

UPPER DELAWARE COUNCIL MEETING MINUTES May 4, 2017

The Upper Delaware Council held its monthly meeting on Thursday, May 4, 2017 at the Council office in Narrowsburg, NY. Chairperson Jim Greier called the meeting to order at 7:07 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 Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Jeff Haas, Town of Lumberland-Leigh Sherman, Town of Deepark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, Westfall Township-Mike Barth, Commonwealth of Pennsylvania-Tim Dugan, Delaware River Basin Commission-Tom Fikslin, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Absent: State of New York. Media: Dave Hulse. Guests: Carla Hahn, Don Hamilton, Jim Barth, Jeff Skelding.

Update on the Development of a Stream Corridor Management Plan for Waterways Below the NYC Delaware River Basin Reservoirs in Delaware County, NY, by Jeff Skelding, executive director of Friends of the Upper Delaware River, Inc.: Greier welcomed Jeff Skelding. Skelding provided some background on the Friends of the Upper Delaware River, Inc. (FUDR), calling it a community-based watershed protection organization with an office in Hancock, NY. He stated that their primary focus is on improving NYC Delaware River basin reservoir water releases and tributary protection/restoration. Partners in this effort include Delaware County which provides technical support by the Delaware County Department of Watershed Affairs and Delaware County Planning; the Upper Delaware River Tailwaters Coalition which consists of the Town and Village of Deposit, the Town and Village of Hancock, Colchester, Sanford, FUDR, Trout Unlimited, Equinunk Watershed Alliance, and Upper Delaware River Business Coalition, and others.

Skelding said that he best defines the Upper Delaware River Stream Corridor Management Plan (UDR SCMP) as a non-regulatory guidance document to be used by municipalities, waterway managers, and watershed stakeholders for the future management, protection, and restoration of Upper Delaware River waterways. The Plan is modeled off a model that already exists for the East Branch of the Delaware River above the Pepacton Reservoir that's been in place for a number of years. The current geographic scope of the UDR SCMP is Delaware and Broome County, New York below the New York City Basin Reservoirs of Cannonsville and Pepacton. In the future, the hope is to possibly expand into Sullivan County, NY and Wayne County, PA, Skelding noted. The primary funding for the Plan has come from a New York State Department of State grant through the Delaware County Department of Watershed Affairs with some supplemental funding coming from other organizations.

Skelding spoke of the involvement of the Project Advisory Committee and local Community Advisory Councils who he referred to as the "boots on the ground" when it comes to river management. Subcontractors for the project include Trout Unlimited (Northeast regional office), Woidt Engineering of Ithaca, NY, and LandStudies of Lititz, PA.

Skelding said there are many reasons to have a Stream Corridor Management Plan (SCMP). He said the top reasons are: Watershed management requires a holistic, multi-jurisdictional approach because waterways often do not respect political boundaries; it provides uniform guidance to municipalities and

resource agencies on the most effective approaches to waterway management on a watershed-wide scale; generates improved public awareness and understanding about how our waterways affect communities, people, the environment, and local economies; and it will help generate much needed funding and resources for municipalities and other agencies and organizations. Skelding noted that the “backbone of this whole effort” has been talking to people who live by the streams and the rivers. He added there have been many public meetings since the fall soliciting people’s input.

Skelding spoke of what is included in the SCMP. He said it includes an inventory of existing land use regulations and programs that address waterway management; an overall watershed characterization (soils, climate, geology, land use history, critical infrastructure, economic development, etc.); a detailed inventory of stream conditions and vulnerabilities based on field surveillance, GIS analysis and mapping, and landowner/public feedback; and a suite of waterway management recommendations.

Skelding reported that recommendations will address: flood mitigation/prevention and post-flood emergency response; early warning detection for emergency situations; improved weather monitoring equipment; building community resiliency to changing weather patterns; protecting public infrastructure such as roads, culverts, and bridges; gravel and debris management; enhancing recreational opportunities; managing invasive species; improving river flows and water temperatures; and identifying and prioritizing protection/restoration projects. All of the recommendations are the direct result of public meetings and input, Skelding stated.

