

## **UPPER DELAWARE COUNCIL MEETING MINUTES**

### **June 2, 2016**

The Upper Delaware Council held its monthly meeting on Thursday, June 2, 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.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Jeff Haas (7:03 p.m.), Town of Lumberland-Leigh Sherman, Town of Deerpark-Ginny Dudko, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Judy Kuhn Conklin, Westfall Township-Mike Barth, Commonwealth of Pennsylvania-Tim Dugan, Delaware River Basin Commission-Tom Fikslin, National Park Service-Kris Heister (7:05 p.m.). Staff in attendance: Executive Director-Laurie Ramie. Also in attendance: Deb Conway, Highland alternate, Carla Hahn-National Park Service. Absent: Town of Delaware, Shohola Township, State of New York. Media: Dave Hulse, Peter Becker, Autumn Schanil. Guests: Douglas & Susan Case.

**Approval of May 5 Meeting Minutes:** A motion by Dudko seconded by Richardson to approve the May 5 meeting minutes was carried unanimously.

**Public Comment on the Agenda:** None

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were: May 17 Water Use/Resource Management by Ramie on Vice-chairperson Jeffer's behalf and May 24 Operations by Ramie on Vice-chairperson Roeder's behalf. Richardson commented that because he wasn't given the opportunity to give his report last month, he did not take the time to prepare one for this month. Peckham noted that the May 24 Project Review minutes are available on the UDC website.

Henry commented that the detour signs for the Skinners Falls Bridge are still confusing. A brief discussion took place. Hahn commented that the local NYS DOT is working to correct the issue, but it has not been done as of this morning.

### **Status Reports**

**Delaware River Basin Commission:** Fikslin showed a PowerPoint presentation covering the topics of Flow Conditions, Assessing change under Special Protection Waters regulations, and Fish Tissue Monitoring.

Fikslin reported that regarding reservoir storage, they are in good shape with most being at around 99% capacity at this time. He covered the daily stream flows at both Montague and Trenton, noting that the river has been typically low. Fikslin stated that New York State, Pennsylvania, New Jersey, Delaware, and the City of New York announced that they have unanimously approved a one-year extension of the current Flexible Flow Management Program (FFMP) intended to meet water supply demands, protect fisheries habitat downstream of the New York City (NYC) Delaware Basin reservoirs, enhance flood mitigation, and repel the upstream movement of salt water in the Delaware Estuary. He said that overall, the FFMP releases program was effective in maintaining flow and temperature targets in the Upper East Branch, West Branch,

and Neversink River tailwater reaches, No thermal stress days were recorded for the Upper East Branch or the West Branch and only 7 in 2012 in the Neversink River. FFMP summer base flows to the West Branch were inadequate in maintaining desirable summer water temperatures in the upper Delaware River but this was also true of all earlier releases programs. Directed releases to meet the Supreme Court mandated Montague flow target continue to exert the greatest influence on summertime temperature and low conditions on the West Branch and upper Delaware River. Thermal stress days on the Delaware River for the summers of 2011 through 2014 ranges from 0 to 13 at Lordville and 5 to 67 at Callicoon. He covered recent water temperatures and noted that they are still an issue. Peckham commented that even with recent additional releases, the river is still low and warm.

Fikslin said that the Special Protection Waters (SPW) 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. He noted that the SPW program requires projects to demonstrate that they will not measurably change existing water quality. This is accomplished by taking a watershed approach, looking also at the drainage area of the designated waters, and by regulating both point and non-point source discharges. He explained how this is accomplished in both the Upper, Middle and Lower Delaware River. Data has been analyzed to see if water quality has measurably changed. Data has been collected at 29 sites between 2006 and 2011 so they have a lot of consistent data collected to conduct the comparison. Another round of sample collection is being planned for between 2019 and 2021. The concept is to be constantly measuring to determine whether the water quality has changed. Fikslin explained the comparison of Existing Water Quality versus Standards. He noted it is the policy of the Commission that there be no measurable change in existing water quality except towards natural conditions in waters considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Fikslin stated that the report "Lower Delaware Measurable Change Assessment 2009-2011" is expected to be released this summer. Similar reports for the Middle and Upper Delaware will be forthcoming. He reviewed the summary matrix of measurable changes for the Lower Delaware, noting that 88% of water quality tests showed no degradation with many sites showing water quality improvement. He reported that Chlorides and Specific Conductance increased at almost all locations. He noted that winter road salting is most likely the cause. He added that both parameters are unregulated, as are DOT practices. This is a nation-wide trend, according to the US Geological Survey. He noted that bacteria is still an issue.

