

**WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES**  
**February 19, 2019**

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

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, February 19, 2019 at the Council office in Narrowsburg, NY. Chairperson Boyar called the meeting to order at 7:01 p.m. A motion by Dudko, seconded by Case, to approve the Jan. 15<sup>th</sup> meeting minutes was carried. There was no public comment on the agenda.

**Old Business**

**1/28 Upper Delaware Scenic Byway Meeting Report:** Ramie reported the Upper Delaware Delaware Scenic Byway last met January 28<sup>th</sup>. This was the first meeting for the new representative from the City of Port Jervis, whose name is Teresa Spradling, she works as the city assessor, and lives in Pond Eddy. It was also the first meeting for a new representative from Sullivan Renaissance, Carmela Hugel, who is replacing Helen Budrock in that role. There were two applications by non-voting members from the Greater Barryville Chamber of Commerce and the Narrowsburg Chamber of Commerce. Those were both approved. The representative for Barryville will be John Pizzolato with AnnaMae Rechterovic as alternate and for Narrowsburg it will be Joan Santo with Jane Luchsinger as alternate.

One application was made to the Promoting Butterflies on the Byway Grant program from the Small Town Country 4-H group. Though the group is based in Hortonville, which is in the participating Town of Delaware, the pollinator garden project that they wanted to do is in the Town of Fremont, which is the only non-participating member of the scenic byway. So they were automatically disqualified because the byway feels there's no incentive to be a member if they're handing out money in non-participating towns. However, the Sullivan Renaissance Representative said that they could offer a mini-grant for that same project. Another grant program that the Scenic Byway sponsors is for signage for non-profits or businesses along Route 97. The Town of Tusten and the Narrowsburg Chamber of Commerce, had requested \$500 for a new "Welcome to Narrowsburg" sign that will be installed on Route 97 slightly north of Cackletown Road. It's replacing an existing vinyl sign that's worn and torn. The signage grant was approved. Those three grant programs were funded again for 2019. The Butterfly Habitat has \$5,000 earmarked. The signage program has \$5,000 and there's also a Vista Enhancement Grant that's available with \$11,000 earmarked since that can be a pricey proposition to do selective clear cutting to open up the views to the river.

This meeting included reviewing a draft budget that the Treasurer had prepared for 2019. The only change made was a decision to increase the advertising line to \$8,500. The DOT has been researching what the highest elevation point is along Route 97 for the designated part of the Byway and they have confirmed through topographic maps and other sources that the elevation is 1,836 feet in the Town of Hancock between the intersections with Dirig and Klondike Roads. The resident engineer looked up the right-of-way information for that area to see if there are any possibilities to develop a pull off area to complement what will be at least a sign there marking that as the highest elevation on Route 97. If that does come to pass, then the Byway would like to partner with maybe the Basket Historical Society or the Town of Hancock to put up some informational signage.

For website updates there were some programming repairs that needed to be done such as the map wasn't populating locations properly, so the Byway agreed to hire a programmer at \$80 an hour for up to two hours. A marketing committee was established to make proposals for advertising, marketing and promotions with Nancy Furdock, Rosie DeCristofaro, Teresa Spradling, and John Pizzolato participating. The Callicoon Depot Visitor Center project update

was that the Dormitory Authority of the State of New York has transferred the grant for the Visitor Center renovations from the Byway to the Callicoon Business Association. It will now be the responsibility of the Callicoon Business Association to complete the paperwork for that quarter million-dollar grant and oversee the project to turn the central portion of that building into the Upper Delaware Visitor Center at the Callicoon Train Depot. A Memorandum of Understanding has been drafted between CBA and UDSB to oversee that project. The CBA, however, was undergoing an election of officers for 2019 so they wanted to be sure that they knew who was seated on that committee before they proceed with the MOU finalization.

DOT Region 9 extended the contract for the installation of the new attraction and directional signage along Route 97 through the end of June because the subcontractor got busy with another project. All that remains to be done is signage within the hamlet of Callicoon. DOT Region 8 which covers Orange County anticipates installing a similar sign package in 2019.