Skelding said they are still drafting the Plan. He said if people have feedback about specific projects, it is still welcome. Skelding reported that the final round of public meetings will take place in the Fall of 2017; the final draft will then be reviewed by the Project Advisory Committee and the Community Advisory County in October of 2017; each of the town and village boards will be asked to review it and formally adopt it sometime in November; and the Plan will be finalized in December.

Peckham spoke of some of the larger conservation institutes with available funding taking too broad of a look at stream restoration. He commented that if the tributaries running into larger streams and rivers are not right, “nothing’s right.” Dugan said that protection plans that are coming out with large grant funding typically have to target headwaters or primary streams. Skelding agrees that there is a gap in funding for the area north of Callicoon up to the New York City reservoirs. He said this is what caught Delaware County’s attention. Hahn asked Skelding how he sees expanding on this Stream Corridor Management Plan into Sullivan County and Wayne County. Skelding said he would like to see similar processes. He noted it is a watershed effort that has to be worked on by many organizations and the public. Skelding said in his work, he is often driven by the confines of what the funding prescribes. For example, he said he couldn’t venture into Sullivan County with Delaware County funding even though the watershed does. Roeder asked what role the NYS DEC is playing with this Plan. Skelding told him the DEC sits on the Advisory Council. He said they engage with the DEC on a number of fronts, but not so much on this one. Roeder spoke of stream erosion that has taken place in the Callicoon area and the issues landowners have had dealing with regulatory agencies in remediating the problems. Skelding said this problem will be part of their report. He said perhaps through group discussion, a solution that is more practical and palatable to the DEC on a case-by-case basis could be developed.

Ramie asked Skelding if he had any insights into the negotiations for the renewal of the Flexible Flow Management Program (FFMP). Skelding said the issue is shrouded in such secrecy, that it is hard to know much. He said his sense is that Jersey is still holding strong in their “line in the sand.” He added that they are generally hearing a lot of pessimism about getting any kind of a unanimous vote even on another one-year extension. Should the Plan revert back to the 1980’s management version, Skelding said on June 1st there will be a 45 cfs release out of Cannonsville instead of a 325 cfs, resulting in tough conditions in the Upper Delaware. Ramie noted that Paul Rush, Deputy Commissioner, Bureau of Water Supply, New York City Department of Environmental Protection, will present on June 1st to the UDC about emergency communications systems below the New York City reservoirs by which time we will know the outcome of the FFMP decision. Sullivan said there have been many economic analyses about the benefit of the Delaware River done recently. She asked if the economic benefit comes into the FFMP discussion at all. Skelding told her “not really.”

As a result of the passage of the Delaware River Basin Conservation Act, Skelding said that the U.S. Fish and Wildlife Service has reached out to FUDR and asked them to provide them with a list of what the needs and challenges are in our area. He said it is an opportunity to see that the Upper Delaware

River is profiled. Skelding spoke of Congressman Faso's involvement thus far in his tenure in the Upper Delaware.

Greier thanked Skelding for his presentation and presented him with a UDC lapel pin.

Approval of April 6 Meeting Minutes: A motion by Peckham seconded by Robinson to approve the April 6 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: April 28 Project Review by Richardson, and April 28 Operations by Greier.

Status Reports

Delaware River Basin Commission: Dr. Fikslin showed a Power Point presentation covering the topics of flow conditions, fish tissue monitoring, and Special Protection Waters activities.

Fikslin reported that all of the reservoirs are at capacity and spilling as of today. He noted that during the Fall of 2016 we had entered into drought conditions. He said that the rains came and the snow melted, bringing the reservoirs back up to where they are today. Fikslin reviewed the daily stream flow statistics at Montague, N.J. and Trenton, N.J., noting that the spikes were the result of recent heavy rainfall events.

