



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES

June 6, 2019

The Upper Delaware Council held its monthly meeting on Thursday, June 6, 2019 at the Council office in Narrowsburg, NY. Chairperson Roeder called the meeting to order at 7:03 p.m. The Pledge of Allegiance and roll call followed. Roeder requested a Moment of Silence to recognize the 75th anniversary of the D-Day invasion.

In attendance: Town of Delaware- Harold G. Roeder, Jr., Town of Hancock-Fred Peckham, Town of Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Fremont-Jim Greier, Town of Highland-Andy Boyar, Town of Deerpark- David Dean, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Town of Lumberland- Nadia Rajs, Westfall Township-Roland Edwards, Jr., National Park Service- Carla Hauser-Hahn, State of New York-Bill Rudge, Delaware River Basin Commission- Steve Tambini. Staff in attendance: UDC Executive Director- Laurie Ramie, Resource Specialist- Pete Golod, Secretary- Ashley Hall-Bagdonas. Absent: Commonwealth of Pennsylvania- Tim Dugan. Media- Dave Hulse. Guests: Roger Saumure-Shohola Township, Ginny Dudko- Town of Deerpark, Amy Shallcross- DRBC, Jennifer Claster- National Park Service, Betty Sutliff, John Sutliff, Jerry Wowd, Harold A. Vannatta Jr., Jeff Skelding, Dave Pallis, Tom Gallaway.

Presentation by DRBC Executive Director Steve Tambini and Manager of Water Resource Operations Amy Shallcross: "Flow Management for Delaware River": Tambini said in April the Office of the Delaware Rivermaster (ODRM) was here to talk about flow management. There were many questions that came up about the interrelationship between the DRBC and management for the Upper Basin. Tambini said he's been at this for about five years and it is complex with all the different parties that are involved. When there is lack of flow in the river, it gets even more complex. Tambini shared a story. He got a call one time at the office. It was a voicemail. He listened to it and it was an angry person from this area, someone who's very familiar with the river. The river was down and the message was, "You guys have no idea how to manage this river. It's a travesty and horrible." Tambini said he thinks what the person really didn't know and what many people learned in April is that the flow management in the Upper part of the Basin really is responsibility of the Rivermaster while the DRBC takes care of the Lower Basin. This is just another step in the equation of trying to figure out how flow is managed in the Basin.

Shallcross started with an archived document she showed UDC that said "The mighty Delaware. It's small in size but it provides a big service to the area. Keep it clean, healthy, and strong." Shallcross asked what are the competing objectives? First there is drinking water; up to 800 million gallons a day can go to NYC but Philadelphia also gets its drinking water as well as central New Jersey. They have different aquatic resources, oysters in the estuary as well as trout and shad. Water is also used in the Basin for power generation. There are two hydropower facilities in the Upper Basin and nuclear power plants in the Lower Basin. Shallcross said we have the river itself, and we need to store water so that we can use it for different things or to prevent flooding. The sources of water are the three NYC reservoirs and for the Lower Basin there's six billion gallons reserved to meet Trenton. The stars on the power point are the flow objectives and there's one in Milanville and one in Trenton. They have two reservoirs that the DRBC can use in the Lower Basin to release water for Trenton. The purple reservoirs shown in the power point slides are for different purposes but they can use that water in a drought emergency. In very dry periods the flow of Trenton can be 60% from reservoir releases. Shallcross provided a photo showing the three NYS reservoirs that are primarily used to meet the Montague target. Beltzville on the Lehigh and Blue Marsh on the Schuylkill are primarily used to meet the Trenton target. The Hydropowered reservoirs are the Nockamixon which is recreational reservoir and F.E.

Walter reservoir which can be used to meet the Trenton flow objective in a drought emergency.

Shallcross said George Washington put the Delaware on the map by crossing it. Then in the 1800s for commerce, a canal was built taking people from the Delaware to New York so they didn't have to sail around Cape May and to improve the transportation of goods. 1893 was the World's Fair in Chicago and that brought power and light. There was Hydropower generation in the Basin in 1929 but at the same time NYC was an up and growing city and they sort of looked west for water. They went into the Catskills and Hudson Basin, and then they set their sights on the Delaware River Basin. In 1927 they had approved to build reservoirs in the Delaware Basin, but Jersey caught wind of it and they didn't like that idea because they thought they were going to be impacted. So they sued NYC and NYS because they felt they were going to be impacted by construction of those reservoirs. The concerns were over violation of riparian rights. Riparian rights can't diminish or impair somebody's ability to use the water downstream of you, your sanitary effects, municipal water supply, structure of navigability, industrial use, power rights, increasing salinity (lower basin issue), shad fishery and the oyster, farming and recreation. There was a special Master that went through each one of these individual topics and although singularly it wasn't a big impact, together, they felt that they impaired New Jersey's ability to use the water in 1931. NYC responded that it would provide benefits so that New Jersey wouldn't be impaired by diverting flooding wastewaters by releasing 275 cfs during the summertime. This was rejected by the court. There was a 1931 decree for a flow objective at Port Jervis and Trenton. There was a limitation on the amount of water that NYC had to release to meet Port Jervis. NYC was required to treat the wastewater from Port Jervis because if you're going to reduce the water coming down the river, concentrate the waste in the stream. NYC's diversion was limited. They wanted 600 cfs. The court limited it to 440 cfs. Pennsylvania and New Jersey were allowed to inspect NYC's facilities. The Delaware aqueduct was completed in 1945 and in the meantime the city decided that those two reservoirs were not enough water. They then went back to court because New Jersey said they're going to be impacted from Cannonsville this time and the court responded. They set the flow objective at Montague but they eliminated the Trenton flow objective. NYC was still required to treat the wastewater. Their diversion was limited to 800 cfs when all three reservoirs were constructed. NYC was to release water that they did not need so they had a certain amount of water in the reservoirs called a Safe Yield. New Jersey wanted to divert water through the Delaware Maritime Canal. They were limited to 100 MGD. The River Master's office was established. Delaware had also intervened. All three of those states were allowed to inspect NYC's facilities. Then came Hurricane Diane, the 1955 flood. Shallcross showed the bridge from Phillipsburg to Easton that was washed out in that flood. Shallcross said the Army Corps completed three flood control reservoirs and the Commission formed in 1961. The Commission was established by the Compact, approved by statute for the four states and the Federal Government. It was really established to address water shortages, serious flooding and severe pollution in the main stem and tributaries. One interesting thing about the Compact is that the Commission had authorization to change provisions of the Decree if it had unanimous consent of the Decree parties. This provides a way for the parties to make changes to the terms of the Decree without having to go back to the Court. One of the requirements of the Commission is that they cooperate with the states and avoid redundancy.

