

UPPER DELAWARE COUNCIL MEETING MINUTES November 6, 2014

The Upper Delaware Council held its monthly meeting on Thursday, November 6, 2014 at the Council office in Narrowsburg, NY. Chairperson Andy Boyar called the meeting to order at 7:01 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold Roeder, Town of Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajs, Town of Deerpark-Virginia Dudko, Berlin Township-Alan Henry, Lackawaxen Township-Camille James, Shohola Township-Patricia Jeffer, Westfall Township-Chuck Pranski, State of New York-Bill Rudge, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Also in attendance: Tony Ritter, Tusten Alternate and Debra Conway, Highland Alternate. Absent: Damascus Township, Commonwealth of Pennsylvania, Delaware River Basin Commission.

Presentation by Dr. Howard Whidden of East Stroudsburg University on the “Acoustic Monitoring of Bats in the River Valley”: Boyar introduced Dr. Howard Whidden, professor of Biology at East Stroudsburg University (ESU). Whidden introduced Larry Laubach, a former graduate student and now instructor in the biology department at ESU, noting he accomplished much of the work for this study. Whidden said he is a mammalogist by training and back in 2006, he and several graduate students started working on a mammal inventory of the Upper Delaware. Formal bat monitoring began around 2008 and still continues today. A Power Point presentation was shown. Whidden noted that Pennsylvania has nine widely distributed species of bats and two others that are more restricted in distribution. He said that all of the species are insectivorous which means they eat insects and shared other details of the different species. Whidden spoke of the economic value of bats to agriculture. A past study estimated that value to be between \$3.7 and \$53 billion per year. Today, bats across Pennsylvania and the northeast are facing two new threats that have come about in the last decade, Whidden stated. One of the threats is that migrating bats are crashing into the spinning blades of wind turbines in disturbing numbers and the other threat is White Nose Syndrome (WNS). First documented near Albany, NY in 2007, White Nose Syndrome (WNS) has since caused the deaths of hundreds of thousands of bats in states ranging from Vermont to Virginia. Bats with WNS display characteristic rings of white fungus around their muzzles and on other areas of their bodies. This fungus was accidentally introduced here from Europe and has had a tremendous impact on bats. Whidden reported that bats are long-lived and have low reproduction rates. WNS only affects the hibernating bats, Whidden noted. He shared a map showing the spread of WNS since 2006 and provided statistics regarding the drastic decline in the number of bats. Whidden spoke of the methods he and his students have used to monitor bats and their activity on the Pennsylvania side of the Upper Delaware River. Laubach shared the results of the driven acoustic transects for monitoring bat activity in the Delaware River valley. He noted that the Big Brown Bats are most abundant in the northeast. Whidden added that the Big Brown Bats are affected by WNS, but they are a larger bat and appear to be affected less. The mortality rate is much lower for this species. Whidden said results show that the Little Brown Bat population is healthier in the Upper Delaware region than it is in the Delaware Water Gap region. Laubach spoke of the three sites in the Upper Delaware where bat counts take place and shared the results of some of these counts. As a conservation strategy and an effort to get bats out of residences and businesses, bat houses are put up that mimic the environment that they like. Whidden said he is working with the National Park Service to place

some bat houses on National Park Service property. He told members he would love to hear about any other places that may house populations of Little Brown Bats. A brief question and answer session took place following the presentation. T. O'Dell questioned if the fungus associated with WNS travels with the bats or stays in the caves. Whidden said it does travel with the bat and it does seem to spread from bat to bat. It also persists in caves. Once it is introduced in a cave, it will probably be in there for a long, long time. He noted that fungus also appears to have traveled with humans. Pranski suggested that mating the bats with European bats that seem to have a higher tolerance to the WNS might be investigated. Whidden said he has never heard of anyone suggesting this, but it may be something that could be done in the future. He said currently the focus is to minimize further spread. Pranski asked what long term effects are associated with the decreasing bat population. Whidden said it is not known what the consequences to the forest ecology and other things will be. A discussion regarding bat mortality associated with wind turbines took place. Henry asked for information on obtaining the bat houses that Laubach spoke of. Whidden said the Pennsylvania Game Commission is a great resource for these. Boyar thanked Whidden and Laubach for their very interesting presentation.

