



# Upper Delaware Council

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## UPPER DELAWARE COUNCIL MEETING MINUTES

September 7, 2023

**Executive Session:** The Upper Delaware Council entered into executive session with Jason Ohliger, Esq., to discuss potential litigation at 6:00 p.m. on a motion by Boyar, seconded by Roeder. They came out of executive session at 6:57 p.m. on a motion by Richardson, seconded by Robinson.

The Upper Delaware Council held its monthly meeting on Thursday, September 7, 2023. Chairperson Robinson called the meeting to order at 7:10 p.m. Roll call followed reciting the Pledge of Allegiance.

### Attendees:

Town of Hancock-Fred Peckham (Zoom), Town of Fremont-Dennis Bernitt, Town of Delaware-Harold Roeder Jr., Town of Cohecton-Larry Richardson, Town of Highland-Andy Boyar, Town of Deerpark-Ginny Dudko, Damascus Township-Jeffrey Dexter, Berlin Township-Al Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, National Park Service- Lindsey Kurnath; Don Hamilton (Zoom), Delaware River Basin Commission-Kristen Bowman Kavanagh (Zoom), NYS DEC- Ryan Coulter (Zoom – lost due to storm)

### Absent:

Town of Tusten- Evan Padua; Westfall Township-Michael Barth; Town of Lumberland-Nadia Rajszyk, Pennsylvania-Tim Dugan

### Staff:

Executive Director- Laurie Ramie, Resource & Land Use Specialist- Kerry Engelhardt, Administrative Support- Stehanie Driscoll

### Media:

Peter Becker- Tri-County Independent

### Guests:

Town of Deerpark-Bill Dudko; CRISP Watershed Steward Programs Assistant Coordinator- Mary Keefe & Head Steward- Leeann Bruetsch; Maya Van Rossum (Zoom)

**Presentation:** Leeann Bruetsch and Mary Keefe, CRISP Watershed Steward Program, on “Stop Aquatic Hitchhikers!”

Keefe defined stewardship: verb; managing or looking after. She explained that they focus on managing and looking after the water. Bruetsch added that what CRISP does is not much different than what the UDC does by looking out for the resources and future use of the river. They make sure that guests visiting water bodies are using them for sustainable, recreational use without irreparable harm so they can preserve the environment for generations to come. As watershed stewards, they focus on Aquatic Invasive Species (AIS) spread prevention in three different ways: education of the public; inspecting boats; and collection of data. Keefe asked the council why they want to protect our waters to which Boyar answered, so it's not degraded by invasive species. G. Dudko added to preserve the experience for tourists. They explained that invasive species are non-native species that cause environmental or economic damage in a new environment. Not all invasive species are from foreign countries, U.S. species can be invasive outside of their native range. Invasive species reproduce quickly and have few to no predators in new habitats allowing them to flourish. Keefe and Bruetsch are focusing during this presentation on three specific invasive species starting with Hydrilla, which has strongly serrated leaves, a spiked mid-rib and 5 leaves to a whorl when it's growing well. If you try to pull the plant out, it can fragment and all the broken pieces can start growing a new plant. G. Dudko commented that Hydrilla looks like a common aquarium plant and Bruetsch said yes, it is sold as a water weed in pet shops. You are not supposed to sell Hydrilla, but it can be sold under many different names. Hydrilla can look like some native species such as Elodea which has leaves in whorls of 3, no turions or tubers and smooth leaves lacking serrations and spiked mid rib. Hydrilla is not yet in our region.

Boyar asked where they are operating. Bruetsch said she's on the Delaware River mostly in Narrowsburg, but recently has been driving to other locations. Keefe said that the program is based in Oneonta and Cooperstown, but covers

Otsego, Schoharie, Greene, Delaware, Sullivan and a bit of Orange Counties. Bruetsch said that this year they have had the biggest team they've had in 5 years in Sullivan County with five stewards.

The next invasive species is the Northern Snakehead. Unfortunately, it is in the Delaware River. Bruetsch said the first Snakehead she saw in person was at the Narrowsburg launch in 2021. CRISP has a bounty of \$100 currently for a 22-inch Snakehead. Snakeheads are voracious predators, they compete with native fish, they are aggressive and they can survive out of water. When a Snakehead has a nest, one will circle around the nest and another will circle farther out, attacking anything that comes within that radius. Snakeheads have a snake-like flat head with eyes located dorsolaterally and are brown with dark blotches and elongated fins. Some people have confused Snakeheads with native fish such as the Bowfin and the Burbot.

