



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES December 3, 2020

The Upper Delaware Council held its monthly meeting on Thursday, December 3, 2020 at the Narrowsburg Union in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 7:07 p.m. and roll call followed.

In attendance: Town of Hancock- Fred Peckham, Town of Fremont- Jim Greier, Town of Delaware- Thomas Dent, Town of Cocheton- Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland- Jim Gutekunst, Town of Lumberland- Nadia Rajs, Town of Deerpark-David Dean, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Delaware River Basin Commission- Kristen Bowman Kavanagh (via phone), State of New York-Bill Rudge (via phone), Commonwealth of Pennsylvania-Tim Dugan (via phone), National Park Service- Don Hamilton. Staff in attendance: Executive Director-Laurie Ramie, Resources and Land Use Specialist- Shannon Cilento, Secretary- Ashley Hall-Bagdonas. Absent: Westfall Township-Michael Barth. Guests: Cody Hendrix, Remy Moorhead (via phone), Halle Van Der Gaag- National Parks Conservation Association (via phone). Media: Linda Drollinger- River Reporter, Peter Becker- Tri-County Independent.

Presentation by Buck Moorhead: “UDC’s Five-Year Strategic Plan Process”: Facilitator Buck Moorhead introduced himself and said he appreciates everything UDC does and represents in the region. He was retained by the UDC to assist in the facilitation and development of the Strategic Five-Year Operating Plan for the UDC. A committee was developed to assist in this. Committee members included Richardson, Roger Saumure, Hamilton, Ramie, Steve Schwartz, Van Der Gaag, Sullivan, and Remy Moorhead. He said this was of great assistance over a several month period. Through conference calls they drafted a mission statement for the UDC, and survey questions that were sent out utilizing staff from National Parks Conservation Association (NPCA). Those responses were reviewed and analyzed, and using Saumure’s skillset, they created a graphic representation of those responses. An agenda was then developed for the one-day workshop which was held on 10/3 at the Narrowsburg Union. Based on the input from the workshop as well as the responses to the survey they have developed the draft that was provided in the meeting packets. Moorhead said when the three committees meet via Zoom on 12/15, we could review this draft again, with the target to hopefully look for a version of this to be adopted in early January. They established a Mission Statement at the 10/3 workshop, which hadn’t been formally identified previously and was a major component of the workshop. On page 13 it establishes the requirements of the Five-Year Plan reading: “The UDC is a party to FY 2021-2025 Cooperative Agreement with the National Park Service.”

Moorhead reviewed eight areas of focus for the UDC for FY 2021-2025. They are: Viability of the Council as a Non-profit Organization; Communication Infrastructure; Economic Development; Maintaining Quality of the Resource; Education and Outreach; River Access and Recreational Opportunities; Maintaining the UDC’s Working Relationship with the National Park Service (NPS); and Responding to Changing Demographics in the River Valley.

The first area of focus is UDC Viability- Funding & Succession. As a non-profit organization, the UDC faces the problem of having numerous responsibilities but limited time and financial resources. Since the UDC is organized as a non-governmental, 501(c)(3) entity, it has limited recognition by the state governments, although the State of NY and the Commonwealth of PA are charter, voting members of the Council. The UDC’s viability and effectiveness have been jeopardized by a flat-level \$300,000 federal appropriation that was remained static since 1988 with two exceptions for special projects and the failure of the two member states (NY and PA) to contribute their 40% cost-ratio shares of the UDC’s operating budget as envisioned in the 1986 River Management Plan.

The second focus area calls for the UDC to establish a task force devoted to expanding areas of cellular service and broadband Internet coverage in the 73.4 mile corridor, known for its many gaps in service.

An economic study is also called for, to look at the impact from the spiking real estate market since the Covid-19 pandemic sent more urbanites looking to get away to the Upper Delaware region. A regional economic development strategy with the Upper Delaware as the centerpiece may be successful in drawing small business.

Regarding maintaining the quality of the Upper Delaware resources, the UDC will keep advocating for a more equitable regime of Delaware River flows from the reservoirs, and look at partnering with the Upper Delaware Scenic Byway (UDSB) and NYS DOT at graffiti cleanups and other matters.

Education & Outreach focuses on the UDC speaking with a unified vision. To this end, the UDC recently updated its website and expanded into social media, to augment publication of its newsletter.

