

## **UPPER DELAWARE COUNCIL MEETING MINUTES**

### **June 7, 2012**

The Upper Delaware Council held its monthly meeting on Thursday, June 7, 2012 at the Council office in Narrowsburg, NY. Chairperson Nadia Rajszyk called the meeting to order at 7:04 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Town of Delaware-Harold Roeder, Jr., Town of Cohecton-Larry Richardson, Town of Tusten-Tony Ritter, Town of Highland-Debra Conway, Town of Lumberland-Nadia Rajszyk, Town of Deepark-Ginny Dudko, Damascus Township-Joseph Canfield, Berlin Township-Alan Henry, Shohola Township-Patricia Jeffer, Westfall Township-Alex Cena, Delaware River Basin Commission-Clarke Rupert, National Park Service-Sean McGuinness. Also in attendance: Jim Rodgers-Town of Fremont alternate. Staff in attendance: Acting Executive Director-Laurie Ramie, Senior Resource Specialist-David B. Soete, Secretary-Cindy Odell. Absent: Lackawaxen Township, State of New York, Commonwealth of Pennsylvania.

**Approval of May 3 Meeting Minutes:** A motion by Richardson seconded by Conway to approve the May 3 meeting minutes was carried unanimously.

**Public Comment on the Agenda:** None

A motion to go into Executive Session for personnel at 7:06 p.m. was made by Richardson, seconded by Niflot and carried.

A motion to come out of Executive Session at 7:22 p.m. was made by Richardson, seconded by Niflot and carried with no action taken.

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were May 15 Water Use/Resource Management by Ritter, May 22 Operations by Rajszyk, and May 22 Project Review by Richardson.

Ritter reported that the reservoirs were currently at 98 – 99% capacity. There was a lot of rain in May which boosted capacity from around 90%, he added.

Ramie noted that the schedule for the TAG applications was incorrect and stated the correct dates are that applications are due by August 31<sup>st</sup> and the special Project Review Committee meeting will be held on September 11<sup>th</sup> to make their recommendations. The vote to award the grants will be held on October 4<sup>th</sup> at the full Council meeting.

A brief discussion took place about the river corridor boundary after Richardson's report.

### **Status Reports**

**Delaware River Basin Commission:** Rupert referenced the hydrologic report in members' packets. He reported precipitation for the month of April was 1.06 inches below normal. This was the third month in a row that every one of the 38 reporting counties in the Delaware River Basin had recorded below normal precipitation. The Trenton gage on the river has been monitoring for 98 years and the Montague gage for 71 years. In April those gages recorded the lowest daily flows for a period of about two weeks, April 7<sup>th</sup>

through the 22<sup>nd</sup>, that have ever been recorded on those particular days in April. Rupert said as often is the case, Mother Nature changed course and in May the precipitation averaged 0.87 inches above normal for all the reported counties. He continued that over the past 30 days, the basin above Trenton has received an average of 6.6 inches of precipitation which is 2.7 inches above normal. He pointed out that we are still below normal if you look at the year to date figures and there is quite a bit of variation between the upper basin and the lower basin. Sullivan County, New York is 1.3 inches below normal and Sussex County, Delaware, the lowest county in the Delaware River Basin, for example, is 7 inches below normal for the year. He noted there is quite a variation in terms of hydrology between where we are here and lower portions of the basin. Rupert said that June 1<sup>st</sup> is the beginning of hurricane season. Reservoir levels as of June 7<sup>th</sup> were as follows: Cannonsville was at 97.6%, Pepacton was at 99.5%, and Neversink was at 99.5%. Total capacity for the three reservoirs was at 98.8%. During the month of April it was necessary for the Office of the Delaware Rivermaster to direct releases out of the NYC reservoirs to meet the Montague target. There has not been any need since then for the Rivermaster to direct releases. Rupert reported that he had checked the USGS website and Montague was at 4,270 cfs as of noon June 7<sup>th</sup>, which is about 1,000 cfs below the average for the date. It was discussed that no snow pack affected the all-time low flows in April. Peckham reported that it is not all that dry where he lives. Rupert agreed that ground water is in pretty good shape. He added that it does however have a lag time in terms of response.

