

**WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES**  
**May 21, 2019**

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

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, May 21, 2019 at the Council office in Narrowsburg, NY. Chairperson Boyar called the meeting to order at 7:02 p.m.

Hamilton introduced NPS Acting Superintendent, Marilou Ehrler, a historic architect at Sandy Hook and Gateway National Parks.

A motion by Dudko, seconded by Greier, to approve the amended April 16<sup>th</sup> meeting minutes was carried. There was no public comment on the agenda.

**Old Business**

**4/22 Upper Delaware Scenic Byway Meeting Report:** A copy of the 4/22 meeting minutes was provided in members' packets. Ramie shared one item of UDSB business was a Promoting Butterflies on the Byway Grant application from the Greater Barryville Chamber of Commerce that was approved in the amount of \$1,286 related to their sponsorship of a Butterfly Ball and a bike ride coming up in the fall. There was discussion about a motion to cap these grants at \$1,000 per request and ultimately that motion failed in deference to just taking it at a case by case basis. Generally, the guidelines state that \$500 is about the acceptable limit, but exceptions can be made for a particularly productive project. It was mentioned that the funding for 2019 has not yet been tapped out, therefore, there was no need to place a cap at this time.

The Sullivan Catskills Visitors Association held its annual literature exchange on 5/8 in the parking lot of the new Kartrite Resort and Indoor Waterpark in Monticello. Ramie attended and brought UDSB brochures, and UDC Visitor Map and Guides as well.

It was announced that the New York/Pennsylvania Joint Interstate Bridge Commission will hold its annual meeting on 5/29. NYS DOT will be hosting it at the State Office building in Binghamton. UDC will be attending and Ramie will be issuing a news release about what was learned for the capital projects coming up on our 10 Upper Delaware crossings.

A representative from NYS DEC Region 4, which covers Delaware County, was invited to make a presentation to the Hancock Town Board in early May concerning the impacts of a State Scenic Byway Designation. Ramie said the Town of Hancock seems to be wavering quite strongly on continuing their participation in the Scenic Byway. It was stated in a recent article that a vote would take place at their next meeting to determine whether they will pull out of UDSB.

Sullivan County has a grant application pending to the Northern Borders Regional Commission for Highland access improvements. They've been trying various sources to get funding to implement the plan that has already been engineered through design work. The second part of that grant would cover the acquisition of the old Upper Delaware Campgrounds in the Town of Delaware. That's being developed into a multipurpose recreational park and wastewater treatment plant. The grant deadline is 5/10.

UDSB had the Election of Officers since the annual meeting takes place in April and decided to continue with the three current officers: Chairperson Glenn Pontier from Town of Highland, Vice-chair Nancy Furdock from the

Village of Hancock and Larry Richardson from the Town of Cochecton as Secretary-Treasurer for the April 2019 through 2020 term.

Soon there will be a campaign on 1010 WINS radio in the metropolitan area. 12 business sponsors were sought to help subsidize that campaign which will run from 5/20 to 7/15. There will be 14 commercials per week that air on specific weekend times Fridays, Saturdays and Sundays. Each of those sponsors agreed to pay \$250 to offset the marketing expense by the UDSB organization.

Due to the Memorial Day conflict on the typical fourth Monday when UDSB meets, they've rescheduled the next meeting from 5/27 to 6/3 at 7 p.m.

Henry said whatever project they end up doing at Upper Delaware Campgrounds he hopes Sullivan County is aware that it is a flood prone area. Someone needs to investigate elevation as Henry believes it's in the floodway. Boyar suggests expressing UDC's knowledge and awareness of the problem to Sullivan County so they are informed. Ramie said that the DEC is also involved in the project but have not yet acquired the property. Ramie said this would be a good time to convey that information as the project hasn't gone that far.

**4/24 D&H Transportation Heritage Council Report:** This meeting was held at the New Inn at Lackawaxen. Before the meeting there was a dedication of a new D&H Historic Canal Marker at the Highland Access. As previously mentioned, it's the first Canal Transportation Marker throughout the entire nation to be produced from The William G. Pomeroy Foundation, which provided the markers at no cost to local communities. A few newspapers have written about that event and UDC assisted with the press release on that subject.

