



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES February 3, 2022

The Upper Delaware Council held its monthly meeting on Thursday, February 3, 2022 by Zoom. Chairperson Boyar called the meeting to order at 7:00 p.m. and roll call followed.

In attendance: Town of Hancock- Fred Peckham, Town of Fremont- Jim Greier, Town of Delaware- Harold Roeder, Jr., Town of Cocheton- Larry Richardson, Town of Tusten- Evan Padua, Town of Highland- Andy Boyar, Town of Deerpark- Virginia Dudko, Town of Lumberland- Nadia Rajs, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Westfal Township- Michael Barth, State of New York- Mike DiSarno, Commonwealth of Pennsylvania- Tim Dugan, Delaware River Basin Commission- Kristen Bowman Kavanagh, National Park Service Superintendent- Joe Salvatore. Staff in attendance: Executive Director- Laurie Ramie, Resources and Land Use Specialist- Kerry Engelhardt, Secretary- Ashley Hall-Bagdonas. Guests: Cody Hendrix- NPS Community Land Use Planner, Bill Dudko- Town of Deerpark Alternate, Roger Saumure- Shohola Township Alternate. Media: Liam Mayo- River Reporter, Peter Becker- Tri-County Independent.

Virtual Presentation: “Sexual Harassment Prevention Training for UDC Representatives and Alternates” (4:10 time on recorded meeting): UDC representatives, alternates, and staff watched a 15-minute video presentation entitled “Crash Course on Workplace Sexual Harassment” by Michael Haynes, found on Youtube <https://www.youtube.com/watch?v=HtNlw1TJeh0>. The purpose of the training was to set forth what is and is not acceptable in the workplace.

Approval of January 6th Meeting Minutes (19:41) A motion by Rajs seconded by Dudko, to approve the January 6th, 2022 meeting minutes carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding the following meetings: Jan. 18th Water Use/Resource Management, Jan. 25th Project Review, and Jan. 25th Operations. Dudko said after the 1/18 Water Use/Resource Management Committee meeting, letters went out to all the townships to nominate their litter leader coordinators, so everybody should hear from their town/ship councils about that.

Status Reports

Delaware River Basin Commission (21:36): Bowman Kavanagh said the DRBC concluded their fifth and final public hearing this afternoon on proposed regulations addressing importation of water, and export of wastewater and prohibiting the discharge and wastewater from High Volume Hydraulic Fracturing. That was the last opportunity for oral comments; however written comments can be submitted through 5 p.m. on 2/28. DRBC will hold its first-quarter public hearing on Wednesday, 2/9. Bowman Kavanagh said two dockets may be of interest. One is in the Town of Fallsburg Consolidated Water District, for an increase in a previously approved allocation from groundwater wells, and then Masthope Wastewater Treatment Plant has two dockets up for renewal. Those dockets will go to vote before the commissioners at the first-quarter Business Meeting on 3/9.

Every other year the DRBC produces a Water Quality Assessment. They are accepting comments on the draft methodology and recommendations for consideration of datasets. Please provide comments by 2/18. The Water

Management Advisory Committee meeting is on 2/17 and a Regulated Flow Advisory Committee meeting is on 3/16. There are several openings on advisory committees right now. These include their Toxics Advisory Committee, Water Management Advisory Committee, and the Advisory Committee on Climate Change for which Bowman Kavanagh is the staff liaison. The Advisory Committee on Climate Change application period closes on 3/3; it's a two-year term beginning in August. Just submit a Letter of Interest and a Resume to her. They are looking for people who are actively working on climate change issues and representing academic or research institutions, environmental watershed organizations, business and industry, or water and wastewater utilities.

Bowman Kavanagh is working on confirming if John Yagecic, Water Quality Assessment Manager, will be ready to make a presentation next month on modernization of the Decision Support System for Habitat Evaluations in the Upper Delaware.

Boyar said looking at the Hydrologic Report there's a bit of an aberration and was looking for some insight as to why the flow levels were below norms. Bowman Kavanagh said she would ask Amy Shallcross to explain the "dip" at the end of the month. The Hydrologic report and all meetings can be found at <https://www.state.nj.us/drbc/meetings/>.

NYS Dept. of Environmental Conservation (26:50): DiSarno said he was filling in for Rudge as Rudge goes through his retirement process. DiSarno is a Fisheries Biologist with Region III- New Paltz, which covers Sullivan, Orange, and Rockland Counties. He also covers any access responsibilities and there are quite a few access points on the Delaware itself. There was one press release included in the meeting packet regarding Updated Strategic Plan for the State Forest Management Plan. It's currently up for public comment. Currently, the DEC is in talks to hopefully acquire a large portion of the Ten Mile River Boy Scout Camp. Through that, this plan would actually be the basis for coming up with a management plan for that property. He encourages anybody who has an interest to make comments on the current plan. Comments are due by 3/3.

