: A Motion by Boyar seconded by Henry to exclude UDC officers from NYSIF Policy carried. Ramie will complete the forms to exclude UDC officers from the Workers’ Compensation policy through the NYS Insurance Fund, including submission of the 5/4 meeting minutes with that approved motion as a policy update.

Other: None.

Old Business

4/13 NPS Substantial Conformance Determination: 2023-01 Rozza Conditional Use Permit, Lackawaxen Township: A copy of the final determination letter from NPS concurring with the UDC’s substantial conformance recommendation was in the packets.

3rd Annual Upper Delaware Litter Sweep Report: Hall-Bagdonas said this rainy week we had can’t stop the momentum of the river communities. The 3rd Annual Upper Delaware Litter Sweep has been a success thanks to a wonderful community, great sponsors, partners and Litter Leaders. Thank you to our contacts at Mike Pries

Insurance, Keep Pennsylvania Beautiful, PennDOT & NYDOT for helping secure all necessary documents to make this event happen. Thanks to Chris and the team at Platform Industries out of Honesdale, PA for taking care of our safety event shirts and developing the fun new image! We have had over 20 litter sweeps events throughout our 15 NY towns and PA townships paralleling the river and still have litter sweeps planned into May. Nearly 300 volunteers picked up litter throughout the corridor. Thanks again to the local papers that publicized the event. We are still receiving totals and photos are coming in from Litter Leaders. Town and Township Litter Leaders have been diligent on getting email lists back to staff to reference for next year. Shout out to Sullivan County's Annual Roadside and Trail Litter Pluck that offers disposal coupons that extends until Oct. 31st. This event continues to be a great way for the community to get engaged. Hall-Bagdonas thanked all individuals for their input given on ways to improve for next year, saying it takes a village.

Other: Robinson asked everyone to consider writing individual letters to their federal and state elected officials to encourage their action the UDC's funding issues. Ramie is providing a factsheet for talking points and a database of addresses that will be posted on the UDC website.

Public Comment: None.

Adjournment: A motion by Greier, seconded by Dudko, to adjourn the meeting at 8:55 p.m. carried.

*Minutes prepared by Ashley Hall-Bagdonas 5-19-2023
Recording available upon request*