The last invasive species to discuss is the Carp. All Carp are native to Asia or Europe. They are used for weed control and they reproduce rapidly and grow very large. Carp will compete with native fish and mussels. They stir up the bottom of lakes and rivers which can cause harmful algal blooms which are not good for developing humans and wildlife. Bruetsch said that last August after the Wayne County Fair she witnessed a family try to dump a goldfish (carp) they had won at the fair in the Delaware River at the Narrowsburg launch. She told them that they are releasing an invasive species, and they could not release the fish there. Boyar asked what their relationship is with law enforcement. He said that he was stopped at a boat-stop in Montana and the officer was fully armed and serious about the boat inspection. Bruetsch said that as an example, there are differences in the NPS between law enforcement and interpretation and their program would fall under interpretation since they can't enforce anything. They remind people that it is in the best interest of the river to have their boat cleaned before heading in or coming out. Robinson said that he used to fish for Carp off of the Barryville Bridge and that people would pay for them. He asked if those were different Carp than what the invasive species type are. Keefe said there are many different types of Carp, so it depends on what kind he was catching. Bruetsch said that all Carp are native to Asia and Europe. Any plant, fish, snail, frog or turtle can ruin a waterbody. If you can't find a responsible aquarium owner to take your animals, fish, reptiles or plants there are "surrender" days that you can reach out to the DEC for more information on. Henry asked if they check livery boats when they go in and come out of the water. Bruetsch said that those boats mainly stay in the Delaware River and when she had spoken with Landers a couple of years ago, they were already doing cleanings due to Covid. Since the livery boats don't go anywhere but the river, there is a small chance that they will introduce any invasive species. As stewards, they focus on anything coming from one waterbody to another. That includes trailers, boats, canoes, kayaks and fishing tackles. The preferred method for fighting AIS is power washing with 140-degree water, draining your boat, and letting it dry for 5+ days in full sun. Alternatively, you can use a solution of water mixed with either bleach, apple cider vinegar, rock salt or potassium chloride. They prefer potassium chloride as it's concentrated. You make the solution by filling a bucket halfway with water, throw in 1-2 handfuls of KCI crystals, stir thoroughly until they dissolve, add another handful of KCI each time the last chunk dissolves. This solution disinfects boats, paddles, life jackets, waders and more. Keefe and Bruetsch left their business cards along with their bosses and handed out goody-bags to each person after Robinson presented them with UDC lapel pins.

**Approval of August 3<sup>rd</sup> Minutes:** A motion by G. Dudko seconded by Henry to approve the August 3<sup>rd</sup>, 2023 meeting minutes carried.

**Public Comment on the Agenda:** None.

**Committee Reports:** There were no questions regarding previously distributed minutes: Water Use/Resource Management, August 15<sup>th</sup> (Ginny Dudko); Project Review, August 22<sup>nd</sup> (Larry Richardson); and Operations, August 22<sup>nd</sup> (Aaron Robinson).

**Status Reports:**

- a. **Delaware River Basin Commission:** Bowman Kavanagh thanked staff for including the recent press release along with the hydrologic report in the meeting packet. The press release was related to a Delaware Watershed Conservation Fund Grant they had found out last week they were awarded. There are three projects as part of that grant. The project on emerging contaminants is to do some baseline occurrence monitoring to see if and where this substance may currently exist in the upper basin. They will be looking at various tributaries in Pennsylvania, New York and New Jersey. 6 PPD is a substance that's found in car tires helping preserve the tires and make them last longer. When tires wear down this substance can wash into nearby creeks and waterways. When it reacts with water it forms 6 PPDQ, and when it becomes that it becomes very toxic to Salmonid species such as Salmon and Trout. Bowman Kavanagh said that she plans to keep everyone updated. The sampling itself won't occur until next spring or summer. She reported that this morning, DRBC had their 3<sup>rd</sup> quarter business meeting. The commissioners took an action to defer a

