

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
October 17, 2017

Committee Members Present: Fred Peckham, Doug Case, Pat Jeffer, Al Henry, Debra Conway, Jim Greier
Committee Members Absent: Tony Ritter
NPS Partner: Don Hamilton, Kris Heister
Staff: Laurie Ramie, Cindy Odell
Guests: Star Hesse (7:13 p.m.)

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, October 17, 2017 at the Council office in Narrowsburg, NY. Chairperson Peckham called the meeting to order at 7:00 p.m.

A motion by Conway, seconded by Henry to approve the September 19 meeting minutes was carried. There was no public comment on the agenda.

Old Business:

Upper Delaware Scenic Byway September 25 Meeting Minutes: A copy of the September 25th meeting minutes was provided in members' packets and Ramie provided some highlights. She reported that there is a balance of about \$2,700 of the original \$5,000 allocation for the Butterfly Promotion Grants based on five projects awarded. The reprint of 6,500 Monarch Butterfly brochures is pending, Ramie said. A discussion about having a distribution plan prepared for when they are received took place. Ramie provided details of the discussion.

Ed Wesely was present at this meeting, Ramie noted, and spoke of the preservation of the Skinners Falls-Milanville Bridge during the Public Comment portion. Wesely stated that Milanville resident Mary Sue Price has written a letter to the Advisory Council on Historic Preservation and included the correspondence from the UDSB and the Upper Delaware Council. Byway Chairperson Pontier commented that the River Management Plan was very specific in mentioning the cultural and historic artifacts of the river and that the bridges are certainly one reason why the Upper Delaware gained national designation in the first place. He suggested that this is an argument that could be pursued if necessary. One of the major differences discussed between the Pond Eddy Bridge and the Skinners Falls-Milanville Bridge is that the Skinners Falls Bridge is a useful thoroughfare to connect its communities and businesses. Ramie noted that Wesely intends to approach the National Park Service to request a letter in support of preserving the bridge. She said Wesely stated that the NPS Resource Management Division under Don Hamilton has done a terrific job over the years documenting and studying the natural resources of the Upper Delaware. He added he feels that's one of the best uses of public money on the river. Pontier suggested that the Byway committee should strategize over how our communities can benefit from the Park Service's work.

A presentation about the proposed community use of the Callicoon Train Station took place at this meeting, Ramie said. It was learned from a spokesperson from the railroad company that there is a precedent for converting a former train station into a community center and they are open to receiving a sub-lease proposal. The Callicoon Community Development Corp. considers this a great opportunity. The Scenic Byway was approached to see if there was any interest in participating in discussions to use any of the space for a visitor center presence. The committee indicated that they are open to further conversation.

Kris Gilbert of NYS DOT shared a list of active projects in Region 9 with the committee at this meeting. Ramie said those active jobs include: Rt. 97 over the Ten Mile River bridge replacement project, which is in design; Rt. 97 Bike Route 17 Shoulder Restoration, which is in design; Rt. 97 Hazardous Tree Removal contract in Tusten from the town line north to County Route 23 scheduled for this coming winter; a contract for Rt. 97 Attraction Signage which Gilbert has been working on with the Byway Committee; other tree removal work to be done by their maintenance crew; and guiderail and slope stabilization work in multiple locations. Regarding the plans to replace the Ten Mile River bridge in the Town of Tusten, Pontier asked if the shoulders could be widened to allow for a bicycle lane. Gilbert believes it is intended to widen the shoulders there for cyclists and pedestrians.

Regarding the documenting of UDSB views, Ramie said the list based on the Enhancement Concept Plan's Points of Interest appendix has been reduced to nine groups that fall into geographically concise areas which are mapped in the Plan. She provided details of the discussion which will be carried over to the next meeting of the Byway Committee.

Ramie said the DOT has also suggested that individuals traveling along Rt. 97 should make note of those areas where the view to the river has been obscured by overgrowth as they are open to investigating a contract for selective clearing when possible, assuming it is in their right-of-way. It was noted that the right-of-way distance varies along the highway.

The concept of an Educational Workshop to Protect Scenic Byway values was further discussed. Sullivan County Planning Division is preparing a proposal for a workshop to present to the committee at the next meeting.

There was a September 30th deadline to submit a funding request to Sullivan County through their Discretionary Funds Grant Application for the 2018 budget year, Ramie stated. It was decided to increase the request from \$20,000 to \$25,000 in order to include two additional projects. Those projects are visitor center development and a scenic values workshop to supplement the three other projects for NYS Route 97 Vista Enhancement, "Flyway by the Byway" Pollinator Campaign, and UDSB Educational, Tourism Promotion, and Resource Protection Materials.

The next meeting of the Byway is Monday, October 23.