Rupert reported that the DRBC assisted the Office of the Delaware River Master in distributing the joint press release that the decree parties issued on May 31<sup>st</sup> announcing the one-year renewal of the current water-management agreement for the Delaware River reservoirs. He had copies of the joint decree party press release available. He noted the renewal will be in effect through the 31<sup>st</sup> of May, 2013. The actual agreement and the press release can be found on the Office of the Delaware River Master's website.

Rupert noted that the Sojourn is scheduled for Sunday, June 24<sup>th</sup> through Saturday, June 30<sup>th</sup>. It will start at the Callicoon, PA access and will finish up at Palmyra Cove Nature Park in New Jersey. The website has information and registration is being accepted. There is a \$10 daily price break if you register before June 15<sup>th</sup>. Richard Egan of Damascus, PA is the Chair of the Steering Committee for the 2012 Sojourn.

The last DRBC meeting was held on May 10<sup>th</sup>. Resolutions recognizing the contributions of Bill Douglass, retired UDC Executive Director, and Gary N. Paulachok, retired USGS Deputy Delaware River Master, were approved by the Commission. The FY 2013 budget was also adopted at the meeting. Rupert noted it is going to be a challenging budget because the contributions are significantly less. The Commission is hopeful that New Jersey and Delaware will provide their full fair shares of funding as New York, Pennsylvania, and the federal government are not. The next DRBC meeting is scheduled for July 11<sup>th</sup>. The agenda will be available on the DRBC website approximately 10 working days prior to the meeting.

Rupert provided members with a copy of a fact sheet about didymo that is available on the DRBC website. It was posted to try and help the public understand what didymo is and to help prevent the spread of it. Rupert said that didymo has now been identified all the way down to Trenton so it is in the entire non-tidal stretch of the Delaware. Rajsz questioned if didymo is indigenous to the river. Rupert said it is considered invasive, but in terms of it being indigenous, the verdict is still out on that. He added that it thrives in low-nutrient, cold water, but their scientists are perplexed because didymo has been found in stretches where there is higher-nutrient. Discussion of how didymo is spread and how to prevent the spread took place. Peckham noted there has not been any research done to see if there is any correlation between the lack of anchor ice due to increased winter releases from the reservoirs and didymo, which is a theory of his. Ritter noted that in the last four weeks he has not seen didymo in the river like he had seen six weeks ago. Rupert said that follow-up surveys to monitor the bloom's locations and densities are being planned for the late spring and summer. He added that the DRBC participated in an event the Park Service took the lead on organizing at the Delaware Water Gap to get the word out about didymo. Discussion of the atypical winter weather and the fact that spring arrived four to six weeks early took place.

Henry asked Rupert if he had an update on natural gas regulations. Rupert said that DRBC staff is waiting for direction from the five members, which includes the four states and the federal government. He added that as soon as there is something to report, it will be on the DRBC website. The DRBC's new website offers a list-serv that people can sign up for to receive updates.

**NYS Dept. of Environmental Conservation:** No report in the absence of Representative Bill Rudge. A handout, "DEC Announces Proposed Changes to New York State River Herring Regulations" was provided in members' packets at Rudge's request. Ramie noted that the Delaware River is on the list of waters where the harvest of river herring will be prohibited. It was decided to refer this to the WU/RM Committee for further discussion. The public comment period on the proposed rules runs through July 16<sup>th</sup>.

**PA Dept. of Conservation & Natural Resources:** No report in the absence of Representative Dennis DeMara. Ramie reported that DeMara is actively working to try and find an alternate. He would like to reach out to the Pennsylvania Department of Environmental Protection. Ramie noted there has been a vacancy in the Pennsylvania alternate position since 2005. Ramie said DeMara suggested that the UDC could write a letter to the Pennsylvania Northeast Regional Office of the DEP and request that they consider appointing someone to be able to fill in for DeMara when he is not available.

