

UPPER DELAWARE COUNCIL MEETING MINUTES April 7, 2016

The Upper Delaware Council held its monthly meeting on Thursday, April 7, 2016 at the Council office in Narrowsburg, NY. Chairperson Fred Peckham called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

Peckham noted that Tom Cardinale and Judy Kuhn Conklin, representative & alternate for Lackawaxen Township, and Leigh Sherman, representative for the Town of Lumberland, were in attendance for the first time at tonight's meeting. Ramie welcomed them.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Jeff Haas, Town of Lumberland-Leigh Sherman, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Tom Cardinale, Shohola Township-Aaron Robinson, Commonwealth of Pennsylvania-Rhonda Manning, Delaware River Basin Commission-Steve Tambini, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Secretary-Cindy Odell. Also in attendance: Judy Kuhn Conklin, Lackawaxen Township alternate. Absent: Westfall Township, State of New York. Media: Dave Hulse. Guests: Allan Schadt, Dan Rutledge, Steve Adams, Pete Golod, Fred Gender.

“Regulated Flows” Presentation by Steve Tambini, DRBC Executive Director: Peckham introduced Delaware River Basin Commission Executive Director Steve Tambini. Tambini said a meeting of the Regulated Flow Advisory Committee (RFAC) was held April 5th. The meeting was well publicized and well attended, he added. Tambini stated that the purpose of his presentation was to provide some education on regulated flows and speak of some of the issues that they deal with from a basin-wide perspective. Tambini provided the hydrologic report noting that the day's instantaneous flow was lower than the minimum flow on this day for the period of record. He found this interesting. Combined reservoir levels are normal for this time of year, Tambini added. He spoke about the competing objectives for water and flows. Those include providing drinking water for 15 plus million people, flow augmentation, aquatic resources, assimilative capacity, hydropower, recreation, and flood mitigation. Tambini explained that assimilative capacity is the capacity of a natural body of water (lake, river, sea, etc.) to receive waste waters or toxic materials, without harmful effects and damage to aquatic life and to humans who consume its water. Tambini asked members if anyone could answer the questions, when is the next flood? When is the next drought? He noted the uncertainty of both of these events makes for difficult planning. He provided information regarding past floods and droughts of record noting that the last drought emergency in the basin was in 2001. Tambini spoke of the key terms of the 1954 Supreme Court Decree. Those terms are: Allocated to New York City the equivalent of 800 million gallons per day from the city's three Delaware Basin reservoirs, effective when all three of those reservoirs were fully constructed, which occurred in 1964; Required compensating releases to maintain a flow of 1,750 cubic feet per second at Montague, N.J.; Established an excess quantity to be released from the reservoirs each year (the “Excess Release Quantity” or “ERQ”); and Granted certain diversion rights to New Jersey. The 1954 decree established the chief hydraulic engineer of the U.S. Geological Survey, or that official's designee, as the River Master. The River Master's job is to insure that the provisions of the 1954 decree are met. Tambini stated that the DRBC

cannot change or impact the Supreme Court Decree without the unanimous consent of the Decree Parties. He added that the DRBC is not one of the parties to the Supreme Court Decree and explained the separation. Tambini spoke of the Good Faith Agreement entered into in 1983. Key terms of this agreement included: established drought operating curves; created Trenton, NJ flow objective, phased reductions of Diversion and Flow Objectives; banking "Excess Water"; and provided enhanced conservation releases during normal conditions. The "Flexible Flow Management Program" (FFMP) unanimously agreed to by the five decree parties in September 2007 (and later amended in December 2008), is a complex, collaborative effort to balance the multiple, sometimes competing uses of NYC's water supply reservoirs while recognizing the rights established by the 1954 decree, Tambini explained. He spoke of managing the salt front. If there is not fresh water moving downstream, the ocean is trying to move up. They are trying to effectively manage the salt line at a point where it's not impacting those that could be impacted. Tambini showed a slide depicting the water management schematic for the Delaware River Basin and provided a complex explanation for how the system works as a whole. He noted that the USGS Office of the Delaware River Master, established by a Supreme Court Decree of 1954, is responsible for administering provisions of the Decree relating to releases of water from the New York City reservoirs into the headwaters of the Delaware River Basin, yields of these reservoirs, and diversions from these reservoirs to New York City for water supply. Tambini spoke of The White House Water Summit held at The White House on March 22, 2016. He said a lot of great conversation about water is going on throughout the country at this point. A lot of it is due to the issues with lead in the water in Flint, Michigan. He concluded his presentation with a slide of the Cannonsville Reservoir showing it from full to nearly empty in six months. He said that when it comes to water, all the competing issues need to be looked at.