Next there was the drought in the 1960s. What happened in the 1960s drought was there was insufficient water for NYC to meet the Montague flow objective and to take its diversion. They actually stopped taking releases at some point. The Commission declared a drought emergency in 1965. They had a Conservation Order which reduced Montague to 1200 cfs and limited NYC's diversion to 375. The salt front, a Lower Basin issue, was only eight miles from Philadelphia's drinking water intake. A salt front is where the ocean water meets fresh water from the land. It's defined as the 250 milligram per liter. For Reservoir operations they use the seven-day range. The reason why concentrations are this high is a concern is because it can cause corrosion in pipes and also a taste and odor issues in the water. There are also health concerns with the drinking water.

Shallcross said Cannonsville was completed in late 1964, Beltzville came in 1972, Blue Marsh in 1978 and then a Good Faith Agreement was established. After the drought in the 1960s the Commission said go forth and figure out how to deal with the drought. The DRBC formed the Flow Management Technical Advisory Committee n/k/a Regulated Flow Advisory Committee. They commissioned studies to evaluate a whole bunch of issues in the Basin. The parties met and the Drought Management Plan ended up being phased reductions in outer basin diversions by New York and New Jersey for flow objectives. It restored the flow objective from Trenton. The states were required to come up with drought management plans. There's conservation. There were also recommendations for reservoir modifications including expansion of Cannonsville reservoir. Peckham asked with diversion by New York, do you

mean NYS or NYC? Shallcross said NYC and New Jersey through the Delaware Canal and the water that they can take out of the Basin. These aspects of the Good Faith Agreement were incorporated into DRBC Rule Making Process. Shallcross showed DRBC's Combined Storage graph. The drought mentions are based on the combined storage and NYC reservoirs. When the NYC reservoirs were first constructed, the conservation releases were minuscule; in some cases, 5 cfs. Right now she believes the minimum is 45 cfs. NYC, NYS and the Decree parties dealt with the conservation release issue and increasing them through DRBC dockets and resolutions. There were three major dockets and visions that set up the conservation releases for the city. Shallcross said you may know about the Flexible Flow Management Program. It has greater conservation releases but they focus on enhanced releases for fisheries, thermal mitigation and spill mitigation.

Shallcross showed a slide of November 5th, 2016, and the amount of water getting to Trenton from different areas of the Basin. On that particular day (based on a ten-day average) the flow above Montague made up 62% of the flow in the river at that time. If the River Master doesn't meet Montague it causes a problem for Trenton and they have to make more releases or they will miss the final flow objective. Shallcross said there are issues of how fast base flow drops, will it actually rain and will the release get there on time. Water that is released from Pepacton takes 108 hours to get to Trenton. If Hydropower releases don't occur Montague will be low and the DRBC will have a tendency to miss Trenton. This year was the Base Flow Recession and in the modeling you have to look at what the reservoir was when they did the model and then how fast the flow goes down with time. The system developed over a long period of time to address different uses and they have finite resources to do it. They have planned and coordinated and collaborated to have plans for a drought management. Also the conservation releases have evolved over time because as more information comes available, they have a better handle on what is needed in the river. The flows at Trenton are significantly affected by the flows at Montague. The uncertainties in real time data really affect your ability to meet the full objectives and some of them are irreducible like the hydropower they have no control over those.

Peckham said it seems to him that NYC controls the NYC watershed. The River Master is responsible for the Upper portion (Shallcross said correct) where the DRBC has more concern with the Trenton area. Peckham said but you have authority up until the NYC reservoirs. Tambini said do you mean on flow management or in general? Peckham said in general. Tambini said in general the Compact gives the Commission broad authority over several issues. The only carve out is the issue of the Supreme Court Decree. There is a mechanism that works within the Commission to deal with that as well. Peckham said it seems like what you're saying is the Upper Basin is really contingent on NYC whereas the Lower Basin towards Trenton has a lot more options available to reset 3000 cfs. Tambini said that's what was discussed last time and the Supreme Court Decree is sort of hard wired. Over time it has adapted. Though it's not perfect it does benefit everybody. Shallcross said primarily drought management issues and conservation releases are what have been adapted. Peckham said sometimes when they are releasing at Montague you can walk across the water up here and not get your ankles wet. Tambini said the Decree Parties have their principals for negotiations, etc. The Regulated Flow Advisory Committee gives the public an opportunity to provide feedback into that process. During this last FFMP that was approved in 2017 there was significant input provided by people in the Upper Basin about some significant issues. The Decree Parties dedicated up to 3 billion gallons of water for the Upper Basin for thermal mitigation issues and what they call rapid flow recession issues. The committee is still working on that but it is based on the input from stakeholders in this area, which the DRBC provides a mechanism for public input and then other mechanisms like the Subcommittee on Ecological Flows (SEF) to inform not only the commissioners, but to inform the Decree Parties on continued adaptive management of the flow in the Basin.

