

WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
November 15, 2022

Committee Members Present: Ginny Dudko, Andy Boyar, Al Henry, Fred Peckham, Evan Padua
Committee Members Absent: Pat Jeffer
Staff: Laurie Ramie, Kerry Engelhardt, Ashley Hall-Bagdonas
NPS Partner: Don Hamilton, Kara Deutsch
Guests: Bill Dudko- Deerpark Alternate

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, November 15th, 2022 via Zoom due to adverse weather conditions. Chairperson Dudko called the meeting to order at 6:30 p.m.

Approval of October 18, 2022 Meeting Minutes: A motion by Boyar seconded by Henry approving the October 18th, 2022 meeting minutes carried. There was no public comment on the agenda.

New Business

Consider a UDC Letter to DRBC on "Frack" Water Regulations: Ramie noted that this issue had been referred from the 11/3 full Council meeting and that several handouts provided by Barbara Arrindell from Damascus Citizens for Sustainability (DCS) were included in the packets. Boyar said that DCS has been on this for a long time. He said since our mission is to preserve and protect our water quality and pristine resources, we should entertain making another comment. He personally feels "frack" wastewater should not be brought into the basin. No matter how it's contained or treated, accidents occur. Some folks think it becomes diluted, but we should object to that concept. It just sends the problem further down into the environment. Henry said he hasn't had a chance to read the materials but would like to; we need to look at both sides. DCS is on one end of the spectrum. We may need to think about a more neutral position. He recommends passing this on to the full Council. Dudko said we aren't taking a pro or con position at this point. Peckham said that the technology has evolved and matured since the hydraulic fracturing regulations were first examined back in 2010. He said there is some evidence that the Susquehanna River area has been improved by it. While he appreciates the concerns that DCS raises, the process for treating wastewater has come leaps and bounds from where it used to be. Padua said he also would like to read the information more thoroughly, but he can't argue with the question the petition poses of "Why contaminate a place that isn't contaminated?" He also agrees that we can't be one-sided. Ramie noted that after the DRBC voted to prohibit High Volume Hydraulic Fracturing in the Delaware River Basin, there were some issues remaining about its associated water importations, exportations, and wastewater discharges which prompted the agency to develop special regulations last October. That's why this is coming up now since the public hearing process had been completed and it awaits a vote by the Commissioners. She read an excerpt from the UDC's 1/6/22 letter to the UDC regarding this Proposed Rulemaking for Amendments to Special Regulations, Part 440-HVHF: "The UDC's paramount concern is to assure that the present exceptional water quality enjoyed in the Upper Delaware River and recognized through the DRBC's Special Protection Waters designation is maintained or improved with no measurable changes." Boyar asked, if fracking isn't allowed in the basin, why would we want the water from it? Henry said he's not aware of any urgency on this issue. Let's do this right and thoroughly by bringing in someone from PA who can give us the latest scientific research and an independent evaluation, then we can write a letter. While the WU/RM Committee can be the one to vet this, the presentation should be made before the full Council so everyone can hear it. Boyar said he doesn't think we need to hold off on a letter for that to occur if we emphasize the point that Ramie read. A Motion by Boyar seconded by Padua for Ramie to draft a letter to the DRBC with UDC comments on regulations for wastewater importation and exportation associated with natural gas drilling for introduction at the 12/1 UDC meeting to provide a preliminary basis for discussion carried. Ramie will contact a former speaker that we had back in 2017 from Penn State University to request an objective presentation on the status of hydraulic fracturing practices, technology, and experience in PA for the 1/5/23 UDC meeting if possible.

Approval of NYS Clean Water, Clean Air, and Green Jobs Environmental Bond Act: Ramie reviewed that we had a relatively short presentation at our September full council meeting from the Coalition for the Delaware River

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Watershed (CDRW) and Friends of the Upper Delaware River (FUDR) on this subject. They were particularly concerned about the New York State ballot because it appeared on the flip side and people might not know to turn it over when they were voting. Obviously, they did though because it turned out to pass pretty overwhelmingly. After the \$4.2 billion proposition was approved, Jeff Skelding of FUDR reached out to Ramie to see if she wanted to contribute a quote on behalf of the UDC for a press release that the coalition would issue. She said she always feels that is a little dicey because the UDC is not a CDRW member due to our governmental composition. We don't qualify as a true nonprofit by their standards. Instead, she was asked by Derek Kirk at the *Sullivan County Democrat* for a quote about the bond act's passage. That was in today's issue as a front-page article.

Delaware River Flow & Storage Report: The 11/14 DRBC Hydrological Conditions Report noted combined storage is at 62.0%.

Other: None.