Enhancing river accesses and recreational opportunities will be a focus. The driving force of the UDC's interest is in the wise use of resources, promotion of public safety, and enforcement of applicable laws.

Enhancing the relationship between the UDC and the NPS includes the immediate concern in clarifying definitions of substantial conformance. Townships sharing the Upper Delaware Corridor are expected to substantially conduct their use of the land in a way that conforms to the River Management Plan (RMP). The UDC and NPS will need to clarify the determination between "substantial" and "total" or 100% conformance. The UDC also needs to work with the NPS to clarify funding of Technical Assistance Grants.

The UDC's Operation Committee funding task force will pursue increased federal funding allocation through the NPS and explore alternate funding sources not in competition with the NPS.

The last focus area considers the shift in demographics in the corridor, partly rising from the spike in interest in the area since Covid-19, and a major influx of new residents. The UDC proposed to re-conduct the Land Use Pattern Study included in the RMP, use GIS mapping to understand how the corridor has changed over time and is projected to change in years ahead; and develop a list of further, desired studies to assist this process.

Moorhead noted Appendix A: the UDC Management Overview and Appendix B which was the work Roger Saumure did. This shows the results of the survey and based on the size of those circles, it identifies which issues had more or less relative degrees of importance to folks within the region. Appendix C is the UDC letter to NPS regarding Cooperative Agreement Funding Proposal from January 9, 2020.

Greier said the states have "cheated" the UDC and until the NPS grants a cost of living increase, the UDC should not do anything. Moorhead said that Greier's comments were consistent with feelings brought out at the 10/3 workshop, and there are ideas to work towards more funding. Moorhead said NPS cannot manage the Upper Delaware Scenic & Recreational River on its own; it is designed to be a public/private arrangement and requires both the NPS and UDC to be functional. The problem is that the funding level has been "woefully insufficient for decades."

Sullivan noted page 26 reading: "Follow up on UDC's outline to the National Park Service to restore prior staffing levels to four full-time positions, conduct a wage comparison study to adjust salaries for the three current positions, and include an automated Cost of Living Adjustment (COLA), through modification of the new Cooperative Agreement of FY 2021-2025." She felt that covered it as a goal. Sullivan asked for Moorhead to explain page 26: "Substantial Conformance Reviews: Retain an outside consulting firm to conduct and document substantial conformance reviews of PA townships; Review the Land and Water Use Guidelines and define 'substantial conformance' standards more clearly". Richardson said he also sent a comment on this section and feels it should read the UDC could retain consulting as needed for Substantial Conformance Review. The idea being, we used Tom Shepstone while we were waiting to get a new staff member; maybe some point down the road where there's time-sensitive reviews we might need to employ an outside consultant. He said that's the way he had envisioned it.

Dent said he would like to commend Buck and Remy Moorhead on pulling together the 10/3 document. It's readable, makes sense and portable. He would like to give the document to his Town Council and asked if the

Executive Summary would be the best section for them to review. Moorhead said that would be a helpful reference as well as the PDF for the full document.

Richardson said if you haven't read this through yet, please try to put the time aside and look through it again. If there are certain areas that you feel more inclined to comment on, then go to that section of the document and read it through. We still have some time to make some comments, but we are trying to close this window on this project. We value your comments.

Dent said when reading page 20 this part stuck with him and he feels it sums things up pretty well: "Foster public recognition of the river valley as a place with its own identity, continuing history, and a destiny to be shaped by its residents, and encourage the National Park Service, tourism associations, and other agencies active in the valley to assist in this endeavor."

Approval of November 5th Meeting Minutes: A motion by Rajsz seconded by Dexter, to approve the November 5th, 2020 meeting minutes carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding the following meetings. They were: Nov. 17th Water Use/Resource Management, Nov. 24th Project Review and Nov. 24th Operations.

Status Reports

Delaware River Basin Commission: Kavanagh said DRBC's 4th Quarter Business Meeting is 12/9 at 10:30 a.m. via Zoom. There is a Climate Advisory Committee Meeting on 12/17 from 9-12:30 p.m. via Zoom. Details for meetings are available online. The next Advisory Committee meeting will pick up in January. All meetings can be found on the DRBC website: <https://www.state.nj.us/drbc/meetings/upcoming/>.

Referencing the Hydrologic Conditions Report provided in the meeting packet, Kavanagh said the NYC combined storage is a little below the median for this time of year.

