

WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
November 16, 2021

Committee Members Present: Andy Boyar, Fred Peckham (Zoom), Pat Jeffer, Evan Padua
Committee Members Absent: Ginny Dudko, Al Henry
Staff: Laurie Ramie, Ashley Hall-Bagdonas
NPS Partner: Don Hamilton
Guests: Kaylan Hubbard- Delaware Highland Conservancy (Zoom), Steven Schwartz

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, November 16th, 2021 at the UDC office in Narrowsburg, NY. Vice-Chairperson Boyar called the meeting to order at 7:02 p.m.

Approval of October 19th, 2021 Meeting Minutes: A motion by Padua, seconded by Jeffer approving the October 19th, 2021 meeting minutes carried.

Presentation: "Conservation Initiatives and Funding Gaps: How the American Rescue Plan Act (ARPA) May Help": Boyar introduced presenters Kaylan Hubbard and Steven Schwartz on behalf of the Delaware Highlands Conservancy (DHC). Schwartz explained that earlier this year Congress passed the American Rescue Plan Act that provided funding to help states, counties, and municipalities all recover from impacts of the pandemic. Every state, Township, and municipality in the country received funding pretty much on a per capita basis (about \$200 per resident of the counties and about \$100 per resident for townships). Of the counties that DHC has talked to (Delaware, Sullivan, Pike, and Wayne), they have all received around \$10 million. Schwartz said this is a windfall of funding that came through Congressional appropriations and in a lot of ways it's not really categorical. DHC has taken a look at it with the help of the Pennsylvania Land Trust Association. They thought it was and a good opportunity for local governments to explore using the funds to meet some conservation initiatives. They know there are always funding gaps and that there are a number of projects out there waiting for funding to come up that is flexible enough.

Schwartz said that DHC is a private, non-profit land trust founded in 1994. It's accredited by the National Land Trust Alliance and has protected over 18,000 acres so far. They were recently the beneficiary of an old farm in Beach Lake, PA called the Van Scott Nature Preserve that's now open to the public and will be a real asset for the community. Their mission is to conserve the forests, farmland, clean waters, and wildlife habitat of the Upper Delaware River region. DHC headquarters are in Beach Lake, PA and they have an office in Barryville, NY. Their service area covers four counties in NY & PA. DHC partners with private organizations as well as local, state, and federal agencies. Every project they do is a collaboration of those multiple partners. In Pike County there are a lot of big projects because a lot of the landowners they are working with are hunting and fishing clubs with thousands of acres. From DHC's point of view, there's funding available for every project sometimes but it's not always enough, it may not be available at the right time, it may require other matches, etc. Acquisition of land for public access is something DHC tries to encourage. Most of their projects with private landowners do not include public access. A number of projects have come to DHC over the years where a public agency is interested in preparing some land to provide more public access to the river, for hiking or other properties that have high conservation value. Conservation of land is done to protect scenic, habitat, environmental or natural values like a bog or spring-fed headwater stream also preservation of farmland. DHC has been approached by a number of farms that would love to donate conservation easements or sell conservation easements because they want the farmland to stay in farming forever to meet the need of future generations just as previous generations have used it. Sometimes they can help create a kind of an endowment for the farms by acquiring them to meet their objectives and then bring DHC funding for it and help keep the farm going. Boyar said once the land is acquired for public access if there is no suitable access, is development of access possible? Schwartz said that wouldn't be DHC's role but that ARPA can be useful for that. A few examples pulled from the archives were provided. Project 1: A landowner wished to sell their property in fee to a public entity or private conservation organization that would operate it as a park, natural area, or game land. There was not enough grant funding to purchase the property, and there was no organization able to take

