



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES March 4, 2021

The Upper Delaware Council held its monthly meeting on Thursday, March 4, 2021 via Zoom. Chairperson Dexter called the meeting to order at 7:03 p.m. and roll call followed.

In attendance: Town of Hancock- Fred Peckham, Town of Delaware- Thomas Dent, Town of Fremont- Jim Greier, Town of Cochetcon- Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland- Andy Boyar, Town of Lumberland- Nadia Rajsz, 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, State of New York-Bill Rudge, Commonwealth of Pennsylvania- Tim Dugan, National Park Service- Don Hamilton- Chief of Natural Resources. Staff in attendance: Executive Director- Laurie Ramie, Resources and Land Use Specialist- Shannon Cilento, Secretary- Ashley Hall-Bagdonas. Absent: Westfall Township- Michael Barth. Guests: Adam Bosch- NYC DEP, Cody Hendrix- NPS Community & Land Use Planner, Diane Tharp- North Delaware River Watershed Conservancy, Jim Serio. Media: Linda Drollinger- River Reporter, Peter Becker- Tri-County Independent.

Presentation: “Update on NYC Dam Safety Notifications” by Adam Bosch, Public Affairs, New York City Department of Environmental Protection: Bosch said the last time he spoke at the UDC was in 2018 to talk about some of the improvements they were making to their Dam Emergency Action Notification Program. His presentation tonight focused on DEP’s capability to deliver timely notification of dam failure to those downstream. A rupture of the Cannonsville Dam could result in spillage of up to 95.7 billion gallons of water. The NYC water supply system comprises 19 reservoirs and three lakes but it is the Cannonsville Reservoir dam, the largest and newest in the system, that would pose the greatest threat to the Upper Delaware region if it failed. Cannonsville Dam impounds over half of the West Branch of the Delaware River. In use since 1964, it is the most instrumented dam in the NYC water supply system. Bosch said that their dam safety program is among the best in the world and it serves as a model for dam safety best practices employed by other large dams around the world. He stated that DEP’s number one priority is the safety of people downstream of the dam. Until recently, it took longer to notify the downstream communities of an impending disaster than it would take the water to reach them in the event of dam failure. To safeguard those downstream communities, the DEP routinely performs exercises designed to measure and decrease the time it takes to detect imminent dam failure and notify downstream communities of the need to evacuate. The evacuation itself would then be undertaken by emergency services. If the Cannonsville Dam experiences sudden failure, the water it contains will reach the first downstream community in 26 minutes. How quickly DEP detects imminent dam failure and sends an alert to those downstream determines survivability rate.

Cell phones are the new emergency alert notification of choice because they are frequently used and Bosch noted that they are moving that way because sirens can be hacked. DEP purchased software capable of sending emergency alerts instantly and simultaneously to citizenry and emergency services personnel alike. Bosch did acknowledge the Delaware River corridor’s poor cell service and said the next initiative for DEP would be to convince local government officials to build new cell towers and upgrade those already in existence. There was a brief question and answer after the presentation. Dexter thanked Bosch for his update.

Approval of February 4th Meeting Minutes: A motion by Henry seconded by Rajsz, to approve the February 4th, 2021 meeting minutes carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding the following meetings. They were: Feb. 16th Water Use/Resource Management, Feb. 23rd Project Review, and Feb. 23rd Operations.

Status Reports

Delaware River Basin Commission: Kavanagh said she is glad Peckham is at the meeting today because at the first UDC meeting she came to in February of last year he asked Kavanagh a question about hydraulic fracturing. She said for anyone that reads the newspaper or the meeting packets you've seen since the last UDC meeting the DRBC did issue a public notice for a special meeting that was held on 2/25 on high-volume hydraulic fracturing rulemaking. At that special meeting the commissioners voted to approve Resolution 2021-01 which amends their comprehensive plan and prevents high volume hydraulic fracturing in the entire Delaware River Basin. Under the authority of the 1961 Compact the commissioners of the four basin states all voted affirmatively on the resolution. The Federal Commissioner abstained citing the recent transition in the administration. The full reason behind the prohibition is detailed in the Resolution and supported by the very long comment response document. They received almost 10,000 comments on that. They do have a website on their entire rule-making process which Kavanagh will provide to members. The Resolution that was adopted does not include any rules on exportation of water out of the basin for hydraulic fracturing or the importation of hydraulic fracturing wastewater into the basin. Instead, the commissioners unanimously adopted the resolution that directs Executive Director Steve Tambini to publish a separate set of rules on import and export by 9/30/2021.