Fikslin explained that to check for contaminants in fish tissue, fish samples are collected from sites in both the tidal and non-tidal portions of the Delaware. Sampling has been conducted from 2004 – 2007, 2010, 2012, and 2015. Sampling now takes place on a three-year cycle, so 2018 will be the next fish collection cycle, he added. Two species of fish are collected at each site; one species that lives in the water column and one that lives closer to the bottom as they get different exposures to toxic substances. In the non-tidal area, the species collected are Smallmouth Bass and White Sucker. These are typically collected by State of New Jersey staff under contract through the DRBC and also in cooperation with the NYS DEC. Fikslin showed a map of the sampling stations. Non-tidal locations include Narrowsburg, NY, Milford, PA, Easton, PA, and Lambertville, NJ. Fikslin showed graphs depicting the fish tissue mercury results from 2014-2015. He noted that results show there has been little change with mercury contamination in Smallmouth Bass and White Perch in the Estuary, however, 2015 data for mercury contamination in those same species sampled at Narrowsburg jumped up above the EPA criteria for mercury. He said there is some concern just in terms of the trend. He stated that the fact that the Smallmouth are accumulating more mercury than the White Sucker suggests that the mercury is more in the water column than it is in the bottom sediment. Barth questioned the source of the mercury. Fikslin told him there is a major air deposition source. He said there happens to be a national air mercury deposition monitor at Milford, PA so they will be able to look and see if there is some sort of trend there. Heister questioned at what point does a fish consumption advisory get issued. Fikslin stated that the Fish Commission has some of their own data, but this data is provided to the states. This latest information was just received a few weeks ago and will be shared with the states. Fikslin said that the advisories are typically issued with suggested limits on meals per week, per month, and per year. Fikslin reported that what actually is being found in the fish is Methylmercury. Methylmercury is the bioaccumulative form of mercury. He noted that in 2012, Methylmercury concentrations ranged between 59.1% and 72.8% of Total Mercury concentrations in both portions of the river. In 2015 samples, the Methylmercury concentrations were similar to the Total Mercury concentrations. Henry questioned what kind of concentration has to be there before it would be a danger for humans to be in the water. Fikslin said the actual aquatic life values are much higher than the fish tissue value so it's not really an aquatic life issue; it's a fish consumption issue and this is typically true of chemicals found in fish.

Fikslin stated that the Special Protection Waters program, initially adopted by the DRBC in 1992 and expanded in 1994 and 2008, is designed to prevent degradation in streams and rivers where existing water quality is better than the established water quality standards through stricter control of wastewater discharges and reporting requirements. Currently, the entire 197-mile non-tidal Delaware River from

Hancock, N.Y. to Trenton, N.J. is considered Special Protection Waters, three-quarters of which is also included in the National Wild and Scenic Rivers System. The program requires projects to demonstrate that they will not measurably change existing water quality (EWQ). Fikslin said that a lot of data was collected from 2006 to 2011 in the Upper and Middle Delaware River, and from 2009 to 2011 in the Lower Delaware River. That data now has been evaluated and the Lower Delaware assessed. He noted that the high quality of the river is what they're protecting against. He showed slides with the results. He added they are attempting to hold the line on the quality that was described in either 1992 for the Upper and Middle or in 2005 for the Lower. A slide with the Upper Delaware sampling locations was shown and explained. He noted that there are 29 sites and an assessment is planned after another set of data is gathered. An assessment was completed for the Lower Delaware and was released during the Summer of 2016. Fikslin reviewed the Summary Matrix of Measurable Change and said the good news is that 88% of water quality tests showed no degradation or the water improved.

Fikslin reported that released in the Summer of 2016 was the DRBC "Existing Water Quality Atlas of the Delaware River Special Protection Waters". The full report is available at http://www.state.nj.us/drbc/programs/quality/spw_ewq-atlas.html. The report summarizes EWQ for 85 locations on the upper, middle, and lower Delaware River SPW. Fikslin noted that the biologist that worked on this is interested in adding to the atlas some historical information. He asked if anyone has any history on any of the particular creeks listed to please pass it along.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge. One press release titled, "DEC Announces Opening of Spring Turkey Season on May 1st" and dated April 12th was included in members' packets.

PA Dept. of Conservation & Natural Resources: Dugan reported that the Commonwealth budget battles continue. For the DCNR, the Secretary is actively getting the word out about the agency's varied works. He noted that in his Bureau alone, salaried positions have been reduced from 520 to 488. He said that many of the agencies are experiencing cuts in staffing and the administration is looking for ways to make government leaner and more efficient.