Approval of October 2 Meeting Minutes: A motion by Rajs, seconded by Henry to approve the October 2 meeting minutes was carried.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were October 21 Water Use/Resource Management by Tony Ritter, October 28 Project Review by Larry Richardson and October 28 Operations by Harold Roeder.

Ritter noted that the Town of Tusten has drafted a letter to Penn DOT regarding the possible, temporary closure of both lanes of the Narrowsburg Bridge during the upcoming rehabilitation project.

Ritter reported that total combined New York City storage in the reservoirs as of today is at 69.6%; normal storage for this date is 73.4%. Precipitation for the past three months is 5.2"; normal for the same time period is 8.7".

Richardson informed Ritter that Town of Cohecton Supervisor Maas has been waiting for some comments from Tusten's supervisor for a draft letter regarding the Narrowsburg Bridge. He asked that Supervisor Maas be contacted.

Sullivan said she has inquired if the Pond Eddy Bridge work and the Narrowsburg Bridge work will be performed simultaneously. She suggested that these projects be looked at in terms of how traffic on Route 97 would be affected if they were both under construction at the same time. Ramie agreed this should be considered but added that she is not sure there is this type of collaboration between NYS DOT and Penn DOT.

Greier commented, regarding the Long Eddy access, that the Town of Fremont will not be involved in any improvement or construction of the access.

Richardson asked Rudge if a parcel of land had to be specifically listed in the Open Space Plan in order to be considered for funding. Rudge said the Plan continues to list priority conservation projects, publicly identified and reviewed, which are eligible for acquisition under the State Environmental Protection Fund and other state, federal and local sources. The charge of each of NYS DEC's nine Regional Advisory Committees, which are composed of representatives of county governments and people knowledgeable in open space conservation selected by DEC and State Parks, is to develop priority project areas. If a property is located within a priority project area, it is then eligible for funding, Rudge explained. Sullivan questioned who the Sullivan County representative is on the Advisory Committee. She was told it was Jill Weyer of Sullivan County Planning and Environmental Management. T. O'Dell questioned where the funding comes from for the Plan. Rudge said the Environmental Protection Fund is financed primarily through a dedicated portion of real estate transfer taxes. Boyar noted the transfer tax is \$4 per \$1,000.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin storage as of October 31 was at a combined capacity of 62.1% with Cannonsville at 51.3%.

NYS Dept. of Environmental Conservation: Rudge noted that the DEC released the 2014 State Open Space Conservation Plan on September 17th for public comment. The Plan guides State Environmental Protection Fund investments in open space protection. Public comments on the draft plan will be accepted until December 17th. The draft plan in its entirety is available at www.dec.ny.gov/lands/317.html. A news release regarding this was provided in members' packets.

Rudge said he is working with Sue Currier of Delaware Highlands Conservancy on the purchase of the Long Eddy access. He noted this property is captured in the Open Space Plan as it is clearly within the Upper Delaware corridor which is included in the Plan. He said that is the first hurdle as a state agency that he needs to cross to pursue acquisition. Rudge said that he realized once the property went on the market that the State of New York could not respond quickly enough to conserve that parcel. He started reaching out to conservation groups and the Delaware Highlands Conservancy responded and started to work on acquisition. Rudge shared the details of the process the State must go through to acquire property. He said the process from "soup to nuts" can take two years or longer and because of this, the state often works with third parties on acquisitions. Rudge said regarding the Ferry Street access, he hopes individuals can continue to use Ferry Street as the access to the river and the parcel that is being purchased will provide appropriate parking for people who want to use the access. Ritter questioned who will demolish the house that is currently standing on the property and tend to issues such as grading. Rudge said those details have not been worked out yet and shared a couple of the possibilities. Greier commented that the Town of Fremont will be losing a taxable property. Rudge said that is true, but he hopes that the Town will see the benefits that will be provided to the members of the community. Rudge said that once the Ferry Street property is purchased by the State, they will have the ability to tap into their funding sources for improvements to the site. He noted that the Governor has made access improvement projects to public lands a high priority. Rudge feels this project would be a perfect one for this initiative.