The Climate Change Forum was held on 3/2. They had a scholarship program for science teachers to attend. Kavanagh noted that from the Upper Delaware Linda Lohner from Wallenpaupack High School as well as Lizbeth Stringer from Eldred Junior Senior High School attended that conference. They already received some really nice feedback from Lohner about how she envisions being able to share what she learned with her students.

3/10 is their 1st Quarter Business Meeting. The Water Management Advisory Committee meeting, which was originally scheduled for 2/25 has been rescheduled to 3/16. They still have an opening on that Advisory Committee in the stakeholder areas of Fisheries or Environmental Organizations. The hydrological report was included in the packet. All upcoming meetings can be found at: <https://www.state.nj.us/drbc/meetings/upcoming/>

NYS Dept. of Environmental Conservation: Rudge wanted to congratulate the DRBC on their decision. Their commission attended that meeting and represented the State of NY in voting for a ban on fracking. Included in the meeting packets, DEC is extending the Deer Season for the late bow and muzzleloader hunting from 12/26 to 1/1 in NY's Southern Zone. They received a lot of public feedback that a lot of people were on vacation and that was a great opportunity for them to get out and hunt. They thought that was a great reason to extend the season.

Dexter asked if there was an update on the Barnes Landfill? Rudge said he did not have an update. Rajs said there is no recent update by Sullivan County either. COVID and vaccinations are priority right now.

PA Department of Conservation & Natural Resources: Dugan provided in the meeting packet a series of press releases. A few items of note are their State Forest System, State Game Lands and State Parks are still seeing a high volume of use. With warming weather patterns, people are trying to get out and experience the outdoors. A lot of their state forest roads are not maintained in the winter as well as other Township and rural roads. You continue to see people getting stuck. DCNR has been posting advisories about winter weather conditions that still persist. Air temperatures may be 40-50° but you still have a pretty good ice pack and snow pack on a lot of roads.

Governor Wolf recently lifted his out of state travel restrictions ban. For our region in the Northeast there is a substantial impact with that because we get a lot of New York and New Jersey residents and those restrictions needed to be applied to them.

The PA Fish and Boat Commission announced their trout seasons and trout stocking programs for this year. One Mentored Youth Trout Fishing Day begins at 8:00 a.m. on Saturday, 3/27. The following weekend Saturday, 4/3 a single, statewide Opening Day of Trout Season will begin at 8:00 a.m.

At a previous full Council meeting there were a few questions about Hemlock Woolly Adelgid in the Upper Delaware Region. He sent follow-up information a few months ago but he was recently in a conference with some of their Forest Insect and Disease Specialists. Good news they had in 2020 was that surveys in Pike County found an established population of a parasitoid, a small predatory wasp that does impact the populations. It's supposed to be a biological control agent to help mitigate Hemlock Woolly Adelgid. They found in Pike County that previous introductions of that parasitoid have resulted in reestablishing themselves and they are finding successive generations year after year. Dugan thinks it's good news for Hemlocks in our region. We still have a long way to go as far as bringing Hemlocks back or sustaining them. He said the other side too is the weather was pretty good to knock back Hemlock Woolly Adelgid.