PA Department of Conservation & Natural Resources (28:56): Dugan sent a long list of press releases for the meeting packet. DCNR grants are open for application. These include Conservation and Partnership Program Grants. He has mentioned them to Ramie in the past and there's opportunity there. The department's priorities within DCNR for the upcoming year are listed. Pennsylvania Fish & Boat Commission has a grant or a funding opportunity for increased access for fishing opportunities. It's similar to a private landowner who has allowed Fish and Boat Commission to stock a stream that runs through their property but now they're providing some financial assistance as well. They're really trying to increase opportunities for angler access. They are also announcing their trout stocking plan for 2022. Dugan did edit some sections of that press release that were not pertinent to the upper Delaware region.

Pennsylvania Game Commission has a host of press releases that Dugan added. The big ones include the bear harvest numbers. Pike County ranked the third-highest harvest rate for 2021 to 2022 season. Wayne County was also in the top 10 as the seventh-highest harvest. These are pretty traditional and relevant numbers that the northeastern part of PA typically has a high harvest rate.

There are some turkey research opportunities. The Game Commission is doing increased research on turkey flocks. If you have a property in PA and you see flocks of turkeys around, it might be something of interest to look into to try to improve research on what is occurring with our wild turkey population.

The Game Commission is again providing the opportunity for private landowners to purchase a variety of woodland species for wildlife and tree regeneration productivity on their properties.

A 1/3 PA Game Commission press release announces the start of the Annual Trees and Shrub Seedling Sale. You may find information on Seedlings for Schools as well as Public Seedling Sales here: <https://www.pgc.pa.gov/InformationResources/GetInvolved/HowardNursery/Pages/default.aspx>

Dugan said going into February they have a lot of planning processes that are still rolling through the year and will probably have some updates next month on different plans for the Commonwealth.

National Park Service-Upper Delaware (33:37): Superintendent Salvatore shared he had a three-day workshop with his management team last week and brought in a facilitator. A few things they discussed were constraints at the park unit, their future, and personnel morale. He is waiting for the summary from the facilitator and will share that with Ramie. Salvatore announced that Don Hamilton will be retiring at the end of the calendar year. He said Hamilton is such a professional giving him that much notice. UDC members shared that Hamilton has always been a valuable resource and added to discussions with wisdom and thought.

UDC Executive Director's Report (37:44): Ramie thanked everyone for participating in the sexual harassment training. At the 1/6 meeting, UDC reaffirmed our policy. Ramie noted that UDC has written procedures and protocols for making complaints. If anyone would like to discuss that, more information can be provided. Hall-Bagdonas reported that most representatives had submitted their Conflict-of-Interest Disclosure Statements for 2022. If you attend the Workshop on Saturday, that would be a good time to bring that with you. There have been no additional membership changes to the board since last month. Several presentations are waiting in the wings, such as DRBC's Habitat Flow Model. There had been a possibility of opting to dedicate time to the discussion of our Long-Term Fiscal Sustainability Plan at the 3/3 meeting. We'll know more after our workshop and subsequent committee discussions.

Ramie received a request from Jeff Skelding, executive director of Friends of the Upper Delaware River, to present on the Delaware Aqueduct shutdowns that are coming up to permit construction activity. There will be some impacts on the Upper Delaware River. It starts in the late summer and will run through next spring. Ramie referenced the calendar handout in the packets noting several webinars are coming up on many different diverse subjects.

Hall-Bagdonas and Ramie met yesterday with Michelle Blockberger and Debby Seabolt from Upper Delaware National Park to talk about the transfer of electronic records. NPS is phasing out the storage of all paper records at the end of this calendar year through the system that they use, at the National Archives. They have UDC records from 1988 to 2013 that are all digitized and cataloged. The 3/2 discussion was about getting them what they need from 2013 to the present and then beyond that, in having a system in which we turn over everything. Ramie said this is not difficult because everything we do is electronic, meaning it's all digital files.

A reminder that Monday, 2/7 is the deadline that PennDOT has set to accept comments on the Purpose and Need Document for the Skinners Falls-Milanville Bridge. You still have an opportunity to make any remarks about that individually, as the UDC has done multiple times now.

Old Business

NPS 1/26 Substantial Conformance Determination: Cochection Cottages Site Plan (42:48): Engelhardt said this application was recommended to be granted substantial conformance at the 1/25 Project Review Committee meeting, and NPS would make the final determination, which they have now done. She described the project as a group of six 700-square foot cottages for rent in Cochection. NPS had a few follow-up questions that were answered.

UDC 2/1 Letters to NY and PA Governors: Advocacy for Federal Bridge Funding Investment in Skinners Falls, NY-Milanville PA Bridge (43:49): Ramie said this action to prepare these letters came out of the 1/18 Water Use/Management Committee meeting, where we were noting that the Infrastructure Bill which passed nationally includes a very large component of funding for rehabilitation, restoration and construction projects involving bridges. Fifteen thousand bridges across the country are due to benefit through this federal program. The monies will trickle down to the states to allocate. Ramie said that's why we needed to mention to please remember the Skinners Falls Bridge. These letters went to the NY and PA governors and the respective federal and state elected officials. Ramie said we are hopeful to see a share of funding go towards this historic bridge. We know that it's an expensive prospect to keep that bridge going, but this sort of money, particularly which has no match required and is 100% of the costs, is very helpful.

