

Corrected  
**UPPER DELAWARE COUNCIL MEETING MINUTES**  
**November 7, 2013**

The Upper Delaware Council held its monthly meeting on Thursday, November 7, 2013 at the Council office in Narrowsburg, NY. Vice-Chairperson Andy Boyar called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold Roeder, Town of Cochecton-Larry Richardson, Town of Tusten-Tony Ritter (7:07p.m.), Town of Highland-Andy Boyar, Town of Lumberland-Nadia Rajsz (7:03 p.m.), Berlin Township-Al Henry, Shohola Township-Pat Jeffer, State of New York-Bill Rudge, National Park Service-Sean McGuinness. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Absent: Town of Deerpark, Damascus Township, Lackawaxen Township, Westfall Township, Commonwealth of Pennsylvania, Delaware River Basin Commission.

Boyar reminded all in attendance that Monday is Veterans Day and extended an invitation to the Town of Highland's Veterans' Day event at 11:00.

Boyar called on Jeff Skelding, the executive director of Friends of the Upper Delaware River (FUDR), to introduce the presentation of "Getting Our Fair Share of Water: An Equitable Apportionment Plan (EAP) for the NYC Delaware Water Supply System" by Garth Pettinger of New York Trout Unlimited. Skelding noted that FUDR and Trout Unlimited are part of the larger coalition called the Delaware Watershed Conservation Coalition. They pay a lot of attention to the water release management of the Delaware Water Supply System and New York City's operation of that. The Coalition is looking to promote a plan that would more fairly allocate the Delaware Water Supply system water where improved releases from the Cannonsville and Pepacton Reservoirs would be realized. Pettinger stated that the key to getting a fair share of water is equitable apportionment. He presented a PowerPoint presentation and explained that "safe yield" of a drainage basin/reservoir system is the amount of water that can be taken out of the system continuously during a specified drought without causing an undesirable result; and is typically based on an analysis of conditions during the "drought-of-record" of the system. New York City's Water Supply System is comprised of three major systems: the Delaware system, the Catskill system, and the Croton system. The three systems are used in combination to supply drinking water to approximately 9 million people. Because of the Croton system being off-line for years and turbidity issues with the Catskill system, there has been greater demand of the Delaware system. Pettinger reviewed the 1954 Decree and the 1983 Good Faith Agreement. Slides with data indicating the underutilization of the Croton and Catskill system's safe yields were shown and explained. Water quality issues and New York City's Operations Support Tool (OST) were discussed. Pettinger explained potential solutions to establish equitable apportionment of the water of the Delaware Water Supply System. Many graphs were shown and reviewed. The EAP links release and diversion quantities to the anticipated available water quantity, based on reservoir level, inflow profile based on the hydrological conditions of the previous three months, and long-range hydrological forecast. Pettinger said he would like to see this plan implemented in the Flexible Flow Management Program (FFMP). He said he is looking for the Council's support in order to achieve it in time for the water year of 2014 which begins June 1<sup>st</sup>. Boyar asked Pettinger if there is a role he thinks the Upper Delaware

Council would play in the dynamics of trying to get this plan adopted. He said he would like this plan adopted and feels a one-year program would be fine and would probably make a lot more sense than putting a five-year program in place. Pettinger added he would like to have this plan implemented once the Croton system is on-line. Support of this plan was offered by Dan Plummer and Jeff Skelding of FUDR. Skelding said he hopes the Upper Delaware Council will draft a resolution of support similar to the one that was done in support of the "Lordville Thermal Stress Relief Protocol." A question and answer session took place. Peckham spoke of the importance of having New York City's support of this plan to achieve its adoption. Pettinger offered statistics on meeting the target flows at Montague, N.J. Boyar asked about the time frame for getting this plan approved. Pettinger said they will be making a formal pitch to the Delaware River Basin Commission to adopt this program in 2014. They hope to have a draft letter done this month with the intention of sending it out in January. He added he would like to see this Council "sign on." Boyar said the Council will need some time to review the information that was provided. He said the topic will be taken up and vetted through the proper channels. Boyar presented both Pettinger and Skelding with UDC lapel pins as a token of our appreciation. The PowerPoint presentation is posted with the minutes on the Upper Delaware Council website at [www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org).

**Approval of October 3 Meeting Minutes:** A motion by Rajs, seconded by Peckham to approve the October 3 meeting minutes was carried.

**Public Comment on the Agenda:** None

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were: October 22 Operations by Roeder (he referred members to the minutes distributed last month); and October 22 Project Review by Roeder. There was no October 15 Water Use/Resource Management report due to no quorum at that meeting.

T. O'Dell said he received an e-mail from the consultant for Verizon Wireless regarding the two proposed communication towers in Damascus Township seeking the Council to concur with their "no adverse effect" from their balloon test and photo simulations. He noted both proposed towers are located in the corridor and they will most likely be able to be seen from the New York side of the river. Peckham asked if this issue should go through the committee. O'Dell said he will reply to the e-mail and let them know this issue will be discussed at the next Project Review Committee.

