

## UPPER DELAWARE COUNCIL MEETING MINUTES September 7, 2017

The Upper Delaware Council held its monthly meeting on Thursday, September 7, 2017 at the Council office in Narrowsburg, NY. Chairperson Jim Greier 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 Delaware-Harold G. Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Lumberland-Leigh Sherman, Town of Deerpark-David Dean, Damascus Township-Steve Adams, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, Westfall Township-Mike Barth, Commonwealth of Pennsylvania-Tim Dugan, National Park Service-Carla Hahn. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Absent: Town of Highland, State of New York, Delaware River Basin Commission. Media: Dave Hulse, Peter Becker. Guests: Ginny Dudko, Jack Flynn, Sharon Davis, Ed Wesely, Jim Barth, Roger Saumure.

**Presentation on the Sparrowbush Early Warning Siren System by Jack Flynn, Town of Deerpark Emergency Management Director:** Greier introduced Flynn. Flynn stated that after the Cannonsville Dam incident in July of 2015, the Town of Deerpark decided to look into a way of letting the public know if something drastic were to happen. The Sparrowbush Fire Department had a siren system that it used up until about ten years ago when the use of pagers became more prevalent. After over \$5,000 in rehabilitation and renovation costs to the existing siren system, the Town of Deerpark has a system where the siren can be set off manually or remotely by wireless signal through Orange County to warn residents of catastrophic events including flooding and dam emergencies, severe weather, train incidents, hazardous materials incidents, forest or brush fires. Flynn spoke of the technical problems they encountered in setting up the siren system. He spoke of the different tones that can be used, noting that for flooding they will use a three warble up-and-down cycles that will last four minutes. Flynn said he needed to send a written request to the Orange County 911 Center to request a test of the system every quarter on the first Friday of the month. He reported that Cuddebackville, located on the Neversink River, is also planning a flood siren. Flynn stated that the siren systems are a good thing and although they may never be needed, after witnessing the flooding he has, that he would rather be prepared.

Hahn asked Flynn if they have started an education process about the siren system in the community so that people are aware of what the different tones are. Flynn stated that information is posted on the Town of Deerpark website; posters have been created and are being placed in locations frequently visited by residents; he has visited and informed certain groups and plans to continue to do this.

Peckham asked if any engineering companies were involved in getting the system on-line. Flynn told him no engineering companies, but three different companies were involved in the process. Peckham asked Flynn if he could share his information on the system with the Council and pass it on to the engineers for the New York City Department of Environmental Protection that are looking into a possible similar system for below the New York City reservoirs. Flynn said he would be glad to do that.

Henry asked how many sirens are within the system. Flynn told him there is just one siren but it covers quite a distance. He added that it is his opinion that the sirens get people's attention. A brief

discussion took place about the sirens having an advantage in the river valley over cell phones because of the lack of service in many areas.

Robinson asked if the system is hardwired to the 911 center. Flynn told him no, it is a wireless system. Barth questioned if there is a battery back-up for the system. Flynn said there is.

Greier thanked Flynn for his presentation.

Greier introduced Sharon Davis, the new Delaware River Program Manager for the National Parks Conservation Association. Davis said she is involved with the Scenic Wild Delaware River, a National Geographic branded Geotourism initiative, to highlight natural and cultural attractions of the middle and upper Delaware River region. Davis stated that she is a “Delaware River girl herself” and spoke of her experiences growing up along the middle Delaware River in Easton, Pennsylvania and vacationing in the Upper Delaware region. Davis reported that National Geographic Maps has partnered with communities across the United States and the world to produce Geotourism MapGuides and the Scenic Wild Delaware River is the 23<sup>rd</sup> such program. The program encompasses the three states of New York, Pennsylvania, and New Jersey with nine counties from Hancock, New York down to Easton, Pennsylvania and Phillipsburg, New Jersey. The goal of the program is to attract geo-tourists who she described as people looking for the “authentic experience”. Davis spoke of the traditional businesses they are trying to attract to the website in hopes of helping the smaller businesses. The MapGuide was launched about a year and a half ago, she stated. Davis stated that initial funding for the Scenic Wild Delaware River geotourism initiative was provided by a grant from the William Penn Foundation. The William Penn Foundation wanted a conference planned after the site was up and running for participants of this initiative and contributors to the site to get together to network and learn about best practices in stewardship and promotions and how to leverage the interactive website to advance their goals. This conference is scheduled for Thursday, September 28 from 8:15 a.m. – 5:00 p.m. at the Woodloch Pines Resort in Hawley, PA. Davis left information for interested parties and provided details of the agenda.

