

Responsibility & Authority

The Upper Delaware Council, Inc. was unique in the world of river conservation and management when established in 1988 because it represented a formal partnership of local, state, and federal governments and agencies which have joined together to manage the Upper Delaware Scenic and Recreational River, a true national treasure.

The Council's existence evolved from special provisions in the 1978 legislation which designated the Upper Delaware River as a component of the National Wild and Scenic Rivers System, and called for development of a management plan and a program providing for the coordinated implementation and administration of the plan. To that end, the Upper Delaware Council (UDC) was formed in 1988.

What sets this River Management Plan apart is the commitment to local land use controls and voluntary actions by landowners to protect the resources on their own private property, as opposed to federal ownership of the land in the river corridor. The Council membership operates under a long-term cooperative agreement with the National Park Service.

The UDC is classified as a non-profit, tax-exempt organization under IRS Code Section 501(c)(3). It is incorporated in the Commonwealth of PA and registered to do business in NYS as well. Contributions are tax-deductible to the extent allowed by law.



A partnership for land, water, and people working together to conserve the Upper Delaware Scenic & Recreational River in New York and Pennsylvania

On the cover: This "screaming" bald eagle spotted along Dyberry Creek in Wayne County, PA was all wet from an unsuccessful attempt to catch a fish, and was expressing displeasure over the predicament with its hungry mate. (May 3, 2009 photo by David B. Soete)

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Upper Delaware Council

Annual Report



Fiscal Year 2009

October 1, 2008 to
September 30, 2009

The View From the Chair ...

George J. Fluhr
2009 Chairperson
Shohola Township, PA



2009 has ended with the Upper Delaware Council as involved and active as ever. With Wayne County townships now participating, there is currently representation from 13 towns/townships in five counties.

While a recent newspaper editorial reminded us that "the UDC words have no legal force", a message from one of the Council's newest members thanked "the entire Council for the respectful, gracious way you have listened to comment from the public ... for a place to learn about complex issues, and to be heard." This may not be legal force but it is the force that is most powerful in a democracy.

Our governmental partners in protecting the Delaware River, and the private land along it, do have legal force. And their willingness to participate has been outstanding.

Our federal and state elected officials have also consistently recognized the effects of the research, discussion, and mediation that come from the Council.

It is really amazing to think that two states, the Delaware River Basin Commission (comprised of four states and the Army Corps of Engineers) and the Interior Department's National Park Service sit down regularly with representatives of 13 comparatively small local governments. This is grass-roots participation directly affecting the highest levels of state and federal government.

Looking to the future, Council funding - not increased for 20 years - continues to be a major concern. Participation of the last two eligible townships continues to be a hope. Protection of the river with protection of private property rights continues to be our goal. But, as private property is developed, and as natural resources on private property are utilized, the protection of the watershed and protection of the water itself, cries out not only to the Council for fidelity to the mission, but also to the property owners of the corridor to take greater responsibility. From volunteer vegetative screening to clauses protecting water and land in property use agreements, and from support of the agencies to participation in local government, we must remember that PEOPLE are partners of the Council too.

Wild and Scenic Rivers Act

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

UDC Activity Highlights in FY 2009

10/25/08 - Co-sponsored with NPS "Upper Delaware Expo: Partnering to Protect the River, 1978-2008" in Damascus, PA with 30-plus exhibitors, partner demonstrations, lectures, a high school poster contest, and special postal cancellation.

11/5/08 - Testified against the New York Regional Interconnection (NYRI) high-voltage electric transmission line application in Hancock after attending two other local hearings convened by the NYS Public Service Commission (PSC) in Callicoon and Lake Huntington on 10/29.

11/8/08 - Helped organize the "Upper Delaware Scenic and Recreational River Thirty-Year Retrospective", a day-long symposium attended by 74 guests in Beach Lake, PA, to discuss the Upper Delaware's historical evolution, present operations, and future challenges.

11/18/08 - Welcomed a unanimous vote by Berlin Township, PA to join the UDC.