Fikslin reported that since 1990, DRBC has periodically sampled tissues of resident fish species in the non-tidal and tidal portions of the main stem Delaware River. In the non-tidal portion, samples of smallmouth bass and white sucker are collected in Narrowsburg, NY, Milford, PA, Easton, PA, and Lambertville, NJ. The samples are analyzed for PCBs, chlorinated pesticides, dioxins/furans, flame retardants, perfluorinated chemicals, mercury, and other metals. He shared the mercury results of fillet samples of Smallmouth Bass and White Perch collected from 2004 to 2012.

Referring to the increased Chlorides, Richardson questioned if that could be result of discharge from sewage treatment plants. Fikslin said most likely not.

Henry referred to the May 27 UDC letter to the Decree Parties regarding increased releases from the NYC Reservoir system beginning at noon on May 27. He questioned if those increased releases were effective in such areas as reducing the temperature at Lordville. Fikslin said there were still temperatures above 70 in the Neversink River, and at Lordville and in the East Branch of the Delaware. Henry questioned who would know if the releases that are made after a request are being effective. Heister said she believes that the Friends of the Upper Delaware River were monitoring if the releases were effective. Henry said he would like to know if the releases were effective. Peckham commented that the FFMP has been extended for yet another year with no changes made. Fikslin reported there is no cap on temperature currently in the FFMP. A brief discussion about competing interests for water took place.

Ramie asked Fikslin for a copy of his PowerPoint presentation. He said he would provide that.

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

**PA Dept. of Conservation and Natural Resources:** Dugan reported that the Commonwealth's fiscal year ends June 30<sup>th</sup>. He does not have a lot of information regarding the budget to share, but expects to learn more at a meeting scheduled for next week. He expects his agency's budget to stay flat line. He noted he is starting to see restrictions filling vacant positions across the Department of Environmental Protection and the DCNR.

Dugan noted that Community Conservation Partnerships Program (C2P2) grant reviews are currently being conducted and he hopes to have award announcements by September.

Dugan stated that DCNR Secretary Cindy Dunn is scheduled to meet with the Geotourism Stewardship Council in Hawley, PA on June 20<sup>th</sup> to discuss three different levels of DCNR interaction. They will address how the agency can collaborate with the Geotourism project; discuss how the Pocono Forest and Waters Conservation Landscape (PFW CL) can interact and collaborate with the project; and ensure that the Delaware State Forest can tie in with the project.

Dugan reported that the state had a busy spring fire season. His district, the Delaware State Forest, was the busiest with the largest fire in Pennsylvania in the last 26 years. The fire was the first Type 2 federal incident fire in Pennsylvania ever. Staff battled the blaze for 16 days straight, he added. The fire known as the "16-Mile Fire" began as 4 independent fires and grew to over 8,000 acres destroying 11 structures. He provided details of the fire noting that resources were pulled from across the state and other states to battle the blaze. Dugan stated that the mission in wildfires is to protect life and property and to extinguish the fire. He said of the hundreds of structures threatened only 11 were lost and one minor injury was reported.

A moderate Gypsy Moth spraying program concentrated in Northeast and central Pennsylvania took place this year, Dugan reported. They will continue to monitor through the month of June. Dudko commented that she did not think there were too many Gypsy Moths this year. Dugan noted that the rain keeps the population in check. He added that they did hatch early and as a result the spray program began early.

Regarding the Emerald Ash Borer (EAB), Dugan reported that his staff will be treating trees on state forest land from mid-June through early July. One hundred trees were treated last year and they look to treat as many this year. The goal is to keep these trees free from infestation so that they can produce seed in the future. Peckham questioned if the treatment has been successful. Dugan stated that for three years the eastern line for EAB has not moved. He does believe that it is just a matter of time before they are found. Henry questioned what the EAB line currently is. Dugan said he would need to refer to his map, but noted it has not been found in Wayne and Pike counties.

