

## UPPER DELAWARE COUNCIL MEETING MINUTES April 2, 2009

The Upper Delaware Council held its monthly meeting on Thursday, April 2, 2009 at the Council office on Bridge Street in Narrowsburg, NY. Chairperson George J. Fluhr called the meeting to order at 7:35 p.m. A motion by Bowers seconded by Wieland to approve the March 5 meeting minutes was carried. There was no public comment on the agenda.

*In attendance:* Town of Hancock-Fred Peckham, Town of Fremont-Jack Niflot, Damascus Township-Dolores Keesler, Town of Tusten-Charles Wieland, Berlin Township-Andy Dean, Town of Highland-John C. Sundholm, Town of Lumberland-Jay Shafer, Town of Deepark-Mel Decker, Lackawaxen Township-John McKay, Shohola Township-George J. Fluhr, Westfall Township-Alan Bowers, Commonwealth of Pennsylvania-Dennis DeMara, and National Park Service-Vidal Martinez. Also in attendance: Town of Fremont Alternate-Jim Rodgers. Absent: Town of Delaware, Town of Cochection, State of New York, Delaware River Basin Commission.

**Committee Reports:** The committee reports were provided based on the meeting minutes. They included, Water Use/Resource Management March 17 by Wieland; Operations March 24 by Fluhr; and Project Review March 24 by Shafer.

### Status Reports

**Delaware River Basin Commission:** No one from DRBC was able to attend so informational material was handed out to the members. The handouts included the “Delaware River Flow and Storage Data” that indicated the combined NYC Delaware River Basin reservoir storage was at 97.1%. The precipitation was low in January, February and March but now the reservoirs are filling up. NYC DEP wants full reservoirs by June 1. Under the FFMP, a drawdown will take place if reservoirs are spilling.

The other handout was a news release by DRBC, “DRBC Announces Restoration of Federal Funding Support”. The U.S. Congress approved legislation providing \$715,000 to fulfill the federal obligation to support the DRBC’s current expense budget for the first time since 1996. The funding was contained in the fiscal year 2009 Omnibus Appropriations bill signed into law by President Obama on March 11. Funding was also restored to two other mid-Atlantic river basin commissions created by compact with federal membership—the Susquehanna River Basin Commission, and the Interstate Commission on the Potomac River Basin. The news release also indicated “The DRBC’s creation in 1961 marked the first time that the federal government and a group of states joined together as equal partners in river basin regulation, planning, development, and dispute resolution, changing the Delaware Valley from an area of conflict to a model of federal-state cooperation. Today, this contrasts sharply with cross-border water crises in other parts of the country that continue to cost the federal government millions of dollars, while tying up the federal courts in ongoing litigation and running up huge costs to the parties and states involved.”

**NYS Dept. of Environmental Conservation:** A news release was handed out to the members as no one from NYS DEC could attend the meeting due to NYS agencies’ travel restrictions as a result of the State budget deficit.

The news release was “DEC Issues Tips and Reminders for Opening Day of Trout and Salmon Seasons.” The traditional opening day of trout season in NYS is April 1. There are planned fish hatchery stockings during the spring and summer. Anglers should remember that the Delaware River and West Branch Delaware, where NYS and PA share a common boundary, has a delayed season that does not open

until April 18 this year. The delayed season also applies to all tributaries to the Delaware River located in Delaware County and to the East Branch tributaries between Hancock and the Hamlet of East Branch. With the recent discovery of the fish disease VHS in New York, and an invasive species of algae, didymo, in the Delaware River system and the Batten Kill, anglers are reminded of the important role they play in preventing the spread of these and other potentially damaging invasive species and fish diseases. Anglers are asked to thoroughly dry or disinfect equipment, particularly waders and wading shoes, for 48 hours before moving from water to water.

Anglers are reminded that a new "Green List" of baitfish species that can be commercially collected and/or sold for fishing in any water body in New York where it is legal to use fish as bait has now been established in regulation. Further information can be secured at the NYS DEC website [www.dec.ny.gov](http://www.dec.ny.gov).

**PA Dept. of Conservation and Natural Resources:** Dennis DeMara reported that since the federal appropriations bill was passed, fiscal year 2009 funds will be going to 12 state heritage areas, of those 5 are national heritage areas, in Pennsylvania. In Northeast PA, Lackawanna Heritage Valley Authority and Delaware & Lehigh Heritage Area received funding for 2009 based on what they received in 2008.

The Interior bill that was signed by President Obama this week extended the Delaware & Lehigh Heritage Corridor into 2012.

The conservation community is working on restoring federal land and water conservation funds. The LWCF has seen its funding pools drastically reduced since the 1970s.

