

## UPPER DELAWARE COUNCIL MEETING MINUTES

April 4, 2019

The Upper Delaware Council held its monthly meeting on Thursday, April 4, 2019 at the Council office in Narrowsburg, NY. Chairperson Roeder called the meeting to order at 7:05 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Delaware- Harold G. Roeder, Jr., Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Cohecton- Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Andy Boyar, Town of Deerpark- David Dean, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Westfall Township-Roland Edwards, Jr., National Park Service- Kristina Heister, State of New York-Bill Rudge, Delaware River Basin Commission- Steve Tambini. Staff in attendance: UDC Executive Director- Laurie Ramie, Resource Specialist- Pete Golod, Secretary- Ashley Hall-Bagdonas. Absent: Town of Lumberland- Nadia Rajs, Commonwealth of Pennsylvania- Tim Dugan. Media- Rich Thomas – Channel 13, Peter Becker, Dave Hulse. Guests: Roger Saumure-Shohola Township, Ginny Dudko-Town of Deerpark, Robert R. Mason, Jr., Kendra Russell, Vincent DiFrenna, Don Hamilton, Carla Hauser-Hahn, Andy Weber, Jeff Skelding, Steven Taggart, Daniel Plummer, Peter Kolesar, Cheryl Korotky.

**Approval of March 7<sup>th</sup> Meeting Minutes:** A motion by Boyar seconded by Sullivan, to approve the March 7<sup>th</sup>, 2019 meeting minutes was carried.

Ramie introduced UDC's new 2019 Westfall Alternate Roland Edwards, Jr. and the Council welcomed Edwards.

**Presentation by Robert R. Mason, Jr. and Kendra Russell: "How the Office of the Delaware River Master Directs Releases from the NYC Reservoirs":** All three members of the Office of the Delaware River Master (ODRM) were in attendance; Delaware River Master Robert R. Mason, Jr., Deputy Kendra Russell and Staff Hydrologist Vincent DiFrenna introduced themselves. Mason shared that in 1954 there was an adjudication of a lawsuit between New Jersey and New York. NYC had built some reservoirs, in the course of doing that the Supreme Court decided to petition the uses of the water on the Delaware. They assigned to NYC the rights to divert up to 800 million gallons a day from the river. They also required the city to release compensating waters in order to maintain a target flow downstream at the USGS gaging station at Montague. In the course of adjudicating that and making those decisions they assigned the position of the River Master. The 1954 Supreme Court Decree assigned general duties for the Office of the Delaware River Master (established in Decree) as : a) administer the provisions of this decree relating to yields, diversions and releases so as to have the provisions of this decree carried out with the greatest possible accuracy; b) conserve the waters in the river, its tributaries and in any reservoirs maintained in the Delaware River watershed by the City of New York or any which may hereafter be developed by any of the other parties hereto; c) compile and correlate all available data on the water needs of the parties hereto; d) check and correlate the pertinent stream flow gagings on the Delaware River and its tributaries; e) observe, record and study the effect of developments on the Delaware River and its tributaries upon water supply and other necessary, proper and desirable uses; and f) make periodic reports to this court, not less frequently than annually, and send copies thereof to the Governors of Delaware, New Jersey, New York, and Pennsylvania, and to the Mayor of the City of New York. The principal tasks they do day-to-day are working on administering the Decree itself and making some directive releases to the City, to tell the City how much water it needs to release. That process is based on something referred to in the decree called the "Montague Formula" meaning the Office of the Delaware River Master (ODRM) would look at determining the times and transits of flows from the reservoirs down to Montague and from other places along the river. If there are releases from a hydropower plant ODRM need to know how long it would take for water to arrive down at Montague. The Decree instructs ODRM to make a daily computation of what the average flow observed on the previous day at Montague would have been, except for that portion previously contributed by releases of the City or as affected by the contributing or withholding of water at other storage reservoirs, for the purpose of computing the volume of water that would have had to be released in order to have maintained precisely the basic rate on that day and project that forward four days and instruct the City to supply the water that is needed to make up the difference between the target flow and what ODRM has computed the flow

itself. They are also required to take rainfall runoff into account, what waters may be injected into the system from a storm. ODRM also have to take into account any other adjustments or releases that are impacting those flows, some being hydropower plants.

Some general duties of the Office of the Delaware River Master (ODRM) include: operations, directed reservoir release design process, reporting and often sharing with local citizens, the City and different interest groups, annual reports per the Supreme Court Decree, daily, weekly and monthly reports, maintaining the website, communication and coordination, Advisory Committee, FFMP workgroup, RFAC meetings and stakeholder listening sessions. When the Supreme Court issued that decree the four states that drain into the Delaware Basin and NYC were listed as the parties. Each party was assigned a principle representative and that is who the ODRM works with.

