



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES

November 7, 2024

The Upper Delaware Council held its monthly meeting on Thursday, November 7, 2024. Chairperson Dudko called the meeting to order at 7:00 p.m. Roll call followed reciting the Pledge of Allegiance.

Attendees:

Town of Hancock- Fred Peckham (Zoom), Town of Fremont- Jim Rodgers, Town of Cohecton- Larry Richardson, Town of Delaware- Harold Roeder, Town of Tusten- Evan Padua (Zoom), Town of Highland- Christine Martin (Zoom), Town of Deerpark- Ginny Dudko, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Commonwealth of Pennsylvania- Tim Dugan, National Park Service- Lindsey Kurnath, Delaware River Basin Commission- Kristen Bowman Kavanagh

Absent:

Westfall Township- Michael Barth, Town of Lumberland- Nadia Rajsz, Damascus Township- Jeff Dexter, New York State- Ryan Coulter

Staff:

Executive Director- Laurie Ramie, Resource & Land Use Specialist- Kerry Engelhardt

Media:

Tri-County Independent- Peter Becker (Zoom), River Reporter- Liam Mayo

Guests (*Names provided as available or legible*):

Town of Deerpark- Bill Dudko, Town of Tusten- Cathleen Breen, NPS- Carly Marshall, Lackawaxen River Conservancy- Christine Foland (Zoom), SEEDS- Michele Long (Zoom), Howard Leifman (Zoom), Phone (Zoom), Chosnicki (Zoom), Jennifer (Zoom), John (Zoom), Mike Sorce (Zoom), Anakyn Gray, Ronald E. Gray, Carolyn Gray, Michael Gray, Janet Voss, George Voss, Bob Wicksnes, Joe Atkinson, Laura Atkinson, Ray Fennell III, Lackawaxen Township Supervisor John Beisel, Lackawaxen Township Supervisor- Mike Mancino, Tracy Lane, John Flynn, Allan Day, Kit Roy, Reah Rerches, Mary Beisel, Judy Conklin, Curt Conklin, Michelle Thompson, Bryan Thompson, Josh Oakley, Lisa Gray, John Oakley, Maciej Wrona, Mike Oset, Joseph C DeFebo, Konrad Wrona

Presentation: “Seeking National Wild and Scenic River Designation for the Lackawaxen River” by Christine Foland, Lackawaxen River Conservancy:

G. Dudko started by asking the large audience to save any questions until after the presentation or during “public comment” on the agenda. She welcomed Christine Foland from the Lackawaxen River Conservancy to give her presentation on “Seeking National Wild and Scenic River Designation for the Lackawaxen River”. Foland thanked the council for having her.

Foland said that the Lackawaxen River Conservancy believes that the Lackawaxen River’s beauty, unspoiled charm, and special character make it eminently worthy to be designated a Wild and Scenic River. What is a Wild and Scenic River? A free-flowing river that has no dams or other impoundments, has outstandingly remarkable values that are rare or exemplary, and have values that may be historic, cultural, natural, or recreational. Foland said they are often asked whether the dam at Lake Wallenpaupack disqualifies the Lackawaxen River from being eligible to be designated a Wild and Scenic River. Lackawaxen River Conservancy contacted the National Park Service who said that the dam at Lake Wallenpaupack does not disqualify the Lackawaxen River; it is still a free-flowing river. The conservancy believes that the Lackawaxen River fulfills all the criteria to become a Wild and Scenic River.

How does designation happen? The first step is a study approved by Congress and conducted by a Study Committee made up of local residents and the National Park Service. The process begins with getting the support of our U.S. Representative and one of our U.S. Senators. The Lackawaxen River Conservancy must provide ample documentation of local support in order to get their request for a study to Congress. For the river to be eligible, the study must verify the river’s free-flowing character and at least one outstandingly remarkable value. In order to be eligible, the study

must include the creation of a locally comprised Study Committee and a River Management Plan, which is known to be a lot of work. A picture was shown of the Musconetcong River's River Management Plan and its table of contents. Foland said at 74-pages, it is not a small document. She said she has seen documents online that are as long as 258-pages.

What are the benefits of being designated a Wild and Scenic River? Protection of the river through local management; national recognition and prestige; an economic boost; technical support from NPS for River Management Plans and projects; protection from federally-assisted and other projects that adversely affect the river. The biggest benefit from being designated a Wild and Scenic River is protecting the river.

Is the Lackawaxen River eligible to be designated a Wild and Scenic River? The Lackawaxen River flows freely for 31.3 miles from south of Prompton Lake to the Delaware River. Its many outstandingly remarkable values include: the Delaware and Hudson Canal; the Stourbridge Railroad; the Dorflinger Glass Factory Museum; author Zane Grey's home and museum; and recreation that includes fishing, kayaking, tubing, swimming, and canoeing.

If designated, the Lackawaxen River would be a Partnership Wild and Scenic River. The Wild and Scenic River designation dates back to a 1968 law called The Wild and Scenic Rivers Act. For well over a century, the policy for rivers was to dam, divert them, and develop the rivers to support transportation, irrigation, and navigation. A large number of free-flowing rivers were turned into reservoirs. Rivers were seen as a means to an end. During the 1960s concern began to grow for the environment. The call for the conservation of our natural resources led Congress to enact the Wild and Scenic Rivers Act. The act sought to protect and preserve rivers in their free-flowing state. The law's intention was to preserve the rapidly vanishing heritage of free-flowing rivers.