Greier said the way he sees it, NYC draws their water directly out of the reservoirs and they take theirs first. Trenton and Philadelphia get the overflow. Tambini said the Supreme Court Decree says they have to meet a flow target at Montague. That is the responsibility of Kendra Russell, Office of the Delaware River Master (ODRM). ODRM accounts for flow because of weather and from hydropower. If there is not enough flow because of those factors ODRM will do a directed release. The Trenton flow target came out of DRBC's Drought Management Plan because as Shallcross said, there was a realization in the 1960s without having a flow target at Trenton the objectives for controlling the salt front and the estuary would not be met. It got dangerously close to the City of Philadelphia intakes. The Supreme Court Decree sets the target at 1750 cfs at Montague as a given. In the Drought Management Plan that changes based upon the level of NYC reservoirs and ultimately it changes based upon the salt front location. Shallcross said the 1750 cfs was based on analysis from the 1930s drought. Then there was the 1960s

drought which was much worse. Rather than going back to the Court and figuring out how much water is available for what purposes, they came together at DRBC and negotiated. New Jersey will take less, NYC will divert less, they will lower Montague but in condition of lowering Montague, the City will take less water. The idea was everybody took a hit, everybody lost something. Tambini said he thinks there's a lot of input and activity on the needs of the Upper Basin. He knows they aren't satisfying all of those needs but there has been a lot of stakeholder input.

Saumure asked from DRBC's perspective if there is a target at Montague, if the target is being met, then they know how much additional water they need to make? Shallcross said correct. Shallcross said 2018 was the third highest flow year in Trenton in a hundred years of record. Skelding of Friends of the Upper Delaware River (FUDR) said he agrees with Tambini, that for the Upper Delaware River interests, the whole history of progression has really improved the situation up here to some degree. That is especially true with the FFMP and the Joint Fisheries White Paper. Tambini has said it's not perfect and that is also true. Skelding said there are at least 10 policy issues off the top of his head that need to be addressed to make sure the FFMP and management could be a whole lot better for Upper Delaware interests. Skelding asked how do we have the resources and horsepower to make that happen because NYC is so powerful when it comes to management of reservoir water and embedded rights from a decision made in 1954. The world has changed since then yet they are locked into that. One of the biggest weaknesses of this whole process he feels is they are making huge policy decisions and there is no public process involved. Usually DRBC files a docket or has a public hearing. That rarely happens with the process of the FFMP except in the years of the listening sessions. Skelding said it puts a lot of pressure on FUDR because they are viewed as public and it's hard for them to get to communicate these complex issues. When DRBC says FUDR and Trout Unlimited pay attention and are public representation, that is not the way it really should be.

Henry asked if they heard about the reference in the Supreme Court not to come back for 100 years? Tambini and Shallcross said that's the Compact. Shallcross said part of the Compact was that they said they were not going back to the Courts. Henry said if you look at the Draft Environmental Impact Statement for the Upper Delaware it's in there.

Sullivan said we've exceeded our 100-year flood. In 2006 we exceeded the 500-year flood. The FEMA maps have been redrawn. There is a lot of water that is predicted to be here and she wonders how that affects the DRBC and how they plan for it. Shallcross said for this part of the country, it's supposed to be warmer and wetter. The way we could have a worse drought is if it gets hotter more quickly than we see the precipitation and we will have less water available. Some preliminary studies that they've done depend on which one of the climate scenarios you look at. In general, the seasonality of flows change and more precipitation comes as rain in the winter so it gets into the river. Winter flows are going to tend to be higher. There will be less snow pack, so there will be less snowmelt in the springtime. The flows in the spring will be lower and it will kind of level out in the summertime. Around the fall they start to get higher.

Robinson asked if they adjust their models for forest composition? Shallcross said the model DRBC is using is a hydrologic model and it has three different land use/land cover. She believes in the land use/land cover it also includes a change in the type of land but she will look into that. Robinson said does it adjust to the age of the timber as there is a significant amount of difference in transpiration rates in mature timber vs. immature timber. Shallcross said she will forward the study to Robinson.

Roeder thanked Shallcross and Tambini for their presentation and gave them UDC lapel pins in appreciation.

Approval of May 2nd Meeting Minutes: A motion by Rajsiz seconded by Case, to approve the May 2nd, 2019 meeting minutes was carried. Richardson and Sullivan abstained.

Public Comment on the Agenda: None.

Committee Reports: Committee reports were provided based on the meeting minutes. They were: May 21st Water Use/Resource Management by Boyar; May 28th Project Review by Richardson, and May 28th Operations by Roeder.

