



Upper Delaware Council

P.O. Box 192, 211 Bridge Street, Narrowsburg, New York 12764-0192 • (Tel.) 845-252-3022 • (Fax) 845-252-3359

www.upperdelawarecouncil.org

UPPER DELAWARE COUNCIL MEETING MINUTES

July 7, 2022

The Upper Delaware Council held its monthly meeting on Thursday, July 7, 2022. Chairperson Boyar called the meeting to order at 7:03 p.m. and roll call followed.

In attendance: Town of Hancock- Fred Peckham (Zoom), Town of Fremont- Jim Greier, Town of Delaware- Harold Roeder, Jr. (Zoom), Town of Cochecton- Larry Richardson (Zoom), Town of Tusten- Sue Sullivan, Town of Highland- Andy Boyar, Town of Deerpark- Virginia Dudko, Town of Lumberland- Nadia Rajs, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Delaware River Basin Commission- Kristen Bowman Kavanagh (Zoom), National Park Service- Jessica Weinman. Staff in attendance: Executive Director- Laurie Ramie, Resources and Land Use Specialist- Kerry Engelhardt, Secretary- Ashley Hall-Bagdonas (Zoom). Absent: Westfall Township, Commonwealth of Pennsylvania, State of New York. Guests: Heather Cichowic-NCSP, Cody Hendrix-NPS, Alex Garcia-Maldonado (Zoom at 7:20 p.m.), Ingrid Peterec (Zoom), Larry Palmer-NCSP (Zoom), Donna Ford-NCSP (Zoom), Bill Dudko- Town of Deerpark Alternate. Media: Liam Mayo- River Reporter, Peter Becker- Tri-County Independent (Zoom).

Presentation: “Mission and Values of the National Canoe Safety Patrol” by NCSP Training Director Heather Cichowic: Boyar introduced Cichowic. Cichowic said that the National Canoe Safety Patrol operates on an approximately 72-mile stretch of the Upper Delaware River. National Canoe Safety Patrol (NCSP) tries to focus on sections where there are also campgrounds. Skinners Falls is a major area they patrol and is always incredibly busy and hectic on any given summer day and night. NCSP was started in 1979 by a group of folks that were paddling on the Delaware River and started to notice there wasn't anyone but the NPS. They noticed gaps in oversight for the boating public. They formed this organization to be able to cover those gaps. Later in the 80's, NPS became established on the Upper Delaware River and NCSP was asked to cooperate with the NPS through the Volunteers-in-Parks program. NCSP's mission is to keep a low profile and not intrude on visitor enjoyment on the river. They want to be present and prepared to assist those in need; as well as to help people enjoy the river safely and educate the public. They watch, wait, and ask if they can help. NCSP training is an intensive two-day event scheduled to take place annually in late April or early May. New and returning members attend the training. Attendees receive a comprehensive swift water rescue curriculum. Additional training includes communications with NPS and guests, as well as specific boat-based rescue techniques. They train on methods to be more efficient and faster. Cichowic mentioned that the NCSP values are to look to their members to provide an inclusive and welcoming atmosphere for all at any skill levels that want to join the organization. NCSP prides themselves on creating an environment where all voices and opinions are heard. They have created lifelong friendships, relying on each other, and becoming a family. Some of their members are multiple generations of a family. Other activities NCSP provides support for include the Delaware River Sojourn and Lehigh River Sojourn, Zane Grey Day for the Upper Delaware, school river trips, river clean-up events, and they host Swiftwater Rescue Training for members and other outdoor groups.

Cichowic shared some 2021 statistics from NCSP Patrols which NPS compiles. Last summer, five perished outside of NCSP patrol hours or locations which includes weekdays. NCSP patrols are Saturday and Sundays. It's typically evening hours after people have been day drinking or have been out on the river for hours. The drownings included: one kayaker with an improper PFD; one rafter swimming with no PFD; and three swimmers/waders with no PFD. Patrol hours were 3,416. That is up 1,536 hours from 2020. NCSP had 8,559 contacts; 238 rescues; 157 boat overs; and had to call NPS Rangers 17 times. Those calls represent life-threatening situations or when an individual can't get themselves out of their position. A lot of times that ends up being a broken bone from a fall. Cichowic said when they are trying to bring awareness about PFDs what they hear is people are out on the river trying to push their

limits, swimming across the river and back, and not making it. PFD wear is extremely critical as is proper wearing of a PFD which saves lives. NCSP borrows NPS radios to be able to contact them. They have started to gather marine band radios so they can communicate among themselves. In the past two years NPS has been able to listen in to NCSP radio chatter and that has helped increase the amount of contact with NPS. NCSP Commodore Julius "Larry" Palmer and member Donna Ford addressed the communications exchanges. Boyar thanked Cichowic for her presentation and for all that NCSP does on behalf of the UDC.