There are two categories of Wild and Scenic Rivers: ones that flow through federal lands and Partnership Wild and Scenic Rivers, which are rivers that flow through lands with mixed local public and private ownership. The Lackawaxen River would become a Partnership Wild and Scenic River if designated. A Partnership River is a river with no land federally owned. It would have local council with broad representation guides management. Land use would be in local hands. It gives NPS limited roles that would be specified in the plan. Costs would be shared by all partners. There would be no NPS Rangers. A River Management Plan would be locally developed prior to the designation. A lot of the time, rivers don't qualify for Wild and Scenic because they do not have a RMP developed. In order to have the study conducted by the NPS and local committee, there must be ample documentation to the U.S. Representative and a U.S. Senator to convince them that there is enough local support to become a Partnership Wild and Scenic River for them to submit bills to their respective departments of Congress. Congress then determines whether the NPS and the local committee can pursue a study.

What happens after designation? The study usually takes about three years. That committee grows into a River Management Council (RMC). The RMC implements a management plan, coordinates among stakeholders, utilizes funds from the NPS and local organizations to address the river, and above all it is a cooperative venture in local hands.

Foland said she hopes she has convinced everyone tonight that the Lackawaxen River should be designated a Wild and Scenic River. She opened up the floor to questions. G. Dudko said she will first entertain questions or comments from the Upper Delaware Council. Robinson asked what are any disadvantages of being designated? Foland said that is hard to tell in advance of being designated. The study would point out disadvantages and may come up with ways to correct them. She said some disadvantages may be issues with private owners. Kurnath said an important clarification is that the Upper Delaware Scenic and Recreational River is not a Partnership Wild and Scenic River per this program. The Lackawaxen Conservancy is not looking to set up the Lackawaxen River the way the Delaware River is and was set up. The difficulties of establishing the Upper Delaware Scenic and Recreational River led the NPS to set up an entirely different model and program that is the Partnership River Program. No one has ever tried to repeat all of the conflict that designating the Upper Delaware Scenic and Recreational River had led to. Foland said after the study has taken place, Congress must act again if the study determines that the river is eligible to decide if the river should receive designation. G. Dudko said that this is a different process than what the Upper Delaware went through. Kurnath said yes, from all the lessons learned.

Peckham said the Upper Delaware Scenic and Recreational River was initiated by the NPS, not landowners or the towns. How do landowners feel about this? There are a lot of landowners that aren't happy about the NPS getting

involved. They require you to zone areas that aren't necessarily zoned with restrictions on what you can and can't do with their property. Kurnath said that is what she was saying that the NPS no longer does because of how the Upper Delaware was established.

Henry said they need to have public hearings; have they had any public hearings? Foland said this is their second one, the first being presenting at a UDC WU/RM meeting last year. Henry said they need to contact people who own property along the Lackawaxen River. That is where you need to start. Foland said they are in the exploration stage of seeking designation. They decided to first contact conservation and community organizations to get feedback. Wild and Scenic River designation won't happen if there isn't ample documented support. They are trying to find out if there is even enough support for the designation.

Bowman Kavanagh said, after hearing Kurnath describe the process just before, it's different than the process the Upper Delaware River went through, and that it seems like it would be managed differently as well. She added that along the Delaware River we have an example of a Partnership River, the Lower Delaware, and she believes the Middle Delaware as well. It may be worth looking into those areas to see how they are managed.

G. Dudko said she assumes that this request stops where the Upper Delaware Scenic and Recreational River Unit within the National Park starts? Meaning that it would not overlap? Foland said she believes that it would stop at the Delaware and would not overlap. G. Dudko said that is an important distinction, since the Upper Delaware already has a River Management Plan. Foland said she doesn't think the jurisdiction of the Lackawaxen River's designation would overlap with the Upper Delaware's.

Robinson asked if this proposal has been run by the respective Board of Supervisors in each township the Lackawaxen River runs along? G. Dudko asked if it has gone to the Governor? Foland said these are things that are in the future; they are still in the beginning stages. They are trying to assess if there is sufficient local support to move forward. Robinson said knowing how his township works (Shohola) and that it may impact zoning, it needs to be brought through the Board of Supervisors. It couldn't make it far without the support of the Board of Supervisors. Foland agreed. If the project moved forward, they would need the support of the Board of Supervisors from each municipality.

Padua said the lack of public access on the Lackawaxen River could pose some issues with designating the river and attracting visitors. The Lackawaxen is more of a remote, private river. It doesn't have much public access in its 31 miles. He also pointed out that the Prompton Dam is technically on the Lackawaxen River. There are dams on every river. They definitely need to go through the township supervisors still. Foland said that the segment of the river they are seeking designation for is south of the Prompton Dam, so the dam would not be included.

G. Dudko reminded the audience that the council has an agenda to follow tonight, but opened up the floor for public questions and comments. Rodgers said he feels "the cart is way before the horse" in this scenario. He isn't sure why the Lackawaxen Conservancy hasn't gone to the townships first. He can understand why they want to present information to the UDC, but we're in no position to make a decision on a letter tonight. Ray Fennell from the audience asked if the UDC went to the Lackawaxen River Conservancy for a presentation or if they came to the UDC looking for a support? G. Dudko said the conservancy reached out to the UDC for a letter of support. Fennell asked how the UDC can give a letter of support when the UDC is the only organization the conservancy has reached out to? Engelhardt and Ramie said the UDC has not given a letter of support yet based on this request. Fennell said, then why are we here? G. Dudko said this presentation is just informational.