Status Reports

Delaware River Basin Commission: Tambini quickly checked the Supreme Court Decree in reference to Henry's mention earlier. Tambini said there is no mention of "100 years"; he believes it's the Compact. Tambini will send copies of both. Precipitation is generally above normal in this area. Year to date it's anywhere from 4 ½ to 5 ½ inches above average. Over the past 30 days it's about 1 to 2 ½ inches above average when you look at the different counties in the area, resulting in higher than normal stream flows. This time of year they tend to decline relatively quickly. NYC reservoirs are full or near full and some are spilling depending on the day and rain events. The next meeting for Subcommittee on Ecological Flows (SEF) will be 6/19 in West Trenton. Related to that DRBC applied for a grant to the U.S. Fish and Wildlife Service. Several years ago the U.S. Geologic Survey developed a Decision Support System Model for the Upper Delaware to look at how flows and temperatures translate into available habitat for several important species. That model by USGS was put on the shelf and no longer maintained by them on an active basis. DRBC is putting in a grant to effectively revive that model for the use by SEF and other groups. It will help both the Commission and the Decree Parties. DRBC hopes to get word on the grant shortly. Next DRBC business meeting is 6/13 in West Trenton. Regarding the Delaware River Sojourn on 6/14 there is a volunteer River Cleanup. It is effectively full unless you have your own equipment. The Cleanup is Skinners Falls to Narrowsburg. On 6/15 the week long Sojourn begins in Narrowsburg and heads down river. Lastly, USGS has its Next Generation Water Observing System. USGS is the Federal entity for monitoring stream flows throughout the entire country. They have decided to pilot in the Delaware River Basin the Next Generation Water Observing System. In the short-term that means there are 17 new stream gages in the Delaware River Basin. Eight of them are on the Upper Delaware as well as 28 upgraded stream gages throughout the Delaware River Basin and 13 of those are in the Upper Delaware. Tambini said he will forward the list. Roeder asked if they are revising the Callicoon gage. Tambini said the Callicoon Creek will be getting a new stream gage. Tambini confirmed Robinson's question on Shohola, saying there will be a new stream gage at Shohola Creek. Tambini said that they will be on Equinunk Creek, East Branch, Willowemoc Creek, Cannonsville, West Branch, Callicoon and Ten Mile River. Henry said in the last ten years USGS was basically trying to shut these down due to financial problems. He said now they're advocating to enhance the ones that are existing and add 8 more. Tambini said what's interesting is the Delaware River Basin was chosen as a Pilot Site for the Next Gen. System. A lot of money is coming from headquarters to put in more gages to advance the system and build on it. He said you are seeing the very beginning of this project and the investment in the basin. At some point there will have to be maintenance and people will have to take ownership. There is also a new flow dashboard for the entire Delaware River Basin. Tambini said normally they don't do it on a basin basis but they are doing a lot of work in the Delaware as a pilot.

Dexter asked going back to May, Pennsylvania Legislature House Bill 827 was released, debated and went out to the floor. There were reports that two staffers from DRBC were meeting legislators. Tambini said they meet with legislators all the time and are allowed to do that. Effectively they are educating legislators as the UDC also does. Dexter said there was also some information that those staffers may have been telling them there is no natural gas in Wayne County, Pennsylvania. Tambini said he doesn't know what the staffers said in terms of that. Dexter said he's never seen it written either way; there's supposition but he's never heard it definitively. Betty Sutliff said the staffer's name was Stacey Mulholland who was there with another woman. Sutliff was told they were telling people to vote against HB-827. Tambini said there is no question that DRBC has told legislators that they shouldn't support HB-827. He believes they are on record with that. Sutliff asked if was an ethics violation and Tambini said no. Richardson said there is a public comment period at the beginning and end of this meeting and this discussion should be limited.

NYS Dept. of Environmental Conservation: Rudge reported NY DEC has been doing a lot to encourage women in the outdoors. He provided in the meeting packet information about NY DEC's second phase of "WOMENHUNTFISHNY" Photo contest. It runs June 17th through July 8th and women are encouraged to share their photos by emailing womenhuntfishny@dec.ny.gov

Rudge wanted to respond to Boyar's letter him about the Long Eddy Access. He confirmed that NYS does own the property. It was acquired in June 2018 from the Delaware Highlands Conservancy. They are in the process of addressing some issues, the most significant being a house that is in very poor condition on the property. They have

put in a request for engineering to look at options for the property on how it could be used to improve public access. Rudge added that they are very cognizant in the fact that .6 acres of property is not going to solve the parking issue in Long Eddy no matter what NYS DEC does. They are open to additional dialogue to try to address that. Henry said Basket Creek access was discussed at the Water Use/Resource Management meeting. Ramie said that is a different access than Long Eddy- Ferry Street access. Rudge said if you've been there it's a foot trail down to the river and it's fairly steep. He said they will never be able to develop that for trailer-boat access. Could it be approved to carry a canoe or kayak down, yes. Rudge has talked to Michael Flaherty, their Regional Fisheries Manager, about that.

Dean thanked Rudge and the DEC as they were very kind to the end of the corridor concerning Deepark by providing a dumpster past the bridge. That's where all the garbage ends up because it's a natural place to pull over.

Greier spoke to Rudge referencing a news release Rudge provided last fall regarding the Governor allocating \$140 million to clean up toxic waste sites. He wonders if these funds could be used for Barnes Landfill. Rudge said it's his understanding they can't. The fundamental problem with Barnes Landfill is there is no Owner of Record. No one wants to touch it until that issue is resolved. The County has expressed some interest in assisting and that is appreciated. Rajs said the County is looking at getting legal access to the site, possibly through the Courts. Once that is done they can see what needs to be done to repair and mitigate. If that's possible the County would seek funding to redevelop the site.

PA Department of Conservation & Natural Resources: Absent.

National Park Service-Upper Delaware: Hauser-Hahn said most have met the Acting Superintendent Marilou Ehrler. Hauser-Hahn's term ended on 5/12 and that's when Ehrler's began. Ehrler is contributing greatly in skills already observed in Project Management with some great ideas about staff management. Keith Winslow is a Law Enforcement Ranger at Delaware Water Gap and will be taking over 6/9 as the new Acting Chief Ranger. Winslow has had an Acting detail at Upper Delaware NPS previously. NPS Seasonal workers and interns are up and running. Please stop down at the accesses or say hello on the river.

