



# Upper Delaware Council

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## UPPER DELAWARE COUNCIL MEETING MINUTES November 3, 2022

The Upper Delaware Council held its monthly meeting on Thursday, November 3, 2022. Chairperson Boyar 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., Town of Cocheton- Larry Richardson, Town of Tusten- Sue Sullivan, Town of Highland- Andy Boyar, Town of Deerpark- Virginia Dudko, Town of Lumberland- Nadia Rajs (Zoom), Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, State of New York- Ryan Coulter, National Park Service- Cody Hendrix. Staff in attendance: Executive Director- Laurie Ramie. Absent: Westfall Township, Commonwealth of Pennsylvania, Delaware River Basin Commission, Resources and Land Use Specialist- Kerry Engelhardt, Ashley Hall- Bagdonas- Secretary. Guests: Dr. Peter Kolesar, Anne Willard, Bill Dudko- Town of Deerpark Alternate, Barbara Arrindell, Jane Varcoe, Linda Dexter, Alex Garcia-Maldonado- NPS (Zoom), Don Hamilton- NPS (Zoom), Joseph Johnson (Zoom), Tom Vicchiarriello (Zoom). Media: Liam Mayo- River Reporter, Peter Becker- Tri-County Independent (Zoom), Rosie Starr- WJFF (Zoom).

### **Presentation: “Thermal Stress on the Wild Trout of the Upper Delaware: A Report on the Performance of the FFMP’s Thermal Mitigation Program” by Dr. Peter J. Kolesar, Professor Emeritus, Columbia University; Special Research Scholar, Columbia Water Center:**

Boyar introduced his friend Dr. Kolesar, an avid fly fisher and award-winning photographer who resides in the Town of Highland. He is the author of more than 50 scientific papers in areas of applied mathematics, computer science and engineering. His research and activism on water policy in the Upper Delaware River was the foundation for the Delaware River Basin Commission’s 2007 implementation of the Flexible Flow Management Program (FFMP) algorithm to manage the water releases from New York City’s dams on the Delaware’s headwaters. His FFMP design aimed to balance the competing water needs of NYC and down basin users with the desire for flood mitigation in the Delaware Valley while enhancing the ecology of the upper river to benefit its wild trout. More recently, Kolesar contributed substantially to the design and operations of the Delaware thermal mitigation protocol that has been successfully implemented since 2019. Kolesar’s research excellence has been recognized by awards from the Institute for Operations Research and Management Science, Theodore Gordon Fly Fishers, the Catskill Fly Fishing Center and Museum, and the Upper Delaware Council.

Dr. Kolesar shared during the summer, when there are heatwaves, the air and the water of the Upper Delaware warm up and reach temperatures that can be lethal for the river’s trout. Between 2008 and 2018 there were 78 days when temperatures exceeded 75°F, a dangerous temperature for the river’s trout stock. Kolesar helped implement a thermal mitigation protocol as an addendum to the FFMP which provides for a limited number of releases from the Delaware River reservoirs for the protection of trout. On extreme weather days, the New York State Department of Environmental Conservation (DEC) can authorize the release of cool water from the reservoirs, bringing temperatures down below 75°F. Kolesar said the protocol has its limits. There isn’t enough water in the reservoirs to protect the entire river, so it focuses on daily temperatures at Lordville. The DEC has to predict when releases will be needed and plan accordingly. The DEC has a limited budget to work with in making its predictions; the protocol gives the DEC 2500 cubic feet per second days of water from 6/1 to 5/31 the following year, and its releases have to be limited so as to not run this bank dry.

During the summer of 2022, the DEC called for 23 releases and kept temperatures below 75 degrees all days except for four, on which the highest temperature reached was 76.5 °F. “Each one of these four days, they tried,” said Kolesar; the DEC had made releases, it just hadn’t quite released enough. Kolesar analyzed this summer’s releases

and found that if the DEC had not made the releases, an additional nine days would have gone above 75°F and about seven of the releases DEC made probably weren't necessary.

Kolesar says the thermal mitigation protocol has been operating since 2019 and has been reasonably successful. Kolesar said the effects of climate change on the Upper Delaware complicate this picture going forward. He said the concern is that increased precipitation could come in the form of some really nasty storms. Dr. Kolesar thanked the UDC for the advocacy work it had done through the FFMP process, and shared a number of areas in the thermal mitigation protocol that required further study such as finding the ideal target temperature; was DEC's bank large enough; and could shorter pulses of releases save the river's trout while using less water? A question and answer session followed. Chairperson Boyar shared that the Upper Delaware's fishery was the best in the East, and that it was an untapped economic engine. A recording of the presentation can be found at: <https://www.youtube.com/watch?v=a60pVIfzeMA>.

**Approval of October 6<sup>th</sup> Meeting Minutes:** A motion by Henry seconded by Greier, to approve the October 6<sup>th</sup>, 2022 meeting minutes carried with an abstention by Richardson.

**Public Comment on the Agenda:** None.

**Committee Reports:** There were no questions regarding the following meetings: Water Use/Resource Management October 18<sup>th</sup>; Project Review Oct. 25<sup>th</sup> and Operations; Oct. 25<sup>th</sup>. Dudko shared that at the 10/18 WU/RM meeting Engelhardt gave a report on the DRBC Water Use Advisory Committee meeting. She was interested in one particular comment: If you have water on your land in Pennsylvania (like a pond) that's your water to own. She asked, who knows how that may change?

