



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES May 7, 2020

The Upper Delaware Council held its monthly meeting on Thursday, May 7th, 2020 via teleconference. Chairperson Richardson called the meeting to order at 7:00 p.m. and roll call followed.

In attendance: Town of Cochection- Larry Richardson, Town of Delaware- Harold G. Roeder, Jr., Town of Hancock- Fred Peckham, Town of Lumberland- Nadia Rajsz, Town of Tusten- Susan Sullivan, Town of Deerpark- David Dean, Town of Fremont- Jim Greier, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Westfall Township- Michael Barth, National Park Service- Jessica Weinman, Delaware River Basin Commission- Kristen Kavanagh. Staff in attendance: UDC Executive Director- Laurie Ramie, Secretary- Ashley Hall-Bagdonas. Absent: Town of Highland- James Gutekunst, State of New York- Bill Rudge, Commonwealth of Pennsylvania- Tim Dugan. Media: Peter Becker- Tri-County Independent, Linda Drollinger- River Reporter. Guests: Jennifer Claster- NPS, Ginny Dudko- Town of Deerpark, Roger Saumure- Shohola Township, Evan Padua- Town of Tusten.

Approval of March 5th Meeting Minutes: A motion Rajsz seconded by Greier, to approve the April 2nd, 2020 meeting minutes was carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding the following meetings. They were: April 21st Water Use/Resource Management, April 28th Project Review and April 28th Operations.

Status Reports

Delaware River Basin Commission: Kavanagh said they will be conducting their second quarter public hearing remotely, next Wednesday, 5/13 at 1:30 p.m. You can find call-in details online. Kavanagh had previously mentioned their new Advisory Committee on Climate Change. A news release went out today to announce membership on that committee. Because of current circumstances they had hoped to be having their first meeting during the second quarter but right now that's not realistic and they are figuring out what those logistics will look like. They also have three other advisory committee meetings coming up between now and mid-June: the Monitoring Advisory Coordination Committee; the Regulated Flow Advisory Committee; and the Water Management Advisory Committee. All of those advisory committee dates, times, and call-in information are also provided on the website.

The Hydrological Report from Monday provided in the packet shows that it is wet and full. DRBC's field monitoring is still suspended. However, they are looking at possibly resuming part of the monitoring program as early as the end of May. They are still coordinating with the labs and subcontractors and also working on additional safety protocols for their staff when they go out in the field. Their Communication Specialist Kate Schmidt is part of the Delaware River Sojourn Committee; most of you may know it has been canceled for this year. The "Focus on Fish" theme will be used for next year. The dates for that are 6/19-26 in 2021. Kavanagh wanted to share that a Sojourn Safety Patrol member passed away from COVID-19. Walter South was also a National Canoe Safety Patrol Volunteer.

NYS Dept. of Environmental Conservation: absent.

PA Department of Conservation & Natural Resources: absent.

National Park Service-Upper Delaware: Acting Superintendent Weinman relayed last week there was a call with the director of the Park Service. They talked about adaptive recoveries; that's the approach the park will be taking to reopening. The Acting Director clearly stated we would be following state and local guidance. For Pennsylvania, Governor Wolf has put out a three-phase approach. They will be doing the same with the NY side. The Stay at Home Order was in effect through 5/8 ;we will see updates on that.

Kris Heister accepted the permanent position at Gettysburg. Weinman's detail will end on 5/30. They put an announcement out for another detail. Heister will return for two weeks once Weinman's detail is done. Then they are going to have another detail come in for 120 days. The Deputy Regional Director is working on getting a permanent announcement out. Weinman said it does seem like they have somebody selected. They just have to wait for all of the clearances to go through. If Weinman gets any information she will update the UDC. Otherwise, business has been going on as it has been, most of NPS staff working from home. Essential Personnel is reporting to the park. They are seeing an upswing with visitation on the nicer days.