Richardson said all he has seen so far are the headlines in local newspapers, but really has only heard from Foland and the Lackawaxen River Conservancy in detail about it. We can wait to hear more from the other side before making any decision to give a letter of support or not. Fennell asked what other side Richardson is referring to? Richardson said, from people not in favor of the designation. Fennell asked why the UDC is even involved? It has nothing to do with the Lackawaxen River. Richardson said he assumes as the conservancy starts moving forward toward seeking the designation, they will need support from similar organizations. Richardson said he has been with the council since 1989 and knows well what the UDC has been through.

Lackawaxen Township resident Michael Sorce via Zoom said, "I do not support the proposal for the Lackawaxen River to be designated a Wild and Scenic River. Over 10 years ago my wife and I moved to Lackawaxen Township

permanently where my wife has lived for 49 years. My friends and family also reside along the Lackawaxen River and have for generations. The Lackawaxen River is beloved by everyone I know. They fish the waters, ride the river, and cherish the waterway as a treasure. Local residents clean litter and debris from its shoreline to ensure that the river stays beautiful. I strongly feel that a study and classification of the Lackawaxen River as a Wild and Scenic River will be detrimental to the status quo. The NPS is stretched thin in our area, patrolling the areas currently within their jurisdiction. Adding the Lackawaxen River to that coverage area from Prompton to the Delaware River would severely reduce their ability to patrol areas already under their jurisdiction. Furthermore, I'm wondering why this proposal would be presented during a UDC meeting rather than local township meetings in Pennsylvania. As far as I can tell, the support or lack thereof should come from residents that live on or near the river. It seems to me that the Lackawaxen River Conservancy has jumped the chain of garnering local support from Pennsylvanians out of the purview of the locals who reside here and has instead opted to look for a quick way to usher the approval of this study by appealing directly to the UDC. Those of us who hold this river as sacred ground, along with the PA Fish and Boat Commission, have been the stewards and friends of the mighty Lackawaxen River for longer than the 36 years that the UDC has even been established. We look forward to continuing that stewardship. If there is to be a letter sent to the U.S. Congress or Senate, I would wish that the names and wishes of the detractors be included so that those in a position to decide might be afforded both sides of the proposal. Otherwise, I would urge my fellow citizens and those in attendance that feel like I do to contact our U.S. Congressman directly and voice your opinion as well." Foland thanked him and stressed that they are in the exploration stage of this undertaking. The feedback and objections are welcome to the conservancy. She suggested he sends that information in a letter. They are gathering letters of support, but are accepting letters of objection as well. They are trying to ascertain if there is sufficient public support to move forward. There is no designation if there is no public support. She thanked everyone for their feedback and that it is welcome. Foland said she is here tonight thanks to an invitation from the UDC to give a presentation.

Henry said if there are elected officials in this room, they should get the chance to make a statement first. Lackawaxen Township Supervisor Mike Mancino said that Lackawaxen's feelings echo what Michael Sorce had said. The conservancy will quickly find out how Lackawaxen residents feel about this designation and that they do need to approach the Board of Supervisors as well. It is important to go through the process. Even though everyone wants to shut it all down, it's important to go through the process first.

Mancino said further in the agenda there is a topic on discussing a letter of support for the designation; is that something that will be decided on tonight? G. Dudko said there will be a discussion about it. Peckham said he feels that sending a letter would be premature.

Christine Foland said she anticipates that she will be a part of many meetings like this one. Foland left the meeting along with most of the audience. G. Dudko allowed a moment for the room to clear.

Approval of October 3, 2024 Minutes: A motion by Richardson seconded by Robinson to approve the October 3, 2024 meeting minutes, with Henry and Roeder abstaining, carried.

Public Comment on the Agenda: None.

Committee Reports: There were no questions regarding previously distributed minutes for Water Use/Resource Management 10/15 (Vice-chair Bill Dudko), Operations 10/22 (Ginny Dudko), or Project Review 10/22 (Larry Richardson).

Status Reports:

Delaware River Basin Commission: Kavanagh Bowman said, as we all know, it is very dry. Every county within the Delaware River Basin, except for Wayne County, is either under a drought watch or warning. The state of New Jersey will be holding a special hearing on 11/12, which they are required to do to consider going into a drought warning. Each state or county determines whether they will enter a drought watch or warning, looking at things like precipitation, stream flow, ground water level, soil moisture, and water levels. The DRBC's criteria for drought are different because their focus is so much on flow management on the main stem as one criteria on whether they declare a watch or emergency. For a basin-wide drought, looking at the combined storage in New York City's three reservoirs in the Upper Delaware, they also have a lower basin drought in their water code. There have been instances in the past where there is plenty of water in the Upper part of the basin, but it was really dry in the lower basin. The criteria there are also based on reservoir levels. The DRBC announced that they will be having a special hearing on 11/19 to take input. The last time there was a hearing in 2016, right before the hearing, it started raining. So hopefully, we'll get some rain on that day. The DRBC is continuing discussions every day on