**National Park Service-Upper Delaware:** Heister reported on NPS Centennial activities that have taken place to date including the World Fish Migration Day float and the Corwin Farm Clean-up day. She thanked the UDC for submitting the application for the clean-up, noting it was a great event and encouraging members to stop and see the work that was accomplished. Leadership Sullivan has requested that the same proposal be submitted for next year, she added. Dudko questioned the hours at Corwin Farm. Heister said it closes at dark.

Heister said that the kiosks are now manned and the National Canoe Safety Patrol is out on the river. She reported that overall it was a good Memorial Day weekend and spoke about some of the incidents that occurred.

Heister said that UPDE will not be getting a summer seasonal law enforcement officer. The announcement for the replacement of Larry Neal's position closes this week. She hopes to have that vacancy filled within the next six weeks.

Heister stated there had been some issues with getting the contracts out for local law enforcement, but those have been resolved. In the past, the Citizens Advisory Committee determined how much law enforcement funding went to each town and township. The topic of law enforcement funding is one that she would like to discuss at the next Water Use/Resource Management Committee meeting, Heister stated. Funding is currently based on how many recreational facilities are located in the town or township. Henry said that funding used to be determined by the number of river miles and who had police forces in place. Many of those police forces are no longer in existence, he added. Heister said that is why some funding currently goes to the Sullivan County Sheriff's Department.

Heister said the Park Service has received 38 out of 44 signed release forms for the Oral History recordings. Four of the interviews have been identified as copies done by the Delaware Valley Arts Alliance through a project in the 1980's. Permission forms for those recordings are being sought. A high school senior transcribed some of the recordings before her community service hours ran out. A professional transcriptionist has offered her services on a volunteer basis. Heister said they are considering having a tent where 20 minute Oral Histories could be recorded of those interested in sharing at the National Park Service Birthday Bash in Narrowsburg on August 13.

Heister noted that a variety of solar farms are being proposed in the river valley with at least one being partially located within the corridor. She said the Land and Water Use Guidelines states "There may be a number of unforeseen future uses that cannot be specifically provided for in the schedule. When those situations arise, the affected town, the Council and the National Park Service will compare those uses to similar uses that are defined in the Guidelines and make their judgments accordingly." She read the definition of Power Generating Stations which states, "Any new commercial or public electric generating facility (for base load, cycling or peaking purposes) powered by coal, oil or natural gas, nuclear power and hydropower." She read the definition of Major Electric Lines which states, "Any new electric power lines, cables, or conduits used for transmission of power between two points which has a design capacity of 125 kilovolts or greater and extending a distance of one mile or more in length, or of between 100 kilovolts and 125 kilovolts, extending a distance of ten miles or more in length. This definition does not include telephone and electric distribution lines." She noted that solar plants involve both the solar field itself as well as electric lines. Power generating stations and major electric lines are incompatible uses in hamlets, recreation segments, and scenic segments. She requested that the UDC work to try and articulate a position. Peckham feels this issue could be addressed with a minor amendment to the River Management Plan. Heister said it may not be that hard of an issue to address and stated it would behoove the UDC to address it sooner than later. She stated she has heard about nine potential applications in the river valley. Henry requested that the information regarding the references cited be shared with members via email prior to the next Project Review meeting. Greier said the Town of Fremont has received an application for a solar farm that would not be located within the corridor. As a result, the Planning Board developed a model ordinance and he shared a copy. He believes the Town Board will vote it into law next week. Peckham requested that he leave a copy for Golod. Heister questioned if that ordinance was reviewed by the UDC. Greier said it was not. Ramie added that we were not aware of it. Heister noted it should have been provided to the UDC for review as an ordinance change by a member town.

Dudko asked to go on record in being disappointed with the Park Service for not including Port Jervis in the 100-Mile Paddle. She said that Port Jervis had requested that they be included in the 100-Mile Paddle. She realizes that they are not part of the designated Upper Delaware River corridor, but noted they are part of the river valley. She said that the Port Jervis Common Council is very upset with the Park Service as a result of that. Conway questioned if Port Jervis opted out of the designation 25 years ago. Heister said the fact that they are not included in the Upper Delaware Scenic and Recreational River was not the only reason they were excluded. She explained that they had just a certain number of dates and were committed to do both the Upper and Middle Delaware River. The dates that were proposed by Port Jervis were Sundays and Sundays have been retained as rain dates. Heister said it just wasn't feasible to include them. She invited Dudko to arrange a Centennial event involving Port Jervis.