Russell said the Decree largely governs what ODRM does but there are other things they do. The FFMP from 2017 also dictates what their office does. In 2018 they developed a 5-year plan for their office to figure out how they can mesh their priorities and requirements from the Decree and FFMP. Their first goal is to improve daily directed release design process. The essence of it is still from the studies done during the 1950's and 1960's. They are still valid and accurate but ODRM feels there is new technology and different information available to incorporate into that process to try to make that directed release call as accurate as possible. They also have a goal to communicate timely analysis and accurate, streamlined, accessible information. They are primarily working on their website and proving the data through that avenue. An item listed in the Decree says ODRM must produce an annual report. One of ODRM's goals is working on providing overdue annual reports by 2020. To improve basin water management by providing scientific context and arranging and facilitating meetings of the Decree Parties and associated workgroups is another task. ODRM sits within the USGS so they have a lot of great connections there. Another responsibility is to engage with others (Water Science Centers, NextGeneration Water Observation System, etc.) to pilot tools, etc. With the NextGen Water Observing System, for example, there are new monies available and they are putting in additional monitoring in the Delaware using that as a pilot project. ODRM is working to engage with those groups from the USGS to make sure those kinds of initiatives are useful to people in the Delaware River Basin. ODRM is in the first six months of their 5-year plan and they view these priorities as a living document.

Russell shifted gears to the current design process. One of the questions asked in the UDC's letter to ODRM was why does ODRM incorporate the other power plants that aren't the NYC reservoirs into the design process? As Mason had mentioned the Decree states ODRM needs to include those other sources. Russell provided a map of the Delaware River Basin with the colored stars coordinated to reference with the next slide. The purple star noting Montague and ODRM are trying to account for sources of water upstream of Montague to maintain the flow objective at Montague. You have the three reservoirs from NYC: Pepacton, Cannonsville and Neversink. You have the two reservoirs that are from Lake Wallenpaupack and Rio and down further that are all contributing to Montague. Per the Decree the power plants provide ODRM forecasts on what they are planning to generate over the next several days and also provide what they do actually generate. ODRM also has a USGS gage downstream of Rio Reservoir that can help ODRM check whether the numbers provided match what the USGS gage is reading. To do the directed release ODRM has to look into the past because the NYC reservoirs travel time from there to Montague is several days. They look at data in the past in addition to look at information and forecasts several days in the future. ODRM needs to tell them how much water to release several days in advance so when that water comes down to Montague it is meeting the flow targets. USGS has a gage at Montague. It provides ODRM with the discharge from yesterday, they look at how much water was flowing at Montague yesterday. They know that's a compilation of a lot of different water from a lot of different sources. ODRM wants to figure out how much of the water at Montague today is from what NYC released in the past, how much is from the different power plants and how much of it is from flow from the ground water/rain water. Pepacton is the furthest away with 60 hours' time of travel. ODRM takes how much flow NYC can release from Pepacton 60 hours ago. They will do the same thing for Cannonsville which is 48 hours' time of travel. Neversink is 33 hours' time of travel. They do the same with the power plants because they were instructed in the Decree that they needed to take into account all of the other sources in the river. Wallenpaupack is about 16 hours' time of travel. Rio is 8 hours' time of travel. ODRM has essentially color-coded or 'potted' the water at Montague into these different bins. The remaining water is the combination of the base flow, ground water and the rainfall. Everything else that's arrived at Montague is uncontrolled; it's not coming from a reservoir release. ODRM has a good understanding with this pot of water of what happened yesterday and where the sources of water were coming from. Now they look forward, and what

happens three days from now. Usually the flow objective is 1750 cfs and is the target ODRM shoots for. The first thing ODRM does is take the base flow of water. They know a component of that is going to be in the water four days later and based on analysis that has been done they can forecast and predict how much is going to be there. It's going to be a reduced amount of what's there right now. ODRM takes what Rio and Wallenpaupack tell them they are going to forecast with the adjusted time of travel. One thing Russell wanted to point out that is difficult regarding the forecast the fact that the power plants are closer to Montague than the NYC reservoirs, so if those forecasts change on their part ODRM can't make it up. They don't find out about the changes in forecast until after they directed the releases from the NYC reservoirs. Russell said forecasting is not perfect and this is one of their sources of uncertainty. Rudge said another part of that he assumes is unlike the NYC reservoirs, where ODRM can require them to do a release, power plants are only telling ODRM and they have to stick with that. Russell said correct, ODRM doesn't have that authority over them as it's not part of the Decree. They usually provide ODRM a five-day forecast. Saumure asked if ODRM tracks the actual releases to measure the deviation. Russell confirmed that they do track the actual releases. Russell said the last source that they haven't included yet in their 'bucket' is how much rainfall is going to happen in the next three days and then how much of that is going to show up in the river on the third day. ODRM gets this information from the National Weather Service. They provide them with a five-day outlook as well of what they think the weather's going to be. It is also a source of uncertainty for ODRM. ODRM takes their predictions of how much rainfall is going to occur and then ODRM also forecasts that forward. ODRM now knows on this day, three days in advance, what portion of the flow at Montague is going to be in these different 'buckets'. When they need to call for a directed release they call up NYC and say, "This is how much we need". Russell does want to be clear that ODRM just tells them the total amount. They don't tell them the percentage or what the proportion is from the different reservoirs. They can release all of that from the Pepacton or Neversink, or they can distribute amongst the three. That's not ODRM's decision. NYC need to make sure that water is there on that day. NYC uses the same time of travels to determine which reservoir it's going to be released from at what time. ODRM is telling NYC with the conservative assumption that it's all coming from Pepacton because that's the furthest away. Sometimes if the power plants give enough time and tell ODRM that they're going to make a change, ODRM can call NYC and say, actually, we've changed our minds, we are directing you to release are different release now, and then they've got to accommodate from the reservoirs that are a little closer. There is about from 60 hours to 33 hours difference, about a day where ODRM can make an adjustment to ODRM directed release if needed, trying to reduce those uncertainties. Tambini said NYC has conservation releases. Russell said correct, independent of directed releases. They will release those regardless of what ODRM is directing. Hulse said there are some fairly big sized tributaries in the Main Stem that are not gaged. When big storms come along, how does that impact ODRM? Russell said the tributaries are included in the supply exclusive, that's the uncontrolled flow. Then the weather service gives ODRM what they think the rainfall is going to be in the basin, upstream of Montague, and downstream of the NYC reservoirs. It's including that rainfall they think is going to happen on any of those tributaries.