Henry noted the letter in the packet regarding the closure of boat launching at Ten Mile River (TMR) access from the NPS Superintendent. He said that's something that should have been brought to the Water Use/Resource Management (WU/RM) Committee or full Council before it was made a Superintendent's Compendium. He said as an example, the last one for no glass containers on the river was brought before UDC and it was approved before it was put in the compendium. Henry said last time anybody from the NPS discussed this was Don Hamilton at a WU/RM meeting where he said NPS was going to put up signage advising people of the soil and mud to advise that they may not want to attempt to launch a boat. Hamilton never mentioned a closure. Henry feels according to the administrative procedure 6 USC Section 551 requires public action on major impacts on visitor use patterns, park resources, or those that are highly controversial in nature. Henry has talked to Andy Boyar (Town of Highland) and Evan Padua and this will be on the agenda for the next WU/RM meeting. He wanted to relay he didn't feel it was done in the appropriate manner. Weinman thanked Henry for voicing his concerns and when she read the CFR she felt that a press release was the way to notify the public. There will be an explanation on why the river is the way it is there. She said it seems like it was discussed for quite a while with partners before she arrived. Henry said people have launched there and will probably attempt to continue to launch there. When it's dried out it's not a bad boat launch. Now the NPS has seen fit to say it's unlawful to launch by trailer. That has been a public access and people have been launching there for probably 30 years. Weinman said the access is still open, and the Boy Scouts did review the news release and agreed. You just can't pull a trailer for a boat back to the launch because it's muddy and silty. Henry asked that the RMP be reviewed by any Acting Superintendent.

Richardson asked Weinman if she had any updates on NPS's plots for controlling knotweed. She said right now there isn't because they're going to be starting a lot of those test plots. She did talk to Resource Management and once they start receiving that information they felt the UDC would be the perfect way to bring that information to everyone's attention and share it. Once the data, reports, and findings come in they'd like to do a presentation.

UDC Executive Director's Report: Ramie said that the press release that Weinman was referencing was posted on the UDC website today under Partner News along with the second press release in the meeting packet about Wear Your Life Jacket to Work on 5/15. The press release about the Advisory Council on climate change came out today and she will circulate that to everyone after the meeting. The Local Officials Directory for 2020 was circulated that includes all the information for the Town/ships in the river valley as well as elected officials. That is collated by Chris Hollenbeck from the NPS with Hall-Bagdonas and Ramie reviewing the information. Please review and if any changes need to be made, contact Hollenbeck.

5/22 is the deadline UDC set for proposals for our 2020 River and Shoreline Cleanup Grants program. Any member municipalities that would like to participate this year need to get a letter to UDC by that date. That will be discussed at the 5/26 Operations Committee meeting, which we will then make recommendations to the full council on 6/4. In terms of our board membership, our NYS alternate, Mike Flaherty retired from the DEC after 30 years. Bill Rudge said he is working on an appointment to replace Flaherty in that role.

An update was provided on the 3/4 NY DOT meeting that had taken place with emergency response and local government officials to talk about the Cochection/Damascus Bridge and the major rehabilitation that's coming up. The options were to do staged construction and keep one lane open or completely close the bridge for a shorter time and have an offsite 22-mile detour. Ramie said they heard loud and clear from everybody to make it last longer and keep one lane open. Since that meeting happened, Senator Metzger got involved and recently announced that the DOT has said that they've decide to avoid fully closing that bridge while it undergoes those repairs.

The NPS, through Interior Region I's historians, announced that they came up with \$25,000 in funding to update the National Historic Landmark nomination for the Delaware & Hudson Canal. This designation already existed but some of the documentation needs to be updated. It was done under an old system that relied on different criteria than exists today. They will be working largely through the D&H Transportation Heritage Council to make that nomination happen. It's not all of the funding needed, but it's a great start and really helpful to get the ball rolling, which will help assure future preservation efforts for the canal.

Ramie said the news about Walter South is very sad. When she was with the Sojourn Steering Committee she recalls his work with the National Canoe Safety Patrol (NCSP). He was also present for the NCSP 40th Anniversary dinner and honored there. Ramie covered the NCSP event in our newsletter. Ramie said that shows how COVID-19 has an impact on everyone.