Tambini mentioned that the Delaware River Sojourn is coming up June 18th through June 25th. The theme of this year's Sojourn is "Celebrating 100 Years of the National Park Service!" More information is available at www.delawareriversojourn.org.

Referring to the April 1, 2016 New York City Delaware River Basin Storage chart provided in members' packets, Roeder questioned why the period of record represented by the long-term median goes only through May 2013. Tambini said he will look into that and get back to him, but believes that it has something to do with the Delaware River Basin Water Code.

Approval of March 3 Meeting Minutes: A motion by Henry seconded by Haas to approve the March 3 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 15 Water Use/Resource Management by Odell in Ritter's and Jeffer's absence; March 22 Project Review by Richardson; and March 22 Operations by Peckham.

Status Reports

Delaware River Basin Commission: Tambini said a Regulated Flow Advisory Committee meeting was held on April 5th at the Lake Wallenpaupack Environmental Learning Center in Hawley, PA. He said it was a well-attended meeting. It was also attended by 4 out of the 5 Decree Party Principals. Tambini said the meeting provided an opportunity for the Decree Party Principals to hear directly from interested stakeholders. He does not feel there was any "news" at the end of the day, but it did provide a good opportunity for direct listening on behalf of the Decree Parties.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge.

PA Dept. of Environmental Protection: Commonwealth of Pennsylvania alternate Rhonda Manning stated she had no report to offer.

National Park Service-Upper Delaware: Heister said they have received outside funding to support the Every Kid in a Park campaign. The goal of the program is to connect 4th graders with their public lands,

whether it is a national park or a state park. She reported that 4th grade students from every single elementary school in the towns and townships on both sides of the river, with the exception of Shohola, will be attending the NPS Canal Days event May 4-6, and 11-13. They expect to reach 1,312 students.

Heister stated that a draft 2016 Summer Guide was included in each member's packet. The guide provides details for the many programs to be offered this year by the National Park Service in support of the Centennial. She said letters inviting people to participate in the "100 Mile Paddle" will be sent out. They hope to have representatives from each town and township joining them for the section that at least goes through their town or township.

Heister said the NPS leasing expert from the Regional Office was in the area to look at the Margold House and Corwin Farm to discuss options for leasing both of those facilities. This is an effort to look at the options for fiscal sustainability, she noted.

Heister reported that her radio interview regarding the Oral History project is archived on the WJFF website, www.wjffradio.org, under "Radio Chatskill" on Saturday, March 12, 2016 at 10:00. She encouraged anyone interested in hearing some of the oral history excerpts, to listen to the interview.

Heister noted that the Upper Delaware Scenic & Recreational River FY 2016 Work Plan was provided in members' packets. She is happy to take any comments or answer any questions that members may have regarding the plan.

Heister said she will be providing information at the April Project Review Committee meeting regarding the Park Service's response to a series of developments. She provided some information and shared photos on these incidents. They include a complaint about construction on the Lordville Road, the construction of a structure below Junction Pool, and a complaint about fill at Cedar Rapids.

UDC Executive Director's Report: Ramie said she will provide a more comprehensive report about the April 5th Regulated Flow Advisory Committee (RFAC) at the April 19th Water Use/Resource Management Committee (WU/RM) meeting. She noted it was a well-attended meeting with 4 out of the 5 Decree Party Principals in attendance. New York was not represented at the committee or Decree Party level, she added. Ramie reported that Robert Mason, the Rivermaster, was in attendance and stated that in regards to the renewal of the FFMP, "expect it to look much the same as 2015." Ramie said that was not the goal of just about everybody present at the meeting who have been advocating for some changes. Ramie provided some details of the meeting. Included in members' packets was a copy of the UDC's statement made at the RFAC meeting.

Ramie reported that the deadline for reservations for the April 24th UDC Awards Banquet is Friday, April 15th. The event will be held at Wolff's 1910 Banquet Hall located at the Tennenah Lake Golf and Tennis Club.

Proposals from municipalities for the River Cleanup Grants are due by April 18th, Ramie stated. The recommendations will be evaluated at the April 26th Operations Committee meeting for approval by the full Council in May.

Ramie noted that the National Park Service expects that mid-May will again be the deadline to submit our funding request package for Fiscal Year 2017 which includes a budget, work plans for the 3 committees, and accompanying forms. These documents will be reviewed at the committee level this month in order to act on full Council approval at the May 5th meeting.