The consulting firm AECOM is engaged by NPS to write a nomination for a portion of the D&H Canal within the Upper Delaware Scenic and Recreational River area including the Roebling Bridge and the Lackawaxen abutment and extending slightly beyond to Port Jervis. The district boundary is still under investigation. This would be an application to the National Historic Register. Ramie said the idea is to identify what remnants of the Canal are still out there and to tie them together in this district. AECOM's Architectural Historian, Matt Hamel, has been reaching out to private property owners for a few months who have any portion of the canal going through their land. Hamel has been compiling photos by parcel. He said it's been a difficult task to map in any north-south direction because much of NYS Route 97 has been built on top of the canal. Also, the lock numbering system is inconsistent. Hamel also intends to take a kayak down the river to see what he can find from that perspective. It was stressed by becoming part of the district property owners don't give up any ownership rights and could benefit for qualifying in incentives. In the meeting packet two Fact Sheets were provided; from NYS State Historic Preservation Office and the Pennsylvania Historical & Museum Commission. They stressed what the National Register does not do. Ramie went on to relay those points: it does not provide a marker or plaque; although property owners can obtain those at their own expense. It does not restrict the rights of property owners. It does not require that properties be maintained, repaired, or restored. It does not prevent a resource's destruction. It does not guarantee that grant funds will be available for projects. It does not require property owners to follow preservation standards on their properties unless they wish to qualify for tax benefits. It does not require property owners to allow public access to their property. It does not automatically invoke local historic district zoning or landmark designation. It does not list individual properties if the owner objects, or list a historic district if the majority of property owners object. The benefit to having the historic district is what you want to make of it; mostly a prestige designation. Also, it elevates it for preservation purposes and shows the importance and significance of those properties. Hamel will report back to D&HHTC.

Ramie said they viewed Chapter 3 of the DVD series: Roebling Bridge to Port Jervis on 4/29 to go over the raw footage. Final editing is now being done.

Mike Harellick who had been maintaining D&HHTC's website [www.dhthc.org](http://www.dhthc.org) is moving and has asked the group to find another webmaster. Ramie reached out to Dorene Warner at W Design in Barryville. A Website Maintenance Agreement was approved. Warner recommends redesigning the website to be mobile device friendly and ADA compliant, and to use the Wordpress Content Management System. A subcommittee was established to arrange a meeting with Warner before the next meeting on 7/24 to discuss a cost proposal.

The D&HHC Spring Bus Tour Lackawaxen to Port Jervis has been postponed due to the original date not working out with the bus company and caterer. They will be checking with Avery Bus Co. to see if a September date will work.

In addition to coordinating the Historic Marker that is now at Highland Access on Route 97, Debra Conway announced a site plan to extend NPS's Towpath Trail a half mile to the Eagle Observation Blind in the Town of Highland. Conway hopes to receive funding to have bluestone benches, interpretive signing, and a snubbing post. The second phase of development would be commissioning and installing a bronze sculpture of the hogue and mule that has been dubbed "The Kate Project".

The next DHTHC meeting will be 7/24 at the Rowland Café.