Robinson asked how accurate is the real flow versus a hypothetical watershed calculation for a flow because ODRM should be able to see the difference? ODRM can tell. Once ODRM get to that day, three days in advance ODRM can see how close they were and did they miss in one of those forecasts. In the late 1950's ODRM decided that they should take into account that because there are inadequacies inherent in using a forecast, ODRM is going to miss. ODRM talks about it as either the river owes the reservoirs, if ODRM asked for too much or the reverse, the reservoirs owe the river when ODRM asked for too little. The balancing adjustment was put in place to try to correct for that. Essentially it's trying to balance those two. When ODRM is directing releases, the balancing adjustment will come into play and ODRM will call for more water or less water from NYC than needed to meet that 1750 target to account for that. It's not perfect, but again, they are trying to be as close to perfect as they can. Robinson asked if the Weather Service does the calculations or does ODRM? Russell said ODRM does the calculations. The Weather Service provides ODRM the rainfall component.

Peckham said he lives right on the river. Any of these flows whether it's the hydroelectric plants, Wallenpaupack, etc. basically they cut the tap off up top. You get ridiculously low water to the point where you think it may affect the ecology. This will go on for days, sometimes weeks. As long as they're pushing out NYC's water and down through here you get nothing. Here of course we depend on tourism and river use. There's times where they are dragging boats on the bottom and nobody is making money. Peckham doesn't think anybody ever considered this area. Russell said the NYC reservoirs do conservation releases per the FFMP and those are releases that they are

separate from the directed releases. They're releasing those regardless of whether or not ODRM is calling for the directed release. Peckham said a solution would be putting in another monitoring station closer to the Upper portions like Callicoon, Lordville where you would direct the flows to there; Russell said right now the only authority ODRM has is to maintain the flow objective at Montague. Russell said if there was a direction from the powers that be, the Supreme Court or whomever, or the DRBC through their process for another flow objective and that was passed, then of course the appropriate office would deal with it. Mason said the setting of those flows is something that is negotiated between the Decree Parties. It's not for ODRM to set those numbers. Russell said ODRM designs the releases separate from the numbers. They agree on the conservation releases within the FFMP process ODRM does not take into account any of the conservation releases when ODRM is doing the directed releases. They are two separate releases coming from the reservoirs. Kolesar said from the Supreme Court Decree it's essentially the law for 1750 cfs. He also thinks ODRM has responsibility for maintaining flows in Trenton. Actually, it is DRBC's responsibility to issue the commands for Trenton flows. Mason said those directed releases happen under different circumstances, primarily the salinity downstream. Saumure asked of the components ODRM mentioned with the uncontrolled flow, hydropower releases and reservoirs, what are the percentage breakouts of the different components? Russell said it totally depends on the day. The power plants can provide 1,000 cfs. They can provide 0 cfs and likewise, depending how much rainfall we get it can sometimes be 20,000 cfs component in the river. It's really dependent on the day and the conditions of what's going on. Rudge said that makes sense, so maybe a more meaningful question in terms of giving UDC a general understanding would be on an annual basis, do you know what the percentages would typically provide on an average year? Russell said she doesn't. She's been with ODRM a year and it was really wet last year. Russell believes they directed releases under her purview around six times and they were never greater than the conservation release. Mason said there's a lot of information in the Annual Report which describes that.

