

## **UPPER DELAWARE COUNCIL MEETING MINUTES**

### **April 6, 2017**

The Upper Delaware Council held its monthly meeting on Thursday, April 6, 2017 at the Council office in Narrowsburg, NY. Chairperson Jim Greier called the meeting to order at 7:03 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 G. Roeder, Jr., Town of Cochecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Debra Conway, Town of Lumberland-Leigh Sherman, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, State of New York-Bill Rudge, Commonwealth of Pennsylvania-Rhonda Manning, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Also in attendance: Ginny Dudko, Town of Deerpark Alternate. Absent: Westfall Township, Delaware River Basin Commission. Media: Dave Hulse, Peter Becker. Guests: Carla Hahn, Kevin Reish, Ingrid Peterec, Jim Barth, Iris Helfeld, Rich Lander, Dave Jones, Dimitri Zaimis, Fred Reber, Amy Salvia

**Upper Delaware Scenic and Recreational River's Drowning Statistics and Prevention Campaign by Kevin Reish and Ingrid Peterec of the National Park Service:** Greier introduced Reish and Peterec. Reish noted that the PowerPoint that he was showing was created locally and broadcast nationwide to the National Park Service. Upper Delaware has received national attention for their initiatives. Reish noted that he is the Water Safety Program manager and works out of the Corwin Farm located south of Narrowsburg off of Route 97 and that Ingrid Peterec is UPDE's Chief of Interpretation.

Reish noted that the Upper Delaware Scenic & Recreational River (UPDE) encompasses 73 miles of river between New York and Pennsylvania. There is an average of two drownings per year and a total of 68 drownings since 1980. He stated that UPDE is one of the most paddled stretches of river in the world.

Reish explained the four components of the Office of Risk Management Public Health Model used at UPDE. Those components are to: (1) collect data to identify who, where, how, and when of injuries; (2) identify factors which put visitors at risk or protect them; (3) use evidence based approaches to test strategies for effectiveness; and (4) select effective strategies, monitor and evaluate for changes.

Reish showed a chart depicting unintentional visitor fatalities by cause throughout the National Park Service nationwide from FY 2007 through FY 2013. The number one cause during that time period was drowning with 400 victims followed by motor vehicle accidents with 212. Reish showed a slide of UPDE drownings by year from 2000 through 2016.

Reish reported that the Mandatory Wear Life Jacket regulation for high water was implemented in UPDE in 2010. He noted that some of the people in the room helped create the regulation. The regulation added to the Superintendent's Compendium in 2010 read, "All individuals in or on the waters of the Delaware River within the Upper Delaware Scenic and Recreational River during periods of high water are required to wear a Type I, II, III, or V U.S. Coast Guard approved Personal Flotation Device (PFD). The PFD must be of the proper size for the individual wearing it and must be in good, serviceable condition. High water is defined as six (6) feet and above, as measured at the Callicoon Gage for all points upstream of the northern side of the Callicoon Bridge. For the river downstream of that point to the southern boundary of the park, high water is defined as six (6) feet and above as measured at the Barryville Gage."

Despite the addition of this regulation, five drownings occurred in 2011 bringing national attention to the Upper Delaware with the label as one of the ten most-deadly parks in the National Park system. In 2012, UPDE focused on using a scientific approach to address drownings. They requested technical assistance from the Public Risk Management Office at the Washington Office; established partnerships with the U.S. Coast Guard and participated in a national study on life jacket wear rates; reached out to parks with open water environments to gather and share information; and initiated a local water safety committee with liveries, the Upper Delaware Council, National Canoe Safety Patrol, and the River Reporter.

The life jacket wear rate study conducted locally was supported through a partnership with the Public Risk Management Program and the U.S. Coast Guard (USCG), Reish reported. The study measured the number of observed people wearing life jackets in the river while recreating to evaluate compliance with park life jacket requirements. Reish shared some of those results, noting that the adult wear rate at NPS UPDE Pennsylvania sites for 2015 was 62% while the national average wear rate for all boaters in 2015 was 11.2%. Reish showed a slide depicting the life jacket wear rate by river level noting that the wear rate is at 90% under the mandatory wear regulation. He said this regulation saves lives as people don't drown when they are wearing their life jackets.