Dugan noted that PA Fish and Boat Commission and the Game Commission are facing major financial issues as well. He noted that both Commissions are looking for permission to increase their license fees to garner some new funds.

Dugan reported there have been a few new confirmations of the Emerald Ash Borer in Wayne and Monroe Counties. Henry questioned if EAB has been confirmed in the western side of Wayne County, how long it will take for the infestation to get to eastern Wayne County. Dugan said the primary way that the EAB is transported is by vehicle. He added that when a county has confirmed the presence of the EAB, it's been found that it has actually been there for anywhere from three to seven years. Three to seven years is the amount of time it takes to see the impacts of the Emerald Ash Borer. Dugan said to look for a lot of woodpecker activity on Ash trees. That is a first sign.

Dugan reported that the wet spring has kept the fire season down and will help to control the gypsy moth count. DCNR is scheduled to conduct a spray program this year for gypsy moths, but down significantly from last year.

Dugan reported that ticks are really bad this year. Many advisories are being issued about tick-borne illnesses, he added. He said the black flies and biting gnats are active, but are not sprayed for in this section of the Delaware River. Those programs focus on the urban and suburban areas.

Dugan noted that the grant rounds recently closed. The applications will be reviewed, ranked, and announced in the summer and fall of this year depending on the budget.

Richardson asked about the status of the Peck's Pond project. He asked if the budget has allowed for them to continue with it. Dugan stated that the project is funded and continuing slowly. The pond was drained last fall, refilled due to the late winter snow and spring rain, and is beginning to drain again. They are waiting on permits from the Army Corps of Engineers and PA Department of Environmental Protection. Once the permits are secured, the project will go out to construction bid. He hopes that construction will begin in the Fall of this year. Richardson asked how long the pond needs to be dry for it to

affect the vegetation. Dugan is hoping for two seasons. Richardson asked Dugan to provide updates on this and similar projects in the area.

Robinson asked Dugan if his agency keeps track of the Woolly Adelgid progression. Dugan said they do monitor it. He stated that the last two winters have been mild and the easiest way for the Woolly Adelgid to be controlled is by Mother Nature with periods of ten days or longer where the temperature stays below 20 degrees in the winter. He said because of the recent mild winters, the population has been able to rebound.

A brief discussion about the DRBC de facto moratorium on unconventional shale gas drilling within the Delaware River Basin took place.

National Park Service-Upper Delaware: Heister reported that the hiring freeze has been lifted for GS-11 and lower employees. She hopes to move forward with filling some of the UPDE vacant positions soon. Heister said she anticipates to have a final budget approval soon. She noted that a recent change requires any agreement over \$100,000 has to go to the Department of the Interior for review before funding can be released. The UDC cooperative agreement is one of those agreements that will require this extra step.

Heister said email follow-ups have gone out to the Towns/Townships and Counties requesting the most updated zoning, as well as shapefiles of zoning maps as part of the GIS project. She said they await responses from the Town of Deerpark and Orange County, and map clarification among Town and County records.

Heister noted that the National Park Service is working to obligate the last bit of funding for the five-year GIS project with Shippensburg University.

Heister reported that 64 Commercial Use Authorizations have been permitted currently for the 2017-2018 cycle. They include nine liveries, three children's camps, and 51 fishing guides. Five CUA applications are in process. Fourteen have not responded with an application yet, but are expected to do so within the next month. If all of these applications are processed, this will bring the total of CUAs to 83, she noted. Heister said the Park Service is reaching out to camps to find out how they use the river to determine if a CUA is warranted.

Heister said that the Interpretive Division has been really busy this month. They have been presenting two different programs to 4th and 5th grade students in the ten school districts within the river corridor. The Water Snapshot program focuses on stewardship and on water quality and testing. The program is presented in two stages: a classroom portion followed by a field trip to the river by the 5th graders. A second program on the Delaware and Hudson Canal tells the story of why and how the canal came to fruition and the role it played in the river valley. A field trip to the Roebing Bridge where the 4th graders learn about life on the canal, how canal locks worked, the role song and music played in keeping the stories of the canal alive, and the story of the coal mines and those that worked in them will take place next week.