**UDC Executive Director's Report:** Ramie referred to the May 19 press release titled, "NY-PA Joint Bridge Commission Approves Upper Delaware Plans" provided in members' packets. The Joint Interstate Bridge Commission's annual meeting took place on May 18<sup>th</sup> in Binghamton, NY. The press release focuses on five bridges approved on the capital construction schedule in order of their work start dates. Both NY and PA DOTs have publicly committed to hold the river valley meeting that the UDC and NPS had requested last year, Ramie reported. Dave MacEwan of NYS DOT has requested logistical assistance which Ramie said she and Carla Hahn of the NPS are providing. Two sessions will take place; one for municipal officials and emergency service providers and one for the general public. The topics will include the operation of the bridge commission and the plans, detours and coordination for the Skinners Falls, Pond Eddy, Narrowsburg, Kellams, and Callicoon bridges through 2018-19. Ramie said we are looking for assurance that they are being coordinated in terms of the timing, detours, and work involved. More information will be shared once it becomes available. Ramie said it was also reported at the commission

meeting that the staging of equipment for the replacement of the Pond Eddy Bridge has been worked so that only one causeway will be necessary. Regarding the Barryville Bridge, it was reported that NYS DOT issued a Use and Occupancy Permit to Fred Reber effective April 1 for Reber's Rivers Trips doing business on property adjacent to the DOT right-of-way. This followed the October 21, 2015 meeting that the UDC had coordinated with the affected parties which NYS DOT Regional Director Jack Williams said "succeeded in facilitating a workable solution with the community." The detour sign placement for Skinners Falls was also discussed at the May 18<sup>th</sup> meeting with NY responsive to improving the situation. Ramie reported that the Joint Interstate Bridge Commission chairmanship reverts back to PA for the next two years effective 2017. Henry questioned if the Skinners Falls Bridge was open for light traffic over Memorial Day weekend. Ramie said she had not heard that.

Ramie referred to the copy of the May 31 Office of the Delaware River Master press release titled, "Delaware River Basin States and New York City Announce One-Year Reservoir Operating Plan Agreement" provided in members' packets. This is a one-year extension which has been repeated since 2011 without any significant changes, despite our discovery at the April 5 Regulated Flow Advisory Committee (RFAC) meeting that the 1954 US Supreme Court Decree Parties had met 19 times in the last 18 months to prepare for this May 31 plan expiration. Ramie commented that although this plan has been status quo for the last six years, two recent incidents proved that the parties can work together, or at least, not oppose actions proposed for the good of the river. New York City Department of Environmental Protection (NYC DEP) obtained approval for a temporary increase of releases to accommodate the Friends of the Upper Delaware River's (FUDR) One-Bug major fundraiser fishing tournament April 29 through May 1. The second example was the Memorial Day Weekend issue of low flows and high temperatures that were threatening to create emergency conditions of thermal stress that can kill fish and a poor recreation experience that can kill the economy. Numerous groups advocated for increased cold water releases and those pleas were heard. Ramie referred to the copy of the UDC May 27 memo expressing appreciation for those increased releases from the three reservoirs through a manipulation of the water release tables proposed by New York State and New York City. Ramie reported that she attended a meeting June 1<sup>st</sup> in Hancock arranged by FUDR. Mark Klotz, the Decree Party Principal for New York State, which had been the only of the five members to miss the April 5 RFAC meeting, agreed to come down from Albany for a candid three hour discussion with Upper Delaware interests. The meeting provided more insight into the overall FFMP process and various negotiation deadlocks. Ramie said she will report more in depth on this invitational meeting at the June 21 Water Use/Resource Management Committee meeting.

