

Upper Delaware Council  
PROJECT REVIEW COMMITTEE MEETING MINUTES  
April 25, 2017

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Fred Peckham, Jeff Dexter, Alan Henry, David Dean, Aaron Robinson, Susan Sullivan, Debra Conway  
Committee Members Absent: Jim Greier  
NPS Partner: Kris Heister, Carla Hahn  
Staff: Laurie Ramie, Cindy Odell, Pete Golod  
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, April 25, 2017 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m.

A motion to approve the March 28 meeting minutes was made by Henry, seconded by Robinson and carried. There was no public comment on the agenda.

**Discussion Items Report:**

**Project Review Update**

New York

**Town of Hancock:** Golod reported that during the week of April 24<sup>th</sup> the NYS DOT Bridge Maintenance crew will sweep loose debris and wash the Lordville Bridge and the NY-PA Bridge in Hancock. Hahn noted that NYS DOT will be postponing this project as they do not have a Special Use permit to perform the work. Henry questioned if they had a Special Use permit last year when this work was conducted. Hahn told him yes, they had a Special Use permit for five bridges last year.

Golod stated that on April 12 he received several emails from a concerned citizen regarding construction occurring in Lordville near the railroad tracks on the corner of Bouchouxville Road and Lordville Road. He spoke with Chief of NPS Law Enforcement Larry Neal and called Hancock Code Enforcement Officer Thomas Zampolin. Golod said that he and Law Enforcement Park Ranger McNeil investigated the site in Lordville on April 13. Several structures were/are being constructed along with some excavating work- all for which permits were issued. Representative Peckham had also inspected the site and determined there was no problem occurring on site. CEO Zampolin followed up with a phone call to the UDC while Golod was out of the office stating in part that the owner was not violating any laws and if the UDC wanted to discuss it further, they should call the NYS DEC. Golod agrees that nothing more than permitted construction is occurring; however, according to the River Management Plan which the Town has agreed to abide by, this project was never submitted to the UDC for Project Review.

**Town of Cochection:** Golod said he attended the the Town's Public Hearing on the draft Solar Zoning Amendment. Supervisor Gary Maas read and responded to the UDC's questions posed to the Town. The Town then passed a motion to recess the Public Hearing until next month's Town Board Meeting. Golod noted that a member of Cochection's Planning Board was in attendance and stated the Hamlet District (HD), which is in the designated river corridor, can be better utilized without large scale commercial solar in the district. Golod said that a handout of the UDC's questions with the Town's answers has been prepared and will be discussed further under New Business.

Referring to the April 5<sup>th</sup> letter signed by himself as Chairman of the Project Review Committee to the Town of Cochection re: Town of Cochection Zoning Ordinance Amendment – Renewable Energy Systems, Richardson said that he had received a draft to which he suggested a change and NPS Superintendent Heister had suggested some other changes to it. Richardson said that Golod had consulted with him about adding Heister's suggested changes. Richardson said he told him no, that he was happy with the draft that they put together. Richardson said that he wanted people to understand that he made the decision on what letter should be sent and the Town received it well.

**Town of Highland:** Golod reported that NYS DOT is planning to repair concrete deterioration on the bridge off of Route 97 that crosses over Halfway Brook. In addition to the concrete repairs, there is some bank erosion downstream of the structure that will be repaired using stacked heavy stone with incorporated vegetation. Golod's written report included a proposed scope of work.

#### Pennsylvania

**Damascus Township:** Golod reported that on April 4<sup>th</sup> he attended the Township's Zoning Board Hearing regarding the issuance of a variance to allow the construction of an at-grade flagstone picnic patio in a flood plain. The Zoning Board voted and approved the variance. He added that on April 17<sup>th</sup>, he attended the Township's Supervisors Meeting where the draft Alternative Energy Systems Zoning Ordinance Amendment was voted on and approved.

**Wayne Land and Mineral Group vs. DRBC:** Golod stated that in reaction to the recent Federal Court decision, Wayne Land and Minerals Group (WLMG) lawsuit against the DRBC is now headed to the Third Circuit Court of Appeals. WLMG's Curt Cocodrilli stated, "We will appeal part of the court's ruling adverse to WLMG and are excited that, after a decade-long odyssey, the question of the DRBC authority will finally be addressed by the Court of Appeals...".

**Millennium Pipeline Project:** Golod stated that federal regulators found that Millennium Pipeline's \$275-million natural gas project which calls for 7.8 miles of pipe to be laid in Orange and Sullivan County's Deerpark, Greenville, and Minisink won't have a major impact on the environment. FERC stated "with appropriate mitigating measures, (Millennium's Eastern System Upgrade) would not constitute a major federal action significantly affecting the quality of the human environment." The project would add more existing horsepower to an existing compressor in Hancock and build a new 22,400-horsepower compressor station in the Town of Highland.