Ramie asked Cichowic to present Sullivan County Legislator and Town of Lumberland UDC Representative Nadia Rajsz with her 2022 Delaware River Sojourn High Admiral Award certificate that wasn't available during the June 19 morning ceremony for a photo to appear in "The Upper Delaware" summer newsletter.

Approval of June 2nd Meeting Minutes: A motion by Rajsz seconded by Greier, to approve the June 2nd, 2022 meeting minutes carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding the minutes for: Project Review June 28th. There was no quorum present for the June 21 Water Use/Resource Management Committee meeting and therefore no minutes. Boyar reported that the June 28 Operations Committee meeting minutes are pending.

Status Reports

Delaware River Basin Commission: Bowman Kavanagh reported that the Hydrologic report and meeting notices can be found at <https://www.state.nj.us/drbc/meetings/>. DRBC's 3rd Quarter Public Hearing will be virtual on 8/10. The Water Quality Advisory Committee Meeting will be held on 7/14. They have had four advisory committee meeting calls in the last three weeks and after 2 ½ years of virtual meetings structured to allow engagement from the public they did experience Zoom-bombers at two of the last meetings with inappropriate language and images. Kavanagh said she would follow up with UDC staff since we also have public meetings involving Zoom and it was very disruptive. Moving forward their public meetings will be structured a bit different with security measures to hopefully prevent that from happening again. It didn't seem to be anyone protesting the content of the meetings but really just to wreak some havoc.

Ramie had asked Kavanagh to talk about the DRBC FY23 budget that was recently approved in June with interest around the Signatory Apportionment Contributions. The Delaware River Basin's Fiscal Year runs July 1st through June 30th and their budget is presented at a public hearing in May. The public can comment and at their June business meeting, commissioners vote on two resolutions: one to adopt the budget and a resolution for the Apportionment of Signatory Contributions. DRBC's signatory members are the four basin states and the Federal Government. She reviewed Budget Resolution 2022-02. Like any budget outline, it lists expenses as well as revenues, and DRBC's revenues generally include funds apportioned by the signatory parties. Kavanagh said there were a couple of line items and some other revenues which include a transfer from the Water Supply Storage Facilities fund. That covers only work that they do specific to water supply and is funded by docket holders in the basin; that's not from the signatory parties. Then there's what DRBC calls "Transfer In from Special Projects" which would be from any type of grants that DRBC gets. That amount goes up and down depending upon the year and how successful they've been obtaining grants for specific projects. The other category called Other Income includes project review fees and docket holder fees. Kavanagh said the total FY 23 Budget was approved by the commissioners.

In Fiscal Year 2023, the total budget was about \$7.3 million, and the funds that are apportioned by signatory parties reflects the amounts for the States that are in their governor's budgets at the time they put the DRBC budget together. They are presenting this budget in May of every year, and the State of New York approves their budget in April. When DRBC puts their budget out for review and approval, that's a firm number for New York, but for the other States it's an estimate based on the information they have then. For example, New Jersey and Pennsylvania don't approve their budgets until June or July. They also have an amount for the Federal government which would be their full fair share amount, even though they have only given DRBC money one time since 1996. For the FY23 budget a total of \$3.3 million was approved. They have a separate Resolution that further codifies that and lays out the numbers. All these contributions are subject to executive branch prerogatives of each member in formulating

their annual budgets, and that's important because again, these are estimated numbers. They're not necessarily what happens in reality. These two resolutions were approved in June, and they are waiting to see what happens in PA, NJ and with the Federal Government. Kavanagh referenced the third page of the handout with a table showing what actual funding has been from our signatory parties, saying it's most useful probably to just look at the last 10 or 15 years. Since about 2010 the State of Delaware has consistently contributed what DRBC calls their full fair share. This full fair share comes out of a tacit agreement that the signatory parties developed amongst themselves in 1988. Delaware is \$447,000, which they have consistently provided. New Jersey has also been fairly reliable they come in at about 75% to 100% of their full fair share amount of \$893,000. Pennsylvania has not been contributing their full fair share back before the 2010s at \$217,000 the last couple of years, which is about 25% of their full fair share of \$893,000. New York's full share would be \$626,000 and they do a little more than half of that at \$359,500. The United States has been at 0 for two to three decades, except for 2010 when they gave DRBC money for 2 years but really that was one fiscal year for them which didn't quite align with DRBC's fiscal year, so it splits into two. Kavanagh reflected that DRBC has the opposite problem of the UDC in that the Council receives its Federal funding but currently no State funding. Kavanagh said they have to reforecast their budget for the coming year, because it's always significantly less because they have that \$715,000 in their approved budget. Once they find out what we're actually getting, they reforecast. This reforecast budget is by holding vacancies in their staff. Then also defer building maintenance or improvements wherever they can, or control other expenses. That might in some cases mean adjusting sampling schedules for monitoring. Kavanagh said she would be happy to answer any questions or direct them to their Director of Finance.