NPS had a great Memorial Day Weekend meaning there were no drownings. The river has been very high. It was down significantly today. When she was driving by she noticed the river scour was starting to show about eight inches since yesterday morning. Life Jacket Loaner Stations are available at some of the accesses and some of the liveries. There is a new station now available at Mongaup. They have had good results with people using the Loaner Stations and with people returning the life jackets.

The NPS radio system was hit by lightning and it's been up and down. They have been having issues with their Mongaup and Lackawaxen towers. They are busy fixing that. The Delaware River Sojourn was mentioned earlier but Hauser-Hahn did want to mention Sandy Schultz, who has been at every Sojourn, was injured in a serious accident at her home this week and will not be at the Sojourn.

There is a Mountainkeeper Film Festival in Callicoon from 6/14 through 6/16. Catskill Mountainkeeper is sponsoring it and this is their first. Their theme this year is Wild and Scenic. NPS is assisting with a few programs. There will be film screenings with blocks devoted to Farms & Food, Water, and Climate in addition to workshops, filmmaker talks, and round tables. Hauser-Hahn said she thinks it important that members of UDC show up to this film festival since UDC represents the Upper Delaware.

UDC Executive Director's Report: Every spring Ramie goes online and looks for the Visitor Spending Effects Report that NPS produces Nationwide. She provided a copy of the Upper Delaware NPS Visitor Spending Effects Report for 2018 in the meeting packet. They break it down for each of the Park units as well. It gives a visitor count of 221 thousand. This report tells how much they spent in the Upper Delaware. Ramie said NPS has mentioned these statistics may be dubious in how they are collected and the understanding is that this takes place on Park Service property only. It's down from last year. UDC uses these numbers for various purposes. In 2017 it was \$10.8 million; in 2018 it was \$9.8 million. She noted on the second page are the sectors of spending and she found it interesting because you can see hotels is the number one spending category but there aren't really any hotels here.

Hauser-Hahn added these statistics are developed using certain numbers that Upper Delaware NPS provide but also extrapolating all kinds of other things. Hotel contribution may not be exactly accurate but one thing we are experiencing here are the impact of Airbnb's and vacation rentals by owners on our economy. We don't know what that really is but it is difficult to find places to rent in this area. Robinson asked if the County would have that information and Rajs said they would.

As was mentioned in the Operations report with the Federal Funding, there was a breakthrough on 5/28 and UDC's funding for FY 2019 was provided. There was a lot of bureaucratic persistence needed to receive that, but now UDC's operations are secured through 9/30. Then UDC starts over for a FY 2020 budget.

Roeder and Ramie were invited to present to the interns and seasonal staff at the Upper Delaware Scenic and Recreational River's Seasonal Orientation on 5/13. They had five days of training with every division speaking to them about what their responsibilities would be, visits to the kiosks, canoe training, etc. Roeder and Ramie spoke directly after Hauser-Hahn gave a historic overview, which was a good segue for them to explain what UDC and the River Management Plan are and how the cooperative partnership works. Ramie and Roeder invited them to stop by the UDC office or a meeting anytime.

Ramie said speaking of history, members often talk about the number of pages in the minutes but she believes in having as much content as possible for it to be a historic document. She would never advocate for cutting down on the amount of information that's included in them. We can give reports to summarize quicker. Another part of UDC's history is the Annual Report that Ramie produces. There is no obligation to do that since UDC files progress and financial reports with NPS on a quarterly basis, but Ramie feels it is a valuable document for posterity. It was distributed electronically on 5/23 and is posted on the UDC website under Publications.

It's not too late to sign up for NYS Delaware River Watershed Signage meeting that will take place at UDC on 6/11 from 6-8 p.m. They are starting with the NYS boundaries of the Upper Delaware Watershed and you can assume that it will move on to Pennsylvania, New Jersey and Delaware. This is a partnership project led by The Coalition for the Delaware River Watershed, Friends of the Upper Delaware River (FUDR), and UDC. 18 people are signed up including NYC DEP, state representatives, representatives from the planning offices, DOT and DEC. Let Ramie know if you wish to attend.

Ramie said when you come to next month's meeting these tile floors will be reconditioned by Cellex Building Services of Port Jervis. He had given UDC a bid in November 2018 which was approved but we delayed work awaiting access to our funding to be restored. He will start on 6/28 at 5 p.m. and finish that weekend.

Frontier Communications staff agreed to clean up the wires and cables behind the UDC building. This issue was discussed at the Operations Committee meeting. The Narrowsburg Volunteer Fire Department asked for permission to trim tree branches that start on their property and overhang on UDC's.

Looking at the Calendar provided the 25th Annual Delaware River Sojourn has a river clean-up sponsored with NPS on 6/14 starting at 1 p.m. from Skinner's Falls to Narrowsburg. Look at the sojourn website for the itinerary: <https://delawareriversojourn.com/> The first three days of the Sojourn are in the Upper Delaware. As Hauser-Hahn mentioned the Catskill Mountainkeeper is hosting a Wild and Scenic Film Festival at Callicoon Theater. It includes a 3:45 showing on 6/15 of a documentary about the 50th Anniversary of the Wild and Scenic Rivers Act followed by a roundtable discussion about the protection of the Delaware River at the Western Hotel in the ballroom. Ramie asked all to review the rest of the June calendar which also offers a July preview.

Old Business

Town of Highland Parcel #27.-9-1 Project Update: None.

Other: Roeder said Henry provided historical documents from the Wayne Independent from the 1970's with topics Tom Shepstone mentioned at the 5/2 meeting. There were also articles that mentioned many of the drownings back then. He thanked Henry for providing them and said it was very informative. Hall-Bagdonas can send paper copies

to anybody per their request.