12/15/08 - Offered the UDC staff's first comments on the NYS DEC's 10/6/08 release of a draft scoping document for the Supplemental Generic Environmental Impact Statement on the Oil, Gas & Solution Mining Regulatory Program pertaining to state oversight for natural gas drilling activities.

1/8/09 - Approved proposals by the UDC's eight NYS member towns for improvement projects to be completed under a \$75,000 FY 2008-09 Legislative Initiative grant program secured by Senator Bonacic and administered by the UDC.

4/1, 5/13-14/09 - Participated in the NPS Upper Delaware Scenic and Recreational River's Core Operations Analysis workshops to evaluate the park unit's effectiveness in meeting its mandate from the federal 1978 enabling legislation.

4/2/09 - Urged the US Geological Survey and its partners to restore funding to enable the continued operation of all existing stream gauges in the Delaware River Watershed.

4/3/09 - Celebrated New York Regional Interconnect, Inc.'s withdrawal of its application, which the PSC officially dis-

missed with prejudice on 4/21 after NYRI's three-year bid to site a 1200 megawatt power line from Marcy to Rock Tavern.

5/28/09 - Attended the NY-PA Joint Interstate Bridge Commission's annual meeting to provide input and publicize construction and maintenance plans for the 10 Upper Delaware crossings. Also participated as a consulting party in meetings for the Pond Eddy Bridge replacement proposal.

6/21-22/09 - Hosted the first two days of paddling on the 15th Annual Delaware River Sojourn: No One Left Inside, and presented Lord High Admiral awards to U.S. Rep. Chris Carney (PA-10th District) and NPS Superintendent Vidal Martinez.

8/2/09 - Organized the 21st Annual UDC Family Raft Trip, which attracted 64 guests to raft from Ten Mile River to Barryville, despite a fierce rainstorm and high water levels.

8/6/09 - Commented to the Delaware River Basin Commission on its first received application for a Marcellus Shale natural gas exploration surface water withdrawal from the West Branch Delaware River in Buckingham Township, PA, subsequently withdrawn by Chesapeake Appalachia.

8/28/09 - Completed reimbursement requests on behalf of the eight NYS member towns for projects accomplished under the \$75,000 FY 2007-08 Legislative Initiative grant.

9/3/09 - Approved a resolution backing the NPS proposal to develop regulations to make life jacket use mandatory for Upper Delaware River users under dangerous conditions.

Ongoing - Monitored the Delaware River Basin Commission's Flexible Flow Management Plan regulation amendment process pertaining to operation of the New York City Delaware Basin Reservoirs, as well as flood response and mitigation strategies throughout the watershed.

Ongoing - Maintained a listserv to share information on threats, opportunities, and challenges facing the river valley.

Ongoing - Stayed abreast of all initiatives that could pose adverse environmental impacts on the river corridor.

Upper Delaware Council Staff

Full-time Employees:

Executive Director.....William E. Douglass
Senior Resource Specialist.....David B. Soete
Public Relations/Fundraising.....Laurie Ramie
Office Manager.....Carol Coney

Contractors:

Bookkeeper.....Michael Poska, CPA
Auditors.....Eckersley & Ostrowski, CPAs
Attorney.....John J. Keating, Esq.

Technical Assistance Grants

Since 1988, the Upper Delaware Council has awarded \$656,392 in Technical Assistance Grants funding for 188 projects by member towns and townships or their counties. The UDC approved eight grants totaling \$16,700 on Sept. 3, 2009, as follows:

Damascus Township, PA - \$1,000 for training and installation costs for an e-mail document server that will facilitate the work of the Damascus Township Planning Commission.

Town of Delaware, NY - \$1,700 to make all local laws and ordinances available to the general public on the town's website.

Shohola Township, PA - \$500 to assist with expenses for a "Gas Wells and Private Wells" educational program presented by Penn State Cooperative Extension, including a water quality testing database.

Town of Lumberland, NY - \$3,500 to re-write the town's Zoning Law to coincide with the town's updated Comprehensive Plan.