NYS Dept. of Environmental Conservation: Rudge provided in the meeting packet a Draft Deer Management Plan and the Final Trout Stream Management Plan. He feels UDC will find the Trout Stream Management Plan of interest. NYS DEC has had a lot of comments in particular, on their proposals in relation to the Delaware River Watershed. He said one of the most significant proposals is the year-round trout season. You can't take trout year-round but you can fish for them year-round. He urged all that are interested to review the Trout Stream Management Plan. Rudge said it's groundbreaking in that it's a significant change in how they managed trout in the past. Peckham said he's mentioned his concern about this for the past three years. He expressed his concern for young kids fishing for the first time and catching a 24-inch fish and having to throw it back instead of keeping it. Ramie said there is a public comment period and Cilento thought we should bring that before the Water Use/Resource Meeting (WU/RM) on 12/15. Richardson said this topic will be referred back to WU/RM and asked all those interested to save comments for that 12/15 meeting.

PA Department of Conservation & Natural Resources: Dugan provided handouts for the meeting packets, including recent out-of-state restrictions for visitors coming to the Commonwealth, in particular, State Parks and State forest participation. Dugan said the keynote is that it is an education effort to get visitors to understand that they should be cautious and have safety in mind for themselves and others before they travel to the Commonwealth.

Dugan also provided a handout on DCNR's ATV Trail Policy Update. There are some changes coming with the advancement of ATV trails on DCNR-owned land, most often on State forest land particularly in North Central PA. It is a policy change across the entirety of the state forest and state park service. There are opportunities to respond to this Update.

The last handout was for a Forest Assistant Manager in the Delaware State Forest. If anyone is interested, information for that listing is provided.

Deer season is running right now. Saturday will be the beginning of the joint antler and antlerless season. Most of the State including the Northeast Region of the management units will be opening for antlerless deer extending for one more week for the regular firearm season. Bear season is extended. There have been just over 3,000 bears harvested so far and looks to be on par with other years. There is a lack of acorns and food in the forests so it has been difficult to track critters to see where they are going for their food sources.

Dugan said their 5/12 budget ended at the end of November. They are awaiting the new budget to see how it affects them operationally. He did see on some media coverage that Northeastern PENNDOT had run out of money at the end of November. He expects an update on the budget sometime next week.

National Park Service-Upper Delaware: Hamilton said as most of you probably know, our new Superintendent Joe Salvatore will be starting on 12/21. NPS Community and Land Use Planner Cody Hendrix will be starting this coming Monday, 12/7, and he is here out of its own generosity tonight. Out of the Superintendent's office, Bonnie Sheard has been working on Commercial Use Authorizations (CUA). Sheard's been receiving 2020 Annual Reports from CUA holders. The deadline to get those in is 2/1. A Summary Report will be developed and provided to UDC. Sheard has also been working on application packets for Special Use Permits. They are issued for bridge inspections and they are coming up for the Damascus/Cochecton Bridge #6 in 2021 and a number of other bridges as well.

From their Maintenance Division, they've been busy repairing plowing and sanding trucks and snow blowing equipment for the upcoming season and winterizing buildings. From their Natural Resources Division, they have been very involved in the Mongaup River FERC Hydro Relicensing process. They are now in a settlement agreement discussions with a number of other stakeholders and the applicant. It's coming to the culmination of a multi-year process.

NPS has been working with a virtual intern on the development of a migratory fish story map, which is a project that will be an online educational product combining texts, maps, and graphics, and working with East Stroudsburg University and the Wilson Conservation Trust. They've recently been able to complete the installation of motus wildlife tracking antenna receivers on their Lackawaxen tower #4. They'll be able to document birds and bats that are tagged with transmitters that fly within 7-8 miles of those antennas. Hamilton said that's kind of a nationwide effort to establish a fence if you will of these wildlife tracking antennas across the country that document well the movement of birds and bats and other biotag with these transmitters.

It was announced from the Interpretation Division that Park Ranger Internships are running from mid-May to mid-August. They announced those on volunteer.gov, especially looking for local college students for these positions. The announcements for Summer Seasonal Park Ranger positions will be coming up later this month. Again, they're looking for college students and others interested in applying, and these will be posted on usajobs.gov.