Greier wanted to clarify the Long Eddy situation that was brought to his attention at the 5/28 meeting. He passed around a photo of a concrete barrier that was blocking the Town river access. It appeared on the Saturday before Memorial Day weekend. He said he was unaware of the situation before being handed the photo at the 5/28 meeting and he met with the supervisor on Monday and he didn't say anything about it. People reported it to the Sheriff's Department. They tried to get ahold of the Supervisor and Highway Department but it was difficult being a holiday weekend. The Supervisor met with the Sheriff's Department and took pictures. The Highway Superintendent brought a dump truck to load the concrete barrier and get it out as the Town can't block it. It's a fire lane. It's the only access in case there's an emergency. The concrete barrier is at the Town barn now. They have no idea who placed it there. This has been an access since the mid 1800's. There are two types of town roads: a road by use and a deeded road. The one he is discussing is a road by use. People own the property all the way to the center of the road. This has been brought up before as to why can't the Town improve it. Greier said they can't because they don't own it. Landowners own that property. The Town maintains it. Greier asked why is this access used so much? Its location. Greier said it's not a public access but it's one of the most heavily used accesses on the river because it's paved. Greier said the natives are getting restless. He read the description of a public access according to the River Management Plan (RMP): "Public Access- An area approximately five to seven acres in size where the public can gain access to the river. Facilities at these areas include a parking lot, a map of the river, comfort station, a public telephone, trash containers, boat launching area, and limited picnicking sites." Greier said they don't have any of those amenities at accesses in Fremont. He said as far as Fremont is concerned they maintain access, it's a public right-of-way and it's worked since the mid 1800's. Hauser-Hahn said DEC owns property that adjoins that road, so what Greier is saying is DEC owns half of that road? Greier said exactly. She asked who has the right-of-way over management? If people are putting in and taking out, should they be if these adjoining landowners own the road? Who manages that? She said after this incident NPS has had a few other complaints about someone parking a tractor part way in the road blocking it so you can't turn around or get to the access. This is an ongoing issue. Greier said people live right there and it starts at 5 a.m. with anglers dumping their boats in, then come the canoers and rafters, and evening anglers. It's constant and people are getting restless. It's not advertised but the word-of-mouth is spreading. Hauser-Hahn asked if the Town can do anything about managing or closing it? Greier said no, it's just a right-of-way the Town maintains.

New Business

Town of Highland 2019 Zoning Law Final Substantial Conformance Recommendation: Motion by Peckham to pass this to Full Council from Project Review Committee. Roeder referred to the Substantial Conformance Review Steps provided by Golod and read Step 7: Council send Committee Recommendation to the Affected Township. Golod stated if you read below it says: The Council will forward this recommendation to the affected township and it will indicate its willingness to try to resolve differences of opinion, if any exist, prior to a final recommendation being made to NPS. Boyar said in anticipation of this being on the agenda he called Supervisor Haas today for input. Haas indicated in the Town's view they thought they were in substantial compliance and hope to further discuss the issues of where they aren't with the consultant. Boyar said he doesn't know if a timeout or a reset is appropriate and he doesn't know what kind of time constraints there are today. Haas indicated that he did consider this a living document. The reason why we got to where we are with adoption despite questions outstanding was that the Town had a grant deadline. They are aware there are issues they may want to clean up. Rajs asked the timeline on that. Boyar said Haas relayed that would be a winter project. Boyar said the Town thinks they are in conformance and it's a matter of semantics. They did call it a living document, to which adjustments could be made.

A Motion by Boyar to table as there is no extreme sense of urgency at this time was seconded by Greier. Roeder said this is the first open door UDC's had. However, he thinks UDC should go directly to the Town and not to Laberge Group. The Town needs to know where UDC is on conformance with all of these issues. Boyar said he stepped away from the Zoning process as to not step on anyone's toes but he did want to offer that he did want to try to mediate and find the areas of common ground. Haas thought that was being accomplished by their consultants at Laberge Group. Roeder said the letter from the consultant stated that they believe what they created is even stronger than their prior zoning. Richardson said as Chairman of the Project Review Committee, the finding from the Project Review Committee is that Committee did what they were supposed to do and reached out to the Town numerous

times, to meet wherever/whenever. The Committee really didn't get a response other than the one from the planners. The process is then for the Project Review Committee to bring their findings to the Full Council. The Council will forward this recommendation to the affected township and it will indicate its willingness to try to resolve differences. That is why time is not critical right now. Richardson said we want to get this resolved. The Council needs to send a letter to the Town. Discussion ensued. Boyar asked what is the harm in tabling to give 30 days? He had written the initial Zoning for the Town of Highland and had it adopted in 1986. He thinks maybe there is a hang up on language but would like to find the points of difference, then suggests sending them the letter after that. Richardson asked Boyar to explain what action Boyar is directing staff to do. Boyar said instead of adopting an action to tell the Town officially they are out of compliance, give a 30 day reset period. Golod said the Project Review Committee reached out to the Town and directed him to reach out to the Town, and the Town didn't respond. The Town has adopted a non-conforming Zoning Law. It is now required by the Project Review Committee to review the adopted Zoning Law which was done and pass on a recommendation of conformance or nonconformance to Full Council. Full Council now moves on with step 7 or 8. Boyar said it's not a non-conforming law until Full Council says it is. Golod said it was reviewed by two different agencies. It's over 50% not in conformance. There are three portions of Substantial Conformance: Principles and Objectives which they currently do not meet 50% of. The Comparison of the Town Schedule of Uses to the Land and Water Use Guidelines are excessively incompatible and the Zoning Map wasn't revised. Boyar said Golod doesn't want the Town to meet with him and is taking a hardline avenue. Golod said that's a pretty lofty accusation considering how many times UDC has reached out to the Town. Boyar said there are two sides to every story. Golod said being that the Town has adopted a Zoning Law that is out of conformance you're asking Full Council to approve a motion to table a vote for a recommendation for NPS to allow them more time but they've already adopted it. According to the Planning Consultant, Laberge Group, they feel that the Town's Zoning Law is in further compliance than what the UDC requires any other municipality to have. Sullivan said our goal is to come to a meeting of minds with the Town of Highland. We do not want the Town to leave the UDC. We don't want to punish the Town. We want to resolve the differences that we have. Greier said in anticipation of this discussion he reviewed the RMP and picked out a few phrases. Some of the key provisions in this plan include providing the Towns with alternatives and flexibility allowing them to meet the guidelines in their own way. Leaving the land use decisions in the hands of Local Governments is the most important step in building cooperative arrangement among all levels of government. He thinks UDC may have had the wrong approach to this. Henry said Peckham made a Motion first to pass this to Full Council from Project Review Committee and Henry is going to second that Motion.