NYS Dept. of Environmental Conservation: No report as UDC awaits the DEC's appointment of a NYS representative to the Council.

PA Department of Conservation & Natural Resources: Representative Tim Dugan handed out numerous press releases for his report in absentia.

National Park Service-Upper Delaware: Weinman said it was a busy weekend at the park unit with a few medical emergencies and one near-drowning but everything turned out well. Zane Grey Festival is 7/16 from 10 a.m. to 4 p.m. This will be the first they've had it since COVID so everyone's looking forward to it. Sullivan asked about the status of the Ten Mile River Access. Weinman said that NPS is continuing an agreement with The Conservation Fund which has acquired that property to provide visitor services. Robinson asked if there are any plans to try to improve conditions for trailered boat access. Weinman said those muddy conditions are caused by the natural flow of the water at Ten Mile River. They have looked into vegetative options. She said that putting permanent infrastructure there would go against the River Management Plan and be a maintenance nightmare. Since the site is under new ownership, the owners would have to propose any actions. Boyar wondered whether a project of this sorts could be funded through the NYS Environmental Protection Fund \$300,000 allocation for the Upper Delaware Watershed that Friends of the Upper Delaware River will be managing. They have worked with Trout Unlimited on stream restoration projects. Weinman said that The Conservation Fund and the National Park Service would need to be involved in any such conversations.

UDC Executive Director's Report: As Ramie reported at Operations, NPS gave us the opportunity to apply in advance for the 1st two quarters of UDC federal funding for Fiscal Year 2023. She prepared a budget, narrative report, work plan and other required paperwork which she submitted to Upper Delaware Administrative Officer Michelle Blockberger on 7/1. Today, Blockberger confirmed that she completed her review and has forwarded it on to the Region for processing. Ramie's next obligation is to ready and upload the SF-424 series of forms through the federal government's online grants management program by 7/15. Ramie said it will be reassuring to know that the UDC is guaranteed a \$150,000 allocation to cover Oct. 1, 2022 to March 31, 2023, no matter what happens with passage or any delay of the FY23 federal budget. We thank the Park Service for that opportunity offered through lapsed position funding.

Ramie sent the packages of the 13 unanimously approved town and township resolutions supporting a permanent line for UDC operational funding in the PA and NY budgets to the respective governors on 6/6. There has not been any acknowledgement of that certified mail to date. On 6/17, Boyar and Ramie had the opportunity to speak with NYS Assemblywoman Gunther at the Livingston Manor press conference to celebrate the \$300,000 NYS line item secured for an Upper Delaware River Watershed Protection and Restoration Program to be managed by Friends of

the Upper Delaware River. Gunther reiterated her support for the UDC ahead of Boyar's speech in which he alluded to our lack of state funding while offering congratulatory remarks. On 6/21, Ramie received a call from an Assembly staffer in Albany who was looking at our briefing report. He told her that the Counsel's office has been actively reviewing it, while noting that the challenge lies in the somewhat non-committal language that the River Management Plan (RMP) and early documents used regarding the funding outline. He pledged to continue working on it at Assemblywoman Gunther's direction. We also had an independent offer by Sullivan County Legislature Chairman Rob Doherty on 6/15 to join in supporting UDC state funding, which prompted Ramie to send memos to all five river valley counties with customized sample resolutions similar to the local government versions on 6/23. On the 30th, Legislator Michael Brooks called to ask questions to further his understanding of our needs and say that it would be heard in his Government Services Committee and by the full Legislature the following week. If and when the counties return resolutions, we will forward those on to the State Executive Branches as well.

Ramie is currently working on the summer edition of "The Upper Delaware" newsletter, which is due to the printer on 7/18. Staff will be exhibiting at the 7/16 Zane Grey Festival, 7/24 Narrowsburg Riverfest, and 7/28 Environmental Resources Fair for New Residents hosted by the Pike/Wayne Conservation Partnership at the Wallenpaupack Environmental Education Center. She invited all to take a look at our other meetings, activities, and deadlines in the packets.