Hamilton asked who produced the parasitoid that attacks Hemlock Woolly Adelgid? Dugan said he would follow-up on with Hamilton on that question. He said there have been two that have been released through their Division of Forest Health. Robinson asked for a few photographs of the wasps that have been released. Dugan said if you have ever seen a Sweat Bee that are little and will sit on your arms, they are smaller than that. He said they actually attack the eggs or the nymph stage of the wooly adelgid.

Dugan will provide for distribution a recently published Forest District Activity Plan for 2021. It's a general overview of all of the activities they will be having across the forest district that any forest user would see or possibly have questions about.

Dexter said he read that rangers did a rescue where someone was snowed-in and could not be reached by any other means but snowmobiles. Dugan said they assess emergency response in a lot of different ways. They have about 130-miles of roads and trails that are classified as snowmobile trails. A lot of those trails reach state cabins. There was an incident where a cabin user in a remote area either snowmobiled or hiked in during the day, had a medical emergency and called 9-1-1 which is what they advocate they do. Through mutual aid of the Township and local emergency responders, their staff used snowmobiles and a snowcat groomer to get an EMT out to them and were able to transport them back to hard dry pavement so they could get an ambulance to take them to a hospital. Dugan said the individual is doing fine now.

National Park Service-Upper Delaware: Hamilton said they are wrapping up settlement agreement talks with other stakeholders and the licensee in the Mongaup River FERC Hydroelectric licensing. It's been about a four-year process. The group feels there is a settlement concept that is ready to turn over to attorneys for review.

Throughout the Upper Delaware River plans are being made for summer activities by all divisions including water safety planning and hiring seasonal staff and interns.

At the Zane Grey Festival in July there will be a vintage baseball game played in Lackawaxen. Teams from Brooklyn and Upstate New York will harken back to the 1800s. Ramie asked for the date of the festival to reference it the upcoming newsletter. Hamilton said it's in mid-July and he would confirm the date. Peckham said that the Town of Hancock had a vintage baseball team.

UDC Executive Director's Report: Ramie said as of 2/16, we are now fully funded for Fiscal Year 2021 with the release of the \$225,000 balance we were owed since the 12/30 end of the 1st quarter.

Hall-Bagdonas is sending reminders to representatives and alternates who haven't yet returned their Conflict of Interest disclosure forms or provided proof of anti-sexual harassment training, which can either be through the video we circulated back on 1/12 or any other qualified source. Please help us finalize those annual requirements.

We were thinking of trying to do our annual board portrait that Ramie likes to include for our spring newsletter via Zoom screen shot at this meeting. Ramie asked everyone who could to turn on their cameras and smile. Ramie said speaking of the newsletter, the Spring 2021 "Upper Delaware" is due to the printer by 3/24 so we'll be focusing on

that for these next 2 ½ weeks. Ramie prepared our list of contents, has started the design and layout, and Cilento and Ramie are gathering needed information and photos to write the articles. It will publish on 4/5. Ramie will include in the newsletter our decision to reschedule the 33rd Annual Awards Banquet from 4/25 to our newly confirmed date of Sunday, 9/12. We have booked that date with Central House Family Resort in Beach Lake, PA. The next decision will be who to invite as keynote speaker. Please give Ramie thoughts on that at or by our 3/23 Operations Committee meeting. In this newsletter, we'll also promote our 33rd Annual Family Raft Trip on 8/1 because our Summer issue won't be out until 8/9. Hall-Bagdonas is working on the logistics for that event now in terms of which river segment to cover and costs.

Meetings, activities, and deadlines for March with an April preview are available on the calendar handout. We currently have an open slot at the 4/1 UDC meeting for a virtual presentation. In May, Cilento has arranged for a talk on riparian buffer management targeted to landowners and municipalities by the watershed planning coordinator for the Rondout Neversink Stream Program, Haley Sprigston. Let us know if you have any speaker idea or topics of interest.