Dexter said the Town of Highland has been a long and good member. Boyar has been a superior delegate with knowledge to help UDC out with a number of issues over the years. Dexter said if Boyar wants to look at this he supports that. This other road is not a good road to travel down. We need to work together on this. Saumure said Step 7 does exactly what Boyar says; it allows UDC to put our position forward and opens the door for discussion. If the Town doesn't understand the UDC's position and where the UDC feels Town is out of conformance, how can they ever hope to address the issues where they are out of conformance? All this does is let them know UDC reviewed their ordinance, the Town was found out of conformance, here is how you were found out of conformance. We are willing to discuss with you to resolve these issues before a final conclusion is made and it is passed on to NPS. It does exactly what you want to do, Saumure said to Boyar. Boyar reiterated he wants a timeout to find out where the Town is and what the points of difference are. There's been a failure to communicate here. An animosity has developed and they're not talking well to one another. Saumure said the communication from the Town on another project was if you want any more information submit a Freedom of Information Law (FOIL) request. Hauser-Hahn said she thinks it's very important for the Council members to understand how the Township is not in Substantial Conformance. From some of the things she's hearing she can tell some of the people haven't digested the report. Golod's report was very well done. The Town doesn't know what they are in conformance with or not or why. Whatever group meets with the Town should really study that report. Robinson said he's for a reset but the Project Review Committee and UDC has wasted a lot of time with the Town with their obstruction of a simple review. The Town wouldn't respond to any of the requests that every other review gets. It became a time sink. When UDC corresponded with the Town it was dead water. That's very frustrating as a volunteer. When you get a letter that says if you want information, file a FOIL, that's not cooperation. Robinson said this is law now. How do you integrate changes in an existing law? Do you modify the law and go through that process of hearings and adopting? What is the process you envision, Robinson asked Boyar. Boyar reiterated Haas said he considers it a living document to review and make changes. The reason it was adopted was because of a time constraint of another grant.

They felt it was better to get that in place and then do whatever had to be done. Something happened along the way, long ago, and communication broke down. Rajsz agrees with Sullivan that UDC doesn't want to lose the Town of Highland, she agrees with Boyar that there needs to be a reset however, who is going to have a discussion with the Town? How long is UDC going to wait for a change in their law? What are the next steps, she asked Boyar? Boyar said he envisions taking the Report and the letter from Laberge and reviewing both and figuring out how they overlap, not at the request of the Town but Boyar feels that's what needs to be done. Peckham said he withdraws his motion.

Motion by Henry that UDC takes the recommendation from the Project Review Committee and pass it on to Full Council seconded by Richardson carried with Boyar and Dexter opposing. Greier said May was when Tom Shepstone came to speak to explain to us how the River Management Plan (RMP) guidelines came about. Shepstone mentioned several times in his presentation these are guidelines. It is UDC's mission to try to persuade each town to incorporate in their zoning laws these guidelines. These are not laws. When a Town adopts them they become law. Then the Towns have to enforce the laws. UDC isn't a governing agency. Responding to Greier Richardson said every single member of UDC with the exception of Berlin and Hancock have gone through the procedure to create their zoning in such a way that it reinforces the objectives of the RMP in their own way. In the end we achieve the same goal. He doesn't feel like UDC is penalizing the Town of Highland when the Council is requesting for them to find a way to make it work by asking them numerous times to explain. The Town referenced the old zoning but the old zoning is gone. Richardson said what are we missing in this picture? Robinson asked Boyar should the Motion include to have some acceptance by the elected officials? Boyar is doing his independent fact finding. Should UDC then address it to the elected officials who have the authority to take it further? Robinson said he is not clear on the process. Boyar said some intermediary has to figure out where the differences are. At one point the Town felt slighted in some of the conversations early on. Golod said this was not regarding the Zoning Law. It was about the Route 97 Project; two separate issues. Boyar said he brought that to Golod's attention and he thought that Golod might want to consider reaching out to Supervisor Haas. Golod responded to Boyar at the time saying his job is enforcement of the RMP. You're not in enforcement, Boyar told Golod. Golod quoted page 42 of the RMP, "The UDC has the responsibility of reviewing local plans, laws and ordinances to make the recommendations regarding conformance with the Land and Water Use Guidelines and the RMP." Golod said he never used the word enforce. He said the mandate is to implement the RMP. UDC has an Enforcement Program Report. Hauser-Hahn said she heard Boyar say he's doing this as an independent. It's her understanding that Boyar is doing this as a representative of UDC. Boyar said yes, the Town's experience over decades has been a good, positive partnership relationship with the UDC and he doesn't want to see that end. Motion by Henry seconded by Rajsz for Boyar in conjunction with Golod to get together review all documents within thirty days and come up with a plan to address the town carried.

