

WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
September 17, 2019

Committee Members Present: Andy Boyar, Fred Peckham, Al Henry, Ginny Dudko, Doug Case,
Dan Paparella
Committee Members Absent: Jim Greier, Pat Jeffer
Staff : Laurie Ramie, Pete Golod, Ashley Hall-Bagdonas
NPS Partner: Don Hamilton
Guests: Bill Dudko

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, September 17th, 2019 at the Council office in Narrowsburg, NY. Chairperson Boyar called the meeting to order at 7:03 p.m.

A motion by Henry, seconded by Case, to approve the August 20th meeting minutes was carried. There was no public comment on the agenda.

Ramie and the committee welcomed Dan Paparella to his first committee meeting. He was officially appointed second alternate for the Town of Tusten. Boyar thanked Paparella for being part of the committee and said he knows Paparella will add a lot to it. Evan Padua is the Vice-Chair of the Water Use/Resource Committee. Ramie noted that when officers are nominated at the committee level it's for the person as opposed to the Town or Township serving in that office. It's understood that Padua will be away until April 2020. The options are to name a different Vice-Chair or have a volunteer fill-in to lead the meeting if Chairman Boyar is not present. A Motion by Boyar seconded by Henry to elect Dudko as Vice-Chair carried with an abstention by Dudko.

Old Business

8/26 Upper Delaware Scenic Byway Meeting Report: Ramie provided a few highlights from the 8/26 meeting. Ed Wesely proposed a project for the Promoting Butterfly Habitat grant. He will reprint three of the butterfly booklets, to be capped at \$1,000. The Butterfly Bike Ride was 9/14 which included throwing seed bombs. The route was from the Zane Grey Museum in Lackawaxen to the Farmer's Market in Barryville. You could ride a bike or had the option to walk as well. They provided transportation back to the starting point. Ramie requested photos from the Greater Barryville Chamber of Commerce. UDSB approved taking out a 1/4-page ad for Sullivan Catskills 2020 Travel Guide. By 9/30 the UDSB will apply to Sullivan County Legislature for 2020 Legislative Discretionary Contract Funding. There was a lengthy discussion on what kind of projects to apply for. The decision was made to ask for \$30,000, which UDSB did this year and it was kicked back to \$20,000, so the assumption is ask for more. They discussed making a presentation before the Legislature to explain what the UDSB does and has accomplished with the funding in the past few years. The DOT Report Kris Gilbert offered had updates about some ongoing construction projects. The culvert on Rt. 97 along Ten Mile River has reopened. The paving overlay from Minisink Ford to Narrowsburg is expected to finish up soon. They completed the Rt. 97 shoulder restoration in that general vicinity. The Operation Tree Cutting contract in the Town of Tusten has largely been completed and they are now replanting flowers. The Town of Delaware won the Silver Feather Award in the Sullivan Renaissance Municipal Competition for beautification projects. That came with a \$75,000 prize. The Town has decided to put a majority of the winnings into the Callicoon Depot Project, which is great news for turning the train station into a Visitors Center for the Scenic Byway. Sullivan County Parks, Recreation and Beatification Director Brian Scardefield was thanked for assigning the Sullivan County Green Team to do litter cleanups along Rt. 97 which they had never done before. They worked in the public pull off areas of Rt. 97 for safety reasons. They got the DOT work permits in time to complete the litter pick-ups and collected three large bags of garbage and one blow-up mattress. Ramie said hopefully they will continue that on their schedule through the summer youth employment program. UDSB sent a letter on 8/23 to DOT Region 8 which covers Orange County regarding the vegetation growing at the Hawks Nest. The Scenic Byway Coordinator Jason Wolfanger had responded to the letter and a decision was made to contact the Orange County Land Trust to see if they would be interested in working with the private property owner on an easement. The DOT always has to negotiate when any work is done in that area. The property owner would still

retain ownership of the property but it would be easier for the DOT to access that land when any work needs to be done. That is being actively explored by Orange County Land Trust. A letter was written to the *River Reporter* about a publication they put out called "Explore the Scenic Byway" to clarify the Towns of Hancock and Fremont are not members of the Scenic Byway. There may have been confusion because they included an interview with a Long Eddy business owner and photo of Jensen's Ledges. UDSB expressed they did not produce the booklet and had nothing to do with the content. The Narrowsburg Chamber of Commerce's Logging Days will be Saturday 11/2 at Firemen's Field on DeMauro Lane. They have hired the NYS Lumberjack Association to put on 10 competitive events. The next UDSB meeting will be on 9/26.

9/4 Mongaup River Hydroelectric Projects meeting summary: Hamilton reported that he joined the 9/4 meeting via phone. They mostly discussed modeling flow scenarios and their influence on the levels of three reservoirs within the project area. Later on he joined a conference call with Fish & Wildlife Service and NY DEC biologists who have also been attending these relicensing meetings to talk about various flow scenarios. Hamilton said they might want the licensing model to better understand how those scenarios will affect water levels and flows. Hamilton said they have reservoirs that allow them to store water and release water primarily for generating electricity. They also release water for recreational white water releases in the lower miles of the Mongaup.