DRBC Regulated Flow Advisory Committee September 28 Meeting Update: Ramie referred members to Golod's written report provided in their packets. She said that Golod is away at the Coalition for the Delaware River Watershed conference today and tomorrow. The written report contains a 2017 timeline regarding Flexible Flow Management Program milestones up to this point. Ramie reviewed the timeline. She said at the September 28 Regulated Flow Advisory Committee (RFAC) meeting, the Decree Parties disclosed the framework for a long term agreement on the next reservoir management plan including the creation of "banks" to address thermal issues and yo-yo releases in the Upper Delaware. As of early October, New York City, New York State, Delaware, and New Jersey have indicated that they are ready to sign the new agreement. Pennsylvania awaits legal review, she added. Ramie said there is an expectation that all five parties are on board with the new agreement; it is just a matter of time. October 10 was when Revision 1 releases were to take effect, but the impacts have been mitigated by a directed release from Cannonsville. Jennifer Garigliano from NYC DEP stated at the October 11 Friends of the Upper Delaware River "Water, Water Everywhere" conference that, to avoid making such a drastic impact to the river from 750 cfs, NYC is opting to start with Table 4 release rates from the prior FFMP and will "ramp down one table per day." If an agreement is reached unanimously on the new reservoir management plan, they will not have to resort to decreasing the rate to the 45 cfs called for in Revision 1. Ramie noted that the written report contains information on the draft framework provisions for the new plan. She added that RFAC Chair Brennan Tarrier of New York State gave an overview at the October 11 conference of what had been announced at the September 28 RFAC meeting after each of the Decree Party Principals or Designees offered statements. She said there are provisions to address the fluctuating releases; they have a thermal bank included which is a provision the UDC has supported for years; they are trying to be more adaptive; and allow for more public participation and engagement.

Friends of the Upper Delaware River October 11 "Water, Water Everywhere" Report: Ramie referred to the written report provided in members' packets along with an article by Friends of the Upper Delaware River summarizing the conference. Peckham shared his thoughts on the conference. He said the speakers were "pretty good" and noted that all of the Decree Parties were in attendance. Ramie said she felt this conference was the best one they've had so far as it had so much substance and current relevance to it. She said there were six sessions with great information.

Other: Heister provided an update on the wet crossing of the Lackawaxen River by Tennessee Gas. She said they started the trenching to put the pipe in on Monday, October 16. There is a limit on sedimentation that can happen during this process. That limit was hit earlier today at 3 o'clock and 4 o'clock at which time they ceased operation for the day. Tomorrow they will be looking for ways to try and control the issue, she added. Conway asked if they are self-monitoring. Heister said they are self-monitoring and Hamilton noted the NPS is doing some monitoring also. Heister said the company is monitoring hourly and providing the NPS with the turbidity result reports at the end of each day. Henry asked what the timeframe for

completion is. Heister told him one week. Hamilton stated that it is an opportune time for the company to do this.

New Business

NPS UPDE draft “Trail of Geology”: Heister referred members to the rough draft report provided by her. The “trail” includes stops at the Hawk’s Nest along Route 97 in the Town of Deerpark, NY; the Narrowsburg Bridge in Narrowsburg, NY; Skinners Falls located a few miles north of Narrowsburg, NY; the Callicoon Bridge in Callicoon, NY; Jensen’s Ledges in Lordville, NY; and Point Mountain in Hancock, NY. Heister covered specific characteristics of each of the sites. Heister asked the members to review the document and provide comments to her by the next WU/RM meeting scheduled for November 21. Henry suggested that the Darbytown Falls just south of the Narrowsburg Bridge be considered for inclusion in this report. He also spoke about waterfalls located on the New York side of the river between Long Eddy and Lordville.

Peckham reported that PennDOT has been working on the Lordville Road milling the edges and re-paving them.