Skelding asked Mason how he would characterize the quality of communications ODRM has with Rio and Wallenpaupack over the years? He thinks there was a time when there was some difficulty in receiving basic information on what was going to happen on a day-to-day basis. Has that gotten better? Mason said it has. ODRM did have a period of time when there was difficulty in communications. Mason said you may recall those reservoirs changed hands, they were actually sold. When that occurred there was a lot of turnover in the ODRM office. ODRM had some difficulties with maintaining those projections but it has improved a great deal. Russell said right now and for the last six months Rio has provided ODRM their forecast six days out of seven, it's usually not provided on Sunday. They do provide it five days so ODRM have a forecast for every day. They've been really consistent about that. Wallenpaupack provides their forecast through a website that is typically updated every one to two days. If there's a glitch there, they provide it to ODRM by email. Russell and DiFenna have both gone out and met in person with Rio and Wallenpaupack to walk through this same presentation with them to try to help them understand, why are we giving UDC this information and what is UDC using it for?

Hamilton said along with ODRM's responsibility to meet the Montague flow target they also have a responsibility to conserve water in the basin, so ODRM is trying to get the target but not go over. What are the consequences of going over or under? Russell said that's a really great question and one she's wondered; it essentially means that NYC must comply with the 1750 cfs. The Decree says for NYC to be in compliance, they need to follow what ODRM directs and that's to meet the 1750 requirement. In the annual report ODRM catalogs what days they missed. As far as Russell knows, the Supreme Court has never called us up and chastised ODRM. Rudge said DRBC has a flow target in Trenton to deal with full management in the lower basin including salinity control in the bay. Water flows downstream so if ODRM misses their target and DRBC is counting on their flows DRBC is either releasing or not releasing from reservoirs located in Pennsylvania or calling for releases from reservoirs that are for consumptive use in New Jersey. DRBC does the same exercise for Trenton that ODRM does here and DRBC calls for water releases not from NYC although DRBC has some water they can call for from NYC. Effectively, if ODRM misses it does impact downstream; it impacts DRBC's flow management.

Russell said ODRM also get calls from the public and the upper basin too when ODRM misses the Montague target saying "the flows aren't high enough". Hamilton said it seems like it's a greater consequence if you are under the Montague target. Mason said it's a more visible consequence for sure. Russell said and sometimes being over it's not in the ODRM's control. When it's raining hard ODRM was over at all time. ODRM wasn't directing releases and they can't turn off those spigots. Kolesar wanted to build on Hamilton's question. In 1954 at the time of the Decree

there was no ecological movement. There was no one around concerned about the health of the river and that has certainly changed. These went to a philosophical view of do we have a living decree and is there ability for ODRM to interpret it to the benefit of the environment? What happens if you look at the manipulations to hit the Montague target and trace them downriver. By the time you get 50 miles downriver you can't see them. So there is no cost and there is no benefit to either going up or down relative to that target but you try to hit it. Kolesar's question is about the consequences of those actions to the Upper River and the particular concern is when you drop the directed releases suddenly. As you know, there is a big study group and Kolesar wonders why they are bothering to study this when ODRM has the authority to modify those directed releases to have them come out a lot more slowly. Kolesar believes the rigidity of following the rules benefits no one downriver and hurts the ecology of the upper river. Russell replied that the Supreme Court Decree is not a living document, in fact, the Compact was what allowed for the Decree Parties to work through some of these. Tambini said it does have an impact downstream. He said he doesn't know if Kolesar was referring to missing releases or referring to the rapid changes. If he was just referring to the rapid changes, he is right that impact is not necessarily downstream. If Kolesar is referring to whether the targets were met that is a big downstream issue in a lot of different ways. Tambini said the 1954 Supreme Court Decree is hardwired and very prescriptive. It's not all that changeable without going back to the Supreme Court to change it. In 1961 the DRBC was formed and the DRBC got broad powers and authority to deal with allocation of waters throughout the basin except for the 1954 Supreme Court Decree. If the Decree Parties consent to make changes to the releases, divert database and diversions, related to meeting the target, they can do that through the Compact. Changes have been made at times. To Peckham's point, yes, it is not perfect. There are still times where there is low flow, but, there were no conservation releases considered in the Supreme Court Decree. Over time the City through adaptive management and unanimous consent have agreed to make changes to improve flow management or agreed to deal with conservation releases. In 1961 there was the worst drought on record. The Supreme Court Decree didn't even contemplate the drought issue. So again the DRBC through its water code and its water planning has to deal with drought management, basic water drought management and lower basin water drought management. That's all hardwired now through adaptive management. The Decree Parties have made a lot of positive changes. The yo-yo issue or the issue of rapid recession, is under study right now. The issue of thermal releases is under study. Russell said they've set aside banks as well under the last FFMP to account for those so they don't have to go through this unanimous process each time. In the past every time you wanted to do a thermal release every decree party had to sign off on it. They've done away with that to try to make the process more streamlined. Russell said that's where the changes get made, not in the Decree, it's through DRBC, through the Compact and Decree Parties and agreements. Russell said ODRM mentioned their duties have changed based on the FFMP. ODRM is responsive to that and still beholden to the decree too. Tambini said even though the DRBC has relatively broad powers it can't do it without all the different Decree Parties because effectively the Decree was carved out, but it did provide a way to deal with it through adaptive management. That has been used over the years to the benefit of everyone. Skelding said up the river they have the rapid reduction situation they are concerned about ecologically. FUDR has a couple of peers on Subcommittee on Ecological Flows (SEF). Kolesar asked if ODRM has any control over ramping especially on the downside or is ODRM awaiting the decisions by other people so that can happen. Is there an institutionalized ramping protocol internally? Mason said ODRM does have some authority. When ODRM recognizes there is a change downstream, rainfall or hydropower are not going to be present, or more is going to be present they have the authority to change ODRM's directed releases. The discussion now as part of the FFMP is to figure out what that protocol is and agree to it as they don't necessarily have the authority to say "The City will release water at this rate over time." Russell said that is part of what SEF's charge. NYC will be the ones making the ramping rate (how quickly they change their valves) changes. ODRM will work in coordination with NYC and others when the directed releases change to essentially evoke when that water is needed.