#### **Status Reports**

**Delaware River Basin Commission:** Ramie noted that Bowman Kavanagh Ramie is absent as she is attending a conference. Advisory committee meetings coming up that are listed on their website: <https://www.state.nj.us/drbc/meetings/> A copy of the hydrologic report was provided in the meeting packet.

**NYS Dept. of Environmental Conservation:** Coulter had no updates from NYS DEC. He said he really appreciated Dr. Kolesar's presentation as he works in Region III Fisheries and deals with releases from that region but is not as familiar with the releases from Pepacton and Cannonsville.

**PA Department of Conservation & Natural Resources:** Absent.

**National Park Service-Upper Delaware:** Hendrix shared that Acting Superintendent Deutsch is on Annual Leave.

**UDC Executive Director's Report:** Explaining that he had been vacationing in Iceland at the time of the UDC's 9/18 awards banquet, Ramie presented Dexter with his plaque for the 202 Oaken Gavel Award, taking his photo with Boyar.

Ramie shared that Engelhardt is representing the UDC at the 10<sup>th</sup> Annual Delaware River Watershed Forum in Philadelphia today and tomorrow. The theme of the conference sponsored by the Coalition of the Delaware River Watershed is: "A Decade on the Delaware: A Reflection on Yesterday, a Vision for Tomorrow".

An article with highlights of that watershed forum is one of the features that will appear in the Fall/Winter issue of our newsletter which Ramie has started work on with a 11/21 deadline for its publication on 12/5. You'll be voting on our Fiscal Year 2023 contract for "The Upper Delaware" under New Business. The printer's services will cost \$438 less than this fiscal year because Ramie is reducing the number of hard copies from 10,000 to 8,500 to reflect our online readership while respecting our mail subscribers.

Ramie submitted our applications on 10/25 for two new PA health insurance plans necessitated by the pending 11/30 cancellation of our NY-based small group policy that will surprisingly result in an annual savings to the Council of

over \$15,500 (or 37% less than our current budget item) without any loss in benefits coverage. We hope that is not all “too good to be true” and anxiously await the company’s approval by 12/1.

Ramie has had an ongoing dialogue with Congressman Cartwright’s Economic Development Director Dr. April Niver over his interest in the UDC’s federal allocation and will be sending that requested post-election time letter about our NYS funding situation to Assemblywoman Gunther following her conversation with the DRBC. After all the redistricting shifts and with nearly every political race being contested, we’ll know sometime after 11/8 who will be representing our bi-state river valley region. Additionally, Rajsz got the ear of the new Director of Outreach for the New York City DEP when she shared a dinner table with John Milgrim at a recent event. He expressed interest in learning about the UDC’s operations and finances, so Ramie sent him a summary with some attachments earlier this week.

Packets include calendars of meetings, activities, and deadlines for the rest of this month and what’s coming up in December. Our full Council presentation on 12/1 will be a demonstration of a 3-D Visualization tool for a full development build-out of the Upper Delaware River Valley by the National Parks Conservation Association and Shippensburg University Center for Land Use and Sustainability.

### **New Business**

**Appointment of a Nominating Committee for 2023 Officers:** Boyar appointed Dexter, Richardson, and Roeder – as the 2021, 2020 and 2019 UDC chairpersons, respectively to serve on the Nominating Committee to develop a slate of 2023 officers that will be introduced at the 12/1 UDC meeting, with the election to take place at the 1/5/23 meeting as per the UDC bylaws.

**Draft Resolution 2022-08: Awarding “The Upper Delaware” FY 2023 Newsletter Contract:** A Motion by Henry seconded by Dudko to approve Draft Resolution 2022-08 carried unanimously. Ramie will notify Courier Printing in Deposit, NY of the UDC’s approval of their Fiscal Year 2023 newsletter services contract quote.

**Other:** As treasurer of the Upper Delaware Scenic Byway, Inc. (UDSB) Richardson said they are privileged to thank the UDC for hosting UDSB at the UDC office. UDSB covers from Port Jervis to Hancock. He presented the UDC with a check for \$1,200 in appreciation for its service to the fellow non-profit organization

### **Old Business**

**UDC/NPS Telecommunications Subcommittee Update:** Robinson reported that the subcommittee had a good presentation from TowerCo representatives earlier. We are debating now what constitutes the appropriate placement of cell towers in the corridor’s scenic and recreational sections. Ramie will prepare notes from the 11/3 UDC/NPS Telecommunications Subcommittee work session. The next subcommittee work session is at 6 p.m. on 12/1.

**Public Comment:** Barbara Arrindell of Damascus Citizens for Sustainability had forwarded documents in advance to members. The DRBC banned frack drilling last February but released new regulations at the end of last October for wastewater importation and exportation. She asked the UDC to consider a letter to the DRBC with their views. Boyar confirmed this is not a current docket before the DRBC. She said there are definitions in the DRBC’s draft regulations - ‘disposal’ is defined, but ‘import’ is not! ‘disposal’ is also specifically prohibited - ‘import’ is allowed! Arrindell said there is no earthly reason to import “poisons” into the Delaware Basin just to make a convenient industry disposal area for their waste. Staff will include on the 11/15 Water Use/Resource Management Committee agenda discussion of the request for UDC to consider drafting a comment letter to the Delaware River Basin Commission regarding their draft regulations for “frack” wastewater importation. They will circulate the digitally provided information as requested.

**Adjournment:** A motion by Robinson, seconded by Greier, to adjourn the meeting at 8:20 p.m. was carried.