

WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
September 15, 2020

Committee Members Present: Andy Boyar, Ginny Dudko, Al Henry, Pat Jeffer, Dan Paparella, Fred Peckham (via phone).
Committee Members Absent: None.
Staff: Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas
NPS Partner: Don Hamilton, Darren Boch
Guests: Lieutenant Kyle Kroeger- NY State Police, Wayne Holmes- Boy Scouts of America- Ten Mile River Scout Camps (via phone), Bill Dudko.

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, September 15, 2020. Chairperson Boyar called the meeting to order at 7:00 p.m.

A motion by Dudko, seconded by Paparella approving the August 18th, 2020 meeting carried.B. Dudko said he'd like to hear about the Eel Weir complaint outcome.

Old Business

River Traffic Public Safety Task Force Update: Ramie said on the morning of 9/3 there was a site visit at the property across NYS Rt. 97 from the Mongaup Access. The purpose was to get the lay of the land and to meet with the Department of Transportation (DOT). She doesn't believe anyone was there from DEC. The meeting was called by Nadia Rajs to meet with the Town of Lumberland officials to look at potential options. Ramie projected photos to the Committee. Those in attendance were: Dave Dean- Town of Deerpark Representative, Ed Mall- Sullivan County Resident DOT Engineer, Bosco Hunt- Town of Lumberland Highway Superintendent, Pat Cahill- Town of Lumberland Chief Constable, Kevin Reish- NPS, Ingrid Peterec- NPS, Jenny Mellan- Lumberland Town Supervisor and herself. The issue discussed was the overflow parking that has increasingly become a problem. The DEC owns the river access site and they co-manage it with the NPS. Ramie provided a photo of the sign showing it is a public river access. She showed a photo standing at the access and looking across the road as this is the property that has been having the overflow situation. It's a tempting area to park in because there is gravel. This is the vacant lot owned by Eagle Creek Renewable Energy the Tri-State Diesel site. Ramie said one point they wanted to make was perhaps the DEC could look into a redesign because it's pretty open-ended and people park at the designated access haphazardly. There are natural berms with trees and no one is advocating for the trees to be taken down but perhaps there could be some better organization which would help with the parking situation. The whole area is encompassed by the State land which is part of the Mongaup Valley Wildlife Management Area; which was the topic that we heard at the full Council meeting. Birdsall Road is the narrow town road that surrounds the Eagle Creek property. There is a specific parking lot for the Wildlife Management Area on County Rt. 31. Ramie noticed since the meeting of the first River Traffic Public Safety Task Force the DOT very graciously put up variable signs on Rt. 97 to warn about the river access ahead. The construction in that area has ended and people won't have a reason to slow down for a construction zone. Ramie showed the Committee photos provided by Ingrid Peterec during a weekend at the access.A sign that says "lot full" can be seen in them. Bill Dudko said it appears that a lot of people parking at the vacant lot are local because the plates have local dealership tags. Ramie confirmed, saying that was observed that it's not necessarily out-of-town traffic.

Ramie said the first item in the packet is a draft letter to Eagle Creek to inquire about the company's interest in speaking with the DEC about leasing that land to them so they may manage and organize the parking. Rajs spoke with Bill Rudge from DEC and Rudge stated that acquisition of that property isn't possible because of the brownfield situation. Rudge said they may be open to the concept of lease agreement. Ramie forwarded the draft letter to Rudge to review and he is still in the process of doing so. Ramie said she knows from that site visit and previous discussions the Town of Lumberland does not seem interested in being involved in that they are concerned about liability issues if they were to take over that property. Boyar asked for confirmation if Lumberland is not interested in being the lessee but favors the idea of having some kind of parking lot via Eagle Creek? Ramie said as far as she knows, they would not be opposed to that. She said there had been a proposal when Rajs was Town

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Supervisor to establish a Town Welcome Park and that ultimately didn't get far. She said the current Town board doesn't seem interested in pursuing anything like that. Henry asked if someone from Eagle Creek was at the site visit? Ramie said the letter would be an attempt to involve them in discussions. Henry said at the Mongaup site berms were mentioned and it was also mentioned of possibly moving upstream on that property and looking for more parking. He asked Ramie if those ideas were explored at that meeting and she said she didn't believe so. Boyar said these are good issues to discuss with the River Traffic Public Safety Task Force.