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on ownership without additional funding, so it is now on the open market and may be developed in the future but there simply wasn't enough money to buy the property. Project 2: This property is located near the planned location of a public trail and could serve as an anchor point for recreational river access. The landowners are interested in conserving their property in a way that would provide multiple kinds of public benefit. With the potential involvement of multiple partners, this multifaceted project would benefit from additional funding that would help meet a variety of goals and yield substantial public benefit. Other project funding examples are Scenic and Historic Preservation. The property covers a significant portion of the scenic viewshed of the main street in a historic downtown area. There was no grant money available, so the landowners decided not to move forward with a conservation easement. As a result, a highly-visible portion of the hillside that contributes to the character and attractiveness of this municipality remains unprotected. DHC has been contacted by farmers in other counties who are concerned about farmland conversion and are interested in conserving their land. Existing Ag Preservation Funding Programs don't always meet their objectives. An alternative funding source might help us protect these farms, conserve important soil resources, and maintain the rural character of the area. Doing so would help ensure that there is enough land available for future agricultural activity to maintain the viability of related industries and jobs. These farms and industries are critical to the existence of a healthy local food system. They are regularly contacted by landowners with properties who are interested in permanently protecting their land. There is some limited programmatic grant funding available for conservation easements on non-agricultural properties outside of specific geographies. Conserving privately owned forested properties not only protects clean water and wildlife habitat, but also helps maintain the rural character of the County. Schwartz said ARPA specifically targets investments in public health, tourism, economic recovery, and water and stormwater infrastructure and provides great latitude for counties and municipalities to determine the types of projects for these capital investments. Trails, parks and open space are crucial to our economic recovery. The Upper Delaware outdoor recreation economy is a major industry that creates and sustains jobs. At a time when less-resilient industries were disrupted, major sectors of our outdoor economy thrived- pumping money into small businesses in communities across the state. Municipalities that invest in parks, trails and open space are creating platforms for economic development that will serve them well during and after COVID. Trails and parks are infrastructure. Parks, trails, and recreation are critical elements of our public health response and recovery. Parks, trails, open space and agriculture are critical tourism assets. Schwartz said DHC also feels the funding could be used for planning, designing construction, transaction costs and acquisition costs. It could even be used for bridge financing if there is other funding available but it takes too long to get that funding in place. They believe that global funding can be used to front the money and repay it. He said DHC doesn't have any "ask" for this or a project specifically but are talking to every county and as many municipalities as they can.

Schwartz said there's a project on the Delaware called the Santos property. A number of years ago they never did anything with the property because the critical path for that was to bring legal public right-of-way access to the property. This money could be used for that and can look for other groups for development. The ARPA funding needs to be allocated by 2024 and spent by 2026. They are still working through the regulations and requirements. At least one of the counties has approached its municipalities to say "Let's work together if you have a project". The County has hired an auditor to oversee expenditures and they have offered to municipalities to also retain the same auditor. They talked about collaborating and prioritizing projects. Schwartz said every local government has many needs and it would be easy to use this money to buy road equipment or pave roads, but now that there's an Infrastructure bill he believes there's going to be more money to do that so this money is the most flexible to do creative things. Hubbard said people are welcome to reach out if they have any questions about projects. DHC contact information was given in the Power Point presentation. There was a brief question and answer session following the presentation.

Old Business

Lackawaxen River Federal Designation Update: Ramie said it was a nice coincidence that Peter Becker had a long article in the *Tri-County Independent* about this subject which was circulated to members. He spoke with the Lackawaxen River Conservancy (LRC) who is the sponsor of the application that will be submitted eventually. In the meantime, UDC had also asked questions and the officials from LRC got back to confirm it is the entire main branch of the river from below Prompton Lake to the river's confluence with the Delaware, the length of 31.3 miles, that they are interested in designating. LRC thanked UDC for the invitations to make a presentation before the full Council and said they would love to do that when they get further in to the exploration process. The question has