Davis said that the National Parks Conservation Association (NPCA), with funding from the William Penn Foundation, is undertaking a new economic research and learning project in the Upper Delaware region. To lead this research, NPCA has contracted with Michele Archie of the Harbinger Consultancy. Archie will be in the area on September 26 & 27 conducting some preliminary meetings to shape the project, which will take place over the next year or so. Ramie noted that one of those meetings will take place at the UDC office on Wednesday, September 27<sup>th</sup> from 9:00 a.m. until approximately 10:30 a.m. Anyone interested in participating is welcome to do so.

**Approval of August 3 Meeting Minutes:** A motion by Dean seconded by Sullivan to approve the August 3 meeting minutes was carried unanimously.

**Public Comment on the Agenda:** Ed Wesely of Milanville, PA thanked the Council very much for the Distinguished Service Award bestowed upon him at the UDC Awards Ceremony in April. He noted that he devotes a lot of his time and energy trying to keep the Monarch Butterfly from becoming an endangered species, but does not consider himself an expert on the subject. He does not believe that there is any person in the world who knows how the Monarch Butterflies, who are passing through the area right now, will make it down to the mountains in Central Mexico some 2,000 miles away. He added that no one has been able to determine how they do that.

Wesely stated that he is a strong partisan of saving and restoring the integrity of the Milanville, PA-Skinners Falls, NY Bridge. He spoke of Vanessa DeGori of the Milanville General Store’s efforts to get the bridge re-opened after its December 2015 closure; that was one of the reasons he nominated her for the Council’s Community Service Award presented to her by the UDC at the April banquet. Wesely referred to the bridge as a “historical masterpiece” that deserves to be in place for future generations. He said the Upper Delaware Scenic Byway has written a letter to PennDOT in support of the preservation and restoration of the Skinners Falls-Milanville Bridge and he urged the Council to do the same.

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were: August 15 Water Use/Resource Management by Peckham, August 22 Project Review by Richardson, and August 22 Operations by Greier.

## Status Reports

**Delaware River Basin Commission:** The DRBC was absent, however, the August 29<sup>th</sup> hydrologic report was provided in members' packets. The total combined storage was at 86.2% with Cannonsville at 82.4%.

Ramie referred to an Associated Press article provided in members' packets which states that the DRBC is prepared to propose a permanent ban on natural gas drilling in the river basin. She added that the article does say it is still unsubstantiated at this point, but it is expected to be made public tomorrow, Friday, September 8<sup>th</sup>. She said, "If and when we receive something, we'll circulate it to everyone." A brief discussion about this article took place. Members predict that if a ban is ordered, lawsuits would most likely follow.

**NYS Dept. of Environmental Conservation:** No report in the absence of Representative Bill Rudge. One press release titled, "DEC Announces Opening of September Canada Goose Hunting Seasons" dated August 30, 2017 was provided in members' packets.

**PA Dept. of Environmental Conservation:** Dugan stated that the Commonwealth still does not have a budget in place. He said his agency is currently carrying their operating costs with limited spending. Dugan noted that the House is scheduled to return to session on Sept. 11 and that September 15 will be a date to watch with some saying that the Commonwealth will not have the money to pay its obligations after that.