Ramie reported that the Spring/Summer edition of *The Upper Delaware* newsletter was delivered on April 1 by Courier Printing. Extra copies are available, she noted.

Ramie reported that she participated in a full day meeting of the Geotourism Stewardship Council on April 6 at The Carriage House in Barryville. She said a more complete report will be offered at the April 19th WU/RM Committee meeting, but she did want to mention the roll-out dates and locations for the launch of the "Scenic Wild Delaware River" website. Those are in New Jersey, May 4th at the Walpack Inn at 12:30 p.m.; Pennsylvania, May 5th at Shawnee on the Delaware at 11:30 a.m.; New York, May 5th at the Narrowsburg Union at 3:30 p.m.; and on May 19th an event will take place in New York City targeting media and travel industry professionals. The Memorandum of Understanding (MOU) to formalize the agreement to carry this project forward after the start-up grant that the National Parks Conservation Association received to bring in the National Geographic Society ends was reviewed at this meeting, Ramie stated. The Pocono Mountains Visitors Bureau has agreed to be the fiscal agent for the project. It is hoped

to get sign-ons to the MOU by May 2 in order to mention the Council partners at the launch events. Ramie suggested the UDC could meet that date either at the committee level or if we exercise our email voting option. Richardson said he feels it is a good project. A motion for Ramie to arrange the UDC's Memorandum of Understanding sign-on to endorse the "Scenic Wild Delaware River" Geotourism project in advance of the MapGuide rollout dates of May 4th and 5th was made by Richardson, seconded by Henry and carried.

Ramie said she has from good authority that NYS Governor Cuomo does plan to paddle the Upper Delaware River as part of his Catskills Challenge this summer. The NYS DEC is putting this itinerary together and Ramie will quiz Bill Rudge in May for any details he can share.

Ramie reported that she read a brief article in the March 26 *Times Herald-Record* stating that the Callicoon Downtown Historic District has been recommended for addition to the state and National Registers of Historic Places by the NYS Board of Historic Preservation. Congratulations to the Town of Delaware.

Ramie said she had some building and grounds issues to address. She stated that Don Bellotti, owner of Riverside Mechanical of Callicoon, repaired a heating system leaking pipe in the wall in her office on April 6th. Ramie stated that the lattice work that surrounds the oil tank was discovered damaged, most likely from high winds. Staff will make arrangements to have that repaired. Ramie said there is a 27 inch Phillips TV taking up much needed space in our utility room that we'd like to give away or have taken to recycling if any members are interested in helping out.

Ramie noted that the UDC has an offer from the Narrowsburg Beautification Group to tend to our existing garden plot where the interpretive sign in front of the office is located and to fill our currently empty flower barrel. They would purchase the necessary items and take care of the planting for us, and have asked staff to take care of the watering. For this service, Ramie requested consideration of a donation of \$150 to the group to cover their costs. She added that Narrowsburg fares well in the annual Sullivan Renaissance beautification contest and we don't want our property to be an eyesore. A motion to provide the Narrowsburg Beautification Group with a \$150 donation to tend to the UDC office garden plot and flower barrel was made by Dean, seconded by Henry and carried.

Ramie referred to the April calendar of UDC Meetings, Deadlines and Activities. She said the UDC will host the NPS Water Safety Annual Partners Meeting on April 29th. She noted that 8 Wear It! life jacket promotion lawn signs are available from the UDC office on a first come, first serve basis. Ramie asked members if they had any ideas for a presentation at the May full Council meeting as none is scheduled at this moment. She said that Dick Martinkovic and Alex Rau of Sullivan County will present at the June full Council meeting on emergency response and the 911 river valley towers. A presentation on the Upper Delaware River Corridor Local Waterfront Revitalization Plan by Heather Jacksy will take place at the July full Council meeting.

Ramie noted that a copy of the letter to PennDOT that the UDC sent requesting an inspection of the condition of SR 1023, the Lordville Road, as was brought up at last month's full Council meeting, was provided in members' packets.

As a preface to the New Business items, Ramie said we originally planned to write a letter to PA Governor Wolf protesting what had been a looming shutdown of the Penn State Extension programs, but that got successfully resolved on March 23 when the PA budget passed without his veto. Then, we had drafted a letter to our Congressional delegation and FERC supporting a permit delay for the Cannonsville Hydroelectric Facility to allow for more study, before discovering that Congressman Gibson subsequently obtained House approval March 16 of legislation which is now making its way through the Senate to achieve that same objective. Also, the UDC prepared a draft letter protesting the continued, indefinite closure of the Skinners Falls-Milanville Bridge, and now finds as of Friday that PennDOT has scheduled emergency repairs to begin in May to enable the bridge to reopen to traffic by August.