Lastly, Ramie received an email from Sandy Schultz, retired NPS UPDE assistant superintendent, about the 1/15 death of Dave Kimball from COVID-19 complications. His Upper Delaware involvement goes back to before the 1978 designation. She wrote, "Before there was the Upper Delaware legislation, there was the Wild & Scenic Rivers eligibility study and legislative studies. While the Bureau of Outdoor Recreation had the lead in these studies, Dave Kimball was the National Park Service's preauthorization representative and participated in them. I was tasked to develop funding and staffing plans and justifications for the park for the Legislative Support Data package needed for UPDE's early planning and operational budget. Dave Kimball was instrumental in getting the planning funds rolled over into the park's base budget. Most of this took place before there was a staff hired at UPDE. Dave took me on my first NPS trip to the Upper Delaware in November 1978 shortly after the UPDE legislation was passed. We met with the five county representatives and planned a series of meetings in the local communities. We also worked to get the first Citizens Advisory Council nominees selected and submitted to the Secretary of the Interior." Sandy concludes, "Dave Kimball was a wonderful person to work with. He was a deep thinker with a sly Vermont sense of humor. I appreciated him as a boss, one of the best."

Old Business

2/22 Skinners Falls, NY-Milanville, PA Bridge Project Advisory Committee Meeting Report: The first of two anticipated meetings took place on 2/22 for the Project Advisory Committee on which Ramie was invited to participate. In the packet Ramie included a brief description of what was discussed there. They basically said all options are on the table. They are starting fresh with this study even though in 2014 there had been a feasibility study done to recommend rehabilitation. The three options are repair, replace, or eliminate the crossing all together. They have not made any predeterminations but in terms of the expected time table they are hoping that after this meeting next will come a public meeting. That will be held virtually to get a lot more input as well as a meeting with specific stakeholder groups including emergency groups, local officials, and adjacent property owners. They intend to hold that stakeholder meeting by the end of March. Between April and May they will be putting up an online survey and will also use that time to draft a Purpose and Need Document. The second Advisory Committee meeting will take place in May to advance a final alternative. After the study is completed, they anticipate it would take another two years secure the funding, permitting and construction. There are no plans to reopen the bridge before that time. They have already invested \$1.5 million in emergency repairs.

In-Person UDC Committee Meetings Discussion: Ramie said regarding the NYS COVID-19 gathering restrictions under the closest category of "social gatherings in public spaces", as of 3/22 the 50-person limit outside designated hot zones will be lifted to 100 indoors and 200 outdoors, with face coverings and social distancing rules still in effect. We previously determined based on the square footage of our conference room that we can accommodate 23 people. Therefore, our committee meetings can be held at the office if you wish. We often exceed that 23-person cap with guests at our full Council meetings. We opted out of paying the \$150/month to rent the Narrowsburg Union after our December meeting, in favor of paying \$120 for a full year premium Zoom account. Ramie confirmed today that the Tusten Town Hall continues to hold Justice Court on the 1st Thursdays, so that space is not available as a free option. Ramie said the connectivity problems have not been consistently bad and we are saving money on mileage reimbursement, and members haven't had to drive through bad weather or add on that extra travel time, particularly for our distant DRBC and state representatives. We also find that many of our presenters are prohibited

by their agencies from traveling to or attending in-person meetings. For all those reasons, Ramie recommends that we continue to hold our full board monthly meetings by Zoom, while transitioning back to in-person committee meetings on our 3rd and 4th Tuesdays starting with 3/16 WU/RM. A Motion by Richardson seconded by Henry to return to in-person committee meetings carried. There was group discussion on the importance of getting a COVID vaccine when able to.

Other: Henry asked if there was an update on plans for NYS DEC to work with NPS on a re-design of the Mongaup Access parking area to increase its capacity. Ramie said she's not sure with the transition of the new Superintendent whether that requested on-site meeting has been arranged? Rudge said it's unlikely they could make improvements in time for the Spring season. He did interact with the previous Acting Superintendent and he was optimistic they could make progress there. Rudge said he hasn't checked in since then and will.

