

UPPER DELAWARE COUNCIL MEETING MINUTES October 1, 2015

The Upper Delaware Council held its monthly meeting on Thursday, October 1, 2015 at the Council office in Narrowsburg, NY. Chairperson Alan Henry called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold Roeder, Town of Cohecton-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andy Boyar (7:03p.m.), Town of Deerpark-David Dean, Damascus Township-Jeff Dexter, Berlin Township-Alan Henry, Westfall Township-Michael Barth, Commonwealth of Pennsylvania-Rhonda Manning, Delaware River Basin Commission-Clarke Rupert (7:05p.m.), National Park Service-Don Hamilton. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Also in attendance: Ginny Dudko, Deerpark Alternate, Debra Conway-Highland Alternate. Absent: Town of Lumberland, Lackawaxen Township, Shohola Township, State of New York. Media: Dave Hulse, Peter Becker. Guests: Fred Reber, Jane Luchsinger (7:54p.m.).

Presentation on “Young of Year American Shad Sampling on the Upper Delaware River” by Don Hamilton, Chief of Resource Management, NPS Upper Delaware Scenic & Recreational River: Henry introduced Don Hamilton of the National Park Service. Hamilton, who showed a PowerPoint presentation, said the “Young of Year (YOY) Shad Sampling” was a cooperative project between Pennsylvania Fish and Boat Commission, New York State Department of Environmental Conservation, U.S. Fish and Wildlife Service, and National Park Service. The project was supported by the Delaware River Basin Fish and Wildlife Cooperative. Hamilton noted that American Shad have always been very significant to the Delaware River. During the late 1800’s, the Delaware River had the largest American Shad harvest of any river along the Atlantic Coast. Spring spawning runs of adult American Shad may have exceeded 10 million fish. The seasonal migratory patterns represent a huge interchange of biomass, energy, and nutrients between systems, with major benefits to the river and ocean. Hamilton spoke of the significance of the Delaware River to the American Shad. Nowadays, Hamilton reported that 84% of historic stream habitat along the Atlantic Coast is blocked by dams. He noted that American shad populations in the eastern United States, including the Delaware, are at historic or near-historic lows. Hamilton said the objectives of the study are to identify practical, reliable methods for sampling YOY American Shad in the Upper Delaware; identify locations that are suitable for sampling YOY American Shad using these methods; and provide data for comparison with data from downstream sampling locations. New Jersey DEP has been monitoring YOY annually in the tidal portion of the Delaware since 1980, and four non-tidal sites were monitored from 1988-2007. The Delaware River Basin Fish and Wildlife CoOp re-instated sampling of four non-tidal sites since 2012. Hamilton showed slides listing the historic and new sampling sites and of photos of the sampling taking place using a 300 foot seine net that is 12 feet deep. He explained the process, noting the work starts at sunset. Hamilton said the program is still underway. The monitoring of the same four sites has taken place in July, August, and September and will be done again in October. Hamilton spoke of other sampling methods used, such as the use of a Fyke net and snorkeling surveys. A brief question and answer session took place following the presentation. Barth asked what will be done with the information. Hamilton said they hope to be able to establish a juvenile abundance index for this part of the river for YOY American Shad as has been established for locations down river at some of the

historic sites. Henry questioned if any of the fishery organizations have contemplated putting a restriction on American Shad harvesting. Hamilton said that each state is required to submit a sustainable fishing plan to the Atlantic States Marine Fisheries Commission. Roeder asked if commercial fishing of shad has diminished the population. Hamilton said yes, but it is his understanding that there has been no directed commercial fishery for the last couple of years. Boyar commented that it seems like the sampling could vary vastly year-to-year and conditions. He asked if there are any attempts to standardize the testing. Hamilton commented that was a good point and spoke of the less than favorable conditions for sampling this year due to the releases from the Cannonsville Reservoir. Sullivan questioned why the numbers of shad have been on the decrease. Hamilton stated it is a combination of things including ocean harvesting. Rupert stated that during the 30's, 40's and 50's when the Delaware River was treated like an open sewer like many other rivers in the nation, there was so much pollution going into the river that it created "dead zones" where there was zero dissolved oxygen. He added that fish could not get through that pollution block. He said the good news is that it is no longer a pollution block causing the number of shad to decrease. He is not exactly sure what the reason for the increase is, but acknowledges that bycatch in the fishing industry, meaning a fish or other marine species that is caught unintentionally while catching certain target species, could be one cause. Rupert noted that the Lewis Family Fishery is the only remaining shad fishery issued a license by the State of New Jersey in the non-tidal Delaware. A theory of the Lewis Family in regards to the lower numbers of shad is that as the river has become better in terms of water quality, it could be the species of Stripers causing the decrease.