The *Times-Herald Record* published a special section called "Living Here" about the people and places throughout the mid-Hudson and Catskills region. This came out at the end of April and included an article called "Gone Fishin'" featuring Andy Boyar talking about the joys of fishing with family. We congratulate him on that nice coverage; it included a very sweet photo of his grandson.

Included in the handouts is the May calendar with a June preview. Ramie hopes to arrange a meeting with the NPS seasonal staff to present UDC's message about private property rights and what the UDC stands for when there is more of a sense of normalcy. The seasonal staff is undergoing an abbreviated training virtually.

Old Business

Delaware River Watershed Celebrated in New York with Roadside Signage: Richardson said this is an exciting development. Ramie said it was quite unexpected when it happened. They thought they were going to get advance knowledge of the installations by the DOT. Bill Rudge informed them after spotting one near his home. The group of partners they have been working with which includes the Coalition for the Delaware River Watershed, Friends of the Upper Delaware River (FUDR), DRBC, DEC, and the UDC all played roles in this. Their original plan was to do a big unveiling but that is not possible in these times. It was arranged to have a tele-press conference. They got commitments from Congressman Delgado, Senator Metzger, and Assemblywoman Gunther to participate in the half-hour call that took place on Tuesday, 5/5. Other speakers were Steve Tambini from the DRBC, Jeff Skelding from FUDR, Sandra Meola from the Coalition for the Delaware River Watershed was the MC and Kelly Knutson from CDRW and Ramie were on standby for the question and answer session. A press kit was assembled and sent out. The coverage in your packet was what had been published on the coalition website, including photos and a map of all 14 sign locations. Newspapers and media outlets from Oneonta and south and our local media were represented. Ramie thanked Drollinger for covering it. We will be following it as it gets further publicized.

Peckham said half of the signs that DEC put up at Bouchoux Falls trail are gone. Ramie asked do you have any suspicion as to how or why; was it natural circumstances or do you think they were stolen? Peckham said he's sure they were stolen and feels they weren't placed in the best locations to begin with.

"Upper Delaware Council Announces 2020 Award Honorees": Richardson said included in the packet is the news release on the UDC 2020 Award Honorees. They are all terrific recipients. Ramie said we hope we can hold the banquet. If not, we will come up with a plan B.

Updates: UDC 5-30-20 Strategic Plan Retreat and Project Review Workbook Rollout: Ramie said this was discussed at the committee level and she wanted to bring it to the full council's attention. She said we've given up

on the notion of having our 5-Year Plan Retreat on 5/30. It may not be permissible by then to have a gathering and we would hope to have the full board participate. Fortunately, Weinman has said that we can build on what we have as an existing document for now to meet our 7/1 deadline to the NPS. Then we can schedule the retreat for when it is safe to do so. The UDC has already supplied the NPS our Cooperative Agreement renewal and a five-year budget. We had set the 5/30 date to work backwards in terms of when we could get the actual written plan through the committees and to the full council for ratification. Since that can't happen we will do an in-house version of the five-year plan that will approach the same way. She will notify our facilitator, Buck Moorhead of Callicoon to let him know we are deferring it for the time being. Ramie said she appreciates Jeff and Linda Dexter letting us know that the Damascus Manor Community Center does have an outside pavilion with electricity but still feels people may not feel comfortable coming out for it.

Regarding our Project Review Workbook version 2.0 Ramie reported at the Project Review Committee meeting that Dorene Warner of W Design is on track and provided her and Cluster with a PDF first draft on 4/21. That was returned with comments. They are now expecting to get a second draft back. Then they are targeting the end of May to have that ready; particularly because the National Parks Conservation Association (NPCA) graciously offered to subsidize the production costs for the workbook and their fiscal year is such that they need to pay that by the end of May. There was a discussion at the committee level of doing a virtual rollout and creating a half-hour video that would serve as a training session that we can then put on some sort of public mechanism such as YouTube channel to orient people to what the workbook consists of and how it can be used. Also, we will emphasize, the fact that it is not new information, it's just updating a 1988 guide to be more user friendly and streamlined.

Other: None.