Peterec noted that in order to identify the causes of drownings in the park, data sets from Law Enforcement incident records, river gage data, and Visitor Board of Reviews conducted by the park were analyzed to identify the who, what, when, where and why. This data was entered into the UPDE Drowning Database. The data showed drownings by month and day of the week. Peterec said it was no surprise that the majority happen during the months of June, July and August over the weekends. 95% of drowning victims are male, she noted, with 59% being between the ages of 18 and 30, 28% over the age of 30, and 13% under the age of 18. Data showed that boating accounted for 29% of the drownings while swimming accounted for 52%. Reish clarified that once a person purposely goes into the water for a swim, they are considered a swimmer. Peterec stated that these drowning by activity statistics are consistent with national averages. The top nine locations for drownings between 1980 and 2016 were determined. Peterec noted that a lot of the commercial liveries are at these locations. Peterec reported that the majority of drownings are happening when the river is at average height. She added that causal factors have been determined to be peer pressure, drugs, alcohol, river conditions, underestimating the river, and unfamiliar with the environment.

Peterec spoke of the intervention strategies put in place. She said they increased patrols on the river, focused on educational initiatives including putting the safety information on the UPDE website, social media, Public Service Announcements (PSAs), and signage in English and other languages, and various partnerships. She showed a slide with a picture of the billboard with the Wear It! message on it across from the Roebling Bridge donated by Adams Outdoor Advertising. They have also partnered with the National Safe Boating Council. They are encouraging individuals to wear life jackets while "swimming, boating, fishing, or floating."

Peterec announced that they will be expanding on their Loaner Life Jacket program this year. The program initially focused more on boating-related activities. Life jackets were handed out during boat patrols and at ranger kiosks at four river accesses. The program is being expanded to include sites that have had the highest swimming-related drownings. Three loaner stations will be implemented in partnership with two of the commercial liveries. A slide was shown with a picture of the 4' by 8' station that will provide information in both English and Spanish. UPDE received a grant from the National Safe Boating Council for \$1,000 to purchase life jackets in sizes ranging from infant to extra-large to be available at each of the stations.

Rudge asked if the NPS has thought about changing the regulations to make life jackets mandatory at any river level. Heister said we have thought about it. Reish said that would not necessarily cure everything since 52% of the drowning victims are swimmers. Dimitri Zaimis said that regulation would have saved some lives over the years. Zaimis questioned how much the Life Jacket Wear study costs. Reish said it doesn't cost the NPS much as it is run with interns every year. He explained the training and reporting process. Zaimis said it is good information to have. Zaimis said that at his livery he insists that his customers put on and wear a life jacket for the duration of their whole trip. He stated that "you're going to save lives if you make it (life jacket wear) mandatory." Rick Lander said he would like a further breakdown of the number of drownings at known river heights into what activities are happening at the

time. He noted that the life jacket wear compliance issues happen when the water is lower and the temperatures are high.

Iris Helfeld showed a copy of the most recent Sullivan County Travel Guide which has a photo of a person in a tube without a life jacket on. She called it “counter-productive”. Reish agreed it would have been better if the person was wearing a life jacket. Ramie stated that the UDC wrote a letter to the Sullivan County Visitor’s Association about the missed opportunity for education about life jacket usage. She added that no response has been received.

Greier thanked Reish and Peterec for their presentation.

Hulse questioned if any of the drowning studies have ever looked into the time of day that they occur. Reish said that those statistics haven’t been compiled, but his recollection is that many of the drownings happen later in the day.

**Approval of March 2 Meeting Minutes:** A motion by Peckham seconded by Henry to approve the March 2 meeting minutes was carried unanimously.

**Public Comment on the Agenda:** None

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were: March 21 Water Use/Resource Management by Peckham, March 28 Project Review by Richardson, and March 28 Operations by Greier.