Approval of September 3 Meeting Minutes: A motion by Boyar seconded by Greier to approve the September 3 meeting minutes was carried.

Public Comment on the Agenda: None

Committee Meeting Minutes Comments: Committee reports were provided based on the meeting minutes. They were: September 8 and September 22 Project Review by Richardson and September 22 Operations by Boyar. No verbal report for the September 15 Water Use/Resource Management was given.

Upon conclusion of Richardson's Project Review Committee report, Fred Reber of Reber's River Trips introduced himself and noted that he would like to be included in the UDC's October 21 meeting about the Barryville Access property as he considers himself one of the concerned parties. He asked Henry why he recommended to the NPS that Reber's Commercial Use Authorization permit be revoked. He stated that he feels "singled out". Henry said he would meet with Reber after the meeting and that his attendance at said meeting would be up to the Council. Reber commented that he learned of the proposed October 21 meeting from Dave Hulse. Henry shook Reber's hand and thanked him for coming to the meeting, noting he had no hard feelings with him personally. He reiterated that he would meet with Reber after the meeting. Reber said he felt the Council should be involved in the discussion.

Roeder wanted to clarify that the pamphlets that he referred to at the September 22 Operations Committee meeting are in fact called the "Upper Delaware Drummer" which were published annually by the Snug Harbor Country Store in Narrowsburg, N.Y. Editors were Dorothy M. and Joe Purcell. The 1966 edition was dedicated to Valteau C. Curtis. He shared the 1964 and 1966 copies with members. Richardson wondered who Ramie might contact should it be decided to re-print an article from one of those publications in the UDC's Upper Delaware newsletter. Roeder said he would start with a relative of the Purcells.

Boyar questioned who will be attending the "Water, Water Everywhere" conference on behalf of the UDC. Ramie said that she and O'Dell will be attending, noting that O'Dell is one of the presenters on October 19.

Status Reports

Delaware River Basin Commission: Rupert referred to the hydrologic report provided in members' packets. He reported that total NYC Delaware River Basin storage as of October 1st is 68.7% with Cannonsville at 56.1% and Pepacton at 75.2%. He stated that rainfall in the watershed on September 29 – 30 ranged from 2 ¼ inches near Cannonsville to 3 ¼ inches near Pepacton. Rupert spoke of what he

referred to as “Mother Nature’s 1-2-3 punch” in regards to the recent rain event and the upcoming forecast. He stated that the most recent forecast showed Hurricane Joaquin taking a more eastern track, but did note that the storm still “deserves a lot of close attention”. Peckham said that he read a recent article about NYC DEP’s consideration of installing a siren system on the West Branch of the Delaware River as an early warning. Richardson questioned if it is known how many inches of rain it would take at the reservoirs’ current levels for them to spill. Rupert said there is a current void of 90 billion gallons. He noted there are many factors to take into consideration and it is a complicated equation to try and figure out. Rupert spoke of the flooding of 1955 and the loss of life incurred then. He noted this was due to the fact that they just didn’t have the tools that we have now such as cell phones, internet, and weather radio to name a few. He stated it is so much easier for people to stay informed now.

Rupert reported that the DRBC website has been updated to include links to numerous other resources. They’ve developed a flood resources portal. The intention is to make it easier for users to find the information they are looking for. The information can be found on the home page at www.state.nj.us/drbc/.

Rupert referred to the news release included in members’ packets titled “DRBC Announces New Format for its Next Public Hearing and Business Meeting”. Under the new format to be used on a trial basis, a public hearing on draft project dockets and any applicable resolutions will take place a month before, in the next case on Nov. 10, which is four weeks prior to the Dec. 9 business meeting where they may be considered for commission action. Written comments on the hearing items also will be accepted until close of business (5p.m.) on the following day, Nov. 11. Moving the date of the public hearing will afford the commissioners and staff more time to thoroughly review and respond to the comments and concerns of interested parties. This new format will be tried over the next year with appropriate adjustments being made as necessary.