NPS “Discussion Paper: Protection of the Dwarf Wedgemussel in Upper Delaware Scenic and Recreational River: Heister stated that the paper which was sent out via email to committee members was written so that the Park Service team all understood what their authority is, what case they wanted to make, and what the at-risk resources are. She referred to page 5 of the paper where several of the goals of the River Management Plan that directly relate to the issue of flows and the protection of flow-dependent resources were listed. Those goals include: “Protect and maintain the unique scenic, cultural, and natural qualities of the Upper Delaware River corridor, including its rare and endangered plant and animal species and rare natural habitats; Maintain and enhance the corridor’s social and economic vitality and its diversity, consistent with efforts to protect the recognized values of the river corridor; Maintain and improve fisheries and wildlife habitat to ensure the continued public enjoyment of hunting, fishing and trapping, consistent with state laws; and Provide for the continued public use and enjoyment of a full range of recreational activities, as is compatible with the other goals.” She added that a key objective of the Plan is to “Advocate flow release schedules from tributary reservoirs adequate to protect or improve water quality and aquatic ecosystems, in order to conserve and enhance the values that qualified the Upper Delaware as a Scenic and Recreational River.” A brief discussion about the mussel population in the Susquehanna River took place. Heister noted generally speaking, they don’t have a very good mussel population. Case asked what kind of mussels we have in the Delaware. Hamilton said there are nine species here with the Eastern Elliptio making up the largest population. Heister said with the pending reversion to Revision 1, the Park Service has decided it is time to take a position on flow management. She said the Park Service has never done this before. She added that the Park Service is not advocating for just Dwarf Wedgemussels (DWM) although the flow targets they are looking at are to support this most vulnerable population of Dwarf Wedgemussels. They are looking at this as kind of an umbrella, explaining that if there is enough water to maintain that population, there should be enough water to maintain the recreational fishery and to maintain boating. Heister said the Park Service feels there now exists sufficient information regarding the relationship between discharge from the Cannonsville and Pepacton Reservoirs and flow needs of the DWM to request consideration of necessary modifications to the FFMP program to avoid taking, harming, or adversely affecting DWM and their habitat. Peckham asked if DWM are affected by cold water releases. Heister stated that one of the things that is not known is what the thermal requirements of DWM are. She added that the only three populations on the mainstem Delaware happen to be within the Upper Delaware Scenic and Recreational River (UPDE). They are looking for a seasonal flow target of 928 cfs at Callicoon, NY. This flow is what is required to maintain the fully wetted perimeter of that population. If that population of DWM is protected then you protect the other populations that are above that site, she stated. Heister noted that if DWMs are dewatered for half an hour, they start gaping which is a sign of stress. Henry shared his questions and suggestions on the paper. They included the addition of the Upper Delaware enabling legislation to the document; research into how long the DWM has existed in the Upper Delaware River and cite high/low population trends; have additional studies been done of flow impacts on the DWM?; is there a correlation between low flows, droughts, successive floods and DWM mortality?; what predators may be impacting the DWM population?; and what is the population of mussels in tributaries to the Delaware and other nearby rivers? Heister noted that the impact of floods on the DWM population can be very

significant. She added that under future climate change scenarios, one of the main impacts is the increase in the frequency and intensity of flooding. NPS wants to maintain as healthy of a population as they can so that the DWM can be resilient under that kind of stressor. Hamilton stated that one of the things they have learned about the DWM is where they are located in the river is out of the brunt of a flood. Henry suggested that the Dwarf Wedgemussel be added to the River Management Plan's list of Threatened and Endangered Species on page 4. Heister reminded members that this discussion paper is for Water Use/Resource Management Committee members use only. She said it has been provided to members for their input. Ramie said the "confidential to this committee" disclosure was put on the document because this committee is where this topic resides and we have to rely on members' good faith that they'll respect that. Greier asked what the ecological purpose is of the Dwarf Wedgemussel. Hamilton stated that freshwater mussels are among most important in terms of water filtration. He reported that fresh water mussels make up the greatest animal biomass in this river and are really important to this system. He added that the DWM are a small percentage of what we have here, but he doesn't think any of us are in a position to make pronouncements about what's essential or important or what we can live without here. He said NPS is charged with stewardship of natural resources here, the DWM are an endangered species, and they're going to advocate for water that will keep them wet. Hamilton added that the flows they are asking for will protect a lot of other aquatic life and are completely in line with flow targets that were set for down river. He noted that the Montague gage is the upstream most flow target in the river and it is completely below the Upper Delaware. He explained the formula used to determine flow targets. Hamilton noted that discharges from the Lackawaxen and Mongaup count toward the Montague gage. They factor into the River Master's directed releases and when they're getting water from those sources, they call for less from New York City reservoirs. He stated that the river gets "jerked around" by the system as it is managed currently and we would like to see it improved. He said we're not asking that anything change with the Montague flow target; we just want to see an additional target up river that's going to benefit our resources in an equivalent way. Hamilton added that our river above Montague sometimes really gets "short changed" and he hopes this request will remedy that. Heister figures it will take about five years to achieve this. She explained the reasoning for this timeframe. Peckham spoke about the renewal of the NYC Filtration Avoidance Determination. Heister noted that under the Wild and Scenic Rivers Act there is an implied Federal Water Right for water sufficient to support the Outstandingly Remarkable Values for which the Park was established. Henry said there should be a lot of valuable information from discussions about water during the 2001 drought. A brief discussion about record floods and droughts took place.

Delaware River Flow and Storage Report: A copy of the October 16th NYC Current Reservoir Levels was provided in members' packets. Total combined storage was at 75.8%, normal for the same date is 73.7%.

Other: None

Public Comment: Star Hesse said a meeting has been scheduled for October 22 in Tusten to discuss the New York State Constitutional Convention. She questioned if there are any parts of the New York State Constitution that would impact the river if it were opened up and they started making wholesale changes to the environmental protection portions. Ramie said it is an interesting question. We have an Executive Order with the state in which they've agreed that all of their agencies will act in compliance with the River Management Plan and respect its principles and objectives. Hesse asked if there has been any further discussion about UDC funding. Ramie said there are no funds being withheld; we are on schedule for having our FY 2018 application reviewed.

Ramie pointed out that Star maintains the UDC flower beds out front on behalf of the Narrowsburg Beautification Group for which the committee provided their thanks.

Adjournment: A motion by Henry, seconded by Greier to adjourn the meeting at 8:17 p.m. was carried.

Minutes prepared by Cindy Odell, 10/23/17