Ten Mile River Access Boat Ramp Feasibility Update: Ramie provided committee members with a copy of the agreement we have with JHA Companies for the Ten Mile River Access Boat Ramp Feasibility Project. Ramie reached out to Eric Baird, the engineer assigned to the project, and he said he intends to have a site sketch plan by the end of this week. The Structural Engineer should have his preliminary design by the end of next week and they will be able to submit that information to the regulatory agencies for the permit reviews. Ramie said this is a FY2020 project so we have a 9/30 end date in mind. She said we have committed to the contract so financially it is fine if it has to extend beyond that because the funding has been obligated.

8/19 Letter to Central New York Railroad re: Emergency Response Guide Status: Ramie said this is a follow-up from last month's meeting when we asked the status of NPS's funding. Ramie said this letter is reminder to our friends at Central New York Railroad that this is an active project and we look forward to continuing the progress of the Emergency Response Guide.

8/24 Upper Delaware Scenic Byway Meeting: Ramie provided a copy of the 8/24 meeting minutes in the meeting packet. Dudko said a few of them on the Upper Delaware Scenic Byway (UDSB) started a course today and they are appreciative to UDSB for sponsoring it. Boyar said he was talking with Bill Dudko about Japanese Knotweed and they were talking about a recipe for it. Boyar said it's supposed to taste like a cross between asparagus and rhubarb and you are supposed to cook it. Boyar joked and said if we put the recipe in the newsletter maybe we can eat this problem away. Hamilton said it contains Resveratrol, the beneficial ingredient in red wine.

8/27 & 8/31 Mongaup River Hydroelectric Projects- Response to Determination on Requests for Study Modifications: Ramie said as we know Eagle Creek is currently going through their relicensing procedure with the Federal Energy Regulatory Commission and is a very lengthy process. UDC is listed as an interested party. This is also part of the holdings discussed at the Mongaup access. Hamilton said NPS, Fish and Wildlife Service and NY DEC are going to make a Settlement Agreement with Eagle Creek shortly. The hope is to get the Settlement Agreement by the end of the year. Boyar asked if there is ever discussion about the aeration or oxygen content regarding the Brook Trout? Hamilton said there's a lot of discussion on the Brook Trout population. He said there are various Trout Unlimited (T.U.) groups and other agencies like Fish and Wildlife Services that are advocating for a minimum flow. Boyar said that is predominantly what you will catch in the Mongaup. Boyar noted it's the State fish for NY and PA.

8/28 NPS Call re: Coordinated Response to Northern Snakehead Discovery: Hamilton said there was an article in the *River Reporter* that Laurie Stuart interviewed him for. There has been a lot of interest by media on this fish. NPS had some conference calls with the NY DEC, Fish and Boat Commision, and Fish and Wildlife Service to come up with a game plan on how to address the issue. Hamilton passed around a poster that is up at all of their river accesses. They are trying to get anglers to report catches of the Northern Snakehead and if they catch one, immediately put it in the freezer and save its stomach contents. The Academy of Natural Sciences at Drexel University has developed a funding proposal to look at Snakehead diet components down basin. Hamilton said they are hoping to extend that and do additional work up here. To date one has been caught a few miles south of Callicoon by a licensed guide with his client on a plastic worm. There have been some other credible sittings of them in that vicinity. He's been told the best thing to use is a frog imitation and throw it into shallow, back channel areas where Carp wouldn't even go. Hamilton said NY DEC intends on doing electro-fishing in the area the Snakehead was found. Fish & Wildllife Service have a lab in Lamar, PA that does environmental DNA work and they are able to detect the presence of organisms by taking a water sample. They are going to do some sampling here in conjunction with NY DEC's electro-fishing. Hamilton said there aren't a lot of good management options on a system like this. He said one problem is people see this as another exciting sports fish and move them around. They are not a plus for the riverbed; they are potentially a big negative. Hamilton said the Snakehead like bathwater and slow water areas. Snakeheads were brought here as part of the live fish market trade and people like to keep them alive until they are ready to eat them. Unfortunately, they've been put in ponds, etc. and have proliferated.