Old Business

NPS Response to River Litter Bag Stations Proposal: Englehardt reported that NPS Upper Delaware Chief Ranger Keith Winslow had responded on 11/10 to the UDC's outreach. He asked us to explore alternatives to the onion bags to reduce plastic pollution. She will pursue burlap material. Winslow also asked for exact locations of the stations. Don Hamilton had followed up as well, asking how they will be installed; can they be co-located to minimize ground disturbance; and how will they be resupplied and maintained. Engelhardt will provide NPS with a River Litter Bag Stations full proposal that responds to the various questions raised by Chief Ranger Keith Winslow and Chief of Natural and Cultural Resources Don Hamilton.

Ten Mile River Access Ramp 11/4 Call Outcome: Henry reported on a 11/4 conference call that he had with Tom Duffus from The Conservation Fund and Jeff Rider from NYS DEC. Duffus said they are not opposed to the idea of a boat ramp but can't do anything until the property is transferred to DEC. Henry said our interest is in a low profile, concrete, segmented ramp to facilitate boat launching. Rider told him that DEC will need to develop a management plan that will be open to public comment. They anticipate that the transfer will probably take two years in order to acquire the funding. Henry asked Rider to give the UDC a presentation when that management plan is ready. Hamilton said that the NPS will need to review any ramp for its compliance with the Wild and Scenic Rivers Act as a proposed addition to the river.

Boyar commented that we should ask NPS if they can help us and get engaged with this TMR ramp process. They should be a cooperating force. We don't want to get stopped at the 11th hour. He said perhaps we should send a letter to the acting superintendent about it. Hamilton said the Park Service is not trying to be an obstructionist on this but the Wild and Scenic Rivers Act does have some limitations to consider. The PA Fish and Boat Commission had sent him their plans for low-profile concrete ramps. The problem is that this site is a depositional area with soft sediments that isn't real conducive to establishing a boat launch. Boyar replied, and yet boats launch from it successfully all year. Hamilton said he's aware of that but it's still not an ideal spot. Quite a lot of vegetation has grown up there due to low water which has solidified it further. Padua confirmed that it was dry and firm without leaving too many ruts this season. It's situational. He said he was perturbed when the NPS announced that they were prohibiting trailered access at TMR but they rescinded that. He hopes it stays as is under the DEC's ownership or gets better. Henry said he brought that up during his call. NPS is very hesitant to do maintenance there and he doesn't blame them. There's so much silt that builds up. He has recommended hiring a contractor with a loader that NPS could pay for. He said the stumbling block for this was when this Wild and Scenic Rivers Council came along to offer their opinions. We don't know their expertise; this group is not mentioned in the River Management Plan at all. He reiterated that it will be important for the UDC to chime in on the DEC's management plan for this access. Dudko said that these accesses are an important asset for the public in this river corridor.

10/19 Informal Trails Webinar Report: Engelhardt attended this webinar presented by the Catskill Mountainkeeper. It turned out not to really have anything to do with the Upper Delaware River corridor, so she didn't charge work time to it. However, she did find it extremely interesting. There are 16 trail-less peaks in upstate New York in the Catskill Region. When they were established, the idea was that they would remain in a very natural state because in order to get to the peak someone had to be pretty knowledgeable about navigating with a map and

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compass. However, these days one does not have to have anything except a smartphone and an app, and because of that, and certainly in the past two years since the pandemic and even before then, a lot of the data they were looking at was from 2019. There has also been an increase in summit challenges on the Internet. So, there are now trails up to these peaks but because they weren't designed, they aren't the best way that trails should be made and there's a lot of erosion and destruction of natural habitat. They talked about the kinds of habitat that you find on these mountains. The ones that are a little more valuable, and are home to some more specific and unique species, happen to be near the summit and are being damaged at a higher rate than the rest of the forests. They also used the data from a few of these apps to see where all the traffic is because every time someone hikes and is using one of these apps that records their trail, that data is publicly available. They also discussed solutions which is really to establish real trails. Engelhardt said the trail-less idea was nice at first, but it's not working. They need to put in some well-designed trails and close off the existing ones. The presentation was an hour and available online.

Regarding trails, Peckham said there continue to be issues with the NYS Bouchouxville Trail. The signage is inadequate. Some have been stolen but it hadn't been easy for people to navigate by regardless. By the spring, he'd like to get that straightened out. Ramie said she will send another letter to the NYS DEC to provide them with Peckham's contact information so he can advise them of the specific locations of missing directional signs and inaccurate placement of others for their Bouchouxville Trail in the Town of Hancock.

10/20 USGS Listening Session Report: Engelhardt shared that this was a series of monthly listening sessions organized by the USGS about drought prediction and water availability. She attended the first session in the spring and found them to be geared towards scientists and very technical, but she had decided to attend the final session which was a summary of everything discussed. That meeting was geared towards people studying floods and making drought determinations. They went over responses to a series of surveys they conducted among the participants of the previous listening sessions. There is a lot of interest in better water availability information which they expected. They didn't anticipate that people expect not just predictions but also observations and monitoring.