Rupert noted that the Delaware River Recreation Maps have been reduced in price to \$10/ set plus tax. The Delaware River Recreation Maps are a 10-section, waterproofed map set that covers the river's East and West branches prior to their confluence at Hancock, New York, the entire 200 mile, non-tidal reach of the river from Hancock to Trenton, New Jersey, and an additional 25 miles of the tidal river from Trenton to just south of the Betsy Ross Bridge (which connects Northeast Philadelphia, Pa. and Pennsauken, N.J.). The maps are available on the DRBC website.

Rupert reported that at the September meeting, the Commissioners approved the docket for the replacement of the Pond Eddy Bridge and related roadway improvements. He provided the UDC with a copy of the proceedings.

Boyar suggested that a flood warning system at the interstate bridges should be explored. He added that a color-coded indicator could alert passing motorists as to the level of river flood stages and of potential imminent danger. He feels a visual on-site option would be a good way to notify people. Henry noted there is a river level gage installed on the Barryville Bridge. It is imbedded into one of the piers. Boyar said that may be good for someone on the river, but is not helpful for alerting passing motorists or other residents. Henry said it is visible from the access area. Ramie said the agency to address a warning system at the bridges would be the New York-Pennsylvania Joint Interstate Bridge Commission. She said we could explore writing a letter. This issue could be brought up at a Water Use/Resource Management Committee meeting.

Peckham questioned what the status is of the DRBC natural gas development regulations. Rupert said the Commissioners continue to confer with each other to map a path forward. They have not yet developed a schedule for the path forward. He said that staff is waiting for direction.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge. A press release titled “Governor Cuomo Directs State Agencies to Prepare for Prolonged Heavy Rains and Tropical Storm Conditions” was included in members’ packets at Rudge’s request.

PA Dept. of Environmental Protection: Manning reported that the Commonwealth of Pennsylvania still does not have a budget in place. She learned earlier in the evening that they are now under travel ban, hiring freeze, and grant monies are being held.

Manning referred to a PA DCNR September 24 press release titled, "DCNR Plans Series of Public Meetings to Review Draft State Forest Management Plan" provided in members' packets at Dugan's request.

She noted that Dugan spoke to the manager of the Pennsylvania Fish and Boat Commission to share Ritter's concerns about the poor conditions at the Pennsylvania FBC access near Narrowsburg. Dugan was informed that the Northeast Region maintenance staff has been cut from seven employees down to just two employees. They are trying to maintain as best they can and they should have visited the access last week.

On Dugan's behalf, Manning reported that hunting season is starting and people should be aware of increased activity throughout the forest. It was noted that there appears to be a healthy mass crop this year of acorns and hickory nuts. The fall foliage season is upon us. The DCNR will update its weekly fall foliage map and reports on their website. That information is available at

www.dcnr.state.pa.us/forestry/stateforests/fallfoliage.

Hulse commented regarding Chapter 105, Dam Safety, that it is his understanding that DEP is surveying community lake property dams in Wayne County and the agency is calling for dam safety enhancements that would bring those dams up to meet a flood-retention impoundment requirement of 36 inches of rain. Hulse noted that people seem to think that is a little bit unreasonable. Manning said she does not work in that department, but she can check into that and get back to Hulse.

Henry commented that out of fairness to Fred Reber, he wanted to read a statement and let there be discussion regarding Reber's concerns. Henry stated that it is the UDC's responsibility to monitor the Town of Highland's issuance of permits in the river corridor. The reviews are not business specific. The proposed workshop being scheduled is to gather information on ownership and management of the property under the Barryville-Shohola Bridge. He noted that as this has the potential to be the subject of litigation, participation is by invitation at this point. There may be a conflict with operation of a commercial entity at a public river access if that determination is made that the property should not be encroached upon. Reber said he grew up in Barryville and has been there 68 years. He noted that he is familiar with boundaries as he was a PA/NY Real Estate Broker for a number of years. He said he is leasing a piece of property from Attila Benke, owner of The Carriage House, in Barryville, NY. He shared the history of the property. Reber believes that he is operating 100% on the leased property and making an effort to stay 100% on Mr. Benke's property. Reber spoke of the people that he employs and the money he has invested in equipment. He stated that he wrote a letter to the NYS DOT asking if he could lease the piece of property that he had had some kayaks stored on. He said he received a response from them saying they don't own the property and referred him to Sullivan County. He sent a letter to the county, but has received no response to date. Henry said the concern of property ownership is one that was brought to the Council. He explained to Reber that those with a Commercial Use Authorization (CUA) need to adhere to state and local laws and it was his recommendation that it be explored to see if he was in violation of his CUA by operating on state property. Reber spoke of his meeting with NPS Superintendent Heister. He said it is not clear where the property lines are under the bridge, but he feels he is operating on his property. Henry said that is the reason for holding the workshop with the involved agencies. Boyar questioned if Mr. Reber will have the opportunity to provide his input at the proposed October 21 workshop or is it reserved for officials, adding that he has recused himself from previous discussions on this topic. Henry said it was discussed at the time not to open it to the public; that it was going to be a workshop of officials to try and determine ownership. Boyar feels Mr. Reber would be a good resource to have at the meeting. Ramie said it is the pleasure of the board as to who is invited to the workshop. A motion to include Fred Reber in the proposed October 21 workshop was made by Peckham, seconded by Dean and carried with Boyar abstaining. Barth told Reber that access complaints were brought to the UDC initially and that is how we got involved.