Sullivan asked if they were caught in the Bashakill? He said not that he's aware of but they have caught Bowfins there. Hamilton showed Fish and Boat Commission's poster on Bowfins and said not many have been caught on the Upper Delaware. Dudko said right now she is overseeing her great-niece's kindergarten class online learning. Dudko said it may be helpful to get the educational information about these invasive fish out to the schools so the students could go home and share that information with their families. Hamilton said he could send a copy along. Henry asked if there was concern about cold water and Snakehead? Hamilton said he wishes, saying their temperature range tolerance is pretty broad. He's read that as 32°-90°. They can live in very low dissolved oxygen conditions. He doesn't think the winter or cold water is going to drive them out of the area. Boyar asked if the population starts South and heads North? Hamilton said they have been known to be in the lower Delaware River around Philadelphia in John Heinz National Wildlife Refuge in the Darby Creek area for a couple of years. Hamilton confirmed to Boyar that it is a non-native invasive species and Fish and Wildlife Services has another designation of "noxious species". The importation of these species was banned in 2002 under the Lacey Act. It is illegal to possess, sell, or transport them live in both PA and NY.

9/2 Catskills Regional Invasive Species Partnership Meeting Report: Cilento thanked Hamilton for inviting her on the 8/28 Snakehead call as it was really interesting and informative. She said Snakehead was also part of the 9/2 Catskills Regional Invasive Species Partnership (CRISP) call so she won't repeat that information. They talked about Spotted Lanternfly but some of the more recent issues of note include the Asian Giant Hornet. They are pest for honeybees but not a real threat for humans, they can destroy an entire honeybee colony in a matter of hours. "Murder hornet" isn't an accurate moniker but threat to bee populations shouldn't be underestimated. There are over 800 reports in NY but none positive yet; only US siting remains in Pacific Northwest.

Reports of unsolicited seed packets began coming in on 7/23 with over 1,000 reports. It's estimated 2 million were shipped to the U.S. unlabeled and unidentified and that means they could carry bacteria, insects, and invasive species. Cilento said report those to your local Cornell Cooperative Extension or Penn State Cooperative Extension.

Penn State Extension also issued a warning to farmers about a new invasive pest identified in PA, about two hours south of Wayne County. There was confirmation of Asian Jumping Worms which are really destructive to soil quality. They are advising farmers to clean equipment.

Mike Barth, our Westfall Township representative, reported at our full Council meeting about potential New Zealand Mudsnails near Port Jervis; Andy Weber from NPS investigated and found three other snail species but no mudsnails.

Boyar asked if there was any theory to who is behind the packets of seeds? Cilento said they didn't really touch on that but there were seven different international origins, not just China.

Press Release: Delaware and Hudson Canal Gets National Park Service Funding to Update National Historic Landmark (NHL) Nomination: Ramie said this was mentioned at the quarterly meeting for the D&H Transportation Heritage Council. The NPS through Lauren Hauptman opted to do a press release (copy provided in meeting packet). Ramie said this is basically an update of an existing nomination from 1968.

Other: Henry provided members with page 101 of the River Management Plan (RMP). He said this is relative to the 8/14 Ordinary High-Water Mark training put on by the Army Corps of Engineers. Henry had expressed personal concern in Cilento's handout from the training about private property ownership ceasing at the Ordinary High-Water Mark. Henry said if you look at the RMP on page 101 on the fourth paragraph it reads: "The strand is private property, however, and the rights of private property apply to the strand." He said there is some conflict there and we usually defer to the RMP. Henry said it does say, "The Council should seek further legal clarification of this issue." He said if you do any research there is case law relative to who owns it. Cilento wanted to clarify that was a misunderstanding on her part of what was said at the training. She said they aren't putting out publications that are saying that information. Henry said he understands that but even before her informational brochure came out, historically the NPS had always told NPS staff and locals that there is no riparian ownership. He said this is an ongoing conflict. Boyar said the vast majority of small roads go to the center line and even though you own it the public has the right to travel on it. He said he doesn't know if the river is vastly different from that concept navigationally speaking? Henry said for portage purposes neither state can really block you in a strand area.

New Business

Upper Delaware River Eel Weir Complaint Outcome: Cilento received an email on 8/25 from a resident on Delaware Drive near the Flats in Narrowsburg near an eel rack: "Each year the eel rack gets built wider and wider. This year, because of the width, it appears to be extremely narrow for people kayaking and canoeing. Are there any regulations regarding this?" Cilento referred this to Ramie. Bill Rudge forwarded Cilento to Greg Kenney, the Hudson and Delaware River Fisheries Manager. The DEC regulates eel weirs. He replied to Cilento saying currently DEC issues 9 eel weir permits on the Delaware and the Neversink Rivers. NY is limited to issuing only these nine permits as part of a Fishery Management Plan. The permit does not allow the weir operators to interfere with the free passage of boats using the river. If the passenger boats are being affected you can refer to law enforcement to investigate. Cilento informed the original respondent of the information and her response was since there is no regulation on the size of the eel weir and there is passage of boats albeit narrow on the PA-side she doesn't think it calls for an investigation and thanked Cilento for the follow-up.