Ten Mile River Access Issue: Ramie included an article from the *River Reporter* in the meeting packet that was done after the last discussion the committee had about it. No reporter attended the meeting but they did follow-up interviews with people that attended. Jennifer Claster of the NPS had mentioned that the National Wild and Scenic Rivers Council Steering Committee would be here and part of their program would be going to Ten Mile River (TMR) access. Hamilton attended the float trip with that group and their consensus was it should not be a vehicle access and it should be carry-in only. This is a natural situation and anything temporary that's put in will sink into the mud, be covered in mud, and be risk being carried down river. They recommended doing nothing in the short-term except ensuring it's a carry-in access only and perhaps putting in native plantings to narrow the area of river where recreationists have access. Having some vegetation could stabilize the shoreline soils but it won't eliminate the mud. The Steering Committee also thought they should focus on an alternate site or working with the County or Town to obtain funding to pursue recommendations in the Local Waterfront Revitalization Plan. Hamilton said their biggest concern was the gravel we put on the roadway each year which subsequently washes out into the river. He said for the most part the National Wild and Scenic Rivers Council Steering Committee agreed with the NPS assessment that it not appropriate for a trailer-launch access. Henry said his hope, as well as Evan Padua's, is that they don't restrict people that want to use it to launch boats. He said you can go a ten-year stretch and it can be hard as concrete. To restrict it based upon one year's weather and water events he feels is extreme. They do not want to deviate from the historical use of the TMR access. Henry also mentioned Padua's previous idea of spreading \$5,000 worth of gravel may be advantageous. Henry said if the Federal Government is spending \$35,000 at the TMR access, he would like an accounting of that because in the article it says that includes the kiosk and porta johns. Henry feels those personnel services should not be included in that figure. He said that has nothing to do with the issue of launching boats.

Boyar said there's many people who care to express an opinion and that's about as many different viewpoints you would have as to what could be done. Boyar visited nine launches on five different rivers in the last month and none of them had the silting issue. He said it particular to the TMR site, the way the Ten Mile River came down and spilled rubble into the river, directed the river into the Pennsylvania side, and created a backwash that was sometimes there but mostly not. Boyar said when one of the Montana launches silted up they had the Missoula Fire Company come down, have a drill and hose the silt away. Boyar said he agrees with some of Hamilton's comments regarding highway events probably almost anything you put in there that would be expected to be permanent would not be. Boyar said he would like to see Padua's solution being practical. He said if you put a couple truckloads of stone there it would probably disappear. Peckham said a lot of money would be saved by doing core samples. Boyar said it was nice that we were a sounding board as a Council. Henry said he went down to where Lander's launches. You can see most of the siltation and the mud field was a lot less than the present launch area is. That's about 100 yards. Discussion continued. Boyar said it's interesting when Hamilton mentioned native plantings. There are two high spots amongst the mud and it's by two trees. The trees are a good three feet above the mud. Everything else has been washed away. Henry said there was a spot downstream that was for sale called Jerry's Access. Hamilton said that Superintendent Heister had looked at it. Hamilton said you might be able to launch there but you would have to

park in another lot. Henry said the problem of moving the access above TMR is there is a lot of risk and concern there. Hamilton took a look at that and took some photos when they had their float last week. He said the problem is the road that goes up there is a single lane road; there would have to be some kind of traffic controller and there isn't much space to pull over. Ramie said one other potential hope for this issue is, tomorrow Sullivan County Planning is having a meeting about the status of river accesses and they have invited the DEC, DOT, and NPS to discuss where they are at. Ramie recommends keeping it on the agenda for another month for an update on that meeting.

Upper Delaware Sweep in 2020: Boyar said he would like to have a follow-up meeting this fall. The date is to be determined.

Other: Peckham referenced the 9/5 full Council meeting and the opinion piece from the *Washington Examiner* by Kevin Mooney titled "Green activists hurt average Americans with their latest corrupt assault on fracking" he provided for the meeting packet. He asked if the UDC reached out to the DEC regarding the article? Ramie said we contacted Steve Tambini, provided him the article and asked for his comment. Tambini said he is considering replying.