10/21 Highland Access On-site Meeting Update: Engelhardt said there was a meeting with stakeholders on 10/21 hosted by Sullivan County Planner Heather Jacksy. She attended along with Cody Hendrix, Hamilton, Ryan Coulter (NYSDEC) and others. Initial site prep has revealed an existing stone wall that extends much further along the roadway than originally thought. They are carefully uncovering the wall but don't have any need to disturb it. B. Dudko said that wall was part of the D&H Canal. That following Monday morning everyone that was invited to that meeting received an email from Norm Sutherland, chairman of the Town of Highland Planning Board. Sutherland was unhappy after visiting the site; citing many safety violations as well as soil erosion measures that weren't in place or weren't being maintained. The Sullivan County Division of Public Works did shut the project down due to public safety to give the contractor an opportunity to clean up the site. Sullivan County Legislature Chairperson Rob Doherty had contacted Ramie to notify the UDC of the stop-work order on 10/25. Engelhardt said she will check on the construction status and schedule for the grant-funded work at the Highland River Access. Henry said that Sullivan County officials need to keep in mind that any equipment there will be lost if the ice goes out. B. Dudko said that the machinery is all at the Rt. 97 road level rather than down by the river.

10/24 Upper Delaware Scenic Byway Minutes: Ramie provided a copy of the 10/24 meeting minutes which included a preliminary discussion with Deerpark Police Chief Richard Szyndor re: Hawk's Nest cameras. Szyndor said he has been reviewing a couple different systems to help deter crime at the Hawk's Nest area of Rt. 97 as the technology has been evolving. One option of interest is a license plate reader. Some committee members questioned how that would be a deterrent to vandalism or crime. Chief Szyndor said it would help more with investigations of any incidents that happened. It's still unknown what the support is for this or what permitting it would require. The cost is about \$5,000. The committee asked Szyndor to come back with more specifics and to see if there are any partnership opportunities. The next UDSB meeting will be Monday, 11/28.

10/26 Delaware & Hudson Transportation Heritage Council Meeting Minutes: Ramie attended the 10/26 business meeting held at the Mamakating Environmental Education Center (MEEC) followed by an optional morning "TravelStories" hike originating at MEEC and a lunch gathering at Danny's Restaurant in Wurtsboro, NY. A draft of the new 4th chapter of the Council's historic DVD series created by Bill Bollinger was shown. The next meeting will be the 4th Wednesday, 1/25, at the Town of Deerpark's 1863 Schoolhouse Museum in Huguenot, NY.

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10/27 NY Regulations Changes to Water Allocations: Engelhardt attended this meeting which only announced what parts of the regulations were going to be changed. She will notify the committee when the NYS regulatory changes for water allocations are detailed and released for public comment.

10/27 NPS Water Safety Meeting Report: Hall-Bagdonas had trouble giving her report due to Zoom telephone connectivity issues. She attended the Water Safety Meeting held via Microsoft Teams on 10/27. Ron Babus reported on the NPS Water Safety video which has been filmed and is to be completed early next year. River Safety signs have been printed in multiple languages for the 2023 season. Upper Delaware Challenge Coins have been completed. They are working on loaner PFD accountability and workshopping return boxes to be built for 2023. The next meeting will be held sometime in mid-November.

10/27 Orange County Climate Resilience Plan Update: Engelhardt said this was another webinar she found interesting. It was a team looking at the effects that climate change would have on various areas in the county. They looked at flooding, heavy precipitation and extreme heat. They chose five pilot projects in five different areas of the county and modeled if there was a certain amount of flooding in each area and its effects and how those issues could possibly be addressed ahead of time.

11/8 Delaware River Sojourn Report: Engelhardt met with the Upper Delaware team on 10/19. They decided they did not want to do four days in the Upper Delaware like they did two years ago. They discussed cutting off the last day and moving the cleanup to between Damascus and Skinners Falls. Engelhardt was unable to attend the steering committee meeting on 11/8 but forwarded the Upper Delaware's 10/19 meeting minutes to the steering committee and middle Delaware will be picking up a day. The theme is going to be "Running Free", emphasizing the fact that it's an undammed river. They will focus on wild and scenic river, fish migration, dam removal and connectivity. The event will run from 6/16-23/2023.

11/9 Outdoor Regional Economy Webinar: Engelhardt said they released numbers about recreation. 2021 was still great and it does not seem like we are going to drop down to pre-pandemic levels. More people are enjoying the outdoors and recreating. Fishing and boating are the largest economic contributors in this sector. There are lots of new boat owners, renters, and club members. It was also a great year for the RV industry. The median age for buyers of RV's is in their 30's, which is a good thing. The Campgrounds of America CEO was there and said \$44 billion was spent in local communities by campers outside of the campground in 2021.

Other: Engelhardt said she will do further research on the pros and cons of Seabin River Trash-Capture Devices that are being used in the Delaware Estuary to collect microplastics based on an offer by the DRBC to partner with the UDC on a potential grant application.

Adjournment: A Motion by Padua seconded by Henry to adjourn the meeting at 7:40 p.m. was carried.