**4/26 NPS Annual Water Safety Partners Meeting:** NPS has an annual meeting to gear up with the liveries, campgrounds and anyone that provides services through the CUA program in the Upper Delaware. Water Safety Coordinator Kevin Reish gave a brief review of 2018 operations. Reish mentioned that they have a small staff of law enforcement officers so they rely on the community's assistance. Reish said Summer of 2018 was basically two months of rain, so he found that the rescues that they had to do were more technical. It was also mentioned there is a budget shortfall including for water safety. Reish said "We will be bare bones this year, but we will do the best we can." Reish mentioned there are two major positions vacant in the park unit currently. The Superintendent is out until mid-August and they are without a Chief Ranger. Sean McNeil is Acting Chief Ranger until June. Reish went over the lifesaving incident that happened for which UDC honored DEC Forest Ranger Rick Franke, Jr. citing the high water situation and the peril faced by 11 people. In terms of the Water Safety Program, for last year and this year, a question was raised by some of the liveries about whether NPS ever closes the river because of dangerous conditions. Reish said no, they do not. He doesn't anticipate that would happen. There are various rules that take effect at certain levels: at six feet they recommend rafts and mandatory life-jackets, at 12 feet the liveries police it and generally cut-off boating at that time. Reish pointed out conditions can change depending where you are in the 73 miles. It's based on the temperature, current, and experience level as a boater. Pete Lovelace said as climate change has gone on, the river has become more extreme. Reish presented a brief Power Point where he reiterated the Upper Delaware has had 69 drownings since 1980. The Upper Delaware is considered to be a model for other NPS areas. Drowning is the leading cause of death in the NPS. Here they have exceeded greatly with the lifejacket wear rate. The National average is 11.2%; last year when Upper Delaware NPS did their study it was 65.5%. They also get asked to give presentations to other NPS areas because they have done so well in water safety. Reish reported that they have three Rangers on the Law Enforcement staff: Reish, Vince Pareago, who will be retiring soon, and Sean McNeil. They will be hiring two more fulltime staff subject to furlough. Kris Heister previously told UDC about Ron Babus returning to NPS as well as one seasonal staff member. That will put them up to five Rangers, without a Chief for this summer. Reish mentioned the staffing of interpretation as they are critical for river safety education. They have five seasonal employees; two of whom are brand new and eight new interns. They would be assisting the law enforcement staff particularly on weekends by being posted on major trouble spots. He reminded all they are dispatched out of the Delaware Water Gap and not to call the local offices here. They are often out patrolling when they are on duty. Ramie mentioned at the Full Council meeting some statistics from the National Canoe Safety Patrol. They are celebrating their 40<sup>th</sup> Anniversary. They made over 6,000 contacts on the river in 2018. Ingrid Peterec reported about the lifejacket loner stations. There are three at Luke's Landing, Riverside Campground and the Minisink Campground. Two more are being brought on-line at Skinner's Falls, both at the Lander's site and the DEC access this year. There are all sizes of lifejackets. These are mainly intended for people who are swimming. They are blue and are labeled "Property of NPS". They have two water safety interns that will be checking on the stocking this summer. They asked the Liveries to call them if they noticed a station low on the lifejackets. 5/17 was #WearYourLifeJacketToWorkDay. Susie Kaspar was successful in getting a grant through the Sea Tow Program to purchase more lifejackets which they will put at the Mongaup access. Regarding their Social Media report they are on Facebook and Instagram with messages about water safety. On Instagram they have 6,500 followers. They introduced Buddy the Bison. Buddy visits National Parks and they have outfitted him with a lifejacket and safety whistle. They photograph him at various places at the Upper Delaware. Some questions posed from the liveries were: Can these businesses fit into the CPR classes that NPS offers. NPS said they would get back to them on that to see if they are full or not. It was also asked what is the best website to go to for prediction of river

releases. They said there is a river hotline and they also post any high-water events online and radio stations. Carla Hauser-Hahn talked about the high quality boating experience. Don Hamilton put out a memo saying “ The Upper Delaware River is known for its outstanding recreational activities, including canoeing, rafting, kayaking, and tubing. High quality boating experiences on the river help to highlight Recreation as one of the Outstandingly Remarkable Values that make the Upper Delaware Scenic and Recreational River (UPDR) worthy of protection under the Wild and Scenic Rivers Act. But on a river with no minimum flow requirement above the United States Geological Survey (USGS) Montague Gage at River Mile 246.3, that sometimes leave the Upper Delaware River with less than adequate flows. We’re seeking your input on what makes for a high quality boating experience on the river.” They ask the liveries (or whomever is filling it out) to say what flow at the particular gages (Barryville/Callicoon/Lordville) make for a high quality boating experience. The second question is at what flows do boaters have to drag their vessels over rocks on this sections of the river. An open question is: Please describe what makes for a high quality boating experience for your clients on the river. Hauser-Hahn explained this is all part of evaluating the Flexible Flow Management Plan and if the flows do seem adequate for the recreational needs here. Hamilton said he needs to follow-up with some of the livery owners because the response rate hasn’t been that great. Henry mentioned the ‘68 or ‘69 Bureau of Outdoor Recreation (BOR) Study that referenced for adequate boating and recreational pleasure 1,000 cfs at Hancock.