**National Park Service-Upper Delaware:** McGuinness said that Friday, June 8<sup>th</sup> will be the celebration of life service for Dick Rhodes, a long-time member of the National Canoe Safety Patrol.

McGuinness reported that at member's request, he followed up on participation by the Eldred Central School District in different National Park Service programs. He was told that the district was offered D & H Canal Days but because of school district budget cuts, they did not have travel money so were unable to attend. The Park Service did present a water safety program to 52 5<sup>th</sup> grade students in May. The district was also offered Park Service traveling trunks that the teachers can use themselves. Eldred Central School high school students have been offered the opportunity to earn community service hours through the river clean-up program to be held on June 9<sup>th</sup>. He noted the Park Service will continue to work with the Eldred Central School whenever possible.

The Park Service is aggressively trying to get the word out to people to wear their life jackets to prevent drownings through their water safety program. A funding request to their regional office was approved. There is now \$29,000 available to be put towards media, signs, campaigns, and rangers since the Upper Delaware had already allocated \$10,000 of its budget. Some NPS staff went to the National Training Center down near Harpers Ferry to work with the Park Service's Health Program to talk about the water safety program being initiated here. The program is being recognized nationally.

McGuinness said Don Hamilton has been working with USGS on installations for two continuous water quality datasondes. One will be attached on the Rowland Bridge on the Lackawaxen River. They are in the process of installing the ground to the riverbed, and then they will get it up and running. The USGS Callicoon gage now has specific conductance values displayed along with their other readings. These readings can be accessed on the website [http://waterdata.usgs.gov/pa/nwis/uv?site\\_no=01427510](http://waterdata.usgs.gov/pa/nwis/uv?site_no=01427510).

The Park Service has reviewed a draft report from the Outstandingly Remarkable Values workshop. After some changes are made to the report, it will eventually be available to the Upper Delaware Council for review.

A meeting has been set up on June 18<sup>th</sup> with the Town of Delaware officials to go over zoning issues, McGuinness said.

McGuinness said the Park Service has been working with Sullivan County on the Local Waterfront Revitalization Plan. They have moved into phase two of the plan. They did receive some funding to look at providing access on the river. They are working on an access at the Pond Eddy Bridge. The county owns a small strip of land there. The Park Service will enter into an agreement with Sullivan County to manage the site like they do for others. He has a meeting scheduled on-site with Heather Jacksy from Sullivan County Planning on June 8<sup>th</sup>.

McGuinness reported that the expansion joint of the Roebling Bridge expanded far more than it has ever before this past winter. Some land settling on the New York side of the bridge has also been observed. They are continuing to monitor the area and are trying to determine the causes. New York State DOT, engineers from the National Park Service and the Federal Highway Administration are involved. McGuinness said he will keep Council members updated and he hopes that it is nothing serious.

Park Service met with Delaware River fishing guides on May 30<sup>th</sup> in Hancock for the 2<sup>nd</sup> annual meeting. He said guides are pleased with how the Park Service is managing commercial use licenses and with law enforcement patrols to try and cut down on some of the illegal guiding that is going on in the

river. Many issues such as water safety and life jackets were discussed, but much focus was placed on the illegal guiding.

McGuinness attended the June 7<sup>th</sup> Upper Delaware River Roundtable meeting. One of the focuses of the meeting was the economy of the river and the valley, and the relationship with the Park Service. Discussion of how everyone can work together to improve the economy and the communities took place.

McGuinness reported that the total number of visits for the month of May was 27,605. Last year at this time, the total was 27,234. That is a 1.3% increase over last year.