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come up if the Lackawaxen River is considered free-flowing because of the controlled releases. LRC looked into that with the Wild and Scenic Rivers Council and have decided there are examples of similar rivers that do qualify even if there is a dam involved so that would be the subject of the study. It is a partnership model which means no NPS presence per se. It's a different way of collaboratively managing the resource for the protection of it. Padua said once federally designated it would attract more people and there's very little public access to the Lackawaxen River. The ways he knows to access the river are through town parks. Hamilton asked if the Township involved had restrictions against development of further public accesses? Boyar said he didn't know. Hamilton asked how big the membership for LRC was? Boyar said there are active groups on the Lackawaxen. There are bi-annual cleanups with 50+ people. He said those caretakers would be interested to know what's going on and to possibly weigh in. He said he's ambivalent about it himself as a property owner on the Lackawaxen for twenty years because he kind of likes the way it is. He said if the property owners on the river don't want it, it's not going to happen if there's strong opposition. If it would be a benefit and the benefits are demonstrated it will fly. Hamilton asked Boyar from his experience fishing below the powerhouse how rapidly does that water level change? Boyar said every year someone gets caught and the water level does come up very quickly. The further you are down river you hear it immediately. If you look on the USGS site you see patterns there that become evident. Padua said Two River Junction used to run a whitewater business based on releases like that. Padua said if the Lackawaxen becomes federally regulated and an access was put in he feels another business would pop up or the Walmart rafts are going to be out there and there's going to be a need for NPS responding to emergencies on the river if more people are using it. Boyar said they used to have fisherman releases or non-releases and you could count on having a fishable afternoon Friday-Sunday with CFS between 300-600 which made it really ideal. Boyar said it was 3,000 cfs today but all last week it was 2,000 cfs before the rain and it's unfishable. The fisherman release was a product of an effort by Trout Unlimited and it worked and the fact that it has been abandoned is not good for the fishing public. Ramie said we will follow this project and LRC will get back to UDC when they feel they're at a stage of having a solid proposal.

UDC Correspondence to the Federal Railroad Administration: Ramie said this is referring to the letter the full Council approved on 11/4. Dexter returned the signed copy on 11/9 and it was mailed to the Federal Railroad Administration and a long cc list of federal and state representatives that day. We will await a response about the issues we have with the Hankins culvert and the questions about the railroad ties. Padua provided photos on his phone of Skinner's Falls the other day showing two fairly large landslides right underneath the tracks. He said from the bridge it's probably $\frac{3}{4}$'s of a mile, just above the campground. Rocks have been dumped there before and it just washed out.

Land Trust Alliance and Open Space Institute 2021 Land and Climate Grant Application: Ramie said previous Resources and Land Use Specialist Shannon Cilento had submitted an application for a grant to produce a landowner's booklet that had come out of the Earth to Sky program that she, Hamilton and others were involved in. After Cilento was no longer with the UDC (as of 10/15) Ramie heard from Hallie Schwab at Open Space Institute asking to arrange a call to discuss the grant. Ramie rounded up the partners involved in the application. Schwab said we did not get the grant but they wanted to review what they found unsatisfactory about the application. Generally they said that it was sort of an open-ended public education type activity which did not have measurable results and they prefer projects that are more focused on actions. Schwab said if the application was fine-tuned it's possible it could be considered in the future. Schwartz said when they want metrics, they want to have measurable outcomes. They want to see some concrete example, behavior, change, or action that comes out of the project. If you had a booklet such as the grant application talked about that required people to pledge to take an action to do something that was mentioned in the booklet and they could prove that happened, that might meet their objections. Ramie said other partners on the Zoom agreed to continue meeting with their county groups on climate change projects.

10/21 DRBC Water Management Advisory Committee Report: Ramie provided the agenda from the 10/21 DRBC Water Management Advisory Committee meeting which was held virtually. There were 33 participants on the call and they now have a full roster on this advisory committee. They accepted four new members each representing a specific sector. The UDC is involved because we are the watershed organization of this group. They set the meeting dates for 2022 in February, June and October. The day of the meeting was "Imagine a Day Without Water Day". Water Resource Scientist Anthony Preucil asked everyone to reflect on that. Preucil gave an overall view of the Hydrologic report and said although there had been below average precipitation over the past 90 days (as of 10/21) which was in advance of that huge storm we had on the 26th, year to date it has been above average for much of the basin. That's largely due to the impacts from four tropical storms we had this summer. Each of those created 6-12 inches of rain. The temperatures have been fairly warmer than average. Stream flow is normal or above