Peckham reported that the lawsuit by the Wayne Land and Minerals Group challenging DRBC authority over natural gas drilling activities is moving to the 3rd Circuit Court of Appeals after being dismissed in Federal District Court.

Golod reported that he attended the Stream Corridor Management Meeting in Hancock, NY on April 5<sup>th</sup>. At that meeting, in regards to the Flexible Flow Management Plan, it was stated that the Decree Parties are currently working together in a positive fashion.

### **Status Reports**

**Delaware River Basin Commission:** The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of March 30, 2017 was at a combined capacity of 90.0% with Cannonsville at 89.3%. Heister stated that the reservoirs are currently at 100% and spilling over.

**NYS Dept. of Environmental Conservation:** Rudge referred members to the three press releases included in their packets. The first one dated March 8 reminded residents of New York State that residential brush burning is prohibited from March 16 through May 14 throughout the state.

The second handout was titled, “Deer Harvest Increased in 2016”. Rudge reported that preliminary harvest estimates indicate that NY hunters took approximately 5% more deer in 2016 over 2015. Final harvest numbers will be available at the end of this month and shared when they do become available, he added.

An April 5, 2017 news release titled, “DEC to Host Trout Fishing Public Meeting”, was the third press release provided by Rudge. He stated that the NYS DEC will host a public meeting to discuss Delaware River Tailwater and Main Stem trout fishing regulations at the Hancock High School at 67 Education Lane in Hancock on Wednesday, April 19<sup>th</sup> at 6:30 p.m.

Dean asked Rudge if there are any records kept of deer that are harvested in manners other than by legal hunting means. Rudge said he will look into that and get back to Dean.

**PA Dept. of Conservation & Natural Resources:** Manning noted that when she was in attendance at the December meeting, we were discussing drought. She stated that currently, a quarter of the counties in the Commonwealth are still under drought watch with two counties under drought warning. These numbers have greatly decreased since that December meeting.

Manning reported that Kelly Heffner, who recently married and whose last name is now Means, will be transitioning over to serve as the Executive Deputy Secretary for Programs and Dana Aunkst will

now serve as the Deputy Secretary Office of Water Programs. Manning stated that the Secretary has not yet been appointed.

Roeder asked if Pennsylvania has any burn bans in effect. Manning said not that she is aware of.

**National Park Service-Upper Delaware:** Heister reported that copies of the Upper Delaware Scenic & Recreational River – FY 2017 Workplan are included in members' packets for their information. She said questions regarding the document can be asked of her at the next meeting.

Heister noted that NPS Museum Technician Lauren Hauptman had been on maternity leave, but returned to work in February. Regarding the Oral History project, release forms for ten interviews are still needed and that number could increase should other persons be identified on the tapes. Tremendous progress has been made in obtaining the releases so far, she added. Heister said they have had some success in getting the tapes transcribed. A professional transcriptionist has just begun volunteering and it is anticipated that she will put in eight hours a week. A Delaware Valley University student will work to transcribe interviews specifically about fisheries and a teacher from New Jersey looking to volunteer will write a guide to the Oral History Collection. Heister noted that the Floyd Campfield eel weir videos will be sent out for conversion to DVD this spring.

**UDC Executive Director's Report:** Ramie reported that the Spring/Summer 2017 issue of "The Upper Delaware" was mailed on April 4<sup>th</sup> and the extra copies were received in the office on April 5<sup>th</sup>. She told members that extra copies are available to distribute if they know of any public sites where they may be of interest. The newsletter may also be read on-line through a posting on our website which has been announced in a news release. Ramie said that copies are distributed to those featured in it who might not be on our mailing list, such as the Gilman Center for International Studies at SUNY Orange for our Ben Gilman memorial tribute and to our various presenters.