**UDC Acting Executive Director's Report:** Ramie reported that on June 4<sup>th</sup> staff received notification from Norcross Wildlife Foundation that we were awarded a grant of \$2,500 to help with our purchase of four desktop computers and software. Ramie said a check was with the letter. We were obliged to return a receipt form and they ask for an informal report within one year stating how the money was used. She asked members for permission to contact our computer consultant who had provided the quote and ask him to prepare an updated bid for the June 26 Operations Committee's review. Richardson recommended getting more than one quote. Ramie said if any members have suggestions for who performs this type of work to purchase and set up the computers, she would welcome that information. A motion for staff to solicit bids for new computers and installation was made by Roeder, seconded by Dudko and carried. Ramie said any members who are computer savvy and would like to work with us on this project, we would welcome their insight and advice. Ramie said a news release announcing that we were awarded this grant will be issued once the computers are in place. A thank you to Norcross has already been sent, Ramie added.

Ramie noted that she had received word from Karen Henry, who is Chief of Administration for the Upper Delaware Park Service, that as a result of the Park Service completely changing their accounting system, organizations like the Upper Delaware Council who have Cooperative Agreements with the Park Service will be given letters of intent but no payments will be made until at least December. Ramie said there may be a 4-month period once the new fiscal year starts in which the Upper Delaware Council will have to live off our savings. McGuinness said a retroactive payment will be made in December or January and that it is only happening this way because of the system change over. Discussion about whether or not the monthly funding request procedure will need to be changed took place.

Ramie said that June 23<sup>rd</sup> is the date that has been confirmed for the UDC's Strategic Planning Workshop to develop the next Five-Year Operating Program. We will be following approximately the same format as when the workshop was last held back in 2007. Alan Sorensen of Planit Main Street has agreed to serve as the facilitator for the half-day program to guide our discussion. Discussion of this organization's vision for the priority issues it should be pursuing over the next five years will take place. As much input as possible is desired from all UDC members. Members are asked to let Odell know by June 11<sup>th</sup> if they will be able to attend for planning purposes. A continental breakfast will be offered at 8:30 a.m. with the work session starting at 9 a.m. until approximately 12:30 p.m. A new draft of the Five-Year plan will be produced in time for action at the August UDC meeting. Ramie said she was asked at the Upper Delaware River Roundtable meeting today if it would be possible for the public to have input on the UDC's Five Year Plan. Ramie said she replied, not at the Strategic Planning Workshop as that is designed as a retreat for the board. She asked members if they would like to entertain the idea of seeking public involvement at another time. Rajsza asked if the same people attended the Roundtable meetings each month. Ramie said there is a core group of the same individuals, but then attendance varies depending on what the subject matter is. Rajsza feels it would be beneficial to have public input. McGuinness said the conversation that had taken place during the Roundtable meeting had some merit to it. Richardson commented that if a draft will be done by July, perhaps it could be made available to the public. Ramie noted that the Five-Year Operating Program is essentially an internal document that is prepared as a requirement of the Cooperative Agreement with the Park Service, but she understands that the Park Service is looking at it being more of a visionary type document to help us focus. She added that if it is about being visionary, perhaps it should be about more than just us in the room. After more discussion it was decided to keep attendance at the workshop to UDC members, but to share what comes out of it. Henry suggested sharing it with the leaders of the towns and townships. Rajsza said she, as her town's representative, shares things that come out of the UDC meetings with her town board. Henry again stated that the Upper Delaware Council should send the

plan out to the leaders of the towns and townships in addition to the people that represent the municipalities. Ramie noted that is why we are starting this process three months in advance so that there is time to circulate it or review it properly.

Ramie said that with Soete's help, she drafted a scope of services for the Resource Specialist position which she provided to the Personnel Subcommittee on May 29<sup>th</sup>. She said that after they are done reviewing and finalizing the document, staff can start advertising for the position. The scope of services will be posted on the UDC website and interested parties will be referred to it from the help wanted ad. After a very brief discussion, the Personnel Subcommittee approved of the scope of services.