### **Status Reports**

**Delaware River Basin Commission:** The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of November 1 was at a combined capacity of 72.3% with Cannonsville at 66.2%. Ramie referenced the news release included in members' packets regarding new on-line interactive maps available on the DRBC website.

**NYS Dept. of Environmental Conservation:** Rudge referenced the press release in members' packets titled "DEC Issues New General Permits For Temporary Stream Crossings For Timber Harvesting." He said that on October 23, NYS DEC Commissioner Joe Martens announced the issuance of two general permits under the authority of Environmental Conservation Law to provide expedited approvals of stream crossings for timber harvesting. He reviewed those permits with members noting these will really streamline the process. Additional information regarding the permits and the associated Request for Authorization is available on the DEC website at [www.dec.ny.gov/permits](http://www.dec.ny.gov/permits).

Rudge referenced his second handout in members' packets and reported new regulations have been issued to protect the New York State deer population from Chronic Wasting Disease (CWD). He added it means you can't bring an un-butchered deer into New York from another state. Rajs noted that other animals can also be affected by CWD. Rudge said he will bring that point back with him. The emergency regulations provide a ban on imports of specific species between November 16, 2013 and August 1, 2018. These species include Rocky Mountain elk, red deer, mule deer, black-tailed deer, white-tailed deer, sika deer, and moose.

**PA Dept. of Conservation & Natural Resources:** No report in the absence of the Commonwealth of Pennsylvania.

**National Park Service-Upper Delaware:** McGuinness said the Park Service funding will be cut the anticipated 8% with the possibility of an additional 1% cut. That additional 1% cut to cover federal salary increases would not be passed on to the UDC.

McGuinness said Pennsylvania has released their Proposed Chapter 78 changes to provide stronger regulations for Oil and Gas Wells and that his staff is working with Regional and Denver staff to prepare comments in order to protect the Upper Delaware. He wondered if the UDC might review and comment on them also. Henry asked when comments have to be made by. T. O'Dell said it will be a 60-day comment period once opened. He said if the DRBC does not put strong regulations in place for the watershed, we will be relying on the states to put strong regulations in place to protect the watershed.

McGuinness reported that work has already begun on planning for the 2014 Water Safety Campaign. He said the Junior Ranger Book has been translated into Spanish and funding is being sought to have it published in that language.

McGuinness said that Cinda Waldbuesser of the National Parks Conservation Association has been selected as the NPS Northeast Region's partnership program specialist in Philadelphia. He noted she is familiar with this area and she has offered up her assistance to the Council if needed.

McGuinness said that Carla Hahn and Travis O'Dell have been working on digitizing local municipality zoning maps.

McGuinness said that Carla Hahn and Jamie Myers participated in the Delaware River Watershed forum in Philadelphia on October 28 and 29. He said it was a fast-paced discussion about the means and methods of protecting the watershed. He noted that a broad range of organizations attended this forum. He said the Upper Delaware Council was missed at the conference.

Zane Grey Museum is closed for the season, McGuinness reported. He said the Park Service has been working closely with Pike County on an event scheduled for January 31, 2014 to recognize Zane Grey Day. Some events will take place at the museum in Lackawaxen and at the museum in Pike County. Ramie noted that January 31 is Zane Grey's birthday.

McGuinness said the Park Service is working on a letter to the Town of Fremont Supervisor George Conklin regarding the proposed Windsor School project at the shuttered Delaware Valley School on Route 97. He said they are offering advice and technical assistance to employ best management practices for development. He noted the letter would emphasize the opportunities for their students to learn in such an incredible environment. Richardson commented that the Town is in substantial conformance and he feels the Park Service letter should state that the NPS is willing to work with the Council on this project. Discussion took place about the building of the dormitories and other aspects of the project. Richardson stated that this could be an excellent example of what can be accomplished if all the organizations work together.

McGuinness referred to the Upper Delaware S&RR October 2013 visitation report provided in members' packets. He said that he and staff will be meeting to analyze why some of the numbers are down quite a bit. Ritter pointed out the increase in use at the Buckingham Access and provided his reasons why he feels there has been an increase. Discussion about the year's weather took place.

McGuinness announced that he will be retiring effective January 24, 2014. He does not know who his replacement will be. He shared his retirement plans with the members. McGuinness said that he tried really hard the last four years to make a difference in this area. Henry congratulated McGuinness and asked him how many years he had with the Park Service. McGuinness told him he's been with NPS for 36 years.

A brief discussion about the progress with digitizing the oral history tapes took place.