Last month, we handed out the itinerary for the Lenape Nation of PA's Rising Nation Journey, which will again paddle from the top to the bottom of the Delaware River. The opening ceremony and launch will take place 7/30 at the Hancock Firemen's Field. The UDC has now been formally invited by Lenape Tribal Council Storykeeper Adam Waterbear DePaul to participate in the signing of the Treaty of Renewed Friendship and to offer a 10-minute presentation on the Council during their 8/2 stop at the Zane Grey Museum. If anyone would like to attend, that is scheduled for 5 p.m. on that Tuesday. 8/19 is the deadline for our current Technical Assistance Grants round and to receive applications for the next fiscal year. 9/23 is the deadline for completion of our two River and Shoreline Clean-up grant projects in Lumberland and Deepark. Our next two UDC presentations are arranged: 8/4 brings the return of Legislator Michael Brooks and IT Commissioner Lorne Green to update us on the Sullivan County Broadband Expansion. On 9/1, NYC DEP Chief of Staff Jennifer Garigliano will be here to provide further explanation of the postponed Delaware Aqueduct repair project and answer any questions about reservoir management. B. Dudko asked if it is possible for staff to prepare calendars for the current and the coming month from now on, to which Ramie said yes. Ramie asked in turn whether anyone was available to deliver a box of requested Visitor Information Map & Guide UDC brochures to the Keystone Welcome Center in Matamoras, PA. Dudko volunteered.

New Business

Establishment of a UDC-NPS Telecommunications Facilities Position Paper Subcommittee: All interested UDC members may join the UDC-NPS Telecommunications Facilities Position Paper Subcommittee at its first meeting on 8/4 at 6 p.m. at the UDC office under Chairperson Robinson. As one preparation, Engelhardt is gathering telecommunications-related ordinances from the 13 UDC member towns and townships as available to create an inventory of existing local policies and land use guidance for the subcommittee's information. Robinson said that he wants this to be a productive, working committee for which he will work with Ramie on establishing objectives to get a handle on this very technical subject.

Skinnners Falls, NY-Milanville, PA Bridge Purpose & Need Responses Summary: Ramie provided an analysis comparing the original "Skinnners Falls Bridge Project Purpose and Need Statement" with the revised document prepared by PennDOT and its consultants in response to public comments. She indicated what had changed and noted that a few of the UDC corrections or topics had been addressed. Ramie was asked to forward supporting documentation and links associated with the Skinnners Falls, NY-Milanville, PA Bridge Purpose & Need document.

Annual Review of Enforcement Programs: Jan. 1-Dec. 31, 2021 (revised June 2022): On a motion by Peckham, seconded by Robinson, it was carried for Engelhardt to formally transmit the approved 2021 Annual Review of Enforcement Programs report to NPS to fulfill the UDC's Cooperative Agreement task. The original report was revised in June 2022 to include the response from the final Town of Highland.

Information Technology (IT) Consultant Recommendations: Ramie reviewed the results of a 7/6 meeting staff had with Chris Marshall from Marshall Consulting & Lake Region Computers of Hawley, PA following positive

testimonials they heard through the Upper Delaware Community Network and clients such as the Delaware Highlands Conservancy. He has over 16 years of experience in the field and told us that he is available 24/7 through his retail shop, service calls, or remote access. He charges \$125/hour. Ramie noted that the UDC's four Dell desktop computers are six years old. We also have two laptops from 2019 and a new one that Engelhardt just had to replace after her old one had been unrepairable. After reviewing the UDC's hardware and software systems, Marshall made several recommendations. The most pressing was the slow speed on two of the 2016 desktops with 500 GB hard drives and 4 GB RAM that is very frustrating and decreasing efficiency. The consensus was to authorize spending the quoted \$404 to upgrade the hard drive and RAM capacity. Ramie will defer discussion of the recommendations regarding updated Office 365 licenses and cloud-based file backups to the 7/26 Operations Committee meeting.

Other: None.

Old Business

NPS Substantial Conformance Determination Letters: Special Use Permits for Weiden Day Care; Big Eddy Brewing; and 90 Main St., Town of Tusten: Engelhardt will close out the three Town of Tusten Special Use Permit projects on the UDC Project Review database based on the NPS final determination letters for substantial conformance with the Land and Water Use Guidelines that were included in the meeting packet. Engelhardt said she will be sending the NPS a letter regarding the Tusten Zoning Update tomorrow.

River Valley Award Nominations and UDC Raft Trip Reservations, both due by 7/29: Ramie asked members to note the 7/29 deadline to submit award nominations for the 34th Annual River Valley Awards and to make reservations for the 8/7 UDC Raft Trip if interested.

Public Comment: Rajs said that she has found the traffic between the former Tri-State Diesel site and Indian Head on NYS Route 97 near the Mongaup Access has been leading to overcrowded conditions again. People should be cautious in that area about their safety. Ramie said that she would contact the Sullivan County Residency of the New York State Department of Transportation to ask for their consideration of installing Variable Message Board signs in that area to provide a public warning.

Adjournment: A motion by Robinson, seconded by Greier, to adjourn the meeting at 9:10 p.m. was carried.