plan on revising the aquatic life water quality standards for the Estuary portion of the river. That is pending completion of a separate Federal rulemaking that was announced by EPA last December. DRBC has been working since 2017 on various extensive monitoring, modeling and analysis to develop scientific information as a basis for rulemaking in this area. Last December EPA announced that they were petitioned by stakeholders in the basin and announced in the summer they would take up rulemaking. DRBC has been working in close coordination with them and decided to defer their rulemaking for efficiency purposes and to avoid any type of confusion with two different entities pursuing rulemaking on the same waterbody. DRBC will continue working with EPA and States in implementing the new standards which will include: identifying the affected dischargers, developing waste load allocations and affluent limitations, and considering capital improvement schedules and potential variances. Bowman Kavanah commented that this might be a little less relevant for the upper basin, since we already have much higher standards when it comes to aquatic life. She wanted to add this information as it was a big action taken that effects the lower part of the basin. The next public hearing is on November 8<sup>th</sup> and the next business meeting is December 6<sup>th</sup>. There is a Water Management Advisory Committee meeting on October 12<sup>th</sup>. She put links in the Zoom chat related to the upcoming meetings.

- b. **NYS Dept. of Environmental Conservation:** Coulter's Zoom connection was lost due to the storm.
- c. **Pennsylvania Dept. of Conservation and National Resources:** Absent.
- d. **National Park Service:** Kurnath reported that Upper Delaware NPS also got a Delaware Watershed Conservation Fund Grant in the amount of \$86,200 to do work with mussel sampling and surveying. They were a grant recipient through the National Fish and Wildlife Foundation. She believes the work will happen next year or the year after, but that's contingent on when they're doing the work on the Aqueduct since it impacts how much water is on top of the mussels. Hamilton said they are targeting the work to be done in 2025. She said Jessica Weinman has returned from her acting Superintendent assignment at Steamtown. Jessica is Upper Delaware NPS Chief of Facilities. They are excited that she's returned. NPS is busy wrapping up summer operations. National Canoe Safety Patrol (NCSP) made 1,650 contacts last weekend (Labor Day weekend). Kurnath said that there was some concern over dwindling volunteer numbers, so NCSP is making those contacts with a small staff. She commented that it's incredible what NCSP is able to do for NPS and how many people they are able to contact while they are out on the water. Thanks to the UDC, NPS is hosting the first post-season livery meeting at the UDC building in their conference room on September 29 at 10 a.m. NPS always does a pre-season meeting and this year they are doing one at the end of September to capitalize on lessons learned. Other events coming up are the Young of Year Shad Sampling starting next week. That's a joint operation between NPS, fish and boat commission, DEC, Delaware River Keeper Network and Fish and Wildlife Service taking place at 6 locations across the river. This is an event that has taken place since 1988 and contributes to the juvenile abundance impact which is an important part of Shad health in the river. NPS has gotten recent reports of Northern Snakehead young with the adults circling and they are investigating with the DEC. NPS is working on their own signage to increase awareness of the Snakehead. They don't have a good strategy to stop them at this point, but the more Snakeheads that are taken out of the river, the better. She announced they have a tentative acceptance for the Community Planner position. Since it's not official yet, she can't give a name. She hopes by the October meeting she can officially share the start date.
- e. **UDC Executive Director:** Ramie mentioned other recipients of Delaware Watershed Conservation Fund Grants. Pennsylvania DCNR received a grant for "Building Capacity to Expand Pennsylvania's Woods and Meadows." They are creating a watershed forestry specialist position to help implement 100 acres of riparian forest buffers, plant 6,000 trees, and support urban forest and pollinator habitat. The grant total is \$1.2 million. She commented that all of these grants are a one-to-one Federal match, which makes it hard for a lot of organizations to compete for them unless you can come up with the equivalent amount that you're seeking. The Pennsylvania Fish and Boat Commission received \$1 million for "Improving public Access and Recreation in the Pennsylvania portion of the Delaware River." Ramie mentioned that it's the 3<sup>rd</sup> part of a grant they've been working on and we have seen some improvement through trails and river accesses in the Honesdale, Lackawaxen and Hawley areas come out of that grant. The last project that was exclusively in NYS was in the Town of Tusten. They received \$75,000 for a grant called "Creating a Recreation and Open Space Plan." They will be developing GIS maps and a public planning process to identify areas and tools for protection. Ramie thinks that this grant is related to the TAG application that Town of Tusten submitted. Engelhardt said it's possible. Town of Tusten came up with a \$75,000 match since it is a \$150,000 project. Ramie said September 30<sup>th</sup> is the end of our Fiscal Year 2023 and we're in the process of spending down our federal funds. To do that we've made arrangements for buildings and