Ramie reported that the Upper Delaware Council has been invited to join the Steering Committee of the Coalition for the Delaware River Watershed. She said Bill Douglass had been involved in the initial set-up of the Coalition, which is an umbrella group of non-governmental organizations only who are working throughout the entire river basin. Ramie had been contacted by Grant LaRouche of the National Wildlife Federation. Ramie said she had been invited to sit in on a May 30<sup>th</sup> teleconference to learn more. The Coalition's mission is "to unite organizations and enhance their capacity to effectively advocate for protecting and restoring the Delaware River Basin by coordinating communications, messages, and actions, and fostering accountability for success at the federal, state, and local levels." They want 16 on the Steering Committee and currently have 10 confirmed. The committee received grant funding through the William Penn Foundation and the National Fish & Wildlife Foundation to hire a coordinator. They are also reviewing a draft Governance document and are working for passage of the Delaware River Basin Conservation Act which has been discussed before at Common Waters meetings. That legislation is making its way through Congress and would provide \$5 million to administer restoration projects in the Delaware basin. Peckham asked for a list of other organizations involved with the Steering Committee. Ramie said members include American Rivers, Delaware Riverkeeper Network, Delaware Highlands Conservancy, Friends of the Upper Delaware River, and more. Ramie suggested bringing this matter up at this month's Operations Committee meeting where she will hand out the Governance document so members can see what it involves. Richardson agreed with bringing it back to committee.

Ramie said she attended the orientation for NPS summer staff on May 31<sup>st</sup> to introduce them to the Upper Delaware Council. She handed out our general fact sheet and most recent newsletter, and invited anyone interested to come to the office or meetings. She said there are 20 seasonal staff in total including 10 seasonal rangers, four interns, two full-time volunteers, two law enforcement trainees, one seasonal maintenance employee and one Natural Resources term employee.

Ramie referenced the updated calendar of June activities. She noted there are zoning hearings coming up in Lackawaxen on June 11<sup>th</sup> and Shohola on June 21<sup>st</sup>. June 12<sup>th</sup> is the deadline that has been set for candidates who are interested in being Advisory members for the WU/RM Committee. The next Local Waterfront Revitalization Plan meeting is coming up on June 20<sup>th</sup> and will be to work with the consultants that have been hired to do a regional charette which will be held in July. On June 21<sup>st</sup> staff is starting a program with the Park Service in which Carla Hahn and a volunteer she has working with her, are going to come to the UDC office and work on records management. Peckham noted there is a box here in the office full of information on Riparian Rights. If the UDC is looking to get rid of it, he would take it, he said. Ramie said we would look for it. The dates for the Upper Delaware portion of the Delaware River Sojourn are June 24<sup>th</sup> and 25<sup>th</sup>. The Scenic Byway will resume its monthly meeting on Monday, June 25<sup>th</sup> after having taken May off. There has been discussion of changing the Byway meetings to every other month. The calendar also included some July dates for members to note.

**Old Business:** None

**New Business:**

**Draft Resolution 2012-04: Adopting the FY 2013 Budget:** Ramie noted the budget and work plans were sent out in advance for review on May 29<sup>th</sup>. As of yesterday, June 6<sup>th</sup>, there were changes to the budget and two of the work plans due to a preliminary review by Karen Henry at Park Service. They were e-mailed to members for their review prior to the meeting. She noted the changes that were made do not affect the programs. The budget provided in members' packet is dated "2<sup>nd</sup> draft, June 7<sup>th</sup>" and that is the current version. A motion to adopt the FY 2013 budget was made by Richardson who thanked Ramie for the work she did on it, seconded by Dudko and carried.

**Draft Resolution 2012-05: Adopting the FY 2013 Work Plan for the Water Use/Resource**

**Management Committee:** A motion to approve the FY 2013 Water Use/Resource Management Work Plan was made by Roeder, seconded by Peckham and carried.

**Draft Resolution 2012-06: Adopting the FY 2013 Work Plan for the Operations Committee:** A motion to approve the FY 2013 Operations Work Plan was made by Richardson, seconded by Dudko and carried.