Ramie said she received a call on Monday from Joel Vetsch at Frontier Communications. He has taken over the accounts of our former contact Keith Haviland, who was our September 2016 presenter on the Red Alert telephone system. She said we've been attempting to get an engineering study done ever since. Joel is eager to advance that goal and offered to send out a crew to investigate the six sites that Aaron Robinson had mapped out along NYS Route 97 between Mongaup and Pond Eddy which is largely devoid of cellular service. This is scheduled for April 12<sup>th</sup>. Ramie said they seem serious to want to follow up on this and we are happy to see this movement now.

Ramie reported on the preparations currently underway for the April 23 awards banquet. She noted that unfortunately, we have learned from our Distinguished Service Award recipient, Ed Wesely, that he will not be able to join us. A copy of a letter of thanks and explanation from Wesely was provided in members' packets. Ramie stated that reservations are due by Friday, April 14<sup>th</sup>.

Ramie noted that on March 30<sup>th</sup> she sent the two draft letter regarding the Flexible Flows Management Program that were directed out of the March 21 WU/RM Committee meeting. She had asked the board about sharing those drafts in advance of tonight's meeting in response to others seeking to use them as models. Ramie said she only received back one response, so she decided to not share the letters. Ramie said she did share Dr. Kolesar's PowerPoint presentation, explanatory information, and relevant contacts to a large mailing list including media. She offered some examples of the newspaper coverage it has received. Once the letters tonight are approved, they will be distributed widely to encourage further action.

Ramie said there is an updated "Summary of Actions for the Upper Delaware Council's Proposal to Establish a Supplemental Public Notification System for Hazardous Incidents Involving New York City's Delaware River Basin Reservoir System" which documents and tracks all of our communications on this subject. She stated that anything in bold type is new since the last report was distributed. A draft letter to NYC DEP regarding this issue which came out of the March 28 Project Review Committee's meeting will come up under New Business, she added.

Ramie referred to the March 15<sup>th</sup> *StateImpact Pennsylvania* article titled, "DRBC says it's still weighing gas drilling rules, but no decision on the horizon". Ramie says the article was provided for members' information.

Ramie referred to the April 2017 calendar of UDC Meetings, Activities and Deadlines provided in members' packets. She reviewed some of the highlights.

Ramie noted that the newly-named Renewable Energies Subcommittee will next meet on May 4<sup>th</sup> at 6:00 p.m. ahead of the full Council meeting. A presentation on the Delaware County Stream Corridor Management Plan by Jeff Skelding of Friends of the Upper Delaware River will be given at the full Council meeting. She told members that if there are any topics of interest that they'd like to see addressed in future presentations to let her know.

### **Old Business:**

**NPS Response to UDC Recommendation for River Height Signage on Bridges:** Ramie said that a copy of Heister's March 6<sup>th</sup> response to UDC Recommendation for River Height for River Height Signage on Bridges to the WU/RM Committee was included in members' packets. She said that Henry had asked if the reply could be put on tonight's agenda for some further discussion. Henry said he personally feels that the river height signs installed on the bridges are beneficial and shared his reasons. He suggested that the installation of them is something that could be negotiated with the contractors that are hired by the Departments of Transportation to construct or rehabilitate the bridges up and down the river. Dexter noted that there are a lot of bridges coming up for extensive repairs and a good time to have such signs installed. He spoke of a drowning incident that had happened at the Kellam's Bridge and of the number of people that launch out of that area. Heister noted that as reported on earlier, the vast majority of drownings do not happen during high water. She added that as stated in her letter, the river height signage on the bridges does not adequately address key safety messages. River height is only one piece of information that potential rivers users need to be aware of before getting on the water, she added. One of the most important messages to be delivered to the river user is the mandatory wear of life jackets and recommended use of rafts when the river reaches six feet or higher, and those signs do not state these important messages. Dexter suggested that the signage could be changed to include such messaging. Heister said the idea is for visitors to have the information before they get on the river. She added that the original strategy with the signage was to have them on the bridges with accesses; it was never to put signs on every single bridge up and down the Delaware River. Heister said that the DOT is willing to work with the UDC independently. Ramie noted that the annual meeting of the NY/PA Joint Interstate Bridge Commission is coming up on May 10<sup>th</sup>. Rick Lander spoke of the inconsistencies of the gages on the river because of the tributaries coming in. He agreed with Superintendent that by the time visitors reach the bridges in their boats, receiving the river height information is too late. He said that the NPS hotline is helpful to visitors. He suggested advertising that phone number more widely. A motion to include discussion of writing a letter to the NY/PA Joint Interstate Bridge Commission on the topic of river height signage on bridges on the WU/RM Committee's April agenda for consideration of acting on a letter at the May 4<sup>th</sup> full Council meeting was made by Henry, seconded by Dexter and carried. Ramie said she attends the Joint Interstate Bridge Commission meeting and could present a letter should one be approved.