There were concerns raised by a resident who lives in the Hawks Nest area about law enforcement, signage and vandalism, which are legitimate issues. Virginia Dudko, as the Town of Deerpark representative to the Byway, had gone to the Deerpark Police Department to check on the law enforcement end of it. Dudko found out from the police chief that they handed out 250 tickets from the Port Jervis line to the Sullivan County Line during calendar year 2018 which Dudko said means "They're on it". Somebody inquired if about whether it's possible to break down what those offenses were among the 250 tickets? The Byway will look into that further. The next meeting date will Monday, February 25<sup>th</sup>.

**2/6 D&H Transportation Heritage Council Meeting Report:** Ramie reported that these meetings are quarterly and the February 6<sup>th</sup> meeting was held at the UDC office. The Hemlock Farms Welton Heritage Center in Lords Valley, PA has requested a program on the history of the D&H Canal and Gravity Railroad system. They're meeting on the same day as our awards banquet.

This meeting included the election of a secretary and treasurer. These are two-year terms. Ramie is the secretary and Jane Varcoe from Waymart is the treasurer, and both got handily reelected.

There was discussion about incorporating the council as a New York State not for profit organization, which is different than seeking 501 (c)(3) status under the IRS. It's a lesser obligation essentially in terms of reporting. Currently the council is a membership group of the historical societies, museums and individuals that are interested in the D&H and its mission. The thought was that if it got this legal status then it would have more standing and also the ability as a not for profit to apply for grants that doesn't necessarily exist now. This would be a registration through the New York Department of State to provide some further identity for the group. Ultimately after some discussion, particularly about whether this new group might take any sort of authority away from its member components and making sure that it wouldn't, they decided to go ahead and file an application which only costs a \$75 filing fee. If for some reason it proves not to be useful, that incorporation can be dissolved at any time. All they need to do is have an address in New York. That's another benefit of filing as this group will actually have an address.

It was predicted that there needed to be one more day of filming for Chapter Three of the DVD series that the D&H has been doing. This one covers the Roebling Bridge to Port Jervis section of the 108-mile canal route. It should be done by the end of February and they'll show it at the next meeting in April. Pennsylvania station, Blue Ridge Cable, Channel 13 has a show called "Wallenpaupack Life" and they're always looking for promotional segments about what is going on in the area. A member of the group had put together a five-minute promotional video based on the previous DVDs and has been airing every day during February at various times on channel 13. They reported one million views as a result of that. After February it'll be posted online on wallylife.com and social media pages like Facebook, Vimeo and Youtube. Any of these groups can post it on their own website and have some additional publicity.

The D&H group is going to have a Spring bus tour. They tried this for the first time this past spring. This time they're going to be following the segment of this DVD, chapter three, Lakawaxen to Port Jervis. They agreed to schedule that on Saturday, May 4th. They discussed an itinerary starting at the Roebling Bridge, walking the

Towpath Trail, and having the bus meet them at the first access on Route 97 in Highland. Then they'll visit the Corwin Farm Ranger Station. They'll go to the north side of the bank, and see canal features there, including a dry dock. They'll continue on to Port Jervis, have lunch at the Foundry, go to the West Side beach area, then travel back through the Hawk's Nest and visit the features on the south side of the Mongaup, which has Lock 58 and a waste weir foundation. They're just nailing down all the logistics, hiring the bus company, and deciding how much to charge. Last time it was so popular they sold out and they had to add a second day to it.

The Delaware Company, a non-profit that Debra Conway is the president of, sought a support letter for its D&H canal sculpture project. The council agreed to sign a letter for general grant applications.

The William G. Pomeroy Foundation has a new grant program that is specifically for historic transportation canal markers, which is perfect for this particular group. The grants are available to 501 (c)(3) organizations, non-profit academic institutions and municipalities anywhere in the country. The most interesting part is that the Delaware Company has the very first of these markers that got approved. Ramie provided a photo of the marker pending its installment in the Town of Highland. The Pomeroy Foundation pays for the marker, the pole and the shipping for it. The recipient of the grant just needs to agree to install it. Because this is the very first of its kind, the Pomeroy Foundation representatives want to come and do a big unveiling and encourage others to apply for these grants. The sign reads "D&H Canal, Delaware and Hudson Canal carried coal from PA 108 miles to Kingston from 1828 to 1898. This section of Route 97 was built over canal bed." In the very corner of the sign it says number one because that is the very first marker. Since the foundation had expressed interest in coming to the Upper Delaware to witness the installation of this the council agreed to build their meeting around that ceremony. This will be somewhere in the Barryville area, Conway is still negotiating with the town highway department where that will be the best location so that people can see it and stop to look at it.