Hauser-Hahn said this particular issue has raised in her mind some need for a little more homework as they have been revising the Land and Water Use Guidelines. She feels there's more homework needed with the Council. There has been a lot of letter writing back and forth and she knows there was one sit-down meeting on that particular project mentioned earlier. An actual sit-down meeting to work through some of these issues should be part of the process for other issues. If UDC is comfortable with this process, it's setting up for how to work with other Towns and Townships in circumstances like this. UDC hasn't really had to do this before. You need to know what your process is so you follow that every time, she said.

Draft Letter to NPS: Expand Project Scope for UDC FY 2020 Technical Assistance Grants Program: Ramie said this letter came through the Project Review Committee. The other council members had not seen it and she said they could either take their recommendation or take some time to look it through. Motion by Henry seconded by Robinson to approve the letter as written to NPS to Expand Project Scope for UDC FY 2020 Technical Assistance Grants Program carried with an abstention by Peckham. Hauser-Hahn asked if this was a letter from the Project Review Committee or the Full Council? Ramie said it is from the Project Review Committee, that's where it originated. There was not time to get consensus on the letter at the committee level during their 5/28 meeting so Ramie took the opportunity to bring it to Full Council. The 2020 TAG round for applications is due to open soon.

Proposed Clean-up of River Corridor: Boyar said this was introduced at the May WU/RM meeting and the last Full Council meeting. There was quite a bit of positive feedback on the idea of having a corridor wide cleanup.

Boyar provided a written proposal in the meeting packet that talks about this initiative. It started when there was an article in the *Times Herald-Record* detailing a Hudson River clean up and they invited all the advocates and volunteer clubs for one day where they had a big cleanup. Boyar said the question is, can UDC spearhead something like this for the Upper Delaware Corridor, not on the river. There are river cleanups and they're doing a great job. He's talking about the river accesses and along Route 97. When you think back to when the river corridor looks most unsightly, Boyar thinks it's when the winter's snow melts and before the Spring growth begins. He asked if UDC can be a catalyst to have River Corridor Clean Up? Boyar included some contact groups and has heard several more from the WU/RM meeting. Boyar would like a comprehensive list from each town whether it's Beatification groups or Chamber of Commerces etc. Get a list of contacts and coordinate a first round table meeting to see if there's interest in doing a one shot clean up in 2020 around Earth Day. Now there is more to litter with findings on microplastics. UDC has learned from Don Hamilton plastic breaks down and become microplastics they are found in all organisms and getting in the food chain. It's more than just an unsightly issue. Boyar thinks it's a global project. It's a project that can be accomplished. It just needs some leadership and coordination. Boyar asked is there interest in this and could UDC use the meeting room as a place to do a round table discussion. Would people be interested in filling out the contacts for the individual towns? Rajs said it's a great idea but she wouldn't want to wait until next year. She did speak with Josh and Brian from the County because they have Clean Team working until August. Rajs asked if they would consider doing one or two sweeps along Rt. 97 in the summertime. They are thinking about it and will get back to her. She said it's beyond the plastics. There are times when she sees whole plastic bags that are dumped on Rt. 97. Richardson said this was brought up at the Upper Delaware Scenic Byway (UDSB) meeting and they are very supportive of a program like this. Motion by Richardson that the UDC coordinate a roundtable meeting for a River Corridor Clean-up seconded by Henry carried.

UDC News Release on NY-PA Joint Interstate Bridge Commission Annual Meeting: Ramie did have a report to make in addition to the press release provided, but in the interest of time she will save that for WU/RM committee and asked all to read the press release at their leisure.

Other: None.

Public Comment: Sutliff said the Upper Delaware River Basin Citizens is having a River Cleanup Saturday. 8:30 to 9:30 is the registration at the Lander's Narrowsburg Campgrounds. They shuttle to Skinner's and clean to Narrowsburg. One of the prizes they have is a new kayak with a life vest. Sutliff said they may possibly be interested in the UDC roundtable meeting on the River Corridor cleanup. She did want to state other groups have run into things like medical waste and needles which come through gloves.

Her question for Mr. Tambini is, with regard to the Delaware River Basin, what industries have been banned due to possible risks in the basin? Tambini said that question is clearly about the pending Hydraulic Fracturing Rules. As Ms. Sutliff knows that matter is both under litigation and pending before commission. The only update that Tambini has for UDC at this point is that the Commissioners are in the process of responding to all the comments they received on those rules and that's the only update Tambini will have for UDC at this time. Sutliff said last fall the voting members of the commission, the four Governors, had already stated a vote for a total ban before the public comments were even received, tabulated or reviewed. Tambini said the commission hasn't acted yet. They are in the process of responding to the comments. Staff is working on the response to the comments. That is the only update he has for UDC. Vannatta Jr. said didn't Tambini just say they were still evaluating comments that the commission got in relation to whether people want the ban or not? Roeder and Tambini said correct. Vannatta Jr. said you also said that on Monday, June 11, 2018 to the House of Representatives of Pennsylvania. So it's 9,000 comments they are working on now and they still haven't looked at all of them. What are your people doing, anything? Tambini said he gave an update to UDC. If the council would like any further update they can certainly ask and he will respond, but he has no further comments on that.

Adjournment: A motion by Henry, seconded by Dean, to adjourn the meeting at 9:35 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas 6-20-19