**Other:** Henry said he would like a letter written to the DRBC seeking clarification as to whether there has been a moratorium on natural gas drilling in the Delaware River Basin. A motion to send such a letter was made by Henry, seconded by Peckham and carried.

### **New Business:**

**Draft Letter to U.S. Supreme Court Decree Party Principals: May 31, 2017 Expiration of Management Plan for Delaware River Basin Reservoirs:** A motion to send the letter was made by Henry. Dave Hulse suggested that "Flexible Flows" be added to the title of the letter. Sullivan agreed. Ramie said that could be done. The motion was seconded by Sullivan and carried with New York and Pennsylvania abstaining.

**Draft Letter to Brenan Tarrier, NYS DEC, DRBC RFAC Chairperson: Call for RFAC Public Meeting to Advance FFMP Negotiations:** A motion to send the letter was made by Peckham, seconded by Henry and carried with New York and Pennsylvania abstaining.

**Draft Letter to Paul V. Rush, Deputy Commissioner, Bureau of Water Supply, NYC DEP: Timetable for Action and Request for Dam Inspection Report:** A motion to send the letter was made by Peckham, seconded by Henry and carried with New York and Pennsylvania abstaining.

**Draft Letter for support of Orange County Resiliency Plan Grant Application:** A motion to send the letter was made by Richardson, seconded by Sullivan and carried.

**Other:** None

**Public Comment:** Dave Jones of Kittatinny Canoes stated that he has a serious problem with the water flows and the management of them on the Delaware River. He spoke of weekend releases on the Lehigh River for recreation. He noted that the Montague target is not representative of what is happening up in this area. He said that ideally, you need 3 to 3.25 feet for good boating. He said the management makes it so the Delaware is not a recreational river. He added that it's "bad for the fish, it's bad for tourism, it's bad for all the river users." He said the Delaware is "mismanaged" and "when one party can kill everything, it is dysfunctional." Peckham said there are some groups that would like to go back to Revision 1 to create urgency to fix the issues. Jones said it is his opinion that the gage at Barryville, which is above the confluence of the Lackawaxen River, is critical and needs to be incorporated into the model and the river height needs to be at 3.25' in order for boats to be able to get down the river.

Roeder stated that he has been a member of the Council for almost 20 years and tonight he hears echoes of Phil Chase. Other members agreed. Roeder spoke of Chase's activism and he said that still nothing has been done.

Henry said that one of the Outstandingly Remarkable Values (ORV) for which the Upper Delaware was designated is Water Quality. He read from a handout provided by Heister which said in part, "The uses that are most dependent on the extraordinarily clean water are water supply that required little treatment, excellent habitat for thriving aquatic life, and water-based recreation." He stated that ORV is being affected. He suggested this should be considered and brought to the attention of those parties involved.

Jim Barth stated that he agrees with the Council's decision to send a letter to DRBC to inquire about the moratorium, but he questions whether applications for drilling projects would be accepted through the DRBC docket process. Henry asked that his motion to send a letter to the DRBC be amended to include that question. Peckham, who seconded the original motion, agreed to that addition. A vote was taken and the motion passed.

**Adjournment:** A motion by Roeder, seconded by Peckham to adjourn the meeting at 8:56 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 4/19/17*