#### Resource Specialist's Report:

- 3/29 Executive Director Ramie and Golod attended a presentation by Haas Landscape Architects regarding the proposed Highland River Access project. This Highland River Access stakeholders meeting took place at the town hall in Eldred. An overview of the project was provided. Golod shared copies of the schematics of the three proposed plans. Plans include developing a parking lot with a permeable or porous surface, reduce the slope to the access from 11% down to less than 5%, stabilize the banks, mitigate the Japanese Knotweed, possibly construct or erect some type of canoe/kayak storage, and have discussed some type of boat launch including for handicapped use. Ramie noted that this is a grant project through Sullivan County from the Local Waterfront Revitalization Program. This phase of the project is just to come up with a design; they don't have funding to implement the plan yet. Henry spoke of the scouring that takes place in that particular area due to flooding and ice. Hahn said that some of those issues were initially discussed at this meeting. A discussion about putting docks in the water took place. Henry said those involved with this project need to think about incorporating features that are conducive to the river environment. Richardson asked if there will be public input on this project. He was told yes. Ramie said there is a process laid out because of the grant funding.
- 4/19 Executive Director Ramie and Golod attended the Common Waters Partnership meeting. A report will be made at the next WU/RM meeting.
- Golod asked members of the Operations Committee to approve registration for continuation in the Penn State certification course with GEOG 483: Problem Solving with GIS. Richardson said that will be addressed at the Operations Committee meeting.

Hahn asked if there will be any sort of action taken regarding the Town of Hancock as they did not submit any paperwork on the project taking place within the corridor. Richardson asked Golod if he spoke with the Code Enforcement Officer for the Town. Golod said he did not. Richardson suggested sending a letter to him reminding him that any projects within the corridor are to be sent to the UDC for review.

#### Old Business

**Red Alert Emergency Phones Follow-up:** Ramie said she reported at the April 6 full Council meeting that Frontier Communications Business Account Executive Joel Vetsch was going to be taking over our account. She said Vetsch advised that the planned April 12<sup>th</sup> site visit was not necessary because with the map provided of the six sites, their Engineering department had what they need to do an in-house preliminary assessment of those locations. Ramie said they are apparently working on it and she will provide updates as they become available.

**Project Review Guides Update:** Ramie said much of her time recently was spent on Awards Banquet preparations. She plans to move forward with the update project as soon as time allows.

**Other:** Roeder thanked the staff for their efforts with the Awards Banquet. He said the event was very well done. Members agreed and offered a round of applause.

### New Business

**Town of Cochection Zoning Ordinance Amendment – Responses to the UDC:** Golod referred to the handout in members' packets and noted that they were Supervisor Maas' responses to the UDC's concerns. Golod read over each concern and response individually. Richardson said that he was in attendance at the Town's public hearing and noted that Golod did a really good job presenting the UDC's questions to the board. The board received it well, it was a friendly discussion, and the Town was serious about considering the UDC's questions. Richardson stated that the Town's draft zoning amendment is going to treat solar panels as impervious surfaces. He added that other municipalities are not considering them as such. Discussion about panels counting as impervious surfaces took place. Henry asked if the State of New York defines solar panels as impervious surfaces. Golod will check on this. Robinson said that in Pennsylvania, impervious surfaces over 7,000 square feet have to be considered on a site plan and engineered accordingly; it doesn't discriminate whether it is solar panels or a stone walkway. A brief discussion about how the states can differ took place. Hahn asked if the handout was Cochection's formal response to the UDC. Richardson said it was their verbal comments from the public hearing; he said the Supervisor read the UDC's points from their letter and the Town responded point by point. Richardson does not think the UDC will see a written response from the Town.

**NPS Letter: Description of Outstandingly Remarkable Values for Upper Delaware Scenic and Recreational River:** Heister noted that she has commented on UDC letters on more than one occasion that "the descriptions of the Outstandingly Remarkable Values (ORVs) were insufficient." She added that the two major ones were not included, so she suggested that the language be removed altogether. If that comment had been accepted and the language omitted, while referring the recipients to the UDC website for the information, it would have made the letter less burdensome for them to read. Referring to Golod's letter to Cochection, Richardson said he thought the letter was sufficient, noting that the Board would not take the time to read through the descriptions of the ORVs. Heister said it is her opinion that it would be better to omit the ORV language altogether and refer the reader to the website for the document that is accurate as opposed to condensing the language to just two short sentences. Hahn reiterated that the two most important values were omitted from the list in the letter. Richardson read in part from Golod's letter to the Town of Cochection. He read, "The five Outstandingly Remarkable Values for the Upper Delaware Scenic and Recreational River are as follows:

1. **Cultural values:** While the Upper Delaware River's water supply remains an important function, conservation of the river's natural and cultural values are of equal importance. Cultural values have supported the development of a heritage tourism industry significant to the River Valley's economic wellbeing.
2. **Ecological values:** The Upper Delaware River is the longest undammed river in the eastern U.S. which affords unparalleled habitat for a wide variety of species including the dwarf wedgemussel, brook trout, migratory diadromous fish (American shad, blueback herring, alewife, American eel), birds of prey (eagles, hawks, falcons, etc.), heron, ospreys, mammals (river otters, mink, black bear, etc.), and rare plant communities.