The Community Conservation grant program's deadline is April 22 and CDs regarding the program were provided to the PA Township UDC members. There is an eGrant system for applications now. So far over 500 municipalities and organizations have logged on to the eGrant system. DCNR is expecting more applications than last year.

DCNR is working with PennDOT and its Smart Transportation program that was launched 6 to 8 months ago. The program has \$60 million in funding. DCNR is lining up some critical trail projects. DCNR is also working with the Metropolitan Planning Organizations (MPOs) on lining up projects that are ready to go in 120 days.

The purchase of the Santos farm property in Pike County is in progress. This will add 93 acres of property along the Delaware River to state holdings.

*PA Dept. of Environmental Protection* – Bill Manner referenced a DEP news release handed out announcing the signing by the DEP Commissioner of the new PA State Water Plan. The Plan represents years of exhaustive and difficult work, and provides Pennsylvania with a vision, goals and recommendations for meeting the challenges of sustainable water use over the next 15 years. Manner indicated he would get a copy of the document for the UDC. It can also be accessed online at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), then select "State Water Plan" under the Hot Topics heading. Manner noted there was a meeting tomorrow to start on the implementation part of the Plan. Manner also reported that Marcellus Shale gas issues are keeping PA DEP busy. There is no action by the Upper Delaware River as yet.

**National Park Service-Upper Delaware:** Vidal Martinez offered that NPS is gearing up for the season and seasonal workers are coming onboard. Last year there were three fatalities on the River. NPS is looking at ways to partner with Delaware Water Gap to have a unified water safety message for the Delaware River. In fact, all Northeast regions are also doing this in their respective areas. Visitors to the Upper Delaware don't realize that the River is different from a pool or beach area; there are river currents and other hazards to look out for. Visitors need to practice safety procedures including wearing life jackets. Martinez announced that the National Canoe Safety Patrol received a grant through the NPS Volunteer Program so their members can be certified through training as Instructors according to the National Canoe Association. NPS wants to be pro-active with water safety. They are meeting with the canoe liveries to streamline getting the message to their river users on wearing life jackets and what to do when in an emergency situation. Of the 56 fatalities over the years on the river, most victims were under 30 years of age and male, and reasons for problems were horseplay, swimming, jumping off a bridge, and not knowing the River. The message to the visitors will be "it's your life, take care of yourself" and "wearing life jackets saves lives."

Martinez said he went to a meeting in Scranton regarding the Park Service looking at ways to broker services as a result of the downsizing of personnel that can issue contracts.

NPS is looking at conducting River cleanups so that river users have a safe environment. The NPS is reviewing the work it does in relation to the enabling legislation. A Core Ops workshop was held April 1 with the UDC staff invited. This process is a tool to aid with strategic planning. NPS is continuing to work with the Town of Highland regarding the Barryville river access site. There is a farmers' market in there now and we don't want it to impede the ability to bring in emergency response vehicles and access to the River.

Wieland asked if the discussions with the Water Gap were for the safety issues only. Martinez said it was. Wieland said he asked because a number of years ago there was "talk" of combining the Upper and Middle Delaware under NPS auspices. The situation on the Middle Delaware is different. NPS owns that. The Upper Delaware is mostly private property. Martinez said the Upper and Middle has a commonality of issues, like water safety, not a combining.

Martinez updated the members on the Mongaup Visitors Center project. NPS is refining the appearance of the mobile units with the contractor. They did receive a resolution from the Town of Lumberland supporting NPS use of the Tri-State Diesel site through Alliance Energy. The NPS lands office is looking at the brownfield issues related to the Tri-State site. NPS here is working with the NYS DEC for temporary use of its access site for the mobile units.

Fluhr thanked Martinez for inviting the UDC to the Core Ops workshop. Fluhr, Douglass and Coney attended and had the opportunity to offer their input. The message that this is a cooperative venture along the Upper Delaware was upheld by NPS representatives. Fluhr thought it was a worthwhile day and it was nice to see the enthusiasm of the NPS staff in wanting to recognize their goals under the Public Law in partnership with the UDC.

**UDC Executive Director's Report:** Douglass referenced a handout "DEP 2009 Snow Survey #4" that offered a summary table of snowpack and relative total water generation in the Delaware Basin system. The surveys are produced by the NYC DEP Watershed Monitoring and Operations Support office in Grahamsville, NY. This most likely will be the last survey for this winter.

Douglass also thanked everyone for their cards and good wishes during his heart episode while he was out of the office for a week. He said he was feeling much better now.