Ingrid Peterec from the National Park Service reported that NPS has contracted with a consulting firm to write a national register nomination for a D&H Canal district within the Upper Delaware corridor. They haven't determined what the boundaries will be for that as of yet, but they will need to be contacting landowners that have portions of the canal on their property so that they can verify the GPS coordinates that they have and they'll be reaching out to the council membership too to help with their research. They need to prove everything before they submit this nomination. They're expecting that onsite research will occur here in March or April and that the nomination will be completed in 2020. That caused someone to say "What does that designation do?" and Peterec didn't know because Lauren Hauptman, their Cultural Resources person, is coordinating this. They've asked Hauptman to come to the next meeting. The next council meeting will be on the fourth Wednesday, April 24th, somewhere in the Town of Highland.

**Other:** None

### New Business

**2/19 Subcommittee on Ecological Flows Meeting:** Golod reported that the fourth DRBC Subcommittee on Ecological Flows (SEF) took place today, at the DRBC in West Trenton. Some of the highlights of this meeting were discussion of six thermal stress releases. The first was June 12<sup>th</sup> and July 13<sup>th</sup>, 2008, a ramping of 400 cfs from base of 260 cfs. The second was July 8<sup>th</sup> and July 9<sup>th</sup>, 2010, a ramping of 150 cfs to 350 cfs. The third is July 24<sup>th</sup> to July 26<sup>th</sup>, 2011, a ramping of 400 cfs, to a base of 600 cfs. The fourth was on June 22<sup>nd</sup> to June 24<sup>th</sup>, 2012, a ramping of 220 cfs from a base of 500 cfs. The fifth was July 19<sup>th</sup> through July 21<sup>st</sup> of 2013 a ramping of 300 cfs from a base of 500 cfs. The sixth was July 26<sup>th</sup> and 27<sup>th</sup>, of 2016, a ramping of 250 cfs from a base of 500 cfs. Five of these six thermal releases were of similar scale. Release number two in 2010 which was 150 to 350 was substantially lower. Boyar said it was 350 cfs in the river and they added 150 cfs. The reason they are all so varied, the river could be higher, but it could be hotter. Henry asked where were those thermal events. Golod said they were at Lordville. Henry's follow-up question was "Were the releases were coming from Cannonsville?" Golod replied he believed they were coming from Cannonsville. Boyar said what this is though is it's a work in progress. They are trying to figure out if you have a base flow of 350 cfs and added 150 cfs, what did it do? And what were the cons. They're

trying to map that and figure it out and then they'll know what works the best. There are so many factors involved, including the depth of the water at the time and the durations. Golod said essentially in summary form, Dr. Kolesar was presenting these six thermal stress releases from 2008 to 2016. Those six that Golod just covered, five of the six releases were of similar scale. Release number two, which is the one that Golod mentioned that went from a ramping of 150 with an additional from the base of 350 was lower in scale and still fell to avoid exceeding the stress limit. Seven thermal stresses were avoided by these five releases. So essentially, the information does provide justification that by allowing extra releases they are avoiding thermal stress days. Bill Dudko asked if the releases are done from the bottom of the reservoir. Boyar answered yes, bottom release, cold water.