**Draft Resolution 2012-07: Adopting the FY 2013 Work Plan for the Project Review Committee:** A motion to approve the FY 2013 Project Review Work Plan was made by Roeder, seconded by Conway and carried.

Ramie noted the resolutions and the documents associated with them, all become part of the federal funding package which will be submitted on Monday, June 11<sup>th</sup>.

**Other:** Peckham noted that there was an article in the Hancock Herald about oil seepage in the Pepacton Reservoir. The oil was spotted from a helicopter. It was determined to be diesel from an old tank from when they buried everything, he said. Discussion about everything still being in place when they flooded the area took place. Peckham believes the leaks have been contained, but wonders how much more stuff is waiting to come up over time.

Sandy Long wanted to note that the first near drowning of the season was averted by a young woman volunteer of the National Canoe Safety Patrol (NCSP). She added that one gentleman has a lot to celebrate tomorrow on the day of the memorial service for Dick Rhodes, a long-time volunteer for the NCSP, and that Dick's legacy will live on.

Rajsz said she had one more resolution to present. It has to do with the UDC's Executive Director's position. She thanked Richardson for his work on this. Rajsz said it is Resolution 2012-08 and reads "A Resolution of the Upper Delaware Council, Inc. Hiring an Executive Director. Whereas, the Upper Delaware Council (UDC) is in need of a permanent Executive Director following the retirement of William E. Douglass; and Whereas, Acting Executive Director Laurie Ramie has expressed an interest in being considered for said position; and Whereas, Laurie Ramie does not have a Bachelor's degree in the preferred field of planning, nevertheless her possession of a degree in Psychology and English/Writing Concentration has shown to be very helpful; and Whereas, Laurie Ramie does have 15 years of experience working within the small office environment of the UDC along with the Executive Director on matters such as inter-governmental affairs and public outreach programs; and Whereas, Laurie Ramie has consistently demonstrated an ability to work under pressure and to meet assigned deadlines; and Whereas, Laurie Ramie has shown superb communication skills in an ongoing effort to present the policies and goals of the UDC; and Whereas, Laurie Ramie has demonstrated an ability to supervise staff members and coalesce their actions into a team effort; and Whereas, Laurie Ramie has acquired detailed knowledge of the Upper Delaware River Management Plan; and Whereas, it is the intent of the Upper Delaware Council to maintain a staff member other than the Executive Director who possesses a strong planning knowledge; Now, therefore, be it resolved that, 1) The Upper Delaware Council, after fully assessing Laurie Ramie's attributes and existing qualifications, does hereby propose to hire Ms. Ramie as a full time permanent Executive Director; and 2) Terms of the hiring agreement shall be by separate letter." Richardson noted the resolution should be moved pending legal advice. A motion to move Resolution 2012-08 pending legal advice was made by Roeder, seconded by Niflot and carried unanimously. Ramie told members she appreciates their vote of confidence and said that even though she's been doing the job for six months, it does feel different to be permanent. She thanked members and Rajsz thanked her for doing a fine job.

**Public Comment:** Shriley Masuo wondered if the UDC or the DRBC was aware that when New Jersey Governor Christie vetoed the ban on fracking and asked for a one-year moratorium, he also asked for an investigation into fracking's effect on drinking water in New Jersey. She is assuming that New Jersey is going to wait for the results of that investigation before they move forward with any issues on gas regulations. Rajsz questioned who is doing the investigation. Masuo told her the New Jersey Department of Environmental Protection. Rupert added that at this point the Commissioners are in conversation,

discussing various points of interest, and DRBC staff is waiting for their direction as to how they wish to proceed. There is on-going dialogue and discussion taking place between the five members, it just has not equated into for example, a date being set or a possible vote, Rupert added. He said that as soon as the DRBC has something to pass along from the Commissioners, they will get it on their website.

**Adjournment:** A motion by Roeder, seconded by Peckham, to adjourn the meeting at 9:07 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 6/15/12*