Ramie reported that the UDC received its first response back from our letters sent out on March 22 regarding "what economical and effective options are available to provide publicly accessible 911 communication service without adversely affecting the region's pristine landscape." She referred to the copy of a May 25 reply from NYS Senator John J. Bonacic to our Project Review Committee Chairperson Larry Richardson. Ramie noted that we had said in our letter that we understood Gov. Cuomo had committed to enhancing wireless access and addressing cell phone dead zones throughout the state, particularly in the Adirondacks, but Senator Bonacic says there isn't any current funding directed to that mission. She said we will continue to explore options.

Ramie referred members to the June calendar of UDC Meetings, Activities and Deadlines. She noted that Resource Specialist Pete Golod is completing a 3-part course in PA Zoning Administration this evening and has additional trainings for website management and PA zoning next week, as well as hearings in the Town of Delaware and Shohola Township as indicated. She reported that the NPS 100-Mile Paddle kicks off on Saturday, June 4. Those dates and sections as well as other major Centennial activities will be included on the monthly calendar. On June 10<sup>th</sup>, Chairperson Fred Peckham and Secretary/Treasurer Al Henry will be the UDC's representatives to a program that the NYC DEP is sponsoring in Matamoras to orient participants to its Emergency Action Plans for the Delaware River Basin reservoirs and discuss how to improve communications. Ramie referred to the DRBC press release titled, "Interested Paddlers Invited to Register for the 2016 Delaware River Sojourn: June 18-25" noting that they will have two paddling days in the Upper Delaware on June 18 & 19. Registration details, itinerary overview, and sojourn guidelines are available at [www.delawareriversojourn.org](http://www.delawareriversojourn.org). A meeting of the Geotourism Stewardship Council with PA DCNR Secretary Cindy Adams Dunn to discuss outreach projects is tentatively set for June 20<sup>th</sup>, Ramie stated. On June 25, Golod and Odell will staff a UDC information booth at the Upper Delaware BioBlitz at Ten Mile River Scout Camp property in the Town of Tusten. Ramie noted that the calendar also

contains a preview of July dates which includes the Zane Grey Festival, Narrowsburg Riverfest, and Grave of the Unknown Soldier and Battle of Minisink observances.

In terms of future presentations, Ramie said on July 7, Heather Jacksy from Sullivan County Planning will present highlights of the completed Local Waterfront Revitalization Plan for the Upper Delaware River Corridor. On August 4<sup>th</sup> it is hoped that the video from the Leadership Sullivan's Corwin Farm Canal Clean-up project can be viewed and a class representative can share their experience. A copy of the May 25<sup>th</sup> appreciation letter from the UDC to Leadership Sullivan was provided in members' packets for their information. Ramie said we will try to get Sullivan County Commissioner of Public Safety Dick Martinkovic and 911 Coordinator Alex Rau to give their postponed Sullivan County Emergency Services presentation at the September 1 full Council meeting.

Ramie said that *The River Reporter* recently published an "Explore the Scenic Byway" magazine. They chose the NPS Centennial as a theme. Copies are available in the UDC office. Ramie said the Wayne and Pike County tourism attractions have been combined/branded for the first time into a "Northern Pocono Mountains Travel Guide". Copies of this publication are also available in the office, she added.

**Old Business:** Henry asked Greier where the river accesses are located in the Town of Fremont since a published letter by the supervisor referenced that there are five in close proximity. Greier said the primary access is the Ferry Street access. Public, carry in accesses are also located at Kellams Bridge, Basket Creek, and an access located where the old acid factory was at the upper end of Long Eddy. Members added that those accesses are very primitive and not widely known about.

**New Business:** None

**Other:**

**Public Comment:** Douglas Case stated that he owns the eel weir just south of Narrowsburg. He referred to the large pile of debris that has formed below the Darbytown Access and said that if someone tries to tear it out while they are building their weir, it could be problematic for him. Heister said the Park Service will not be removing it. Susan Case said if the pile goes out in one shot it will destroy their rack. She questioned why they won't be removing it. Heister stated that the Park Service's primary concern is visitor safety and they have determined that the pile is not a safety issue, but one that provides some ecological values. Case said she read that the Park Service was supposed to remove the garbage from the pile. Heister said they are going to get to that. A brief discussion about eels took place.

**Adjournment:** A motion by Dexter seconded by Henry, to adjourn the meeting at 8:58 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 6/13/16*