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normal since 9/1. The salt front is at river mile 66.7 and normally in October it's at 72. The groundwater is above normal in Sullivan and Wayne Counties. There are no drought forecasts for the next three months. The winter outlook is similar to last year. Updates were given about the storage study that DRBC is conducting. Consultant Mott McDonald is working on that. They mentioned that DRBC had passed the resolution on 9/9 to extend the date for the regulations on the importation and exportation of water from hydraulic fracturing from 9/30 to 11/30. Studies are underway for a water audit groundwater availability analysis. The question was asked if DRBC staff are going to return to their office because they are continuing to work remotely. They don't have any such plans to resume office hours or in-person meetings but they assess it every quarter. The way of working has changed for a lot of government organizations. DRBC put out their publication on their water withdrawals and consumptive use estimates from 1990-2017. They concluded that the peak withdrawals have already occurred and that the public water supply has shown a decrease despite the growing population. The largest consumptive use is from out-of-basin exports under the U.S. Supreme Court Decree.

10/27 D&H Transportation Heritage Council Meeting Minutes: Ramie said that too is a quarterly meeting. They met at the Orange County D&H Park in Cuddebackville. They were able to see the new historic marker installed by Town of Deerpark Historian Norma Schadt from the William G. Pomeroy Foundation which offers the markers for free if you can prove your data and historic interpretation of it. The Town of Deerpark Highway Department installed that recently at the entrance of the D&H Park. The October meeting is the last of the year and then they nominate officers for 2022. They are two-year terms with two chairs elected in odd years and two elected in even. Dues were reinforced for the same structure for 2022; \$40 for a full membership with voting privileges and \$20 if you're just a friend of the D&H Canal and Gravity Railroad for affiliate membership.

The National Park Service Rivers Trails and Conservation Assistance (RTCA) Program was supposed to give a presentation at this meeting but unfortunately their planner had to go out on the road and that will be deferred until next meeting. The RTCA doesn't have funding but it offers technical assistance. They help any municipality, nonprofit, and individuals interested in developing trails and making improvements. In this case they would like to get the D&H Canal recognized as a united trail. The application for assistance is due in March. The D&H Canal has been undergoing an update to its National Historic Landmark designation that happened back in the 1960s because it included only a portion of the canal. They've come up with a list of 186 extent canal and gravity railroad features. They want everything included in this new report because when going out for grants or any sort of improvement projects, proposals may go smoother. This is a \$50,000 project that the NPS is funding. The Historic Narrative was just submitted to the review agency. The historic DVD series that the D&H THC has been working on is on Chapter Four. That is the section from Port Jervis to Spring Glen. They will start filming 11/13, weather permitting. Much of the canal along there is buried but they will select locations and videographer Bill Bollinger will contact appropriate speakers. Chapter Four will be released hopefully next spring. The council has named a Legislative Liaison, Don Drewett of Eldred, who worked for the federal government for over 30 years. Drewett is currently developing a strategy and a one-page flyer that he can bring with him when speaking to elected officials about the D&H and try to elevate the significance and importance of the industry. Cliff Robinson, gave a report of his trip to the World Canals Conference in Hagerstown, MD. Robinson had 50-60 people attend his PowerPoint and 10-minute teaser video about the D&H Canal and Gravity Railroad. The focus at the conference was primarily on the Chesapeake and Ohio (C&O) Canal so his departure from that was well-received. Ramie asked Robinson to send a link to the DVD series teaser video so that it can be uploaded to the DHTHC website and provided to members for their use. Eventually there will be a bus tour from Port Jervis to Spring Glen. Since the DVD for this section isn't ready and there are still concerns about organizing bus tours due to COVID, this will be deferred until Spring 2022. In Port Jervis they have formed a Transportation History Center and the canal is one of the projects that is of interest to them. They are also trying to get a presentation on that to see how those two organizations can help each other. Port Jervis may be the site of the next meeting unless it is held virtually on January 26, 2022.