grounds projects such as landscaping, carpet cleaning and pressure washing the building. All of these projects are scheduled to be done before September 30<sup>th</sup>. There are also expenses associated with the awards banquet that include the purchase of the plaques and printing of programs. Engelhardt's 2<sup>nd</sup> GIS course tuition will be deducted from what we have in our balance. There are also 2 conferences that we have to pay for; both as participants and as a sponsor for one. There are a few minor pieces of equipment we are purchasing: an expansion microphone to enhance audio for Zoom and a new mouse for Ramie. She isn't able to finalize the expenses at this time due to pending invoices for consultation projects for legal and planning services. Later tonight there is a tablet purchase proposal with an unknown figure. Once she has those final expenses, she will be able to take that information to the Operations Committee this month. Tomorrow is the deadline for anyone that would like to register for the Water, Water Everywhere Conference on October 24<sup>th</sup> and half a day on the 25<sup>th</sup> either in person at FUDR's Hancock office or virtually. If you are interested, let Ramie know so she can do a group registration. The UDC also agreed to give a \$50 sponsorship for this conference. The calendars are included in the packets for September and October; with all UDC meetings, activities and deadlines listed. Ramie reminded everyone that the next full council presentation will be October 5<sup>th</sup> with Jennifer Garigliano from NYC DEP discussing the plans for the de-watering exercise that will take place this fall in advance of the Delaware Aqueduct shutdown. On November 2<sup>nd</sup> we will have staff from the Delaware Highlands Conservancy talking about land protection options. She added that the August 3<sup>rd</sup> UDC meeting speaker, Sullivan County Public Safety Commissioner Scott Schulte, followed up with the UDC as requested about the incident involving the tree fallen near the railroad tracks in Callicoon and the 911 call. That also prompted the railroad to get in touch with us since they thought we were being critical of the railroad. Ramie ensured Melanie Boyer at Central New York Railroad that we were only questioning the 911 dispatch. Boyer was happy to hear that since their crews were involved in that incident for the entire day; staying in touch with the town and making sure that NYSEG and Verizon were updated accordingly. Ramie said the *Sullivan County Democrat* had a nice editorial in their August 5<sup>th</sup> edition on "A Lifejacket's Purpose" that she passed around. This is the kind of safety message that we welcome. Lastly, she gave an update on the fossil/rock given by the Kraus family. Hamilton took possession of the fossil/rock at the WU/RM Committee meeting on August 15<sup>th</sup> and on August 17<sup>th</sup> Doug Kraus (who found the rock around TMR decades ago) got a call from a paleontologist from Washington D.C. to let him know the fossil/rock is thousands of years old. Ramie asked if Hamilton could explain how they saw the fossil/rock so quickly. Hamilton said that NPS sent photos of the fossil/rock alongside a ruler to show the size to experts and paleontologists. Ramie said the Kraus family was happy to hear that news and they hope if the fossil/rock is displayed, they reference its origins coming from the Upper Delaware Scenic and Recreational River. Hamilton said that NPS hasn't learned everything they expect to about the fossil/rock but they expect to hear back soon. G. Dudko asked where the fossil/rock is going to end up. Hamilton said depending on the provenance and how well it can be documented, it may end up in the NPS collection of artifacts. That is to be determined, since it has to meet certain criteria for that and Upper Delaware NPS Cultural Resources Program Manager Alex Garcia-Maldonado would help make the call. Ramie said the situation is interesting since the fossil/rock came from Narrowsburg and Kraus ended up working for the NPS in Search and Rescue out West.

#### **New Business:**

- a. **Draft Letter to NPS: Substantial Conformance (SC) Recommendation 2023-08: Narrowsburg Car and Dog Wash, Town of Tusten-** Engelhardt reported that they are planning to add a dog wash to the current car wash facility. Substantial conformance is recommended. Motion by Henry, seconded by Richardson to recommend substantial conformance carried.
- b. **Draft Letter to NPS: 2023-09: Green Acres Gunsmith LLC, Town of Tusten-** Engelhardt reported that this is an existing home occupation in the homeowner's basement that already exists. The applicant is adding that he is going to be a transfer agent and home occupations are allowable. Substantial conformance is recommended. Motion by G. Dudko, seconded by Bernitt to recommend substantial conformance carried.
- c. **Draft Letter to NPS: 2023-10: The Loosey Kit LLC, Town of Highland-** Engelhardt reported that this will be in the Barryville hamlet. This is a cannabis business with no retail sales; cultivation and processing only. It's classified as a micro-business as agricultural use only. Substantial recommendation is recommended. Kurnath said that the use is compatible within the hamlet and she thinks it's fine, but wanted to be open with the group that she is running it past a solicitor to make sure there's not going to be an issue with the NPS approving a cannabis agriculture micro-business because it's not federally legal. She

was not successful in getting before tonight's meeting. Robinson said we will proceed with the vote. Motion by Henry, seconded by Boyar to recommend substantial conformance. Roeder abstained. Dexter and Bernitt opposed. The motion carried.