Another part of the conversation at SEF was about goals, objectives, benchmarks and metrics for the thermal protocol. There were two key components of thermal protocol. One was a principal components analysis, which is able to recognize patterns. What constitutes thermal stress? Lower water temperature and air temperature are the best variables for identifying those occurrences. Principal component analysis is difficult to interpret. The other is linear discriminate function analysis. It's based on separation of thermal events based on temperature centigrade and the inability to accurately classify test forecast. There was a lot of discussion on what the Pennsylvania Fish & Boat Commission had done regarding their data analysis on thermal stress mitigation, which was determined to be scrapped and useless, so that there's no update on that. SEF has not determined their next meeting. However, their review and recommendations to the guidelines for the thermal mitigation bank in relation to the flexible flow management plan is still due by May 20<sup>th</sup>, 2019. They were working on forming subcommittees and delineating more responsibilities and tasks. They'll move this forward because many of the items on the agenda were not addressed such as the USGS heat flux model update. The update on the Academy of Natural Sciences Review did not occur because a lot of this is still getting muddled in the waters of how to move forward said Golod. Jessica Newbern and Andrew Weber of NPS attended this meeting in-person and relayed they could provide notes hopefully before the next committee meeting which may provide more insight for all. Golod said there's this bank of water that the city is allowing for thermal stress mitigation which is a certain amount and it doesn't seem that they're very flexible to allow more. What the SEF members are trying to do is decide how best to allocate that water that is in the bank. They have a huge task and not a lot of time to do it. Boyar said they're going to come up with a formula to try implement it for a trial period. This is going to develop over a number of years. The decider for when the water is supposed to be released is the NYDEC. They've to come up with the formula and the guidelines for what to release.

**Mongaup Hydroelectric Projects FERC license renewal:** Per the handout in the packet Boyar explained the reservoirs Swinging Bridge, Mongaup Falls and Rio are in the process of relicensing. We are interested in that because those are the waters that flow into the Delaware at the Orange County/Sullivan County border at the Mongaup River. They have initial public hearings back in 2017 and they've come up with an initial study report, around 3,000 pages. They started to review that on a two-day session on February 13<sup>th</sup> and 14<sup>th</sup>. Boyar was invited and Hamilton also attended. Hamilton said they discussed all the different studies that they completed or had in process. Boyar said he was interested in one very small subject and that was a certain brook trout fishery on a small two-mile section of the Mongaup. It's the Black Lake Brook or Black Lake Creek. Boyar had testified in 2017 that as part of the licensing the first time around they were supposed to have a valve that released a minimum flow into it and Boyar had gotten reports in his other hat with Trout Unlimited that they were not doing it. So, DEC was called and a ranger would come down and look at it and say "How do you tell?" other than it's really de-watered. There's actually no water in the creek at certain times. Boyar pointed out that there were gaps in mid flow that wasn't being maintained and if they were being maintained, they were insufficient because of dewatering. Brook trout has been the official state fish since 1975. This is quite a gem. Boyar found out the fifth most prevalent fish in that whole section was the Brook trout and 97% of them were found in the two miles that Boyar had identified. They permitted Boyar to submit a written testimony of those findings. In regarding to the dewatering they also did admit that the valve was broken. I don't think that was part of the record though. As part of the final determination, Boyar recommends there should be a hotline number. So whenever someone fishing or someone else sees that the valve is not working, they can call that number to try to get a resolution. Boyar said the fish were all young of the year, so they had 90% of what was in there. They were reproducing, which is great. There was a fish kill back in 2016. Boyar said that's going to be pretty hard to prove.

**Delaware River Flow and Storage Report:** A copy of February 15<sup>th</sup> NYC Current Reservoir Levels was provided in members' packets. Total combined storage was at 97.3%. Normal storage for the same date is 88.2%.

**Other:** Golod received an email regarding the Delaware River Basin Restoration Program (DRBRP). He presented on this to the Committee approximately two years ago. The program is non-regulatory and intended to implement coordinating conservation and restoration activities among the partners. On February 15<sup>th</sup> the DRBRP received \$6 million in funding as part of the Fiscal Year 2019 Interior appropriations bill. The DRBRP provides grants throughout the Delaware River Basin, including the Upper Delaware, where work is ongoing towards flood prevention, aquatic habitat protection and building river based recreational economies. The funding has increased. \$1 million from last year's \$5 million. Ramie said it's a competitive grant process and she understands that the Friends of the Upper Delaware River (FUDR) applied; she's not sure if they were successful. Golod said this River Restoration Program has been talked about at many of the conferences and meetings that he attends. There is light being shed on the Upper Delaware region. Golod said we're getting exposure. Now that there's another pool of money for 2019, that only furthers the chances of projects that can be completed in this area. We will see how it goes with the first round of grants that were applied for last year.