what the reservoir levels look like in both the lower and upper basins. If nothing were to change, they would probably pass a drought watch by mid-December. The DRBC does have to have the hearing before they can have any other type of meetings on water supply, etc. There was a point a long time ago when the Decree Parties unanimously consented to add certain drought management policies to the Water Code, but have continued to adapt the FFMP. So currently, once we go into a drought watch or warning they are not aligned. Part of the reason for this special hearing the DRBC has called is that they can align the two. Anytime on or after 11/21, the DRBC will attempt to provide notice if they are to have a business meeting to vote on it. If things are really critical, it could be very little notice. If we do go into a drought watch, that will have ramifications in terms of the flow targets at Montague and Trenton. The intent of the Drought Management Program is to initially preserve storage in the reservoirs. If the river levels drop down past the target numbers, and if we go into warning they will go down further. When it gets to emergency, they will go up a bit since at that point the concern is the salt front down in the Estuary pushing so far up that critical public water supplies will start to be affected in some major metropolitan areas. Bowman Kavanagh is very hopeful that we will not get to that point.

Case asked if the NYC reservoirs are making any releases because of the aqueduct repairs? Bowman Kavanagh said for the Delaware Aqueduct Project Jennifer Garigliano from NYC DEP had said they started using the Delaware System heavily in June to preserve storage in other systems. So, Delaware went down and the other systems went out. They are now doing the work while watching very closely. Bowman Kavanagh said she believes NYC criteria for when they go in to drought watch or warning is based on whether their systems can refill and how much water supply they have for the city. They are watching it very closely. She asked the DRBC Manager of Water Resource Operations Amy Shallcross, are the Upper Delaware reservoirs lower than they would have been if they hadn't done this project? No one is sure. The one thing that is happening in the Delaware system, if you look at a chart provided in tonight's packet, you can see the reservoir storage. If it stays at the same rate, you can estimate when it could hit drought watch. Right now, the only things making their storage go down right now are conservation and directed releases. They are not pulling any water out of those reservoirs now to send to the city. If things get bad and they needed that water, things would get low very fast. The DRBC has been in contact with NYC DEP and as of now their project is still moving forward. She imagines that NYC DEP is keeping a close eye on everything to make sure they have enough water in their other system to keep things going.

Martin asked what the FFMP is? Bowman Kavanagh said the Flexible Flow Management Program. The original decree that stated how much water NYC and New Jersey gets was questioned after a drought that wasn't accounted for. The Decree Parties agreed that it was over allocated for drought conditions and if things happen under certain conditions that they would do things a little bit differently. That is what the FFMP is; essentially adaptive management.

G. Dudko said she hopes we get rain before the ground freezes. But that won't benefit the DRBC? Bowman Kavanagh said when the ground is really dry it will initially just run out. Dugan said that the ground is so dry right now the soils are hydrophobic, almost like water repellent. Bowman Kavanagh said that tree cover is less, so rainfall right now would be more impactful. We do need rain.

Peckham said there are currently 18 counties in NYS under a burn-ban. Northern Wayne County is under a fire restriction because of how dry it is. Bowman Kavanagh said Wayne County deferred to the township levels to make a decision. B. Dudko said Orange County is burn-ban and Sullivan County is on a voluntary restriction burn. He's not sure about the other towns or counties. Bowman Kavanagh said the National Oceanic Atmosphere Administration (NOAA) has a nationwide drought monitor and according to their statistics, the only two states not under drought conditions right now are Alaska and Kentucky. Engelhardt asked if the gage for the salt front is working again? Bowman Kavanagh said yes, the gage that allows the DRBC to estimate the location of the salt front is running again. They were having some issues with it still and having to manually pull the data. She plans to check and see if that has been resolved yet. She believes the salt front right now is where they expect it to be given the current conditions.

Ramie said the DRBC issued a press release about the 11/19 hearing that is included in the digital packet. A hard copy didn't make it into the physical packet tonight. If anyone hasn't seen the press release and would like to, please let UDC staff know. Bowman Kavanagh said that the meeting will be live-streamed as well. She will send out a reminder the day before or that morning to remind people they can register or watch.

Bowman Kavanagh said she will leave some brochures in the front office area on special monitoring the DRBC is doing in the Delaware Basin on 6-PPDq. They will be doing some studies in the Upper Delaware region to see if the chemical is here and how much there is, since it can be highly toxic to trout. If they do collect enough meaningful data to do a presentation, they would be happy to share that with the UDC.

Bowman Kavanagh also announced that once she transitions into her new role as DRBC's Executive Director, she asked Director of External Affairs Beth Brown to take over the primary responsibility for representing DRBC at the UDC meetings.

She plans to still try to come up and be present as much as she can. She thanked everyone for the support throughout the years.

NYS Dept. of Environmental Conservation: Absent.