National Park Service-Upper Delaware: Hamilton reported that several activities took place on National Public Lands Day on Saturday, September 26th. The activities included a trail maintenance and clearing project on the Tusten Mountain Trail, a river clean-up project, and involvement in the planting of a pollinator garden to attract and provide food for native, pollinator insects at the NPS Milanville office.

Hamilton said that the Delaware Water Gap National Recreation Area and Middle Delaware National Scenic and Recreational River are developing a Visitor Management Plan to maximize the ability

of the NPS to provide recreational access while protecting the park's natural and cultural resources. Public feedback on possible management strategies is being sought from September 8 to October 9. Ramie pointed out to attendees where information on this initiative was available in the conference room.

UDC Executive Director's Report: Ramie reported that Congress approved a Continuing Resolution at the last hour on September 30 which will extend funding for operation of the federal government to midnight on December 11. The UDC will have to re-file its Federal Assistance application to request 19% of our \$300,000 allocation to carry us through the next 2 ½ months.

Ramie stated that contractor Karen Carlson did a fantastic job organizing the attic. She noted that the next phase which consists of distinguishing what to keep, digitizing, and archiving can now begin. A fire-proof safe for the storage of minutes' binders, important papers and computer storage devices was delivered by Agway of Callicoon on Tuesday, September 29th. Ramie said that the stairs project was put on hold after a meeting with Tusten's building inspector. Engineer John Fink of Callicoon was in to look at the job and has provided two different options how to proceed. O'Dell provided details on the original stairs plans and the two options provided by Fink. Richardson suggested the project be referred back to the Operations Committee for further discussion. Ramie stated that the UDC is not able to close the financial books on FY 2015 until we know about this expenditure. Henry questioned if the money earmarked for the stairs project could be used for anything else. Ramie said that money could be put towards the Project Review Workbook update although it is a FY 2016 project. A motion to proceed with the stairs project option that entailed moving the conference room door was made by Henry and seconded by Boyar. O'Dell said it is his opinion that the stairs project funding should be reallocated to the Project Review Workbook update and the stairs project be put off for further review as it is not something that needs to be done immediately. O'Dell reiterated the three proposed options under discussion. Option 1 is to install a staircase Bridge Street-side of the meeting room and move the door to the conference room; Option 2 is to install a staircase inside the conference room; and Option 3 is to re-allocate the funding to the Project Review Workbook project. Henry withdrew his motion and Boyar withdrew his second. A motion to re-allocate the FY 2015 funding for the stairs project to the Project Review Workbook project was made by Dean, seconded by Richardson and carried with Peckham opposed.

Ramie noted that another FY 2015 project was the re-design of the UDC website. Dorene Warner of W Design has completed the project. The new website will officially launch on Monday, October 5th. A press release will be issued announcing the new site. The website has a whole new look, mobile responsive format, and a few new features.

The Fall/Winter issue of *The Upper Delaware* newsletter was to have been delivered today, Ramie noted, but was not received. She added that a 5% per business day penalty for each day it is late will be applied.

Ramie referred to the copy of the application for the Leadership Sullivan Community Impact/Service Project provided in members' packets. The proposed project is a canal clean-up at the National Park Service's Corwin Farm property in the Town of Lumberland. The decision is expected on November 18th. Ramie said the UDC will be making a joint presentation with the National Park Service and the Upper Delaware Scenic Byway to the Leadership Sullivan class on October 7th here at the UDC office. She noted there is a similar Wayne/Pike Ambassador Program sponsored by the Pocono Mountains Visitors Bureau that will be visiting the Zane Grey Museum and Roebling Bridge on October 8th.