11/1 Upper Delaware Scenic Byway Meeting Minutes: Ramie said the Upper Delaware Scenic Byway's (UDSB) meeting got pushed back which means there'll be two November meetings. Ramie provided the minutes in the meeting packet. The first Culture and History Grant was given out for \$750 for the 160th Anniversary of the Pond Eddy United Methodist Church on 10/24. Ginny and Bill Dudko reported that it was very successful. A letter has been sent to Assemblywoman Aileen Gunther with a \$40,000 request to establish an executive director position for the UDSB. That would be for a six-month term and hopefully could be parlayed into additional funding sources. The same request has been made to the Sullivan County Legislature. Normally the funding the Assemblywoman receives is for capital projects and infrastructure but she does have access to one-shot line-item funding. Boyar

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asked if UDSB or its officers have someone in mind? Ramie said they have vetted a few ideas. A new set of guidelines and an application form was developed for the UDSB Vista Enhancement Grant. John Pizzolato said he would like to focus in the new year on the UDSB representatives' communication information on their grant programs to their municipal boards so they can regard the UDSB organization as a resource and recognize the group's significance and importance. He also suggested doing a poster campaign to display at town halls and post offices. The historic marker at the Hawk's Nest on Rt. 97 has been vandalized. Additionally, only two of the 15-minute parking signs are left standing. NYS DOT has been contacted about the signs and if they have plans to replace them. The historic marker requires a bucket loader truck to retrieve it from the side of the cliff. Fortunately, Norma Schadt, who had also served on the UDSB board for many years, reported to the DHTHC on their initiative with Orange County Legislator Tom Faggione to refurbish all 55 of the Town's historic markers. They have completed 22 and are adding Hawk's Nest to the list. UDSB will offer its assistance in anyway for that. On 10/26 UDSB reached out to NYS DOT inquiring what actions would be necessary to request consideration of installing an attraction sign for UDSB on Interstate 84. The Highland River Access Improvement project is on hold currently; Heather Jacksy stated must be rebid. Work is likely to occur in 2022. The Town of Delaware Vista Clearing project is also taking a pause until the leaves are off the trees. The Lumberland rest area is awaiting its necessary permits from the NYS DOT. The next meeting will be Monday, November 22nd.

Padua said regarding the clear-cutting at Lumberland along the highway, Hawk's Nest is obviously a place where people pull over and vandalize and litter. He's concerned especially in Lumberland it's a weird rural pull-off area and if it's clear-cut it will be a clear downhill slope and easy to access and potentially become a dump spot. Ramie said part of the plan is to place big boulders so people can't drive up and dump down there because they found that was happening during the UDC's Upper Delaware Litter Sweep event. Ramie said the clearing will be selective and thinning it out to improve the vista to the river.

Ten Mile River Access Update: Hamilton said NPS is supposed to meet with Jennifer Cherry from the Regional Office and some interested parties to learn a little bit more and get updated. There is a private non-profit conservation organization that's interested in buying a significant chunk of the Boy Scouts of America property with the plan of eventually turning it over to the NY DEC. They would have to come up with a multi-year process to come up with funding. If anyone wants to contact Bill Rudge from NY DEC, he may be able to tell you more. Schwartz said the organization is on behalf of NY DEC. Schwartz stressed having done two BioBlitzes there, there are some outstanding conservation plans that should be conserved in perpetuity. It should be made into public lands but with restricted access. He said it's really the wetlands and the cliff faces have outstanding values. Padua said also regarding Ten Mile River, he sent out pictures recently and understands that it gets flooded but you can still get a boat in the water if you want to. He noted in his email that the gravel that NPS Maintenance put in is actually still there after the flood and the ground is still pretty sturdy. It's been a high-water year so we haven't had issues with low water where mud gets embedded. The middle section of the access has always been really bad. Padua said the big beaver dam on Ten Miler River (1/2 mile or so above the Stone Arch Bridge) blew out and all the wood was on the access for a long time, then the second flood took all of the wood and moved it away.