Russell said there had been a question in the UDC letter about gages. The question was whether there is an opportunity for additional gages to be put in the Upper Delaware. Russell wanted to point out an initiative that's happening at USGS within the water mission area called the NextGen Water Observing System. They are using the Delaware River basin as a pilot for what's the best way to gauge a basin and get the best information out and what new technologies can we use? Different kinds of data include whether it's discharge of the river, what's the temperature, what's happening with dissolved oxygen. They're collecting all that data and trying to figure out what's the best way for USGS in the future to collect that information. In FY18, they installed several new gages including in the upper watershed. They also enhanced about 30 gages throughout the basin and in FY19, they're looking to again do something similar. They're targeting both temperature and specific conductance in the basin and have some

focus on the upper watershed. There is an opportunity for new gages, particularly through that program. It is a timely question because that program has funding right now. There was a meeting last week where they were looking for needs of the stakeholders to try to match that up with what they're trying to do nationally. That's something to keep in mind, Russell said. Boyar asked for clarification on the portion of the mission statement about conserving water. He wants to know if that mission statement gives ODRM any flexibility outside of these other formulas. Sometimes when Boyar is thinking that we need water conserving, it is interpreted as hoarding and you end up with water that when calls are made in August toward thermal reliefs, they're not forthcoming and then several months later they're spilling and that spilling goes to no one's benefit. It's not the highest and best use of the water and had it been released earlier, here we would have met a thermal challenge with no detriment to the system. To Boyar that's conservation. Mason would say is that ODRM needs to conserve and keep the water in the reservoirs in order to meet times of stress. ODRM cannot always know when the stresses and droughts will occur. That's when ODRM think about conservation release. Mason said he thinks that was the attitude of the Supreme Court; it was intended for times of stress, when droughts were going to impact. Plummer asked if they were looking at impacts of climate change? Russell said there have been some studies done in the Delaware on climate change. She said this gets back to ODRM role vs DRBCs vs. the Decree Parties. ODRM is not in the position to change what the Decree says the flow objective is based on climate change but there are studies listed in the FFMP that specifically talk about taking into account climate change. USGS did a study to look at the basin-wide impact of climate change. They were looking at climate change after 2060. Russell said she could forward that study. Roeder thanked Mason, Russell and DiFrenna for coming to speak and presented them all with UDC lapel pins in appreciation.

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

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were: Mar. 19<sup>th</sup> Water Use/Resource Management by Boyar; Mar. 26<sup>th</sup> Project Review by Richardson, and Mar. 26<sup>th</sup> Operations by Roeder.

### **Status Reports**

**Delaware River Basin Commission:** Tambini wanted to add something to the Project Review Committee report regarding the Eldred Preserve Project. Tambini clarified that DRBC does have jurisdiction over Eldred Preserve but in NYS there is something called One Process/One Permit. That is a fully integrated project review with the NYSDEC where they take the lead, DRBC works with them and gives them DRBC's standards for their review and their approval. Effectively, it runs as one process. DRBC has reviewed that project already in December 2018 and put forward all their comments to NYSDEC. They do not charge a fee under One Process/One Permit. Golod asked if there was a docket issued by the DRBC for that project? Tambini said under this administrative agreement NYS was effectively delegating to the NYSDEC. Once they take input from DRBC staff and review it with them, it's a fully integrated review process. There is one process, it goes through the state, the applicant works with the state, one permit (there is no docket and permit), there is only one fee and that goes to the state. It is beneficial to the regulating community. Golod said he wouldn't have seen a Notice of Application Received (NARs) on the website then? Tambini said he wouldn't have. There is a separate page and two separate processes happening right now. New York and New Jersey have adopted One Process/One Permit. Pennsylvania is finally getting around to it because during an audit they did of DRBC they also noted that Pennsylvania needed a new Administrative Agreement and to get into the One Process/One Permit. Heister asked under the One Process/One Permit system she thought if it was a brand new discharge there would be an initial docket issued. Tambini said there may not be an initial docket issued but it does need to be put into the comprehensive plan at some point. Tambini said he would look into that part.