**Old Business** None

### **New Business**

**UDC Comment Letter to USGS-removal of streamflow gauges in Upper Delaware River:** Soete explained that the letter from committee was originally to go to NYC DEP regarding the removal of funding for Delaware River stream gauges. However, the USGS (U.S. Geological Survey) owns the gauges and Congressman Hinchey's letter of support for the gauges went to the USGS so Soete felt the UDC letter should go to USGS as well. The USGS has a cooperative funding agreement with NYC DEP to keep the gauges operational. The letter stated, in part: "The Upper Delaware Council is concerned about the New York City Department of Environmental Protection's March 16, 2009 statement regarding their proposed reduction of funding for U.S. Geological Survey stream gauges in New York State, including some in the Delaware River watershed. The UDC supports the continued use of all existing stream gauges in the Delaware River watershed, as they provide critically invaluable information for flood protection, recreational use, and biological needs for aquatic habitat. We hope the USGS will pursue other sources of funding and keep all of the stream gauges operating. Should the USGS find it necessary to propose the removal of any stream gauges, we would appreciate notification and an opportunity to provide comments." A motion by Bowers seconded by Wieland to approve the letter was carried.

A motion by Bowers for UDC to issue a letter to NYC DEP to go on record against funding removal and to have the letter go from committee was seconded by Wieland. Fluhr added that he'd like the UDC to send thank you letters to Schumer and Hinchey for their strong statements against removing the gauges. Bowers and Wieland agreed to the addition. The motion carried.

**UDC 2<sup>nd</sup> Draft Letter to U.S. DOI Secretary of Interior-National Wild & Scenic Rivers Act and power lines:** The members reviewed a draft letter to U.S. DOI Secretary Kan Salazar regarding the potential conflicts between the National Wild and Scenic Rivers Act of 1968 and the National Energy Policy Act of 2005, specifically National Interest Electric Transmission Corridors and the siting of major

electric transmission lines. The letter stated, in part: "We write to express our concern about potential conflicts between two federal laws, the National Wild and Scenic Rivers Act of 1968 and the National Energy Policy Act of 2005. Recent news reports indicate that there is still a push to build new transmission lines all across the country and grant the federal government sole siting authority. The "River Management Plan" characterizes major electric transmission lines as an 'incompatible use' anywhere in the river corridor. The Upper Delaware region was included in the NIETC Mid-Atlantic Area National Corridor. We are actively fighting one major electric transmission line proposed to run through part of the river corridor and fear that other proposals could follow. As per the Energy Policy Act, there is a potential that the Federal Energy Regulatory Commission could override the Wild and Scenic Rivers Act and the states' traditional siting authority over major electric lines. The Upper Delaware Council respectfully requests that you do all in your power to resolve the potential conflicts between these two federal laws and ensure that the Upper Delaware Scenic and Recreational River corridor will continue to be protected for the benefit and enjoyment of present and future generations. We would like to know your thoughts on this important issue."

Martinez asked that copies of the letter be sent to other NPS Superintendents in the Northeast Region that are dealing with similar issues. A motion by Bowers seconded by Shafer to approve the letter with the additional carbon copies was carried.

**UDC fundraising question-NPS Solicitor response:** Martinez related that at the Council's request, he spoke with the NPS Solicitor regarding UDC conducting fundraising activities while under a Cooperative Agreement with a federal agency. The Solicitor approved that UDC could fundraise wherever they wanted. They could not lobby federal officials.

**UDC Awards Ceremony Honorees:** Ramie handed out the UDC news release announcing the UDC Awards Ceremony honorees for 2009. The awards ceremony will take place April 19 at Central House in Beach Lake, PA. The news release has been issued to all media in the region. The honorees are: Distinguished Service Award-NYS Senator John J. Bonacic; Robin M. Daniels Memorial Lifesaving Award-Cody Wellman, Hancock, NY; Partnership Award-NYS DOT Region 8 and McNamee Construction Corp.; Community Service Award-Pike County and Wayne County offices of Penn State Cooperative Extension; Cultural Achievement Award-Gloria Krause, Narrowsburg, NY; Recreation Achievement Award-Business Owners of Lackawaxen Township; Volunteer Awards-The Olvers of Tall Tree Timber Farm in Manchester Township, and Bill Walters of Clarks Green, PA; Special Recognition Awards-Steve Israel, reporter for the *Times Herald-Record*, and Jeffrey C. Cole of the U.S. Geological Survey; Oaken Gavel Award-Alan Bowers of Westfall Township, PA for his service as Upper Delaware Council Chairperson in 2008.

**Award to Sandy and Ken Schultz announced:** The members received copy of a *Sullivan County Democrat* article of March 13 where it was announced that the Forestburgh Civic & Taxpayers Association recognized Sandra and Ken Schultz with the award for outstanding contributions by an FCTA member. Both Sandy and Ken were instrumental in assisting their community with numerous projects. Sandy is the Assistant Superintendent at NPS-Upper Delaware. Congratulations to Mr. and Mrs. Schultz.

**Public Comment** None

**Adjourn** A motion by Bowers seconded by Shafer to adjourn the meeting at 8:35 p.m. was carried.