Pennsylvania Dept. of Conservation and National Resources: Dugan reported that Wayne County does not have a county-wide burn-ban currently. The County Commissioners, being a Commonwealth, have taken that to local rule, giving townships the authority. He hasn't heard anything official from Pike County, but believes they have done the same. There is historical evidence that when they finally have all the votes in and put the ban in place, it starts to rain. The township has the ability with local codes to declare burn-bans. Robinson said there are eight townships in Pike County currently under a burn-ban. Dugan said in Pike and Monroe Counties for his staff fire season is not typically very active, but this season it has been running the last 16-18 days straight with new wildfires every day. Two days ago, there were four new fire starts in one day; two in Monroe County were likely debris burns, and the two in Pike County were not avoidable being a structure fire turned brush fire and a brush fire from a woodstove ember. Target shooting has recently started a brush fire as well as an overloaded circuit and cords wrapping through bushes outside. Burn-bans are good for communication, but there are times things are out of human control. They are concerned with no rain across the state. This week, PA DCNR and Game Commission did enact an open burn-ban on all state parks, state forests, and state game lands. He made the call for a ban on 10/24 for the Delaware State Forest. State parks in the past normally don't ban because campfires are an important part of the "camping experience", but unfortunately the risks are just too high right now. Staff is stretched too thin, along with volunteer fire departments. Pennsylvania brought aircraft back on contract, which they don't typically do in the fall. They are also looking at staffing options to extend seasonal staff. Dugan said he and his staff plan to be on wildfire duty into December. The systems they are seeing moving into the winter are not showing any changes. They are advocating that people are safe and sensible.

Rodgers asked if Dugan has ever heard of a situation where a catalytic convertor has started a fire? Dugan said definitely. There was a recent fire started by a person operating machinery where sparks ignited the fire. Going into hunting season, there will be a lot more people out with vehicles in the fields and meadows. He added that since it is so dry, DCNR staff are spending a lot of time and resources on these fires. Even some of the locations where local volunteer fire departments get water for their tankers have dried up. Currently, there are five fires in his district that they are still visiting daily.

The River of the Year nominations are open. You can find more information about that [online](#).

Hunting season is here and things are in full swing. Dugan told everyone to visit their local game commission website or NYS DEC for rules, regulations, and dates.

National Park Service: The NPS monthly activity report is included in the packet. Kurnath announced that the Project Review Road Show is complete and thanked everyone who participated. The non-participating townships, Buckingham and Manchester, have still not scheduled dates. This week Marshall, Engelhardt and she met with the Sullivan County Planning Department.

The Deputy Regional Director for Region 1 Cinda Waldbuesser visited the Upper Delaware last week (10/17) and Kurnath was able to show her around from Damascus to Monguap. They stopped at the UDC office to introduce Waldbuesser to the staff.

The NPS NY park units, as well as NY State Representatives, gathered at Roosevelt-Vanderbilt National Historic Site to discuss plans for the upcoming 250th Commemoration of the Declaration of Independence in 2026. The America250 Commission and NPS in NYS are all using much broader themes than just the Declaration of Independence. Themes include: the voices of those not represented in the signing of the Declaration of Independence; our continued fight for freedom and liberty since and the continuing experiment that is America; the power of place, using this opportunity to connect people to places that they can experience; and using it as a moment to teach civics and engage people in democracy. At UPDE we have the Battle of Minisink to talk about, but also have ideas for much broader themes that Chief of Interpretation Ingrid Peterec and her team are going to be able to engage in. UPDE wanted to show their support for their fellow New York parks and tap into the stories they are telling.

The first post-season fishing guides meeting was held on 10/30. Kurnath said she thinks that a good group attended, with good conversation that gave UPDE some homework for over the winter.

NPS Director Chuck Sams asked all parks to send any available staff to help with hurricane response. UPDE sent Ranger Byron Webb for a 21-day tour of duty, for which he received a letter of thanks. Ranger Ron Babus is on a 4-month detail to the Philadelphia area parks. In most recent news, UPDE Chief Ranger Keith Winslow accepted a 120-day assignment as the Superintendent at Patterson-Great Falls National Historic Site in New Jersey. She congratulated Winslow and wished him luck.

The seasonal Interpretation Ranger position was delayed in getting announced. That will be recirculated once it goes out in December.

UPDE Biologist Michelle Stevens participated in a couple of panels during Friends of the Upper Delaware River's Upper Delaware River Rendezvous last month. Kurnath commented that she did a great job there.

Kurnath said in special use activity, there is a lot happening with the Skinners Falls Bridge. That will be discussed further in tonight's agenda. Rest assured, NPS is working with them to follow all of their various compliance paths to get them a special use permit. Richardson said he hadn't heard about the Skinners Falls Bridge being dismantled and storing it before tonight's meeting, PennDOT is planning to do that? Ramie said the topic is under New Business. Kurnath said she just learned about that this week. We will talk about it later on the agenda.

This summer a retired NYC Detective almost had a medical incident on the Delaware River that some of UPDE Rangers and volunteers were able to assist during, and received a letter of gratitude for their exceptional service.

Kurnath said she is hoping to have a draft Cooperative Agreement to the UDC by 11/19. There was confusion between the lawyers and Financial Assistance staff. Right now, they are proceeding with a 1-year agreement to get it done and make sure everything is good to go for January 1st. They will be working on the next 5-years in the months to come.

There is also an infographic flyer included in tonight's packet showcasing all the amazing volunteer work UPDE had over the last year. She thanked everyone who volunteers.

Rodgers asked if it was Deputy Regional Director Waldbuesser's first time visiting the Upper Delaware? Kurnath said in her current position, yes. Waldbuesser started just a couple months after Kurnath and has been in her position for about a year and a half. She was here when she was the Chief of Staff to the Regional Director. Ramie said yes, she attended a UDC meeting at that time. Rodgers asked what she thought of the area? Kurnath said they lucked out with a gorgeous day, and that she had a great time. Kurnath showed her the Skinners Falls Bridge and as many places in our area as time allowed.