Reviewing the DRBC Hydrological Report the top line is the current combined reservoir volume. The line right below it is the 30-year average. Normally at this point of the year you've got reservoirs filling but it's been a very wet year. The reservoir is at 96% full and well above drought watch. Stream flows are at or below normal. Dr. Ken Najjar was here a few months ago and may have talked about 2018 being a very wet year and record year. Montague gage was the highest it's ever been on record. This morning Tambini asked for Callicoon's numbers and same

result. There was a 25-year period, Callicoon was the highest mean flow as well. The fact that Dr. Najjar has retired will probably bring new faces to UDC in the future.

In terms of forecast, the Climate Prediction Center is suggesting that over the next three months there will be equal chance of below normal precipitation as above normal precipitation. On the temperature side, they are suggesting that there is more of a probability that temperatures will be above normal.

There is a DRBC Public Hearing on May 15<sup>th</sup> in West Trenton, New Jersey with several dockets listed as well as the DRBC budget. There is a DRBC Regulated Flow Advisory Committee meeting scheduled for April 9<sup>th</sup> in West Trenton. Generally, that Committee deals with regulated flow/FFMP matters for Upper Basin issues but it can actually deal with all regulated flows throughout the basin as well. Henry asked what the Supreme Court flow at Trenton is. Tambini said there is no Supreme Court directive at Trenton. There is a flow target but it doesn't stem from the Supreme Court decree. There are parts of the Supreme Court decree that mention Trenton but after the construction of Cannonsville, the Trenton flow target went away. The drought occurred and the Decree Parties got together with DRBC to make a "Good Faith Agreement" to reinstate the flow target in Trenton to make sure that the drought and salinity issue were being dealt with and there were flow targets both in the Upper and lower basin. Tambini said the flow target is non-drought 3,000 cfs and during a drought it goes down. Tambini said if UDC wants more information about this topic, he would be happy to come in and talk about the relationship between Decree Parties, DRBC and ODRM.

**NYS Dept. of Environmental Conservation:** Rudge reported that this fall NYSDEC Commissioner Basil Seggos intended to leave the agency this spring. Seggos has since changed his mind and has agreed to stay on for the foreseeable future.

Rudge said it is dry out and there have been a couple red flag warnings in NYS and Hudson Valley. Across the state a burning ban is in effect until May 15<sup>th</sup>. Sullivan asked why the Upper Delaware is not in the New York River System as we are in New York and it is a Wild and Scenic River? Rudge said it's a locally driven process you have to apply for. Discussion arose. Rudge said he will get UDC information on it. Rudge said to be clear, it's another layer of oversight and it's a long process. Dexter asked if there is any update on the Barnes Landfill? Rudge said he apologizes as he doesn't have one. Golod said asked Rudge about the "Lone star Tick" that has moved into the region with a reported case in NYS. Golod has heard it makes people allergic to red meat and wondered if Rudge had any more information on that. He did not and suggested checking through the Department of Health.

**PA Department of Conservation & Natural Resources:** None.

**National Park Service-Upper Delaware:** Heister said the Annual Work Plan was provided in the meeting packet. She thanked all that provided comments. All have been appropriated into a revised Work Plan. NPS is expecting to announce their Chief of Law Enforcement in the next few weeks before Easter. NPS has made a selection for their permanent, subject to furlough Law Enforcement staff member. They have rehired Ron Babus. Heister said that's nice for them because Babus knows the river, he's MOCC trained and he will be able to hit the ground running.

Upcoming meetings: April 16<sup>th</sup> is the NPS Fishing Guides meeting at the Hancock Hotel at 7:30 a.m. April 26<sup>th</sup> is the Water Safety Partners meeting at the UDC office. April 30<sup>th</sup> to May 2<sup>nd</sup> is NPS Strategic Planning Meeting.

Tomorrow will be Heister's last day here for the next four months. She will be departing on a 120-day detail to be the Superintendent at Gettysburg National Military Park and Eisenhower National Historical Site. Hauser-Hahn will be the Acting Superintendent at least until the end of April. NPS has a help-wanted ad for someone to back-fill behind Heister. That announcement closes on April 5<sup>th</sup>. Henry asked if any of the current staff is allowed to put in for that position? Heister said they can't due to the pay grade level.

**UDC Executive Director's Report:** Before Ramie started her report she wanted to share good news that Kaitlin Haas had her baby since our last meeting, a boy named Callan on March 21<sup>st</sup>. Ramie passed around a card so members could sign their names and send congratulatory wishes.