UDC 2/5 Long-term Fiscal Sustainability Plan Invitational Workshop Update (46:28): Boyar urged all to read the report provided by Michael Crane, AICP following the 12/2 full Council meeting. He said that we have 18 participants for the workshop. He would like to start the workshop off as a roundtable, sharing what members think of the report and what it means to them. Boyar said he was moved by Greier's comments on Crane's Report from the 1/6 meeting. Greier reminded us that the development of the River Management Plan (RMP) took more than several

years and to rewrite the plan is a daunting task. Boyar said the purpose of Saturday is to start the discussion on what to do next. Ramie sent out a two-page document which is a summary of the recommendations and the basic premise that the consultant offered in his report. This is an in-house work session and Ramie anticipates we'll have other opportunities, if you're not able to join us please know that your feedback will be duly considered in the future. Staff will be at Narrowsburg Union at 8:45 on Saturday. A few printouts of Crane's report will be available, if needed.

Other: None.

New Business

Draft Resolution 2022-04: Commendation for William J. Rudge, NYS DEC (55:06): A Motion by Richardson seconded by Rajsz to approve the draft Resolution of Commendation carried unanimously. Rajsz said Rudge will truly be missed. He was a wealth of knowledge and she wishes him well with his 2/28 retirement.

Draft Letter to NPS: UDC 2022-001 "Art Shop" Use Variance, Town of Tusten (56:46): Engelhardt said this application came before the Town of Tusten and was discussed at last month's Project Review Committee meeting. The applicants are proposing a mixed-use project in the Flats area of Narrowsburg that would potentially have a plant nursery and a digital photo studio as well as some other craft shops for working artists and even some apartments upstairs for artists to stay in while they are working in these studios. They require a use variance because that is neither a permitted nor a special use in that zoning district. However, in the Land and Water Use Guidelines most of the uses are compatible uses in the hamlet designation except for light industrial, which is a permitted special use. Engelhardt recommends that the Council find that the project substantially conforms to the RMP to forward the recommendation to the NPS. Hendrix asked if the Town of Tusten voted on this project yet? Engelhardt no, there was a workshop session on 1/24 then they are scheduled to vote on 2/14. A Motion by Henry seconded by Dexter to approve the draft letter to NPS: UDC 2022-001 "Art Shop" Use Variance, Town of Tusten carried unanimously.

Draft Letter to Tusten Planning Board: Ten Mile River Property Minor Subdivision (1:05): Engelhardt said this is the aforementioned Ten Mile River property that is currently owned by the Boy Scouts of America (BSA) Greater New York Council with about 7,000 acres in Tusten and property in Bethel as well. BSA are going to subdivide that property in Tusten into eight different parcels. They are going to keep the boy scout camp and may sell off a couple small parcels. The bulk of it is going to go to The Conservation Fund, which is a very large nationwide nonprofit. The Conservation Fund purchases land and conserve it and put conservation easements or other restrictions on it. Engelhardt said the plan is in a few years they will sell that land to New York, who will then manage it as state forest. What is before the Tusten Planning Board is a subdivision. A few of the proposed parcels of that subdivision are within the corridor, one of which is a church parking lot with an area of .19 acres. There is also a 20-acre lot and then a portion of that very large 7,000 acres. Discussion continued. Engelhardt will amend the draft letter to the Tusten Planning Board to add a sentence recognizing the value of the river access area as a continued public recreational asset, then finalize it with a co-signature by NPS Superintendent Salvatore to submit it. Henry asked how many acres of the proposed subdivision are located in the river corridor. Salvatore said that, while the NPS has the 20-acre lot listed for acquisition through the Land and Water Conservation Fund, they can't take any action to spend the \$220,000 during the Continuing Resolution. If the funds aren't spent, they will go back into the "pot". A motion by Rajsz seconded by Henry to approve the amended draft letter carried.

Other (1:18): Rajsz provided a link regarding proposed Congressional redistricting <https://newyork.redistrictingandyou.org/> and said we are now in the proposed Congressional District 17, which is Rep. Mondaire Jones. Congressman Delgado has been pushed up to Binghamton and Hancock. NY Senator Martucci may have lost the Town of Fremont. Rajsz said to her understanding this is on the Governor's desk to make the final determination.

Richardson said he would like to go back to New Business b. UDC 2022-001 "Art Shop" review. As Salvatore brought up earlier, does UDC get the cart in front of the horse? In this case, Richardson feels it was appropriate to take action in reviewing it. If the project went through as it's presented, it would not bring the Town out of substantial conformance. He feels it's an important point to make parties understand UDC is not advocating for this project, we're simply reviewing it in regards to how it would be addressed in the RMP and the Land and Water Use Guidelines.

Public Comment: None.

Adjournment: A motion by Rajsz, seconded by Dexter, to adjourn the meeting at 8:22 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas 2-10-2022
Recording of meeting available on request*