New Business

Notice of Amendments to the NPS Superintendent's Compendium: Ramie said Superintendent Salvatore is on sick leave so Hamilton will be addressing this. Hamilton said Ramie shared some information on this topic this afternoon. There have been a few amendments to the Superintendent's Compendium, one of which was rescinding the ban on trailer-launching boats at Ten Mile River (TMR) Access. Hamilton said going back to the original verbiage, NPS is not advertising it as trailer-launch site but they are not preventing them there either.

Another amendment that's being made to the Compendium is a new Amendment out of the Biden administration on face mask requirements on federal property based on public health best practices as determined by Centers for Disease Control. Ramie sent out a summary of this. Individuals over two are required to wear a mask except when actively eating or drinking in all common places, shared work spaces in NPS buildings including visitors' centers, administrative offices, and by volunteer and partner operated centers. It also extends to outdoor areas when others are present outside of their family group, where the Superintendent has determined that physical distancing (staying at least six feet apart) can't be obtained. This includes outdoor areas adjacent to restrooms, bulletin boards, information panels, parking lots, crowded or narrow trails, viewpoints, walkways, observation platforms, river access points, and other areas of interest that attract large numbers of visitors. Details are still being worked out on how that's going to be enforced. It's not going to be required of people on the river in a vessel.

There will also be an update to the Superintendent's Compendium regarding commercial filming. There was a U.S. District Court decision affecting commercial filming in NPS areas.

Ramie said she wanted to thank the NPS for rescinding the prohibition at the TMR Access which obviously had been important to this organization. We appreciate the responsiveness and the fact that NPS listened to our concerns and is working with us on the boat ramp design that we have as a continuing project with our consulting engineers.

Draft Letter to NPS Re: Tinker & Nidge LLC Special Use Permit, Town of Tusten: Cilento said this was reviewed at the Project Review Committee. Tinker & Nidge LLC is applying for a Special Use Permit for the front portion of the former Tusten Cup property on Main Street which is now Tess retail store. The Tusten Cup also had a portion in the back in the alleyway section. Tess is still in the front and this application is for the additional storefront in the back alleyway. They intend on turning it into a shop for Fine European antiques. Cilento said it's a pretty small retail space. They want to do some curated small vintage goods which should fit in well with Main Street Narrowsburg. She said like the Tess Special Use Permit, it's going from a former food and drink establishment to retail so she was able to recycle most of the information from that. A Motion by Sullivan seconded by Boyar to approve the draft letter to NPS re: Tinker & Nidge LLC Special Use Permit Substantial Conformance Recommendation carried.

Upper Delaware Council Position on Definition of Substantial Conformance: Ramie said this was introduced at the 2/23 Project Review Committee meeting. The next day she distributed it to the full membership for review and asked for any edits to it by 3/2. She didn't receive any suggested changes but did get a "thumbs up" from reviewers such as Tom Shepstone, who is cited in this paper as well as Buck Moorhead who is on the phone line. Ramie said this came out of the Five-Year Strategic process and is the UDC committing its definition to paper. We don't anticipate there will be a difference of interpretation with this administration with the NPS. She also would like to

thank Richardson for bringing former Superintendent Sean McGuinness' 2012 letter to her attention because that was an excellent excerpt to include to justify how substantial conformance could be interpreted. Ramie said if you agree with the content of the document, she would suggest putting it in the form of a Resolution to memorialize the UDC's position. Moorhead said he loved seeing the document coming out of the Project Review Committee. He feels it's a really solid step because it allows UDC to define its position and to allow a conversation of the NPS to be clear from the UDC's perspective. He feels it's very obvious there's an enormous difference between the term 100% and substantial. Moorhead appreciated Shepstone's perspective since he was very involved in the River Management Plan (RMP). He also appreciated Superintendent Sean McGuinness' statement that was included quoting "calculated compromises with Towns and Townships are needed so substantial conformance with the RMP is maintained. . ." Moorhead said that's a really important statement and speaks to why the RMP has been effective all these years. The RMP recognizes that the Town and Townships need to have some latitude when they develop their zoning ordinances which incorporate the essence of the Land and Water Use Guidelines. Henry said the last paragraph needs to be word smithed because there is no language in the RMP about a Major Amendment. It's a Minor Amendment or a revision. Ramie said she will have the Resolution for the next meeting. A Motion by Henry seconded by Dent to memorialize the Upper Delaware Council Position on Definition of Substantial Conformance in a Resolution carried.