Dugan reported on the Pennsylvania Environmental Defense Fund lawsuit targeted at the misappropriation of Oil and Gas Lease Funds by the Commonwealth. The Oil and Gas Lease Fund Act was created in 1955 and specifies that *"All rents and royalties from oil and gas leases of any land owned by the Commonwealth, except rents and royalties received from game and fish lands, shall be placed in a special fund to be known as the "Oil and Gas Lease Fund" which fund shall be exclusively used for conservation, recreation, dams, or flood control or to match any Federal grants which may be made for any of the aforementioned purposes."* Much of the money generated was diverted to the General Fund. After a couple of years, the suit moved up to the state Supreme Court and the ruling has come out. Dugan said there is a plethora of subsequent cases that are anticipated and everybody is watching right now to figure out how the interpretation of the ruling of the court impacts day-to-day business.

Dugan reported that the DCNR has in recent years begun to partner with the Pennsylvania Emergency Management Agency (PEMA) to respond to emergency situations such as western forest fires and more recently has sent a joint crew to New Jersey to help with Hurricane Irma preparations. He noted they did not receive any resource requests for Texas. He spoke of the hurricane in the Gulf Coast, noting that the water column was warmer and deeper, leading to it being able to absorb so much moisture.

Dugan reported on the still very active fire season in the west, noting that by this time of year they have typically decreased. In the western states, there are longer, drier seasons leading to fire seasons that are two months longer than they were twenty years ago. In addition to the longer, drier seasons, the massive amount of timber mortality due to multiple invasive species and disease adds to the fuel for these fires. Dugan spoke of the other factors leading to the longer and larger fires in the west. He said that his agency has had over 200 employees out of state on fire details this year. Dugan reported that a dry thunderstorm came through Montana last week and started 26 new wildfires in a four-hour period.

Golod asked Dugan if the DCNR has received any scientific information regarding the trends with warming waters related to hurricanes. Dugan said he did receive an article via email and he will forward it to him. Dugan spoke of a DCNR white paper titled "DCNR and Climate Change: Planning for the Future" posted on their website. The report provides an overview of the current and projected impacts on climate change on DCNR's lands and mission. Robinson said he recently read an article about a study of the impact of fire suppression in the northeast. He said the conclusion is that the northeast is at severe risk of major wildfires and shared details of the article. A lengthy discussion about the Firewise Hazard Mitigation Program, fire suppression, fire scar research, and new ways of fighting fires took place.

**National Park Service-Upper Delaware:** Hahn said that former superintendent Dave Forney was in the Upper Delaware yesterday and he sends his regards to those who know him.

Hahn reported that Roebling Bridge work is scheduled to begin September 11<sup>th</sup> with no closures for stonework repointing and sidewalk repairs. She did note there may be occasional delays with flaggers directing vehicle traffic. A press release titled, "Roebling Bridge Towpath Trail and Parking Area Closed Starting September 11, 2017" was provided in members' packets.

National Public Lands Day is September 30<sup>th</sup>. There will be several volunteer community service activities scheduled for that day. The three projects for which the NPS needs volunteers to assist their rangers are cleaning up the river from Narrowsburg, NY to the Ten Mile River Access, NY; restoring the Tusten Mountain Trail near Ten Mile River Access; and clearing Mile-a-Minute, a highly invasive weed from around the Zane Grey Museum and Lackawaxen Access. Anyone interested in participating in any of these projects or wanting more details is encouraged to call Kelleen Lanagan at (570) 729-7134 ext. 2230 or send an email to [kelleen\\_lanagan@partner.nps.gov](mailto:kelleen_lanagan@partner.nps.gov). A copy of the press release was provided in members' packets.

Hahn provided an update on the GIS project. She reported that she collaborated with Golod to review projects and zoning for substantial conformance and she has prepared documentation for the regional office regarding determinations. She and Golod also worked two afternoons on the Substantial Conformance and Project Review Handbook.

Hahn reported that the two volunteer interns who worked with her this summer, John Snow of Narrowsburg and Chris Forelli of Damascus, have returned to college.