Heister noted that the Water Safety Partners spring meeting was held at the UDC on Friday, April 28th. She said it was well attended. She thanked the UDC for the use of the facility and noted that staff attended the meeting.

Heister said that the National Canoe Safety Patrol is finalizing their annual Spring Training which is supposed to take place this weekend, May 6th and 7th. She thanked Kittatinny Canoes for the use of their facility for this exercise.

Heister gave a shout out to the Water Safety Team. She said they were the regional and national winner of the Achieving Relevance Award for Safety, Health and Wellness. This award is given by the Washington Office of Interpretation, Education, and Volunteers.

Heister reported that the portable toilet contract is finalized. They are currently in place at Buckingham and Darbytown and are scheduled to be placed at twelve more locations by May 8th. They are conducting a survey with fishing guides to determine if there are sites where the availability should be extended.

Heister provided an update on clean-up activities. Focus for the last several weeks has been to prepare the Lackawaxen area for the Canal Days education program. She passed around a picture of the Ten Mile River access. Clean-up continues there. The debris shown in the picture was moved to make room for the boaters, but needs to be cleaned up still, she added. Heister passed around a picture of a small fire

that was discovered at the TMR access on April 16th. She said it was contained and extinguished by NPS rangers and the Narrowsburg Fire Department.

The annual fishing guides meeting was held at the Hancock House on April 20th, Heister stated. There were a lot of attendees, more than ever and lots of lively discussion, she added.

Chief of Law Enforcement Larry Neal has re-programmed the law enforcement radios with the new Sullivan County 911 simplex radio frequencies. The Milanville office has also been updated. This re-programming will allow direct communication with Sullivan 911. Neal will finalize all law enforcement radio programming this week which is essential for emergency communications.

Heister reported that Natural Resources Chief Hamilton said that a good shad run is expected this year. Young of year American Shad sampling will take place in August and October.

Heister said she will be providing information on the proposed demolition of buildings on UPDE property to the Council to seek comments through an internal scoping process.

UDC Executive Director's Report: Ramie reported that the UDC has approximately one month of revenue left in our federal account. She stated that we've been given a deadline of June 1st to submit our federal funding request package to the National Park Service for Fiscal Year 2018. That includes an approved budget and work plans for the three committees. Drafts of these documents will be vetted through the May committee meetings for final approval at the June 1 full Council meeting.

Ramie noted that the American Planning Association is holding its 2017 National Conference in New York City this year on May 6 – 9. Sullivan County Associate Planner Heather Jacksy proposed a field trip to Orange and Sullivan County. The field trip, called a Regional Transect Mobile Workshop, was approved and will take place Sunday, May 9. The tour will include the Villages of Kiryas Joel, Bloomingburg and Wurtsboro, then a stop at Bethel Woods Center for the Arts, and the last visit will be to the Upper Delaware River Valley, specifically Narrowsburg. The plan is to tour the Narrowsburg Union to show the adaptive re-use of the former school, go downtown, and if the weather cooperates, stop at the Ten Mile River Access. They will receive presentations from Kris Heister about the Upper Delaware's national designation and from A.J. Schwartz from Environmental Planning & Design who will address the River Management Plan from a professional planner's perspective. Schwartz produced a report titled, "Upper Delaware Council: A Cooperative Partnership Model for Protecting the Upper Delaware Scenic and Recreational River." A copy of his report was provided in members' packets. Ramie said she's been asked to participate on Sunday to greet participants and help answer questions that might arise about the UDC. Ramie said she will participate and appreciates the positive exposure of the river valley during a national convention.