Regarding federal funding, Ramie said the U.S. Department of the Interior (DOI) must take action to approve the NPS Operational Plan service-wide for the funding to trickle down to UDC. Until then, the budget is provisional so no discretionary funds or contracts such as UDC's through the cooperative agreement are being honored at this time. That is suspended until they have the final figures of how they will be affected by the budget. That is the source of UDC's delay. UDC did send letters on March 29<sup>th</sup> to our three Congressional Representatives. Since then Ramie has heard back from Congressman Delgado and Congressman Cartwright's offices. Ramie said they are both looking into the situation on UDC's behalf. What would be potentially helpful if they opted to take this course, is to contact the DOI to see what the status is of that approval. Eventually UDC needs to access the balance of funding which is \$244,110. That is quite significant being this far into the fiscal year. Up to now UDC has only had \$55,890 to spend and we are already at the end of the 2<sup>nd</sup> Quarter. Ramie said we have about four months of finances left before considering adopting a closure plan. Heister asked why would UDC do a closure plan? Ramie said to preserve what UDC has left so we don't spend down all the funds that are in the unrestricted fund. Heister said UDC could access 80% of its balance. Ramie said that is another option of preparing a whole new budget and work plan or waiting to see how soon this happens. Dean asked what happens to the other 20%? Ramie said it gets held back and UDC would have to go through the filing process again twice.

Then there is the issue of UDC's state funding. Ramie provided an update earlier in the week about the actions that were taken by NYS Assemblywoman Aileen Gunther and Pennsylvania Representative Jonathan Fritz. They have each introduced \$100,000 appropriations into their respective State Budget for UDC operating aid. This has been lacking since 1986 when the plan was signed. UDC had meetings with our state representatives and they were all very receptive in pledging support for this pursuit but it may take more than one fiscal year to enact such a measure. UDC is gratified by the positive reaction received and will continue to pursue this. Roeder said for those who don't know when this organization was established NYS and Pennsylvania each agreed to pay \$100,000 per year. That was 31 years ago and UDC has never received a dime. Ramie said the River Management Plan (RMP) envisioned UDC being funded through a 60% federal / 40% state cost sharing ratio but UDC has only ever had the federal funding which has consistently been at the same level through all 31 years. That is the position UDC finds ourselves in which is pretty difficult to sustain operations that many years later on the same amount of funding. Ramie said UDC has decreased the staff by one full-time position, cut back on various programs, spends very conservatively and that is the way UDC has survived up until this time. At these times when UDC is having delays in the access to the federal funding it particularly highlights the need for an additional source. The eggs in one basket theory is tough at a time like this.

UDC's campaign to secure state funding was the lead story in *The Upper Delaware* which came out on April 1<sup>st</sup>. Courier Printing delivered the newsletter to UDC on time. There are extra copies at the office if anyone wishes to pick one up or would like to distribute them. It can also be found on the UDC's website under Publications. There will be two more issues this year. The Summer issue will be out August 5<sup>th</sup>. Fall/Winter will be out December 2<sup>nd</sup>.

On March 22<sup>nd</sup> there was a press conference in Wilmington, Delaware to announce the first round of grants that were awarded under the Delaware River Basin Restoration Program. They were administered by the National Fish and Wildlife Foundation. A handout was provided in the meeting packet from an announcement by Friends of the Upper Delaware River (FUDR) who are well represented tonight. They and their partners are receiving \$250,000 for stream restoration projects in Hancock, Deposit and Colchester. That is within the territory of FUDR's Stream Corridor Management Plan geography. There was a second grant for the Upper Delaware region awarded to the Trust for Public Land of \$187,526 to establish a riverside park in Callicoon at the former Upper Delaware Campground facility. It will be a combination of recreational facilities and a town project. Ramie has asked for more information on that project. Ramie said they had about \$4.1 million in 2018 set aside for this program which just got a boost to \$6 million for 2019. You can read about that in UDC's newsletter, page six. Roeder said the Callicoon access would be moved downriver and eliminate having to drive along the Callicoon Creek across the Canal to get to the river and bring it down to the lower side of the Youth Center. Ramie said the DEC access is unusable now because half the time the water crosses the road leading to it. Heister wanted to reiterate that NPS and DRBC staff are technical reviewers of these proposals. They are also on the selection committee. FUDR has already gotten \$250,000. She encouraged municipalities to apply. The online application is fairly long. Heister thinks they advocated for some good projects. Heister asked Edwards to please follow up with Jodi Manheim from Westfall Township to make sure she got the Request for Proposals. Ramie said applications for the 2019 round are due by



April 11<sup>th</sup>. Henry asked if anyone thought of using some of that money for final repairs towards Barnes Landfill? Heister said someone would have to put in a proposal. Ramie said an issue may be no one wants to take responsibility for the property and if you don't have site control you can't proceed with any work there.