3. **Geological values:** The designated wild and scenic portions of the river system contain a high degree of diverse geological formations that are easily accessible to the public. These features provide evidence of earth's evolution over an approximately billion-year timespan and the influence of many major events in the geologic history of eastern North America.
4. **Recreational values:** The Upper Delaware River offers a variety of recreational opportunities from the pristine waters for fishing, to the high quality boating, hiking, biking, birding, wildlife experiences, and tourist opportunities.
5. **Scenic values:** The Delaware River offers solitude and picturesque scenery in and along its landscape, river bottom, and aquatic life."

Richardson stated that while it may not be to the detail that the NPS wants, he feels the recipient would get the point. Hahn noted that the two required values, Water Quality and Free-flowing Condition, are not addressed. Heister stated, "Fundamentally, the Outstandingly Remarkable Values, are critical to who we are as the National Park Service." She feels that as the UDC's partner, they deserve the respect of being afforded that opportunity to review the language that applies to these ORVs and provide comment on it. Henry, referring to the "Upper Delaware Scenic and Recreational River Outstandingly Remarkable Values" fact sheet attached to Heister's letter, asked if the NPS would be happy if that were sent out as an addendum with future comment letters. Heister said she made a few suggestions in her letter as to how to handle getting this information out. Henry suggested that fact sheet be sent out with future comment letters for reference of the reasons for the river's national designation and what we strive to protect. Robinson asked who wrote the Outstandingly Remarkable Values document. Hahn said it was done by the National Park Service with the participation of agencies and organizations involved with managing the river. Robinson said he has familiarized himself with the River Management Plan and the law, and the ORVs are new. Hahn said NPS areas nationwide were charged with further defining what their values are and with creating their Foundation Document. She noted that the UDC was included in this process under Superintendent McGuinness' tenure. Ramie stated that she and Dexter participated in the Foundation Document workshop held at Central House Resort back in 2013. Robinson stated that the Upper Delaware is unique in that the majority of the property is privately owned. Henry said 85% of the property in the Upper Delaware is privately owned and that the reason the river is the way it is, is not because of any federal agencies, it's because of landowners and those of generations ago that took care of this place. This is an outstandingly remarkable value that is not listed, he added. He urged the Park Service to add a statement about the protection of private property rights as a fundamental value and asked it that be added to UDC correspondence as well. Heister offered to conduct a workshop on the Outstandingly Remarkable Values. She said they could share the origin and applicability of them. Roeder said there are two very important reasons why we are here. One is to help preserve and conserve this beautiful valley and the other is to help protect private property rights. He suggested that any correspondence that goes out make mention of those two important reasons we are here. Robinson spoke of the many issues faced by members of local municipality zoning, planning and town boards.

Henry referred to the "Planning Goals" on page 13 of the River Management Plan. He read number 4 which states, "Protect private property rights and allow for the use and enjoyment of the river corridor by both year-round and seasonal residents." Heister said she believes that one will find all of the Outstandingly Remarkable Values reflected in those planning goals as well.

**Next Steps to Consider for UDC Recommendation for River Height Signage on Bridges:** Ramie said we were planning on covering this topic at the April WU/RM meeting, but referred it to this committee after a quorum was not met at that meeting. She reported that the NY-PA Joint Interstate Bridge Commission Meeting has been rescheduled to May 22<sup>nd</sup>. She stated in her April 19 email to members that she would like some guidance on the contents of a potential letter to the NY-PA Joint Interstate Bridge Commission for action at the May 4 full Council. She added that a letter would be stronger if it specifically cited on which of the 10 interstate bridges it might be appropriate to post such signage and it proposed what message they should carry to most effectively meet the goals for them. Henry suggested that the signage be installed on bridges where accesses exist as the bridges are being constructed or rehabbed. He added that the signage messaging should be consistent with the National Park Service water safety messaging including the rule for mandatory life jacket wear when the river is at 6 feet or higher. After a brief discussion, it was determined that the letter would request that the Department of Transportation with jurisdiction of the bridge be responsible for the design, installation, and maintenance of the river height

signage. Richardson asked the committee how many are in favor of having such signage. A majority showed their hands in favor. Richardson asked Henry if he could share his thoughts for drafting a letter with the staff. It was discussed that the letter request that the river height signage be included in the contracts for bridge repairs and replacement. A motion to draft a letter to the NY/PA Joint Interstate Bridge Commission on the UDC's proposal for river height signage for consideration at the May 4 full Council meeting was made by Dexter, seconded by Roeder and carried.

**Other:** Peckham said he attended the public meeting to discuss Delaware River Tailwater and Main Stem trout fishing regulations at the Hancock High School on Wednesday, April 19. The meeting was hosted by the New York State Department of Environmental Conservation (DEC). After a brief discussion, it was noted that Natural Resources Chief Don Hamilton will provide a report on this meeting at the May 16 Water Use/Resource Management Committee meeting. Henry suggested asking NYS DEC UDC Representative Bill Rudge for a copy of the presentation on trout regulations changes from the April 19 meeting.

**Public Comment:** None

**Adjournment:** A motion by Henry, seconded by Peckham to adjourn the meeting at 8:47 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell, 5/2/17*