UDC Executive Director's Report: Ramie said regarding the imminent completion of the Five-Year Plan that we've been working on since the fall, she said hopefully we will be in the position to adopt that at the 1/7 full Council meeting. Ramie said she is happy to report that the Fall-Winter 2020 issue of our "The Upper Delaware" newsletter is due for delivery on Monday.

Our Project Review Workbook Version 2.0 orientation video is now complete. The last step for video was to render the segments for closed captioning purposes, meaning that there will be an option to view a written transcript of all the presenters' remarks, along with other adaptability tools for disabilities. Cilento has been uploading the video segments to our new YouTube and Vimeo channels. The next step will be working with our partners at the NPS and National Parks Conservation Society on the campaign to roll these out to our members and the public. They also discussed offering educational credits for the training, particularly with the New York Planning Boards that have a quota of needing a certain number of hours a year. Ramie said they are setting up a conference call early next week to discuss what that video rollout campaign will look like.

The calendar is provided in the meeting packets lists showing our upcoming meetings, activities and deadlines.

Ramie said with the expiration of the federal government Continuing Resolution set for next Friday, 12/11, we are waiting to see what happens next. That will inform our budget request since our 1st quarter funding takes us through 12/31. We will need to prepare a new budget, work plan, narrative report, and federal financial forms to process through the GrantSolutions software for the first time since its implementation; we just don't know for what amount of money yet.

Ramie said in addition to other meetings on the calendar, please remember that all three standing committees will convene on the same night, 12/15, which as we'll talk about further under New Business will transition after tonight to remote meetings.

Ramie has asked our Upper Delaware Geology Mapping presenter who had to cancel his November program if he is available on 1/7. She is waiting to hear back. NYC DEP Director of Public Affairs Adam Bosch has agreed to present on the topic of the Improved Emergency Notification Procedures from the Delaware Reservoirs on 2/4.

Hamilton asked if the committee meetings on 12/15 are via Zoom? Ramie said that's correct, the last item on our agenda today will be explaining that we're transitioning to that virtual platform and we'll be sending around instructions on how everyone can participate. We will continue our meetings that way for the foreseeable future. Ramie said one reason for the transition is we pay for rental space here, which we're grateful to have this facility so that we can socially distance, but it does cost \$150 a month. As of this month, we will have spent \$1,000 in a budget that we really can't afford to do. We had tried to meet across the street at the Tusten Town Hall, which was offered free because of our nonprofit status. Unfortunately, they have justice court on the first Thursdays, so that space isn't available and there are only so many places that you can fit this many people at six-feet apart. She said while our meeting are going all virtual, we're not closing the office. We do foresee that with the way the COVID surge is happening, we might be forced into another lockdown so we're trying to be proactive and we have the Zoom account already set up. It's quite simple to operate and doesn't require any specialized equipment necessarily. Ramie said we'll be testing out the capabilities of document sharing etc., but we'll send everyone out electronic meeting packets. Moreover, the reason is for the health concerns and the risk of these gatherings; secondarily is the financial aspect of it. And then third, as she just mentioned, a lot of restrictions are in place for the programs and presentations that we would like to have. Ramie said she thinks we're probably one of the few groups that has continued meeting in person, even among municipalities. The technology exists, why not use it and save money in the process? It will also eliminate the inability to hear each other because we'll all be on the same platform and we can all hear and see equally at that stage; you won't have to wear a mask. Cilento said everyone should have gotten a Zoom invite from her today for the 12/15 meetings.

Greier asked if the Tusten Town Hall has any free night that we could change full Council? Ramie said this first Thursday has been established to avoid a majority of the Town/ship meeting dates. Richardson had given the UDC staff a formula to check the square footage at the UDC conference room and the most we could accommodate is 23 people. With full participation we are over that quota. We've been able to hold our committee meetings there but have had the same challenges of everyone hearing each other sufficiently. Again, it's also a safety factor that it's a calculated risk to be in the same room with people that are not in your household. Robinson suggested maybe the NPS would consider additional funding for these COVID-related expenses. He said they are beyond our control and we are obligated to function. Ramie asked if he meant retroactive payment for the rental fee? He confirmed. Sullivan said the last two Tusten Town Hall meetings she attended were in person and it has not been working out. Remotely you will have 20 participants and two people physically there. No one could hear Sullivan no matter how close she got to the microphone and there were a lot of technical issues. Sullivan said she is going to Zoom from now on. Ramie said one advantage is we have signed up for the premium Zoom account which costs just under \$120 for an entire year; we are paying \$150 per month to meet here. The premium Zoom account allows unlimited time and has other useful features. Cilento said we will also be able to record the Zoom meetings if someone can't make the meeting or if anyone needs to rewatch it.