UDC discussed the status of the State River designations that had come up at committee meetings. As mentioned at the WU/RM meeting, back in 2003 the UDC did successfully petition to add the Pike County portion of the Upper Delaware to the Pennsylvania Rivers Conservation Registry. This was before Damascus and Berlin had opted to join UDC in 2008. Ramie sent a message to UDC's State Delegates asking them to look into what existing programs are out there so UDC can evaluate whether there's any advantage and/or disadvantage to putting in for those. Ramie said typically we find these designations perhaps elevate projects for grant consideration.

Lastly, Ramie referred to the April calendar in the meeting packet. The focus is on preparations for the April 28<sup>th</sup> Awards Banquet which is at Central House. A few meetings coming up: on April 9<sup>th</sup> there is a joint NY/PA Fisheries Investigations Plan taking place at Hancock High School which is a follow-up to meetings UDC have attended in the past to a three-year study underway. The Local History Roundtable meets on April 12<sup>th</sup> at the Wayne County Historical Society in Honesdale. April 19<sup>th</sup> is the deadline for proposals for UDC's River and Shoreline Clean-Up Grants. April 19<sup>th</sup> is also the reservation deadline for guests for the UDC Awards Banquet. There is a meeting for the Subcommittee of Ecological Flows (SEF) on April 23<sup>rd</sup> at Lake Wallenpaupack. Topics include studies on yoyo releases and thermal mitigation. April 26<sup>th</sup> NPS will be using UDC's meeting space for the Annual Water Safety Partner's meeting by invitation to prepare for the recreation season. Yesterday Ramie reached out to Adam Bosch from NYCDEP. UDC has been waiting eagerly for the results from the study on the Cannonsville Reservoir Public Notification System recommendations. Bosch said that the results from the study are not expected until the end of the city's fiscal year which is June 30<sup>th</sup>. Currently there are no presentations planned for May or June. Ramie asked if anyone has any topics or ideas to pursue. Tambini had mentioned that perhaps the DRBC could come in and speak. Dudko wanted to point out on the April calendar that it's Ramie's 22<sup>nd</sup> year anniversary at UDC on April 21<sup>st</sup>. Dudko said there is so much Ramie provides to the UDC and she does a great job. Ramie said it's Golod's third year anniversary at UDC on April 23<sup>rd</sup>.

### **Old Business**

**UDC 31<sup>st</sup> Annual Awards Ceremony Reservation Form and Honorees List:** Ramie said the invitation and reservation form is provided in the meeting packet as well as the list of honorees. UDC is proud of the honorees since it's a very diverse list. Now staff is working on all the logistics that lead up to the Awards Ceremony.

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

**Other:** None.

### **New Business**

**Draft Letter: Support for Sullivan County Highland River Access Improvement Project:** This matter came up at the 3/7 full Council meeting when Heather Jacksy from Sullivan County Planning asked for a letter of support for the Highland River Access Improvement Project for a grant application. Ramie said this was approved at the Water Use/Resource Management meeting this month. Motion by Boyar seconded by Henry to send letter of Support for Sullivan County Highland River Access Improvement Project carried.

**Draft Letter: Gov. Cuomo Participation in May 16<sup>th</sup> Delaware River Governors Summit:** Ramie said this was not on our advance agenda but just came to our attention today. She referenced a copy of a sign-on letter provided in the meeting packet. All three governors of the basin states have agreed to participate in this summit which is happening on May 16<sup>th</sup> in Philadelphia except NYS Governor Cuomo. This letter is a gentle nudge meant to be signed by as many organizations that would like to participate in this encouragement to hopefully secure his attendance. It was initiated by the Coalition for the Delaware River Watershed. What this would entail is to tell

Skelding who is here that UDC is on board with this letter then UDC will be added to the signatories list. Motion by Henry seconded by Boyar for UDC to be added to Gov. Cuomo Participation in May 16<sup>th</sup> Delaware River Governors Summit letter carried.

**UDC Response to National Park Service Upper Delaware Scenic and Recreational River Strategic Planning Survey:** Ramie said UDC saw two iterations of this. She sent one out yesterday and the deadline was today at noon to request responses either from UDC members as representatives or alternatives or from the towns and townships. Ramie provided a compilation of everything that was received. Heister asked Ramie to submit the survey responses electronically.

**Personnel Subcommittee Recommendation:** Henry said the Subcommittee met before the meeting and there is nothing but good news. Congratulations to Ramie on 22 years. Great news for Hall-Bagdonas, she has reached the end of her probationary period. Ramie said her probationary period ends on April 15<sup>th</sup> in advance of the next UDC meeting. In order for the benefits that are associated with that to kick in, a motion would be welcome now and then we will have a formal resolution at the May 2<sup>nd</sup> meeting. Motion by Richardson seconded by Henry to approve Hall-Bagdonas as a full-time employee carried. Henry said Golod finished his third year and had his performance appraisal tonight, outstanding. Henry said everyone on the Subcommittee commends the activities of the staff and to keep up the good work.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A motion by Henry, seconded by Robinson, to adjourn the meeting at 8:49 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas 4-17-19*