New Business

9/17 Subcommittee on Ecological Flows summary: Hamilton said both he and NPS Aquatic Ecologist Andy Weber attended this meeting today. Kendra Russell from the Office of the Delaware River Master gave a presentation similar to her UDC 4/4 presentation on how releases are designed for reservoirs based on conditions of the river, precipitation, and base flow. Hamilton said they often have to go through redesign based on reacting to changes in reservoirs. There was a PowerPoint presentation on their rapid flow change analysis which Sheila Eyler from Fish and Wildlife Service provided. There is a mitigation bank of about 1,000 cfs days set up to ameliorate the rapid flow changes that you see on the river; the yo-yo flows they have mentioned. Eyler shared many examples of those and what a mitigation bank would do to take the bottom out or top off some of them. Hamilton said it's a more limited bank of water than is available in a thermal bank which is 2,500 cfs days. They have to use it sparingly but it can provide some benefit. They looked at many scenarios where that would be used and talked about situations that they would want to apply that bank to lessen the fluctuation of the rising or falling of the hydrograph. Hamilton said most often that mitigation bank is used in September and October when there are lower water conditions if they haven't been affected by a hurricane, rain events and reservoir releases. He said there's quite a bit of fluctuation during those months. They also looked at the performance of the thermal bank this past year. Hamilton said he believes it was used seven times and they did have a lot of success with it. There weren't any exceedances of 74° in Lordville. Brennan Tarrier from NYDEC shared information about the criteria used to determine when water needs to be released. They try to do that in advance of the peak of the temperatures. The Subcommittee on Ecological Flows (SEF) has been tasked with evaluating rapid flow change mitigation bank and how it will be used. They have already submitted a report on thermal mitigation bank. They expect to provide something to the Regulated Flows Advisory Committee in April.

Boyar said the difference between the yo-yo effect is that can happen at any time. He wouldn't know it in Eldred, NY. When you are having a thermal event and it's 90° for the third straight day you start wondering about the river. He said this was a good year to see how it would work. Boyar said as far as your yo-yo releases he asked Hamilton it's very subjective isn't it? Hamilton said there are graphs where they track USGS gages at different locations and they can show all of these events. You can see how low water levels fluctuate. At times it's fairly drastic. Sometimes they will cut back at releasing at Cannonsville in anticipation of a rain event that doesn't materialize then you will have quite a dip in the water levels. If the rain event does materialize you will have a spike. The objective is to try to come up with something that mimics the natural hydrograph of a river for events. You don't want to draw the river down too fast because you can end up with situations where ground waters get exposed and fish could potentially get stranded. Boyar asked Hamilton if there are minimum flows on the river? Hamilton said at Montague; that's the upstream most minimum flow target. He said above that, the entire Upper Delaware has no minimum flow requirement. There is a temperature target they are trying to meet at Lordville. Boyar said if the water is really coming in at the Lackawaxen or the Mongaup, there could be trouble above that you wouldn't know

about. You are still making 1750 cfs at Montague. Hamilton said those reservoir releases count towards the Montague gage. The Office of the Delaware River Master will dial back NYC reservoir releases in anticipation of those because they are trying to meet the Montague target and not go over it and also trying to conserve water in the basin. Henry asked out of that thermal release regimen, how much of the total is left over? Hamilton said 1,100 cfs is left.

Peckham asked what the locations were for the cold water fisheries? Hamilton said they try to maintain this temperature down to Lordville. Peckham said there was a cold water fishery declared by NYS in 1956. Peckham said he has maps from New York City that go to the Delaware/Sullivan County border. He said all New York riparian landowners from Delaware County up got paid. He said Pennsylvania was paid but never gave it to the landowners. Henry said there is an approved trout fishery, if you look at the law in the state, down to where the old doctor's office used to be in Narrowsburg. Henry said it's for catch-and-release and for different species from the confluence below the Narrowsburg Bridge. Boyar said it is also subjective because he would catch cold water species at Pond Eddy. Bill Dudko said at Pond Eddy on the Pennsylvania side that's very deep water, 100 feet. Peckham said the riparian owners were harmed because NYC put in cold water dams. In order to compensate that NYC said they would pay every riparian landowner on the river from Delaware County up to the reservoirs x amount per acre of exposed land for New York and Pennsylvania. Henry said it was basically a class action suit and it went as far down as New Jersey. They sued New Jersey because they were part of the compact for letting more water out. Boyar recommended distributing the court document to the committee for reading.

Delaware River Flow and Storage Data Report: A copy of the 9/16 NYC Current Reservoir Levels was provided in members' packets. Total combined storage was at 77.6%, normal for the same date is 79.9%. Average precipitation for September 1.32 inches and the historical record for September was 1.99 inches.

Other: Henry said he was watching the History Channel, they were discussing the Catskill Aqueduct and saw he Adam Bosch of NYC DEP providing an update on the tunnel repairs.

Ramie provided a handout in the meeting packet from the D&H Transportation Heritage Council. They are sponsoring their second D&H Canal Bus Tour. It will explore Roebling Bridge to Port Jervis on 11/2. Reservations are first-come, first-seated basis. 44 seats are available at a cost of \$55 per person, which includes round-trip transportation, guided narration at five walkable stops, light breakfast snacks, lunch at Foundry42+ in Port Jervis and a viewing on the return trip of the newly-released DVD "The Delaware & Hudson Canal Co.: Its History and Legacy – Chapter Three, Roebling Bridge to Port Jervis".

Public Comment: None.

Adjournment: A motion by Henry, seconded by Dudko, to adjourn the meeting at 8:00 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas, 9/24/19