Robinson asked if there has been any discussion among UPDE staff about increasing funding? Kurnath said there is no money coming to UPDE for operational increases. New parks are being created and not being funded. If Congress is designating new park units and new responsibilities and doing it without funding, for anything existing the bar is that much higher to demonstrate why we need more funds. The federal budget picture they have received is not optimistic. If they were to ask for more funding, UPDE would need to put together a strong business case for what they can't accomplish and why they need more funds. It's been the same for about a decade. Robinson said that's unfortunate; Congress established this structure and the viability of the NPS equates to the viability of the UDC. It's almost irrational to think not increasing the funding marginally to the UDC is not a realistic request. The reason the UDC ever has minor surpluses is because we have cut back on certain programs. He is concerned if this organization doesn't see more money coming in, we will be left with a poor set of tasks that doesn't fulfill the River Management Plan (RMP).

UDC Executive Director: Ramie reported that Tuesday's election brought about some changes in the Upper Delaware representation. There were a few upsets of incumbents, with one outcome still pending. There was one race that had new contenders entirely. To summarize, on the PA side the U.S. Senate seat held by Bob Casey is undecided, with Republican Dave McCormick currently leading the race. Peckham said McCormick was declared the winner today. In the 8th Congressional District Congressman Matt Cartwright (D) was defeated by Rob

Bresnahan (R), so we will need to introduce the UDC to him. Holding onto their seats were the Republican Pennsylvania Representative Jeff Olsommer from the 139th District and Jonathan Fritz from the 111th District, where he was unopposed. In New York, U.S. Senator Kirsten Gillibrand (D) and 18th District Congressman Pat Ryan (D) both won their races. In the 19th Congressional District, Marc Molinaro was beaten by Democrat Josh Riley, another new person we will need to introduce ourselves to. The Republican NY State Senator Peter Oberacker won his race, retaining the 51st District. Senator James Skoufis also retained the 42nd District for our Orange County section. In the Assembly, with Aileen Gunther's pending retirement, the 100th District race was won by Paula Kay (D) over Lou Ingrassia Jr. 121st Assemblyman Joe Angelino won his reelection bid and 98th District's Karl Barbenec won, unopposed. After the inaugurations take place, the UDC will orient the winners to the UDC and the River Management Plan.

UDC's auditor Dick Eckersley of Eckersley & Davis LLC called today to set up his schedule for the Fiscal Year 2024 Financial Review and request various advance documents to get started. He will be in the UDC office on November 19th, but won't have time to deliver his draft report at the November Operations Committee meeting. He'll give an abbreviated version at our combined meetings night on December 17th. We will schedule the Ops meeting to take place first at 6:30pm, with Project Review following at 7:00pm, ending with WU/RM at around 7:30pm.

November and December calendars with UDC meetings and activities are included in tonight's packet. Ramie mentioned that this past Monday, Driscoll issued the 2nd edition of the e-newsletter. She asked if everyone received this month's newsletter? Everyone said yes and G. Dudko said she is doing a great job. Some projects underway are developing the new Five-Year Plan, the fall/winter issue of The Upper Delaware newsletter, preparing two FY2024 annual reports (FFR and PPR), negotiating the new Cooperative Agreement, and reviewing the Skinners Falls Bridge emergency plans. All other various deadlines are reflected on the calendars. At the 12/5 UDC meeting there will be a presentation by the NPS Submerged Resource Center about the archeological inventory of the river's bottom. Ramie requested a Personnel Subcommittee meeting on 12/5 at 6pm for Engelhardt's evaluation session. She will be celebrating her three-year work anniversary on 11/22.

Ramie congratulated Engelhardt on completing her 4th online course with Penn State World Campus to earn her Postbaccalaureate Certificate in Geographic Information Systems which the UDC supported through the tuition payment. Engelhardt thanked the council for supporting her. She almost completed the course with a 4.0 GPA. Ramie said it's impressive, with her work not affected at all. She thanked the UDC for supporting that kind of professional development.

Ramie expressed appreciation for two donations the UDC has received. The first has become an annual gift from Mr. Edward Winters of \$100, formerly of Matamoras and now of Bangor, PA. Rebekah Creshkoff refunded back the full \$126.44 she had received in member meetings and travel fees during her time as the Town of Delaware UDC alternate to "use as we best see fit". She asked Roeder if there is an update on an alternate for the Town of Delaware? Roeder said there is someone with potential interest.

An early Upper Delaware River activist, the founder of the Delaware Highlands Conservancy, and previous owner of the Butterfly Barn in Milanville - Barbara Yeaman - will be turning 100 years old on 12/16. The Conservancy is collecting birthday cards to send to Yeaman. Ramie sent a card on behalf of the UDC to express our appreciation for her legacy of land and water protection and wishing her well. If anyone would like to send a card, we can provide the appropriate information. The Conservancy's deadline is 11/30.