- d. **Survey to Purchase Microsoft Surface Go Tablets for Board Members, return by 9/11-** The surveys were filled out by present members and returned to Driscoll. She plans to email absent members to get their vote for a deadline of September 11<sup>th</sup>.
- e. **Special Project Review Committee Meeting: FY 24 Technical Assistance Grants, 9/12, 6:30 p.m.-** Ramie said that this was on the agenda as a reminder about the Special Project Review Committee meeting on September 12<sup>th</sup> at 6:30 p.m. to review TAG applications. She added that we do have two applications that will come before the committee on that date and we will send those out in advance.
- f. **Lackawaxen River Federal Designation Proposal Presentation: 9/19 WU/RM meeting, 6:30 p.m.-** Ramie said that this presentation didn't work out for the full council meeting since we were booked for presentations tonight and next month. It is a proposal by the Lackawaxen River Conservancy to gain federal designation for the Lackawaxen River under the national Wild and Scenic Rivers program and they are ready to speak to the UDC to give us more information. This is arranged for the WU/RM Committee meeting on September 19<sup>th</sup> at 6:30 p.m. and we encourage anyone interested in the topic to join. As always, the meetings are open to the public.
- g. **Other-** Robinson said we opened the regular meeting at 6 p.m. and went into Executive Session to discuss options to obtain funding. The option that was discussed was litigation with our attorney. This was primarily a discussion on State funding. The council decided to have our attorney, Jason Ohliger, develop a letter that would be sent to each respective State's Executive Branch, meaning the Governor offices, to remind them that there are Executive Orders that engage the States with the RMP in effect currently. A motion by Henry, seconded by Roeder to have Ohliger write a letter addressing State funding carried. Kurnath said the DRBC had received a letter from someone in New Jersey stating that in NJ they don't allow unfunded mandates when it's in the law. The DRBC responded that they are not an entity of the State. Kurnath believed that the letter is publicly available and found it interesting that New Jersey has this mandate written into their law that they will not issue unfunded mandates and fulfill them. Bowman Kavanagh said she could email Ramie a copy of the letter. Ramie thanked her. Richardson brought up the issue of lobbying and whether or not the UDC can hire a lobbyist for our State funding appeal. Richardson made a motion to get clarification on if we can or cannot hire a lobbyist. Robinson said that one of the ways our attorney suggested we find out if we can hire a lobbyist is to contact one directly. Motion by Richardson, seconded by Henry to reach out to a lobbyist for information carried.

#### **Old Business:**

- a. **8/17 NPS Final Determinations: Lackawaxen Zoning Ordinance Amendment (2022-11); Narrowsburg Veterinary (2023-04); Advanced Recycling, Shohola (2023-06); Eve Fisher & Andrew McGrath, Highland (2023-07)-** Engelhardt said the UDC received four letters from the NPS agreeing with our recommendation for substantial conformance for the revised Lackawaxen Zoning Ordinance Amendment, Narrowsburg Veterinary, Advanced Recycling in Shohola and Eve Fischer & Andrew McGrath in Barryville. G. Dudko said that she thought this was the first-time final determination letters came from the acting Regional Director to which Kurnath said that they always come from them. The authority is given to the Secretary and delegated to the Regional Director. Ramie reminded everyone that technically Kurnath is the alternate and the Regional Director is the representative to the UDC.
- b. **Reservation Status for 35<sup>th</sup> Annual UDC River Valley Awards, 9/10 at 3 p.m., Central House-** Ramie reported Sunday the 10<sup>th</sup> will be the 35<sup>th</sup> Annual River Valley Awards at Central House in Beach Lake, PA. There are currently 122 guests registered and Congressman Molinaro will be the keynote speaker. She hopes to see everyone there. The plaques are in and the programs were picked up today and Ramie thanked everyone on the staff for pitching in. Robinson said that it's always a great event and everyone does a great job.
- c. **Other:** None.

**Public Comment:** There was no public comment.

**Adjournment:** A motion by Roeder seconded by Bernitt to adjourn the meeting at 8:28 p.m. carried.