New Business

Draft Resolution of Commendation 2020-09 for NPS UPDE Superintendent Kris Heister: A Motion by Rajsz seconded by Greier to approve the draft Resolution 2020-09 of Commendation carried with one abstention.

Draft Letter to NPS Regional Director Advocating for Extension of Acting UPDE Superintendent Jessica Weinman Detail: A Motion by Sullivan seconded by Rajsz to send the draft letter advocating for extension of Acting UPDE Superintendent Weinman's detail carried. Weinman wanted to reiterate that there are federal hiring authorities and that the NPS does have to follow those for a fair and equal playing ground. She really appreciates everyone's support. Henry said he thinks in light of COVID-19, he would have to question whether or not there's any legal authority that's going to hold Weinman to 120 days. Everything else is up in the air. Richardson said he thinks it's a good letter and if we cannot change somebody's thinking it will be a good letter for Weinman to have in her file. Henry feels we should also reach out via telephone to contact the appropriate legislators, congressmen, and senators regarding this. Ramie asked when Weinman said they have someone in mind, is that for the next detail or for the permanent position? Weinman said it's for the detail. Ramie said it seems like a lot of unnecessary transition when Weinman has expressed a willingness to stay longer.

Draft Letter to NYS Department of Transportation Region 9 re: Condition of NYS Route 97 Guiderails in the Towns of Delaware and Cohecton: A motion by Roeder seconded by Rajsz to send a letter to NYS Department of Transportation Region 9 re: the condition of NYS Route 97 Guiderails in the Towns of Delaware and Cohecton carried.

Other: None.

Public Comment: Padua said how he feels about the closure of Ten Mile River (TMR) access to trailer use is likely stronger than any other individual out there. He's been alive for 28 years and has recreationally fished and used that access, most recently owned a fishing guide service which fishes for native Delaware species between Narrowsburg and TMR, those being small mouth bass (black bass), or American Shad. TMR Access has been in near to the exact same condition that it has been for almost the entire 28 years of Padua's life and many years before that. The use of trailers at TMR had no impact whatsoever on the actual condition of the access area. Padua said he believes that it is easier to launch a boat there with a trailer than without the trailer. Not taking public opinion and actual facts of usage into account when deciding on the new restriction is one of the many examples in legal abuse and nonsensical

authority. He strongly suggests that the NPS and Boy Scouts of America reconsider their decision regarding this access.

Regarding the letter to the NYS DOT, he hopes it can be brought up that the orange cones that were put up where the guardrail is missing have fallen down the bank. He would like the DOT to be responsible for cleaning those up. Padua brought this issue up at a Tusten Town Hall meeting two years ago.

Henry said he supports Padua's recommendation for NPS to rethink the closure of launching boats at TMR with trailers. Weinman thanked them for voicing their concerns. She said NPS has a 5-year lease with Boy Scouts of America. She said that area naturally collects sediment. She wants to make it clear that NPS didn't do anything without the Boy Scouts knowing; they agreed with this. NPS doesn't think that trailers are causing this problem on the lawn area. For the time being, it will be hand launch only. Weinman said they want to make accesses as accessible to our visitors and our communities and public as we can. She said maybe down the line they can look at it going back to being a trailer launch. It's not like it's set in stone and written off. This is just for the time being, what we need to do right now for safety, because there are some people that aren't familiar with the area and that can cause problems. Sullivan asked if there is anything in the paperwork that says this is reviewed every year? Weinman said it's reviewed annually. It's updated every year. Henry recommends that from an NPS enforcement standpoint until this issue is remedied, that this is public information and if people are launching their boat there the enforcement should be that it may not be the wisest thing to do. Weinman said that's a big part of this, education. There will be information at the access about the river makeup, climate, and weather patterns. Their intent is not to punish; it is to discourage people from getting themselves into unsafe situations especially during a time when EMS or emergency response is spread thin. Weinman said they are aware TMR is a popular access. Richardson said this discussion will resume at the next WU/RM Committee.

Adjournment: A motion by Rajszyk, seconded by Sullivan, to adjourn the meeting at 7:56 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas 5-13-2020