Hahn provided NPS Law Enforcement highlights. She told members if they wanted more information to see her after the meeting. She noted that many citations for resource violations have been issued the last two weekends of August.

Hahn stated that the Mongaup Access has been overflowing with visitors. Many are parking at the old Tri-State Diesel site on the other side of Route 97.

An Upper Delaware NPS staff member was called to a fire detail in Montana, Hahn reported.

Hahn spoke of the NPS summer off-site interpretive programs. She reported that NPS volunteers Barb and Bob Hare finished their 10<sup>th</sup> season with the Upper Delaware and each received their 7,000 hours volunteer pins.

Regarding Resource Management, Hahn noted that NPS assisted the Boy Scouts at TMR by inspecting for the presence of bats; assisted the Pennsylvania Fish & Boat Commission (PFBC) and NYS DEC Region 4 in a pilot Young-of-Year Trout backpack electro-fishing effort; participated in night boat electro-fishing with DEC Region 4 and sampling adult trout populations on the West Branch of the Delaware; they continue studying up and down stream gage data on the Mongaup for the hydropower relicensing effort; attended the PFBC's first wild trout summit; and raised and studied Monarch Butterflies.

Hahn reported that progress continues with volunteers for the Oral History program. She noted that the scoping has closed on the Zane Grey House Cultural Landscape Restoration project.

A geologic resource inventory is being worked on, Hahn stated, and provided some details.

A Facebook post about Mary Smith Nelson was created in observance of Women's Equality Day, Hahn said. Nelson was the daughter of the Zane Grey House caretaker.

Richardson stated that this past summer, someone from the NPS had called and asked for permission to count bats at the Cochection Railroad Station. Permission was given with the request that they provide a summary of what they saw and what the experience was. Richardson said he has not heard anything to date. Hahn said she will request that the NPS Resource Management Division provide a summary of their bat report to the Cochection Preservation Society.

**UDC Executive Director's Report:** Ramie said our FY 2017 project to update the UDC Visitor Map and Guide has been completed and we received our delivery of 35,000 copies on August 29<sup>th</sup> from Spencer Printing. She said they are available for distribution. She referred members to the copy of the August 29 press release titled, "UDC Updates Upper Delaware Visitor Map & Guide Brochure" provided in members' packets. She said it contains a list of those local businesses that voluntarily contributed to help offset the printing costs for which we are very grateful. Hahn noted that the Park Service hands out the UDC brochure along with their own as it contains a lot of good information.

Ramie referred to the information on the 2017 Delaware River Watershed Forum provided in members' packets. She said the event, sponsored by the Coalition for the Delaware River Watershed, will be held on October 17 and 18 at the Skytop Lodge and that the early-bird registration is due before the

Operations Committee meeting where approval for Golod to attend would normally be sought. She provided the projected expenses. Golod stated that he attended this conference last year and spoke of how informative it was. A motion to allow Golod to attend the 2017 Delaware River Watershed Forum was made by Henry, seconded by Barth and carried.

Ramie reported that the proposed UDC Bylaws amendments and the associated Operations Committee questions were turned over to attorney Jeff Clemente on August 25 with a request to receive a written response by September 22<sup>nd</sup>. She shared some of her questions regarding the new Member Participation Fee. Ramie said that September is the last of the \$100 payments to be made to the municipalities of which they have been informed. She did not receive feedback from any of them.

In terms of the FY 2018 federal assistance package, Ramie said she completed the budget, explanatory narrative, and work plan and submitted them to Superintendent Heister for preliminary review on September 1 before it will go to the Northeast Region. Ramie said the processing time is unknown. A brief discussion about the UDC's unrestricted funds took place.

Ramie stated that the UDC received three Technical Assistance Grants applications by the August 31 deadline. The total of the requests is \$16,583.33 and we have a funding pool of \$15,100, she added. The special Project Review Committee meeting to review the applications is scheduled for Tuesday, September 12 at 6:30 p.m.