Ramie referred to her National Geographic Geotourism Stewardship Council 9/30/15 Meeting at Settlers Inn, Hawley, PA report provided in members' packets. A project title has been selected, she said. The project will be called, "Wild and Scenic Delaware River". The geographic scale will include the watershed portions of nine counties in three states: NY – Delaware, Sullivan and Orange; PA – Wayne, Pike, Monroe and Northampton; NJ – Sussex and Warren. Priority will be given to sites within a 30-minute drive from the river. Ramie noted that the key deliverables will be a National Geographic Geotourism MapGuide responsive website; a Strategic Plan for Sustainable Tourism, to be developed by the Geotourism Stewardship Council; public outreach and marketing assistance; and an established network of sites, attractions and businesses that inspire visitors to come and experience this place. The tentative schedule was reviewed. The target date for the website launch is May 2016. Her report contained information on the tasks and responsibilities of the Stewardship Council, MapGuide nominations information, and funding. Roeder said he wants to be sure that the program describes to the end users, the

tourists, the difference between the Upper and Middle Delaware. He asked if they will be addressing that. Ramie said the Stewardship Council is in place to make sure that kind of text is conveyed. She said we will make sure that happens. Richardson echoed Roeder's concern, noting that we have for so long tried to make ourselves special and not rolled into the Middle Delaware. In referring to the project title, Henry noted there are no wild sections and suggested it be called "Scenic and Recreational Delaware River". Ramie said that would not encompass the Middle Delaware. Sullivan agreed that the use of the term "wild" is misleading from a marketing point of view. Henry asked that Ramie take those two concerns back to the Stewardship Council.

Ramie referred to the October calendar of UDC Meetings, Activities and Deadlines. She noted the parking lot improvements have been scheduled for the weekend of October 10th. Two events that the UDC has sponsored take place this month. The Equinunk Watershed Alliance "Strides III" Crooked Creek 5K Run/Walk takes place on October 17th and the Friends of the Upper Delaware River's "Water, Water Everywhere" conference takes place on October 19 and 20.

Old Business: None

New Business:

Draft Resolution 2015-15: Resolution Approving FY 2016 Technical Assistance Grants: A motion to approve Resolution 2015-15 was made by Peckham and seconded by Boyar. Dean asked for an explanation of the Town of Highland's application for funding to develop a butterfly brochure. He was told the goal is to educate people about the decline in the monarch butterfly population. A vote was taken and the motion passed.

Dudko said she is happy to see that Lumberland has taken an interest in developing a historical marker brochure. She suggested that UDC members encourage their towns to do similar projects.

Draft Resolution 2015-16: Resolution Executing a Contract with Environmental Planning & Design, LLC: A motion to approve Resolution 2015-16 was made by Richardson, seconded by Sullivan and carried with Peckham abstaining.

Support Letter for Town of Tusten Big Eddy Riverwalk Grant Application: A motion to approve the letter of support was made by Sullivan, seconded by Boyar and carried.

Other: Barth said he is interested in finding projects for local Eagle Scouts to take on. He asked if the Upper Delaware Council had any projects to be accomplished. Members shared some ideas.

Boyar said he received a Delaware River Watch report from David Plummer of Trout Unlimited. He noted the report contained much meaningful information. Boyar would like to refer the report to the Water Use/Resource Management Committee to discuss making use of it as a regular handout.

Referring to the DCNR news release, Ramie said that a series of 12 statewide meetings have been planned by the state Bureau of Forestry to seek continued public input on changes to its master management plan charting the course of Pennsylvania's state forests for future generations. Public comment will be accepted until November 30th.

Peckham questioned the outcome of the August 27th NYC DEP meeting held at the UDC office. Ramie said they provided information on the resolution of the Cannonsville turbid discharge situation. They also wanted feedback from attendees to determine what they could do better in the future. Ramie said they were asked what lessons they learned from the incident. An article on this subject appears in the Fall/Winter edition of *The Upper Delaware* newsletter.

Public Comment

Adjournment: A motion by Roeder, seconded by Sullivan, to adjourn the meeting at 9:02 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 10/9/15