Greier recommends that the reports at the UDC meetings be read as summaries, to save time and try to keep it to two minutes. As everyone has read and already reviewed the minutes, provide a summary of items as a good refresher for the Council.

Greier said he reviewed the letter from the February UDC meeting packet from the New Jersey Governor, Philip D. Murphy. He said it disturbed him. Greier quoted Governor Murphy's letter saying "I write to you to express New Jersey's position on the Delaware River Basin Commission's (DRBC) proposed rules on high volume hydraulic 'fracking', then he goes on to say "This includes a ban on the import, treatment and discharge of fracking wastewater in the Basin..." Greier asked, "What does the River Basin Commission consider 'the Basin?'" Greier said he understands conserving drinking water but at the same time someone needs to pay the landowner for the taking of his mineral rights. Is the Basin Commission prepared to do this? Boyar said he thought the letter was a brilliant synopsis of the situation and he forwarded it to his Congressman saying, "This is a point-of-view you may want to consider".

Henry said when Dr. Kolesar and James Serio were here, he didn't get a chance to ask them but he knows that NPS was concerned about releases from Mongaup. All the releases south of Narrowsburg on any body of water, are concerning, because if that release is going on, it meets the 1750 and the cold water releases over the reservoirs as we all know, the river master might not call for water from up there. The biggest concern Henry has always had was he would like to find out when and who approved them counting the release from Lake Wallenpuapack. Hamilton said the River Master doesn't call for the releases. The Utilities let the River Master know what they plan to release according to their generation schedule, but the River Master then has to make directed compensating releases from New York City reservoirs, mainly Cannonsville. Hamilton said this is a point we made in some of those meetings last week. That water that comes out of the Mongaup or the Lackawaxen counts toward the Montague gage, which influences what the River Master calls for in compensating releases from Cannonsville which influences our system 15 miles down the West Branch and 69 miles of the Main Stem of Mongaup. So we can end up with less water. Hamilton said they've been attending these meetings for two years now. NPS will evaluate this project under Section 7 of the Wild and Scenic Rivers Act. Mongaup is up for relicensing and we have an opportunity to have an influence over the conditions of their new license and how they operate. Henry said "I think we also need to delve a bit more into what, why, when and the historical perspective of who authorized the River Master to start counting the cfs coming down the Lackawaxen." Boyar asked Ramie if we ever communicated directly with the River Master. Ramie said letters have certainly been written and there was a visit to the Milford office. Boyar proposed crafting a letter asking what goes into the decision making, do they take into the consideration the up-river consequences? Peckham said we should also ask how and when they release from Wallenpuapack. Hamilton said the answer you will probably get is a dual mission, to meet the Montague flow target and also conserve water in the Basin. If they've got water coming out of the Mongaup or the Lackawaxen it's going to help meet that target. That's their primary target, conserve water in the Basin. Discussion ensued. Boyar said when you have a multimillion dollar recreational industry and people are walking on rocks, that's not good. This is a water issue. Ramie suggested

also requesting a presentation from the River Master. Boyar asked Ramie to draft a letter and get it back to the Committee for feedback. A motion by Henry to send a letter to the River Master seconded by Peckham, carried.

Boyar shared when he was out in Montana, Trout Unlimited (TU) has a program where they put orange bags on a rack by the porta john and they ask the river users to take a bag and bring out more garbage than they bring in. Boyar was on the Missouri River, Blackfoot River, Clark Fork River and others, and every one of them was a lot cleaner than anything you've ever seen. A lot of these items are plastics and they're getting into the water system right at the outset. Not only do the sea creatures in the middle of the Pacific Ocean have micro plastics, but this is something that we all have in us. This will be revealed as one of the biggest health hazards to all creatures. One simple way to help is, bag it and take it out. It's something Boyar wanted to introduce to the Committee to see if we can do a project. Most of these times when you try to collect litter people dump household garbage. It's not easy to figure out what the best solution is. Ramie asked Hamilton when the microplastic study in the Delaware River is due to be finalized? Hamilton said late spring, early summer.

**Public Comment:** None

**Adjournment:** A motion by Greier, seconded by Case, to adjourn the meeting at 8:09 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas, 3/6/19*