New Business:

- a. **PennDOT Announces Virtual Public Meeting on 11/14 to Discuss Next Steps for the Skinners Falls Bridge:** Ramie said there is a press release from PennDOT in tonight's packet. She commented that the story got misinterpreted being shared on outlets such as the Upper Delaware Community Network. The PR says PennDOT will dismantle the bridge on an emergency basis, which is alarming enough on its own. But what is not said in the PR is something that Susan Hazelton of PennDOT called today to tell us that if the Skinners Falls Bridge is dismantled; the parts will be saved, cataloged, and stored so that there is the possibility it will be reassembled and rehabilitated. At the virtual meeting on 11/14 at 2pm, PennDOT plans to explain the process and what the inspections revealed. Hazelton said that PennDOT is afraid the bridge is going to collapse into the river before it can be rehabilitated. When winter sets in with the frost cycle and

thaws, it could cause further damage which is why the dismantling is proposed now. PennDOT will need permits from multiple jurisdictions for this to happen, with an Aid to Navigation plan and a causeway in the river. All of this requires a Section 7 review, and none of it is guaranteed to happen. It could also trigger a Substantial Conformance Review by the UDC and NPS, since it is a proposed state project in the corridor. Besides this virtual meeting to take place on the 14th, they are trying to plan an in-person update at the Damascus Township board meeting on 11/18 at 7pm. The virtual meeting will be recorded and posted on the project [website](#). Radio Catskill is doing an interview on 11/13 at 10am with PennDOT as well.

Kurnath said there is no plan or any specifics on how they plan to dismantle the bridge yet. PennDOT is looking to have everything approved so they could start the project on 12/1. NPS is trying to be good partners; the last thing anyone wants is for the bridge to hurt someone or the river or not be able to be rehabilitated. The PR only talked about removing and dismantling the bridge, but the PEL study dismissed any option of putting the bridge back up. Under NEPA you have to evaluate the entire action. NPS's question is: whether the plan is to put something back up? That is what the PEL Study supports. PennDOT will need to secure an Army Corps permit. The Army Corps will have to check with UPDE NPS as the river manager to do the Section 7 Review which has them walk through all the Outstandingly Remarkable Values. She thinks in 2019 or 2020, NPS has correspondence from PennDOT with Jennifer Cluster indicating that everyone agrees that Skinners Falls-Milanville Bridge is one of the Upper Delaware's Outstandingly Remarkable Values for cultural and scenic. In Section 106 under the National Historic Preservation Act, you could take something down and mark what used to be there. You cannot degrade or replace like that under the Wild and Scenic Rivers Act. PennDOT wants to proceed with the plan as temporary, but when NPS puts it in as part of the bigger plan, it doesn't work with the National Environmental Protection Act process. NPS is doing what they can do help PennDOT to keep people from getting hurt or the bridge from further deteriorating.

Henry asked how much it will cost to take down and what is the timeframe? Kurnath said the 12/1 date comes from not wanting to disrupt the summer recreational season. If you do the math, it will probably be somewhere around the 4–6-month mark on timeframe. Henry asked if anyone has ever shown PennDOT a picture of what the ice looks like on the river? Ice will take boats away. These are some things to find out and make sure there is money to not only take it down, but put it back up too. Kurnath said NPS's concern is that they haven't evaluated the whole process. That's why there is NEPA. Henry said NEPA is good, but if you don't have money, it will go nowhere. Robinson said the whole plan is a logistical nightmare. You can cut the bridge into sections and move it if you don't plan to reassemble; you won't have the room to take it apart piece by piece to reassemble eventually. Kurnath said these are great questions for PennDOT. Dugan said he recognizes that he is there to represent the Commonwealth, but PennDOT works independently of other Commonwealth entities. Richardson said it's a shame that they have spent so much money on the bridge and that it couldn't have just been repaired to begin with. Padua said they are finally doing something, even though they haven't done anything for the past 5-years and now they want it done by 12/1. He knows it's historical, but it needs to be taken down for safety reasons.

Ramie said the virtual meeting on 11/14 and Radio Catskill interview on 11/13 was advertised on the UDC's website and all social media platforms. She encourages everyone to try to participate. She does think that the UDC's letters and concern about the public safety with the bridge nudged PennDOT to do something.

- b. **Discuss Support Letter Request for Lackawaxen River National Designation Study:** Ramie said she was very impressed by the turnout from Lackawaxen Township tonight for the presentation. The UDC received a letter on 10/3 from the Lackawaxen River Conservancy asking for a letter of support. She doesn't feel that the Conservancy is trying to go around anyone. She advised them to start with their township back when they came to give their first presentation at a WURM Committee meeting in September of 2023. The part they are asking for a letter of support on is the study, not the designation itself which is a long process. It seems clear that people are not ready to take action yet and perhaps we should make another recommendation to the Conservancy to start locally. Ramie said she pointed out to Lackawaxen Township Supervisor Mike Mancino that the thought that the UDC shouldn't be involved is not accurate. The UDC has experience in the situation and we are a forum for issues in the river valley for

people to discuss. Henry made a motion that we should not support this until every Supervisor and township along the Lackawaxen is in full support, seconded by Roeder.

Robinson said we are not in a position to endorse or take any action on it. Our model is predicated on retaining private property rights. We heard nothing in this presentation about impact on property rights and landowners. We need to wait until the townships make a decision and how it affects landowners. We need to defer any judgement until a final project is presented. Peckham said we should be in an advisory role to relay the UDC's experiences. Robinson said we shouldn't get involved. Martin asked what we are voting on? She doesn't disagree that the Conservancy needs to go to the townships first, but are we voting down requesting a study? G. Dudko said we would be voting down a letter of support for the study. Martin said can we still support the conversation without completely shutting it down? Tonight was a great way for everyone to come together to talk about it. G. Dudko said the UDC is not the place to hold the forum for this. Richardson said he disagrees; we represent townships that would be affected. He disagrees with the proposal. We should take no action until we get more information down the road. G. Dudko said at this point she doesn't feel comfortable not responding at all to them. We could let them know until we have more information, we will not entertain a letter. Martin said there is no position can be taken yet, it's still too premature.