Ramie reported that she is working on the Fall/Winter edition of *The Upper Delaware* newsletter and may have to extend the September 13 deadline as higher priority was given to getting the UDC's funding package ready for submission to the NPS.

Ramie said that Damascus UDC Representative Jeff Dexter was deployed by FEMA to Texas in the wake of Hurricane Harvey. She said he anticipates being away for the whole month of September.

Ramie reported that former UDC Resource Specialist Travis O'Dell is opening a real estate office for Coldwell Banker Timberland Properties in Roscoe, NY and invites everyone to the grand opening next Thursday, September 14 from 5-7 p.m. at 62 Stewart Ave.

Ramie referred members to the September calendar of UDC Meetings, Deadlines and Activities and covered highlights of it.

**Old Business:** Sullivan noted that there has been a lot of discussion about funding recently. She would like to see the Council seek funding on an on-going basis. She shared some ideas and encouraged members to share any ideas they have. Ramie stated that any financial affairs come through the Operations Committee, and we always welcome ideas.

Greier read an excerpt from the August 22<sup>nd</sup> Operations Committee meeting minutes which stated, "Heister spoke of the \$30,000 surplus that the local unit of the Park Service returned to the U.S. Treasury. Richardson asked Heister if he was hearing her say that if we came up with a need and we could justify the need, that we could approach the Park Service about money above and beyond the \$300,000 for a specific project? Heister said yes, the Plan allows for that." Greier suggested that we look into this option. Henry asked if the Council currently has a need for technical assistance. Ramie told him always. After a brief discussion, Henry made a motion that a letter be written to NPS Superintendent Heister objecting to the Upper Delaware Scenic & Recreational River unit's return of \$30,000 in FY 2017 funds to the General Fund and request the obligation of that money for a UDC project instead. The motion was seconded by Adams. A vote was taken and the motion passed. Hahn commented that the money has already been returned to the Regional Office.

#### **New Business:**

**Draft Letter to Pennsylvania Department of Transportation: Skinners Falls, NY-Milanville, PA Interstate Bridge #5:** A motion to send the letter advocating for the preservation of the Skinners Falls, NY-Milanville, PA Bridge was made by Richardson, seconded by Henry and carried.

Henry suggested moving all New Business Items with the exceptions of D and H for the sake of time. Sullivan had a recommendation for Item C. After a brief discussion, it was decided to address each business item line by line.

**Draft Letter to Basil Seggos, Commissioner NYS DEC: New York State Funding for UDC:** A motion to send the letter requesting inclusion in the NYS 2018-2019 budget for a proposed \$50,000 project was made by Henry, seconded by Roeder and carried.

**Draft Letter to 1954 U.S. Supreme Court Decree Party Principals: Suspension of Voluntary Releases from Delaware System Reservoirs:** A motion to send the letter urging the Decree Parties to take immediate action to finalize an agreement to manage flows from the Delaware River Basin Reservoirs was made by Henry and seconded by Sullivan. Sullivan stated she wished the letter was stronger on the flooding issues. Ramie read from the letter in part which stated, "In flood situations, there are no spill mitigation provisions under Revision 1 to help safeguard downstream people and property." After a brief discussion, a vote to send the letter as written was taken and the letter passed with Peckham abstaining.