Ramie provided a comprehensive bridge update. In regards to the Railroad Bridge No. 2 which connects Mill Rift, PA and Sparrowbush, NY and forms the southern boundary of the Upper Delaware corridor, Ramie said she received a news release from PennDOT on April 24 in which Governor Wolf announced the approval of \$40 million for projects through the Rail Transportation Assistance Program and the Rail Freight Assistance Program. In Pike County, that includes \$210,000 to Central NY RR "to repair and strengthen various components of a four-span steel deck truss over the Delaware River to New York." Ramie said she contacted the company's Public Affairs Director Melanie Boyer who said they don't have a start date for the repairs as yet, but the first step will be issuing a Request for Qualifications from engineering firms. Ramie will keep members informed on this project. Ramie referred to a "New York-Pennsylvania Interstate Bridges Public Information Update" March 2017 handout provided in members' packets. This handout was provided by Dave MacEwan from NYS DOT. She noted that many of the original work dates have changed. Ramie said she will attend the NY-PA Joint Interstate Bridge Commission Annual Meeting on May 24th in Dunmore and prepare a news release about capital construction and maintenance projects. Ramie reported that Tuesday, May 9th is the scheduled mobilization date to start the \$12 million rehabilitation of the Narrowsburg, NY-Darbytown, PA Bridge. Ramie provided an update on the Pond Eddy Bridge, stating that progress continues on placing concrete at the pier. The projected work to set the steel beams from the NY abutment to the pier is mid- to late May. The construction remains on schedule despite a delay when the river over-topped the causeway. Ramie said we received formal notice from NYS DOT on May 1st about the deck replacement and other repairs to Kellams, NY-Stalker, PA Bridge. Crews will conduct initial field surveys starting in September 2017 with work slated to begin in April 2018. During the construction period, the one-lane suspension bridge will be

closed and a detour loop of approximately 22 miles to Callicoon will be in effect. Ramie said she will question the long-term fate of the Skinners Falls Bridge at the May 24 Bridge Commission meeting. Robinson spoke about the awful condition of Route 97 south of Narrowsburg.

Ramie said that after we sent out our letters about the Flexible Flow Management Plan approved at the April 6th UDC meeting, we did receive a nice acknowledgment from the chairman of the Regulated Flow Advisory Committee. Brenan Tarrier from NYS wrote, "Thank you for submitting your statements on the FFMP, including a request for a public meeting of the RFAC. I have read your statements and will discuss them with Mark Klotz [Decree Party rep.]. *We share your concern about a potential reversion to the Revision 1 operating plan.*" Ramie reminded members that Paul Rush from the NYC DEP will be here on June 1 to speak with us about our campaign to improve the public notification system for any emergencies involving the Delaware Basin reservoirs. She suggested that members prepare questions.

Ramie noted that a copy of DRBC Executive Director Steve Tambini's response letter addressing the UDC's questions posed in an April 10th letter was provided in members' packets. Also included in the packets was the latest Scenic Wild Delaware River rack card containing the link to the website. She referred to the May calendar of UDC Meetings, Activities and Deadlines. She said the Personnel Subcommittee meeting scheduled for 5:45 on May 23rd will take place after the conclusion of the Operations Committee meeting that night instead.

Old Business: None

New Business:

Draft Letter to NY-PA Joint Interstate Bridge Commission: Request for River Height Signage on NY-PA Interstate Bridges: Ramie said this letter was sent out in advance for review. If approved, she will present this letter at the May 24 Joint Interstate Bridge Commission meeting in addition to mailing it out. A motion to send the letter was made by Roeder, seconded by Henry and carried.

Draft Resolution 2017-03: Approving 2017 River Clean-up Grant Applications: A motion to approve Resolution 2017-03 was made by Peckham, seconded by Richardson and carried. River Clean-up funding was awarded as follows: Town of Deerpark: \$1,250; Town of Lumberland: \$775; Town of Highland: \$1,200; and Damascus Township: \$750.

Donation to Narrowsburg Beautification Group for UDC Garden Tending: A motion to donate \$200 to the Narrowsburg Beautification Group was made by Henry, seconded by Sullivan and carried.

Other: Dugan reminded members that the Pennsylvania Environmental Council has funding available for cleaning up illegal dumpsites. Ramie said it is a fantastic program that the UDC recently recognized at our awards ceremony.

Public Comment: None

Adjournment: A motion by Roeder, seconded by Dean to adjourn the meeting at 9:03 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 5/17/17