Upper Delaware Litter Sweep Poster Design and Updates: Cilento said UDC staff hosted a Litter Leader Zoom on 2/17. The informational session was very productive. She sent out the YouTube video link in case anyone missed it. A few of our UDC Representatives have volunteered as Litter Leaders which is really awesome. We are increasing our network with all of our volunteers coming out of the woodwork. We are still missing Litter Leaders in the Towns of Fremont and Manchester Township with Cilento and Hall-Bagdonas filling in some gaps. Cilento submitted a grant application to Sullivan Renaissance for a small grant of \$500 this past week for a reusable litter bucket kit that people can borrow from UDC year-round. We were inspired by the idea from other groups further down river in the Philadelphia area. These kits include a bucket, gloves, vests, bags, maps and a garbage picker. It was also positive that a representative from Sullivan Renaissance took part on our call on 2/17.

Hall-Bagdonas said in your packets you will find the logo image from Dan Nelson. Nelson said that the text for the top was taking a bit longer to perfect but wanted to provide the group with the eagle design. Hall-Bagdonas feels it came out really well. Nelson is a local artist. He lives in Milanville and works in Honesdale PA, recently opening up a new shop called Happy Tattoo. Hall-Bagdonas met Nelson through doing Pig Farm Ink Litter Clean-Ups in the Upper Delaware. He loves flyfishing. We are privileged in the Upper Delaware Region by seeing eagles often and Hall-Bagdonas feels this will be a great image to share on t-shirts and social media. She asked for opinions. Dent said there was some issue with litter pickup along Rt. 97 and getting permission from NYSDOT. He asked if that has been resolved? Hall-Bagdonas said what is important for our Litter Leaders is that she and Cilento are trying to figure out where each group is going to pick up and they'll be able to apply to PENNDOT and NYSDOT once we have the specifics. Dent said within the Town of Delaware they have the Callicoon Park area and behind the Youth Center but aside from those there really isn't much opportunity to do litter pickup except along Rt. 97. It's the Rt. 97 corridor that presents the biggest opportunity to pick up litter. Cilento said we will be sending out an email shortly to Litter Leaders with a deadline date to provide when each group cleanup is. Ramie said NYSDOT relayed they had limited resources for supplies but didn't shut the door on issuing a permit. Richardson said Cochection's goal is to do the entire 6 ½ miles of Rt. 97 from the Town of Delaware to the Town of Tusten. Boyar said the Town of Highland has the same exact goal. He feels we should want to do the entire Rt. 97 corridor. Cilento said we also have some groups that want to focus on hamlets and river accesses. Boyar said our request to NYSDOT should ask for the whole stretch of Rt. 97. If there are certain concerns, we will work with them. Cilento said if each Town/ship is doing their own date and time we still need to know that information so we can put that in the permit requests. Boyar suggested asking for 4/17-4-25 to be covered in the permit. A Motion by Boyar seconded by Sullivan to approve the Upper Delaware Litter Sweep design and payment to Dan Nelson carried. Hall-Bagdonas talked to Nelson who is excited to have the artwork featured on event t-shirts. We will work with a local printer to get those made. Dent said if we are going to be on highways, we need to be wearing safety vests. Ramie said we want to acknowledge a very generous anonymous \$500 donation to the event. We opened a special account through Jeff Bank for the donations and need and need authority to sign the corporate resolution. A Motion by Boyar seconded by Sullivan carried.

Other: None.

Public Comment: None.

Adjournment: A motion by Robinson, seconded by Henry, to adjourn the meeting at 9:24 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas 3-18-2021