**Draft Resolution 2017-08: Guiding Substantial Conformance Review of Renewable Energy Projects in the River Corridor:** Peckham asked for clarification that this resolution is our recommendation to the Park Service and they handle the process of adding the conclusion into the Schedule of Compatible, Conditional, and Incompatible Land Uses. Ramie said yes. She added that our recommendation is that solar is a special or conditional use, and wind, geothermal and hydropower are incompatible land uses. Robinson noted that the resolution doesn't reference a minor amendment. He asked if we can anticipate that is the path the Park Service will take. Ramie confirmed that is what Superintendent Heister has said. Robinson stated that Shohola Township has asked the township attorney to look at the whole issue of amending the River Management Plan and he hasn't gotten back to them yet. He shared the township's concern of the relationship of the new RMP approach versus township zoning. He reiterated their township attorney is looking into the matter and Shohola is not prepared to vote on the resolution. Dean stated that the Town of Deepark is taking the same position. Peckham said it has been his experience with similar issues that no real decision is made until after the hearings. He suggested that some issues may be brought up that the Council members have not thought about. A motion to table the Resolution until the next committee meeting to address it further in light of the concerns of the towns and townships was made by Henry. He suggested the Council needs to be sure the process that is being followed is correct. The motion was seconded by Dean for discussion. Dave Hulse stated there is no discussion on a tabled motion. Greier said that this is an important issue and everyone should be heard. Richardson commented that he doesn't think the issue should be tabled; he thinks it should be sent back to committee for further consideration. He added that he would like to get some feedback from a professional planner on how these amendments will affect town/township zoning. Henry amended his motion to send the Resolution back to the Project Review Committee for further discussion at the September 26 meeting. He provided some examples of what he considers to be River Management Plan changes that did not follow procedure. He said he has shared this list with Ramie and Heister. Greier shared his concerns about changes to the Plan. Hahn suggested that when members are conducting their research, they should go back to the Wild and Scenic Rivers Act Section 6C and read the Upper Delaware Law and the River Management Plan. Henry's amended motion was seconded by Dean. A vote was taken and the motion to send Resolution 2017-08 back to the Project Review Committee for further discussion was carried. Henry again suggested that the Council should explore Letters of Interpretation. He suggested that members familiarize themselves with the Plan by the September 26 meeting in order to be better informed about what we can and can not do.

**Draft Resolution 2017-09: Guiding Substantial Conformance Review of "On-Farm" Cideries in the River Corridor:** A motion to send this Resolution back to the Project Review Committee for further discussion at its September 26 meeting was made by Robinson. Peckham commented that this use is agriculture which is covered in the River Management Plan. He contended that the Resolution is not even necessary. Henry seconded Robinson's motion and agreed with Peckham. Robinson suggested that the Council needs to figure out a path, something different from a minor amendment, but something that is valid, that conveys the Council's intent to interpret these uses. He stated that Golod did a very fine evaluation of the cideries; the committee approved it and it is in our minutes; that establishes a policy for like uses. Richardson agrees this resolution should go back to committee, and suggested that perhaps there can be a simpler way for defining the use. A brief discussion about the Project Review process took place. Ramie said it is the documentation that is in question currently. Henry referred to page 28 of the RMP

under “Notification and Reports” and read in part, “The Council shall report annually to the Secretary of the Interior, the membership, and the Citizens Advisory Council regarding the effectiveness of the implementation of the management plan: 4. Letters of interpretation issued by the Council to clarify any provisions of the Management Plan.” He shared his interpretation of this provision. After much discussion, a vote was taken and the motion to send this resolution back to the Project Review Committee for further discussion was carried.

**Draft Resolution 2017-10: Awarding the Printing of “The Upper Delaware” Newsletter to Courier Printing Corp. for FY 2018:** A motion to approve Resolution 2017-10 was made by Richardson, seconded by Henry and carried.

**Draft Resolution 2017-11: Adopting a Fiscal Year 2018 Budget, Narrative and Work Plan:** A motion to approve Resolution 2017-11 was made by Roeder, seconded by Sullivan and carried.

**Other:** None

**Public Comment:** Dave Hulse stated “either you’re going to have rules of order or you’re not”. He said that discussion should not take place after a motion to table an issue. Greier thanked him for his comment.

A motion to go into Executive Session at 9:03 p.m. for personnel matters was made by Roeder, seconded by Robinson and carried.

A motion to come out of Executive Session at 9:51 p.m. was made by Roeder, seconded by Robinson and carried.

A motion to accept the recommendations of the Personnel Subcommittee was made by Henry, seconded by Peckham and carried.

**Adjournment:** A motion by Roeder, seconded by Adams to adjourn the meeting at 9:52 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 9/20/17*