Robinson said we need a plan in front of us. Kurnath said they need to do the study to see if it's worth making a plan. Peckham said it's none of our business to get involved. Robinson said if they wanted our comments on the final draft, that's one thing. But to make any suggestions or support anything on a study isn't our place. Ramie asked everyone to look at the sample letter that is included in tonight's packet. It states, "We are pleased to support your efforts in seeking the Wild and Scenic River designation for the Lackawaxen River. We believe the scenic beauty and unique character of the river make it a most worthy candidate for this recognition. We understand that this undertaking must first demonstrate local support for a study to determine the river's eligibility for this designation. We fully support the study of the Lackawaxen River as the first step in securing the designation." The UDC wouldn't say exactly that, but that's what they are looking for is permission to move it forward to the study.

Henry said the Conservancy hasn't done anything to get input back from the public. We went through this back when the Upper Delaware was being designated, and in his opinion, they are "putting the cart way before the horse" by not getting the support of locals. Kurnath said the process has changed because of the way the Upper Delaware Scenic and Recreational River was brought about. For the Lackawaxen River there will be no Substantial Conformance Review, no Rangers, and nothing like that. It will be a different part of the NPS. It would be completely different. Henry said they haven't done the first step by speaking to the townships and public. Kurnath said she agrees, but the process will not look the same as it did for the Upper Delaware in the 1970's. The NPS learned from that experience. There will be no NPS personnel from UPDE involved with this program. The Partnership Wild and Scenic Rivers Program is run out of the regional office. Robinson said, so that doesn't cost the NPS money? Kurnath said there won't be any additional costs for their staff by adding another river.

Bowman Kavanagh said it looks from the outside that the Partnerships staff just participates in committee meetings. There are no rangers with a non-profit group that gets people together with a grant program. It is very different than how the Upper Delaware Scenic and Recreational River is handled. Whoever is proposing this, there is a lot of information they should be sharing with landowners. Ramie said at the WU/RM Committee that Foland presented at initially, there were some representatives of that NPS program that were listening in by Zoom.

Richardson said we should move on with the agenda. G. Dudko said we should send the Conservancy a letter to thank her for presenting tonight. Ramie said she always does. Peckham asked where he can find information on the Partnership Wild and Scenic River program? Kurnath said she will send that to him.

- c. **Resolution 2024-08: Awarding the Printing of "The Upper Delaware" Newsletter to Courier Printing Corp. for Fiscal Year 2025:** A motion by Richardson, seconded by Henry, to award the printing of "The Upper Delaware" newsletter to Courier Printing Corp. for Fiscal Year 2025, carried.

- d. **Substantial Conformance Review 2024-07, Saint Shohola Deli (Shohola Township):** A motion by Richardson, seconded by Rodgers, to send the UDC's Substantial Conformance Review 2024-07, Saint Shohola Deli (Shohola Township) recommendation to NPS, carried.
- e. **Appeal for State Funding of UDC:** G. Dudko asked Ramie if the UDC could send a letter to the two states to remind them that their state governments signed an agreement that was put forth in Congress and that we still haven't received that payment. She thanked Ramie for organizing the letters. A motion by Robinson, seconded by Richardson, to approve the letters that appeared in the packets, directed to each budget office, and to send them to appropriate parties, carried.
- f. **Appoint a Nominating Committee for 2025 Officers:** G. Dudko asked Robinson and Richardson to sit on the Nominating Committee this year. They both passed. G. Dudko said she was seeking people who know the workings of the council to be on the Nominating Committee. Would anyone like to volunteer? Ramie said it doesn't mean that you can't be named an officer if you serve on the committee. G. Dudko asked if Henry would serve on the committee. Henry said yes. Roeder and Rodgers also agreed. They will report on their slate at the 12/5 UDC meeting and the election will be in January. Richardson reminded everyone that nominations may also be taken from the floor that night.
- g. **Other:** None.

Old Business:

- a. **Update on UDC Five-Year Plan Strategic Process and 11/8 Workshop Reminder:** Ramie said the UDC was grateful to Sullivan County Director of Planning Heather Jacksy for facilitating during the UDC's Five-Year Plan workshop at no cost. Research Analyst Austin Davis and Jacksy met with UDC staff on 10/30 to strategize over the format, agenda, and supplies. We are all set for our workshop on 11/8 at 8:30am. Staff sent out a survey on 11/1, asking people to rate the goals and tasks in the current plan. We received 17 responses out of the 32 recipients. There are 18 participants that will be joining the workshop. The UDC staff will draft the new plan to review on or by the 11/26 Operations Committee meeting. We will be requesting comments and edits between 11/26-12/5. If the board is ready, we will approve it at the 12/5 meeting to become effective January 1st. Richardson asked who put the questions on the survey together? Ramie said she did; they are from the current plan. Richardson said he thought the questions could be more focused and the response options could have been different.
- b. **Other:** None.

Public Comment: None.

Adjournment: A motion by Roeder seconded Rodgers by to adjourn the meeting at 9:08 p.m. carried.

Minutes prepared by Stephanie Driscoll, 11/18/2024