Pike County, PA - \$1,200 to update and print 2,000 copies of a revised Map/Brochure describing the benefits of Best Planning Practices and mapping existing residential developments of 15 lots or more in Pike County dating back to the early 1900's.

Lackawaxen Township, PA - \$1,800 to produce and distribute two issues of a Lackawaxen newsletter that will be provided to all residents.

Town of Cochection, NY - \$4,000 to update the town's Zoning Law to address green building standards, and the impacts of natural gas exploration and drilling on infrastructure and other community facets.

Town of Tusten, NY - \$3,000 for mapping services to create a Natural Resources and Open Space Inventory for local planning purposes.

2009 Annual Awards Ceremony

The Upper Delaware Council's 21st Annual Awards Ceremony was held on April 19, 2009 at Central House Family Resort in Beach Lake, PA, with 72 guests attending. Ed Zygmunt, field representative for Rep. Chris Carney (U.S. Congress, 10th District, PA) served as keynote speaker. Awards were presented in the following categories to:

Distinguished Service Award.....**The Honorable John J. Bonacic**, New York State Senate, 42nd District

Robin M. Daniels Memorial Lifesaving Award....**Cody Wellman**, Hancock, NY

Partnership Award.....**New York State Department of Transportation Region 8 and McNamee Construction Corp.**

Community Service Award.....**Pike County and Wayne County Offices, Penn State Cooperative Extension**

Cultural Achievement Award.....**Gloria R. Krause**, Narrowsburg, NY

Recreation Achievement Award.....**Monster Trout Derby by the Business Owners of Lackawaxen Township**

Volunteer Awards (individual).....**Bill Walters, National Canoe Safety Patrol;**

(group).....**Craig, Janet and Tara Olver, owners, Tall Timber Tree Farm**

Special Recognition Award.....**Steve Israel, Times Herald-Record**

Special Recognition Award.....**Jeffrey C. Cole, U.S. Geological Survey**

Oaken Gavel Award.....**Alan Bowers, 2008 UDC Chairperson, Westfall Township, PA Representative**

Upper Delaware Council Objectives for FY 2010 (10/1/09-9/30/10)

- ◆ Investigate the means of funding a cost-benefit analysis of the UDC's services to its members to use as justification to request funding contributions from New York and Pennsylvania to help address long-term financial and staffing needs.
- ◆ Assist the National Park Service (NPS) with opening the Mongaup Welcome Center in the Town of Lumberland to orient visitors to the Upper Delaware.
- ◆ Support the NPS request for an increase in its base operating budget, including an increase in the UDC's annual allocation, as well as funding to undertake a formal review of the River Management Plan and its Land and Water Use Guidelines.
- ◆ Review license and permit applications for pertinent projects such as natural gas developments, major electric transmission lines, and hydropower facilities.
- ◆ Finalize a position paper on natural gas exploration in the river valley.
- ◆ Advocate for a better-managed balance of flows and releases from the New York City Delaware River Basin reservoirs, monitor implementation of the Delaware River Basin Interstate Flood Mitigation Task Force's Action Agenda, and review new flood-plain mapping and localized research to recommend appropriate strategies.

- ◆ Encourage the updating of a River Corridor Railroad Emergency Response Guide and assist with increasing the capabilities of government and emergency officials to respond to and recover from any hazardous material incidents involving rail freight transportation.
- ◆ Regularly update the UDC's website, publish "The Upper Delaware" newsletter on 4/1 and 9/1 in 2010, sponsor an annual awards ceremony and raft trip, co-sponsor informational programs, and issue news releases as public outreach tools.
- ◆ Finalize the Town of Hancock's Substantial Conformance review, and evaluate all new local ordinances and amendments to affirm River Management Plan compliance.
- ◆ Complete administration of the \$75,000 NYS Grant M080103 benefiting the UDC's eight NYS member towns, and assist Upper Delaware Scenic Byway, Inc. with administration of its federal and state grant programs, as well as providing staff support.
- ◆ Serve on the steering committee to develop an Upper Delaware River Local Waterfront Revitalization Plan for communities in Delaware, Sullivan, and Orange Counties, NY.
- ◆ Encourage Manchester and Buckingham Townships in PA to join the UDC.
- ◆ Examine ways to supplement UDC Technical Assistance Grants program funding.