Old Business

Other: None.

New Business

Nominating Committee Report: Greier said the Nominating Committee is proposing Jeff Dexter, Damascus Township, as 2020 chairperson; Vice-chair will be Susan Sullivan, Town of Tusten and for Secretary/Treasurer, it's Al Henry, Berlin Township. Richardson said UDC will conduct a ballot vote at the January meeting and other nominations can be taken from the floor at that time.

Draft Resolution 2021-05: Approving Fiscal Year 2020 Independent Accountants' Review and IRS Form 990 Tax Return for Upper Delaware Council: A Motion by Rajsz seconded by Henry to approve draft Resolution 2021-05 carried.

Draft Resolution 2021-06: Approving Development of a River Management Plan Addendum Procedure: A Motion by Rajsz seconded by Henry to approve draft Resolution 2021-06: Approving Development of a River Management Plan Addendum Procedure carried with one abstention and one opposed. Hamilton asked how an Addendum is different from an Amendment? Richardson said if it's a minor amendment, in the River Management Plan (RMP) requires unanimous approval and that has been the stumbling block to go over this again and again. That has brought us to this position and barring a minor amendment, he thinks this is the next best way we can approach these kinds of projects that are not so noted in the RMP under Scheduled Uses.

Draft Letter: Sullivan County Draft Hazard Mitigation Plan: Richardson said Rajsz, Cilento and he think there should be a slight change in the draft letter. He said if you had a chance to read the Draft Hazard Mitigation Plan they talk about the risks associated with the dams within Sullivan County, but there is no mention of the upriver NYC dams. He said no matter how remote, the possibility exists of one of those dams breaching. There should be a plan in place. We've been talking with NYC for many years over having a warning system in place. The suggestion is that a paragraph or a bullet be added just making sure they know that those NYC reservoirs upriver should be so noted in this plan. A Motion by Rajsz seconded by Dexter to approve the Draft letter to Sullivan County regarding their Draft Hazard Mitigation Plan after Cilento makes the recommended change carried.

Future UDC Meeting Plans: This matter was discussed during the UDC Executive Director Status Report. Hall-Bagdonas provided a list of the 2021 meeting dates in the meeting packets.

Richardson said the year's coming to an end. We're going to have the three joint committee meetings, but we may not see or talk to some of you again before the end of the year. He wishes all the very best and Merry Christmas and Happy Hanukkah. Please be safe.

Other: Greier said on page 51 of the Five-Year Program under the heading of Relationship between UDC and NPS, second paragraph down reads "work together to clarify determination of conformance substantial versus a 100%. He said all through the River Management Plan he can't see anything pertaining to substantial conformance, total or a hundred percent conformance. He asked where did we get this from? Richardson said this has been a problem for us for a long time. When we talk about substantial conformance, you'll remember the discussion always was in his mind, substantial means mostly, it doesn't mean a hundred percent, but the NPS took the position when Kris Heister was Superintendent that substantial meant 100% and we had a difference of opinion on that. Richardson said this is laying out that we need to come to an agreement between UDC and the NPS on what are we going to consider substantial moving forward. Greier said if we are going to follow the RMP we don't need to put anything else in there. He said it's written that way whether NPS likes it or not. Greier said UDC represents the 15 Town/ships and it's what UDC decides. NPS doesn't program our meetings. He feels like he's coming to every meeting and rubber stamping the NPS agenda and that's not what this council was designed to be. Richardson said wouldn't it be better from a working relationship if we came to an agreement? He doesn't think there is anything wrong with that. Henry asked for that be added to the list of the NPS things they did that were not 100% compliant. Richardson we'll have an opportunity with a new Superintendent to have that discussion. Sullivan said we should turn the page. To live in the past doesn't make any sense. She feels we should be open to new beginnings and see what happens. We should state our opinions but she doesn't feel we should go by the past. Richardson said he's an optimistic person. There's a new Superintendent and a New Year.

Public Comment: None.

Adjournment: A motion by Rajs, seconded by Dent, to adjourn the meeting at 8:47 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas 12-23-2020