Other: Schwartz said he had to go but he wanted to comment that he thought that Ramie did a great job on the UDC Input on Lordville Gage Flood Assessment to the National Weather Service and it was very valuable. Ramie said that was actually thanks to Peckham who brought up the inadequacies of the Lordville gage. The committee thanked Schwartz for his time.

New Business

Draft Letter to DRBC: Proposed Rulemaking for Amendments to Special Regulations, Part 440-High Volume Hydraulic Fracturing (review to recommend to 12/2 UDC): Ramie said just today the DRBC extended the deadline even further to 2/28 so we have plenty of time to make our comments. This takes the position that UDC previously adopted. It reinforces that our concern is seeing no measurable change to the water quality here. Peckham feels it's kind of dated since the rule making was 11-years ago, the technology to treat fracking water has advanced considerably. He said it's driven by special interests. Boyar said he would weigh in on the opposite end of that spectrum to re-emphasize that water, however it's treated, he wouldn't drink it and he doesn't want it in his waters or trout waters. A Motion by Jeffer seconded by Padua to recommend the draft letter be sent to the DRBC re: Proposed Rulemaking for Amendments to Special Regulations, Part 440 – High Volume Hydraulic Fracturing to the full Council to review in advance of the 12/2 meeting carried with one abstention. Boyar said he wants the letter to be even stronger to state that taking of water within the corridor is objectionable and should be minimized. The

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disposal of fractured water should never be permitted. Ramie said anyone is encouraged to submit individual comments by the 2/28 deadline.

National Weather Service 11/10 Response: UDC Input on Lordville Gage Flood Assessment: This was also circulated to members. UDC sent a response to Jim Brewster of the National Weather Service with UDC's input on the Lordville Gage Flood Assessment. He thanked Ramie and said he'll probably lower the major flood stage level to 26-feet and after further review might reduce the minor flood stage to 20-feet or 20.5-feet. Padua feels that was a good response and he's glad they're lowering some of those.

U.S. EPA Delaware River Tabletop Exercise: Ramie said we know that NPS is involved in the Emergency Response Plan which includes the railroad and other types of disasters. We had asked NPS Chief Ranger Keith Winslow to get us involved with that. Ramie received an email from a firm called Tetra Tech out of Newark Delaware sending out a Doodle poll to respond to availability the week of 12/13 for an EPA Region II and III Tabletop Exercise for the Delaware River. She is waiting to hear back on the date.

2022 Delaware River Sojourn Planning: Ramie said this steering committee is very active and they've already got plans for next year. They've chosen the dates of June 17th through the 25th, 2022. The theme will be "The river rocks". That will represent both geology and music. 6/17 would be a volunteer cleanup with the NPS from Skinner's Falls to Narrowsburg. Day One of the sojourn will be 6/18 and they are talking about paddling 12 miles from Narrowsburg to Zane Grey. The next day 6/19 would be 15-miles from Zane Grey to Indian Head Knights Eddy and camping on the 17th and 18th on the grounds of the Zane Grey Museum in Lackawaxen. Shannon Cilento had been representing the UDC on the steering committee and we will have to see if Engelhardt is interested.

Delaware River Flow & Storage Report: A copy of the 11/15 DRBC Hydrological Conditions Report was provided in members' packets. Total combined storage was at 94.9%.

Other: Hall-Bagdonas received an email today from Sara Velasquez the Education and Development Assistant at Delaware Highlands Conservancy, who Boyar worked with on the Upper Delaware Litter Sweep. She expressed interest in helping with the event next year if we continue that tradition. Hall-Bagdonas said that's great we have partners reaching out to us and we should definitely utilize them. Boyar said he would like to bring up implementation of carry-out litter bag stations for the Upper Delaware River based on a Montana model for future discussion.

Public Comment: None.

Adjournment: A Motion by Padua seconded by Jeffer, to adjourn the meeting at 8:50 p.m. was carried.