Statement of Activities

	Year Ending 9/30/09	Year Ending 9/30/08
REVENUES		
NPS Cooperative Agreement	\$300,000	\$310,000
Grants	75,000	10,000
Interest Income	1,835	1,630
Other Income	5,239	3,775
Total Revenues	\$382,074	\$325,405
EXPENSES		
Personnel	\$229,721	\$232,654
Special Projects/Program Services	106,418	65,455
Operations	54,982	58,994
Interest Refund-NPS	840	515
Total Expenses	\$391,961	\$357,618
TRANSFER		
Capital Expenditures	\$6,000	\$1,855
Capital Expenditures Capitalized	\$6,000	\$1,855
Net Assets - Beginning of Year	\$115,565	\$147,778
Net Assets - End of Year	\$105,678	\$115,565
Change in Net Assets	(9,887)	(32,213)

UDC Membership (as of Sept. 30, 2009)

2009 Officers: Chairperson George J. Fluhr; Vice-Chair Harold G. Roeder, Jr.; Secretary-Treasurer John B. Niflot

MEMBER

Town of Hancock
 Town of Fremont
 Town of Delaware
 Town of Cochecton
 Town of Tusten
 Town of Highland
 Town of Lumberland
 Town of Deerpark
 Damascus Township
 Berlin Township
 Lackawaxen Township
 Shohola Township
 Westfall Township
 State of New York
 Commonwealth of Pennsylvania
 Delaware River Basin Commission
 National Park Service (partner)

REPRESENTATIVE / ALTERNATE(S)

Fred Peckham / Jim Serio
 John B. Niflot / Jim Rodgers; George Conklin, 2nd Alt.
 Harold G. Roeder, Jr. / vacant
 Larry H. Richardson / John Reggero
 Charles Wieland / Ben Johnson
 John Sundholm / Tina Palecek
 Jay Shafer / Joseph Carr
 Philip D. Chase / Melvin Decker
 Dolores A. Keesler / Robert Gross
 Lillian Russell / vacant
 John S. McKay / Brian Stuart
 George J. Fluhr / Nelia Wall
 Alan Bowers / George R. Jerus
 William J. Rudge / Michael J. Flaherty
 Dennis DeMara / vacant
 Carol R. Collier / vacant
 Dennis Reidenbach / Vidal Martinez

Changes: Berlin Township voted to join the UDC on 11/18/08, and appointed Andrew Dean as rep. and Lillian Russell as alt. on 1/5/09. Mr. Dean resigned on 9/15/09. Delaware Alt. Eric Nystrom resigned, and the Hancock rep. and alt. switched positions, both effective 1/1/09. Fremont added George Conklin as a 2nd alternate on 2/11/09.

FY 2009 Revenues and Expenditures

REVENUES (Cash Basis)

NPS Cooperative Agreement.....	\$300,000
Grants.....	75,000
Interest Income.....	1,835
Other Income.....	5,239
Total Revenues	\$382,074

EXPENDITURES (Functional Allocations)

	Personnel	Special Projects/Program Services	Operations	GPRA Reallocation	Capital Expenditures	Total
Public Affairs	29,094	10,758	6,963	16,486	0	63,301
Water Use/Resource Management	44,208	4,671	10,581	20,940	0	80,400
Scenic Byway	15,661	1,655	3,748	7,418	0	28,482
Project Review (includes NYRI)	73,775	7,796	17,657	34,944	0	134,172
Technical Assistance Projects	1,981	9,669	475	4,270	0	16,395
Substantial Conformance	24	3	6	12	0	45
Fundraising	0	0	0	0	0	0
Administration	63,149	6,673	15,144	(84,936)	0	0
Capital Expenditures	0	0	0	0	6,000	6,000
NYS Grants Administration	1,829	65,193	438	866	0	68,326
Combined Total	229,721	106,418	54,982	0	6,000	\$397,121