Boyar noted a year ago there were “Lifejackets save lives” lawn signs being everywhere. In the publicity it said there was no record of a drowning while wearing a properly fitted, fastened lifejacket. That was such a powerful and effective statement. He asked whose initiative was that? Ramie said unfortunately that appears to be a victim of the budget cuts. The River Reporter had co-sponsored that campaign. Ramie didn’t see any of those signs being distributed at the meeting this year.

**5/10 Mongaup Hydroelectric Projects FERC license renewal:** Ramie provided the latest letter on the Mongaup Hydroelectric Projects. It is their response to requests for new or amended studies and comments on the initial Study Report. Hamilton has been attending the relicensing meetings on the Mongaup Hydroelectric Project and submitting comments on the conditions for relicensing and have been attending those meeting for a few years now.

**Basket Creek River Access Improvements Update:** Boyar asked Greier if the access was ever in any better shape than it is now or was it always a challenge? Boyar said you have to be really physically fit to get a boat through there. Greier said he’s heard you can drive down on Rock Valley Road and get down to an access there. Greier’s never put a boat in there himself. Henry said when it first became a DEC access, he’s also fairly certain that NPS has a co-management agreement. Henry remembers driving down there. At the time, the access was rugged, you still had to go through Basket Creek to get to the river. Subsequent high water is the issue. It’s blowing that corridor right out into that river. Boyar would like to remind the committee that there is a property owner who is willing to write a check for all or a portion of its restoration. Boyar said UDC needs to find if there’s anything on the books that DEC and DOT have planned.

**NYS DEC Fact Sheet on Wurtsboro Lead Mine:** Bill Dudko found a book Ginny Dudko had given her father called “The Winding Delaware” by Pierre DeNio. Regarding the old mine road Dudko read, “In times past, if the Indians kept their secret the white men were unable to get to the mine.” Around 1817 is when the Indians finally lost their secret. Dudko happened to pick it up to read after the WU/RM discussion.

Golod said after last month’s meeting he contacted DEC Representative, Bill Rudge. Rudge said: We are indeed working with the U.S. Environmental Protection Agency to address the lead contamination at the Wurtsboro State Forest. Attached is a Fact Sheet (provided in meeting packet) that should answer your questions. Rudge also cc’d Regional Forester Jeffrey Wiegert who manages Wurtsboro State Forest as well as others in the region. Rudge said if the committee has any additional questions we may reach out to Wiegert. Ramie said it was Damascus Township in particular who brought this concern up and proposed forwarding the Fact Sheet to the Township Supervisors. Henry said there is still some discrepancy because that Associated Press article that lists the Wurtsboro Lead Mine in the top ten worst polluting sites in the United States even though they are doing remediation. Boyar said the question is whether it is having an impact in the water in the closest Hamlet in Wurtsboro? If so, does it migrate further through the Upper Delaware or the Delaware River Watershed? Golod said he would follow up with Jeffrey Wiegert.

**PA Fish & Boat Commission Fees Update:** Golod provided an article in the meeting packets from the Pennsylvania Fish & Boat Commission regarding increasing their fees. Last year Golod brought to the committee's attention that PA Fish & Boat Commission was thinking about increasing their licensing fees. Specifically, there would be a \$2 charge on Annual Rules and Regulation booklets for anglers which they used to get for free, a charge on people that use PA Fish & Boat Commission property, and increased permits for scientific collectors permits and permit fees for triploid grass carp, snapping turtles, venomous snakes and organized reptile and amphibian hunts. A definitive charge was the volunteer charge for habitat conservation improvement, wild trout, musky and bass. Officials were looking to raise the increases of licenses by \$6 with a 3% increase each year after that.

**Other:** Ehrler wanted to address the staffing at NPS. Seasonal staff has been brought on. A new Acting-Chief Ranger, Keith Winslow, will be coming on right after Sean McNeil finishes. Ehrler said he is familiar with the river and the park as he's done a detail here previously. NPS will be hiring in the near future a permanent Chief Ranger. Kris Heister will be back in mid-August and Ehrler will return to her current position. Henry said there has been some controversy and concern on getting UDC's funding and asked if she has a moment after the meeting to talk with Executive Director Ramie before she leaves for the evening.