Old Business:

Greier said he wanted to provide some clarification to the letter addressed to Senator Bonacic from Town of Fremont Supervisor George E. Conklin III regarding the Long Eddy River Access and included in the March 11th edition of the *Sullivan County Democrat* that was mentioned during the WU/RM Committee report. He stated that the Town of Fremont has provided and maintained a free public access to the

Delaware River since the 1800's. He shared the history of the road leading to the river and added that Ferry Street is the only paved road on the New York side leading directly to the river. He said the Fremont Town Board received a petition with over 300 signatures from residents opposed to the proposed enhancements to that river access. As a result of that petition, the Board has no other recourse but to disapprove of the access.

Haas questioned if anyone had any more information on how the NYS DEC was making out with the Barryville Access signage. Ramie said we have not received any further updates.

New Business:

Draft Letter to Secretary Bose & U.S. Senators Schumer, Gillibrand and Congressman Gibson: FERC Project No. P-13287-004 – Cannonsville Hydroelectric Project: Ramie noted that these letters was sent out in advance for members' review. She shared some details on Congressman Gibson's bill H.R. 4434 to extend the deadline for commencement of construction of a hydroelectric project. A motion to send both letters was made by Henry and seconded by Haas. Peckham expressed his frustration with New York City requesting the delay on a project he does not feel they wanted to undertake in the first place. He said he will vote for the letter as it is what his town wants, even though he does not agree with the request personally as it does not hold NYC accountable. Roeder is interested in hearing what the fishermen think about the installation of a hydroelectric facility. After a brief discussion, a vote was taken and the motion passed with Roeder voting no.

Draft Letter to PA Dept. of Transportation Secretary Leslie Richards: Skinners Fall-Milanville Bridge: Dexter mentioned that there were two supervisors from Damascus Township that would like to speak regarding the Skinners Falls bridge matter. Damascus Supervisor Steve Adams asked if the proposed letter could request that the bridge be restored to such a capacity that it could support an ambulance and that the bar they are proposing to restrict oversized vehicles be high enough to allow passage of the ambulance. He stated that Skinners Falls is an active area for emergency response. Peckham stated that Ramie would be attending the NY-PA Joint Interstate Bridge Commission Annual Meeting on May 18th in Binghamton. Ramie noted that a construction schedule for the Skinners Falls Bridge repairs was provided in members' packets. She said work includes replacement of seven U-bolts and 44 stringers; removal of temporary timber blocking; installation of new pin caps at five locations; cleaning and painting of existing structural steel on Span 1; replacement of select timber running boards on bridge on bridge deck; and the construction of two overhead clearance bar portal frames. Dexter spoke of the delays involved for emergency responders due to the bridge closure. After a lengthy discussion, Henry recommended that when Ramie attends the Bridge Commission meeting, she could speak with the engineers to see what the likelihood would be to increase the tonnage to support emergency vehicles. Ramie agreed that was the proper forum to address capital construction plans. Ramie said the proposed letter was written before the plans were announced about the emergency repairs, so she suggested there was no need to send the letter since the goal had been met.

Other: None

Public Comment: Allan Schadt, former supervisor of the Town of Highland and UDC delegate, apologized to the Project Review Committee for missing the March meeting which he said he planned to attend. He said he had a letter and copies of resolutions that staff is welcome to copy. He suggested that members could obtain lots of information about compressor stations simply by going on-line and searching them. Schadt said he does plan to attend the April Project Review Committee meeting to further address the proposed Highland Compressor Station. Ramie said we would be happy to copy his materials.

A motion to go into Executive Session at 8:37 p.m. for personnel reasons was made by Richardson, seconded by Henry and carried.

A motion to come out of Executive Session at 8:47 p.m. was made by Richardson, seconded by Robinson and carried.

Peckham made a motion that the Operations Committee accept the recommendation of the Personnel Subcommittee to hire a particular applicant for Resource Specialist subject to the approval of an employment agreement. The motion was seconded by Henry and carried. Henry asked that Ramie follow up on the Personnel Committee's recommendation for the Resource Specialist hiring and advise the other candidates of the decision.

Adjournment: A motion by Roeder, seconded by Greier, to adjourn the meeting at 8:49 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 4/19/16