**UDC Executive Director's Report:** Ramie commented that this is upsetting news about McGuinness' departure. She recalled that his first day of work was on February 4, 2010 and he came to the UDC meeting. She said his departure will be a loss to this area and it makes us nervous because we've had an excellent cooperative working relationship with him and consider him to be a "champion" of the UDC. We will need to be vigilant about emphasizing the need for the Upper Delaware to maintain its autonomy as a unit of NPS, she added.

In reference to funding, Ramie reported that we have not received any federal payments since September. She said she received and signed off on Modification #14 to our Cooperative Agreement on November 6. That will provide 29.32% of our FY 2014 federal allocation through January 15, which is the expiration of this Continuing Resolution. She noted that the New York State Dept. of Labor's Unemployment Division approved our Shared Work application on October 28. That application remains effective through November 2, 2014 if needed. Ramie stated we have not received any replies from our October 7 communications with President Obama, Congressman Boehner, and Senator Reid about the impact of the government shutdown on the UDC.

Ramie said that the draft policies on Conflict of Interest and Code of Conduct vetted through the Operations Committee and sent out to all members, were sent to attorney Jeff Clemente on October 24 with a request for a written legal opinion by the November 26 Operations Committee meeting. These policies are being done as a requirement of our grant provisions with New York State and in the interest of good governance.

Ramie referred members to the November calendar of UDC Meetings, Deadlines and Activities in their packets. She noted the audit team from Eckersley & Ostrowski started on November 6. Dick Eckersley will deliver the audit report at the November 26 Operations Committee meeting. Ramie said that T. O'Dell was able to set up a meeting with the Town of Hancock on November 27 at 3:00 p.m. to review the Draft Substantial Conformance Report. She reminded members that in December, all three committees will meet on December 17. Ramie noted that the UDC's annual meeting for 2014 is scheduled for January 2. She asked members if this date would be okay or if the meeting should be put off for a week. A motion to schedule the UDC annual meeting for January 9, 2014 was made by Peckham, seconded by Roeder and carried.

Ramie referred members to the "Zane Grey Catch-and-Release Open Fishing Tournament" conceptual outline in their packets. She said the objective is to host an open fishing tournament celebrating the 2014 Bicentennial of Pike County, PA in honor of Zane Grey, culminating with an awards ceremony at the National Park Service Upper Delaware Scenic and Recreational River's 10<sup>th</sup> Annual Zane Grey Festival on Saturday, July 12, 2014 on the grounds of Zane Grey's Lackawaxen, PA home from 1905 – 1918. UDC participation has been requested to help plan and promote this event. Ramie said she would like members' endorsement to participate. A motion for Ramie to participate on the committee was made by Richardson, seconded by Roeder and carried.

Ramie announced that the Upper Delaware Scenic Byway has produced a new, promotional item also serving as a fundraiser for the non-profit organization. Decals in the form of stickers and magnets are available for a \$3 donation. They are for use on vehicles, boats, office or home.

A brief discussion about the Zane Grey tournament took place. Ritter suggested advertising at various sports shows over the winter.

### **Old Business:**

Peckham said the Emergency Action Plan for the NYC reservoirs had been discussed at the last Project Review Committee meeting. He had Buckingham Township's Cannonsville Reservoir copy with him. He said the plan contains many unfunded New York City mandates for emergency procedures. He suggested members read through their town or township's copy of this plan. Peckham shared some of the details of the plan. T. O'Dell is trying to obtain a copy of this plan for the Council. He had been told the plans are only available to municipalities. Henry commented that he is not sure how helpful DEP staff would be following an emergency. Rudge spoke of his experience with NYC DEP after Hurricane Irene. He said that NYC staff were up and down all the watersheds in his region and were an amazing asset for the local communities.

Henry asked for confirmation regarding 2014TAG funding. T. O'Dell said a letter was sent out letting the towns and townships know that funding for the projects is guaranteed.

### **New Business:**

**Appointment of a Nominating Committee for 2014 Officers:** Boyar said in consultation with Chairperson Dexter, the following members are named to serve on the Nominating Committee to produce a

slate of officers for the UDC for the calendar year 2014: Harold Roeder (Town of Delaware), Pat Jeffer (Shohola Township), and Alan Henry (Berlin Township). The Nominating Committee will issue its report at the December UDC meeting.

**Draft Resolution 2013-17: Resolution Approving FY 2014 Newsletter Printing Quote:** A motion to approve the resolution was made by Richardson, seconded by Rajszyk and carried.

**Draft Letter to Town of Fremont: Assistance with Development of Windsor School Site:** T. O'Dell said the letter states that we acknowledge the proposed project and offer assistance. He noted the last paragraph was changed to read "To help accomplish this we are available to provide technical assistance during the site plan and project development phases of the project." O'Dell read the letter aloud. After a brief discussion a motion to send the letter was made by Roeder, seconded by Henry and carried with Peckham and Greier abstaining.

**Other:** None

**Public Comment:** None

**Adjournment:** A motion by Peckham, seconded by Rajszyk to adjourn the meeting at 9:03 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 11/18/13*