### New Business

**Proposed Clean-up of NYS Route 97:** Boyar provided a handout in the meeting packet of a proposed outline for a River clean-up. At the 5/2 UDC meeting Boyar mentioned reading an article about a river wide cleanup on the Hudson. The Times Herald-Record talked about getting scouting, canoe safety and fishing groups coordinated for a coordinated day cleanup. Boyar asked can UDC do something like this? What organizations might coordinate it? This year around Earth Day the Upper Delaware Chapter of Trout Unlimited did river access cleanups at Tower Road, Callicoon and the NY DEC accesses at Callicoon, Narrowsburg and Barryville. Boyar passed around a photo of some of what was collected: Litter, debris, picnic tables, garden hoses, beer cans even an American Flag table that was thrown over the edge of the road towards the river. Boyar dubbed that person "the Great American Slob". He said we have a Scenic Byway and a well-organized plan of attack could help eliminate the problem throughout the river corridor in a single morning. Boyar asked if the committee could come up with a list of clubs and organizations that could be invited to participate. Boyar listed groups like NPS, UDSB, NYS Department of Transportation, Regions 8 and 9, Sullivan Renaissance, Delaware River Master and river conservation groups, Friends of the Upper Delaware (FUDR), NACL Theater, liveries, Northeast Pennsylvania Audubon Society, TU, etc. Peckham said groups that have done it this year are Ned Lang and Upper Delaware River Basin Citizens, FUDR and Jeff Dexter was involved with a 4-H cleanup. Greier suggests getting the counties involved to help with the trash pick-up. Henry mentioned Pennsylvania Environmental Council (PEC) being a good source as they provide bags and dumpsters. Ramie said activities PEC have done have been because they have been illegal dump sites and may not pertain to this event. Henry's motion for UDC to pursue the proposed cleanup of NYS Route 97 in 2020 was seconded by Greier and carried.

**5/21 Subcommittee on Ecological Flows Meeting:** Golod attended the Subcommittee on Ecological Flows (SEF) meeting today at the Lake Wallenpaupack Environmental Learning Center. The DRBC's Regulated Flows Advisory Committee (RFAC) identified the need to evaluate the approved 2017 10-year Flexible Flow Management Plan (FFMP). They tasked SEF with evaluating two policies that were established from the FFMP. The first is a thermal mitigation bank of 2,500 cfs days of water to be released as needed to protect the cold water fishery below the NYC reservoirs. The second task is for the FFMP to establish a rapid flow mitigation bank of 1,000 cfs days of water to be released as needed to reduce the ecological damage from rapid flow reduction in the directed releases. The goals for today's meeting were to determine what recommendation to deliver to RFAC being that the new water year or bank of 2,500 cfs begins on 6/1. At the 4/23 meeting several thermal mitigation protocols had been considered however; it was agreed to focus primarily on the following two: The Interim Policy and the Simple 75° Fahrenheit Policy. The Interim Policy is the Thermal Mitigation Policy proposed for SEF's examination by RFAC. This policy includes a phase one period during which a single day at 75° triggers a release of water from the thermal bank. A second, phase two period during which two consecutive days at 75° or single day at 77° triggers a thermal release. The second policy that has been investigated, the Simple 75° Fahrenheit Policy, is a single stress trigger of 75° that applies throughout the summer season starting 5/1 to 9/30 which eliminates phase one, phase two separation