Boyar said the populations and the prospect of running an eel weir is a lot of work. Last year and the year before the takes were dismal. Instead of thousands it was 120-some. He said in a book he read they attribute the diminishment of the eel run to the taking of the shoestring eels in the ocean. Hamilton said that's been more regulated in recent years and limited to two locations on the Atlantic Coast. Hamilton said there's a lot of concern for American Eels; they've been declining for several years. NPS has a project going on with the Academy of Natural Sciences with Drexel University as a partner sampling eels. He said they hope to learn more about their relative abundance and age class here. He said this is the last location in the country where there is a commercial fishery for the silver eels that are migrating back to the ocean. In 2013, they learned that American eels are the primary host fish for Eastern elliptio mussel in the river, which is our most common freshwater mussel. It makes up the greatest animal biomass in the river. They provide important ecosystem services through their filtration and nutrient processing. He said they are like having a giant filtration system in the river. He said we don't have this in the Susquehanna River above their dams because eels can't get into the upper reaches of that system. He said we are lucky that this is an undammed river and they've come to understand how important American eels are. Henry asked what the current status of the population is of eels? Hamilton said they are getting a handle on that now. They sampled in Barryville. He said there are good numbers of eels where there's large rocks and rapids below Barryville Bridge. Hamilton said sometimes Floyd Campfield will provide his catch data and that can be correlated with environmental conditions.

Henry said it was mentioned on the NY side relative to the DEC and their rules and regulations. He said PA doesn't issue permits because they had a limit on 50 so they didn't issue permits for eel weirs. PA does still have regulations on navigational hindrances and width. Henry suggested someone from NPS look more into that. Henry said in the past NPS and Fish and Boat had to tell people to take down some of their wing-wall on the PA-side and you couldn't get by on the NY-side. Hamilton said they are also required to put up signs.

Supplement to Upper Delaware Scenic & Recreational River Outstandingly Remarkable Values – Cultural Category: Ramie said Boch announced this at the 9/3 full Council meeting and the handout provides more information on that. Skinners Falls-Milanville Bridge, Hankins Creek Stone Arch Bridge, and Ten Mile River Stone Arch Bridge were added as elements of the Cultural Outstandingly Remarkable Values. Boch said during the 2012 Outstandingly Remarkable Value (ORV) Workshop, the bridges were determined to not meet the ORV criteria for Cultural Resources. They discovered that the State Historic Preservation Office from PA never got the 2012 determination which created a chance to revisit the issue. Cilento said there was an article about the last WU/RM meeting in the *River Reporter* and the author said the bridges were being added to the "National Registry of Bridges" which is not true and not something that exists. There is a National Register of Historic Places that all of these bridges are already on. Cilento clarified they have been added to the Upper Delaware Unit's ORV's.

Delaware River Flow & Storage Report: A copy of the 9/14 DRBC Hydrologic Conditions Report was provided in members' packets. Total combined storage was at 75.3%.

Other: Hall-Bagdonas provided a handout for a 10/4 Get Trashed River Clean-up on the Beamoc sponsored by Pig Farm Ink, Trout Unlimited, Delaware River Club, and others. Meet at Dette Flies at 10 A.M. on 10/4 and end at the Smoke Joint at 4 p.m. (630 Old Rt. 17 Livingston Manor, NY).

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Ramie sent out the survey today for our 10/3 Five-Year Strategic Plan Retreat at Narrowsburg Union from 9 a.m.-4 p.m. We are hoping all of our board members can participate. You will see there is a menu to choose from by 9/24.

Ramie said we still have until Friday for anyone that would like to participate in Friends of the Upper Delaware River (FUDR) Water, Water, Everywhere Virtual Conference on 10/14. UDC is covering the registration cost. So far Boyar, Paparella, Cilento and Ramie have signed up.

Public Comment: None.

Adjournment: A motion by Henry seconded by Paparella, to adjourn the meeting at 8:05 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas 9/28/2020