observed in the Interim Policy. Also, the amount of water in the thermal bank is set at 2,500 cfs days beginning 6/1 which is consistent with Interim Policy. If it's not exhausted the bank amount carries over to May of the following year, which the Interim Policy does not allow. After several hours of discussion and presentations the general consensus among active SEF members was to move forward recommending the Simple 75° Policy. The thought process is use the water as needed, if the bank runs out more water can be requested by RFAC. One of the delegates that sits on RFAC agreed that would be a potential avenue to pursue. A draft Thermal Mitigation document is being compiled by a subcommittee comprised of three SEF members. Once it is reviewed by all SEF members it will be turned over to RFAC no later than 6/7. Work was then focused on Rapid Flow Change Mitigation Bank Analysis. Due to the mitigation charge taking up most of the day the last hour was reserved for the second charge. The initial review of the Rapid Flow Change events identified 58 events and resulted in flow reduction at Cannonsville with releases of less than 500 cfs and greater than 250 cfs in an eight-hour period. The committee spent some time discussing one of the examples proposed: Minimal Protection Example with some of the following examples: a drop at Stilesville results in a drop at Lordville and Callicoon. Stilesville flows remain low for five+ days. The downstream flows remain high. Mitigation has minimal protection for Stilesville or downstream. The committee went on to discuss an evaluation of a target cfs of 560 vs 930 cfs for Callicoon which would also assist the Lordville gage. This was in relation to keeping the Endangered Dwarf Wedgemussel wetted as well as the macro and micro invertebrates essential to the river ecology. Additionally, a gradient was proposed between the two values of species which do not thrive in an entirely wetted ecology 365 days of the year. Being that Rapid Flow would not be an issue until late summer or early fall the committee will seek an extension from RFAC for the end of July to complete work on their second charge. Another meeting for SEF was planned but no date was set. The core members of SEF went into an executive session and the rest were dismissed for the afternoon. Boyar said he spoke with Dr. Kolesar today and he explained it as a straight 75° and if that triggers the NYC DEC will have the ability to make the command decision. Now to get a thermal release you won't have to call all decree parties. Golod said please remember this plan is just for this season. The long term plan is for 2020 and beyond. Henry asked if it was Region 3 or Region 4 DEC that will have that responsibility? Hamilton said Brennan Tarrier for NYS DEC in Albany would be the one who makes the decisions. Hamilton believes this is a good interim solution. They've done modeling and looked at the use of water and it hasn't depleted the banks often in the modeling.

**6/11 Stakeholder Meeting Delaware Watershed-wide Signage:** Ramie reminded the committee about the Stakeholder meeting that is happening at UDC on 6/11 at 6:00. They are requesting reservations by 6/3 as they are providing sandwiches from The Tusten Cup. Henry had asked where the signs are proposed to be and Ramie referenced the handout provided in the meeting packet, saying it represents the larger boundary of the watershed, but only in NYS. The rules for these signs are they had to be locations that were bisected by a state highway and the request for this has to come from an organization with primary oversight of the watershed. Ramie said some groups that could include are: NPS, UDC, FUDR. Ramie said she thinks we would make this request jointly to the DOT. She also said no location can be at a public drinking water supply.

**Registration Open for Delaware River Sojourn 6/15-6/22:** Ramie provided a news release for the Delaware River Sojourn issued by the DRBC. It identifies what sections are in our area. On 6/15, 6/16 and 6/17 they will be camping for those nights at the Zane Grey Museum grounds. On day zero of the Sojourn, 6/14, they are partnering with NPS to do a 6-mile river cleanup from Skinner's Falls to Narrowsburg.

**NPS Upper Delaware S&RR Seeks Volunteers to be Watershed Stewards:** Ramie provided the Upper Delaware S&RR News Release in meeting packets. It's also published on the UDC website. NPS has this event annually. NPS Biologist Jessica Newbern is coordinating it this year. If you know of anyone who has time to volunteer and would like to interview people at the river shore, please let them know about this information.

**Delaware River Flow and Storage Report:** A copy of May 20<sup>th</sup> NYC Current Reservoir Levels was provided in members' packets. Total combined storage was at 100.5%. Normal storage for the same date is 98.3%. April's precipitation was 6.20 and historical was 3.61.

**Other:** Henry said his brother was a reporter for the Wayne Independent in the 1970's and he came across a file with a lot of things Tom Shepstone mentioned. There's also mentions of many of the drownings and with Ramie's permission he will make photocopies of those who are interested.

**Public Comment:** None

**Adjournment:** A motion by Peckham, seconded by Greier, to adjourn the meeting at 8:29 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas, 5/31/19*