Rudge reported that DEC Commissioner Martens promoted Keith D. Goertz to lead the agency's Region 4 office in Rotterdam. He will oversee DEC activities in Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schoharie and Schenectady counties, and manage a staff of more than 200 employees.

Rudge noted that NYS DEC released its Draft Aquatic Invasive Species (AIS) strategy to prevent the introduction and spread of AIS in New York State for public comment. Details are provided in the press release in members' packets, Rudge stated. Comments will be accepted through December 14, 2014. The Plan can be viewed on DEC's website at www.dec.ny.gov/animals/99053.html.

Rudge stated that the DEC has made amendments to New York's Chronic Wasting Disease (CWD) regulations in response to the discovery of the disease in Ohio. The amendment, effective November 3rd, prohibits people from importing into New York certain parts of white-tailed deer, elk or moose taken in the state of Ohio. CWD is a highly contagious and deadly brain and central nervous system disease that affects deer, elk, moose, and other members of the deer family. Hunters who plan to hunt outside of New York are urged to check DEC's website for additional information about CWD and importation restrictions. This information is available at www.dec.ny.gov/animals/7191.html. Rudge wanted to emphasize that individuals are not allowed to import deer in the whole from Pennsylvania to New York. Hunters must remove the following parts from the animal before the carcass can be imported into New York: brain, eyes, spinal cord, tonsils, intestinal tract, spleen and retropharyngeal lymph nodes. Richardson questioned if there are any active cases of CWD in New York. Rudge said not currently and that is the good news. Pranski asked if this disease is just dangerous to the herds or does it pose a threat to humans. Rudge said there is no evidence to suggest it is dangerous to humans.

Ramie told Rudge that she had circulated that information we had received about the Atlantic States Marine Fisheries Commission's decision on the Addendum IV to the Interstate Fishery Management Plan which allows the continuation of New York's Delaware River silver eel weir fishery under a transferable license cap, limited to nine permits annually. Rudge noted we are limited to the existing permits that are currently issued. He said that if the quota is exceeded coast-wide, then every state may need to contribute by reducing their take.

PA Dept. of Environmental Protection: No report in the absence of Representative Timothy Dugan.

National Park Service-Upper Delaware: Heister reported that she has been invited to the Lackawaxen Township Supervisors meeting and said she will be attending this month. She intends to reach out to all the participating towns and townships to meet with them or attend a meeting and will be contacting UDC representatives to attend with her if they choose.

Heister noted the Northeast Region Facilities Team was in the Upper Delaware for several days. This team examined all of the NPS's facilities to place into one of five optimizer bands. Heister explained that for the higher rated facilities, condition assessments were performed, work orders associated with these were done, costs were figured, and these projects will be submitted for potential funding. She is hoping that improvements in the most important facilities will be realized in the next few years.

Heister said that \$500,000 in funding has been secured for FY 15 for work on the Roebling Bridge. She noted that \$2 million dollars in work orders exist for the bridge. The projects will be prioritized and they will accomplish what they can with the available funding.

Heister said the interpretive team from the Northeast Region will be in the Upper Delaware November 17 through 19. She shared some of her issues that she would like the team to look at. Heister noted that there is going to be a big change of the NPS.gov website as a whole associated with the Centennial of the Park Service. As a result there will be many changes to the Upper Delaware website.

Regarding the upcoming NPS Centennial, Heister said a brainstorming meeting took place on October 31st and many ideas came out of it. She shared some of those ideas. Heister said the centennial is a reason to do great things and to connect with the communities.

Heister stated that she would like to pursue a "trail of geology" looking at the unique landforms both from the river and from the road.

Pranski asked Heister if additional security at NPS facilities is being looked at for the Park Service centennial. Heister said that has not been discussed, but it could be.

Boyar asked if a summary of the work that needs to be done on the Roebling Bridge could be provided. Heister said she would look into it, noting that one of the projects is the replacement of the ice breakers needs which is an expensive undertaking due to the work that needs to be done in the river.

Ritter asked if QR codes can be placed at NPS managed accesses in order for visitors to be able to access information on their smart phones. Heister said this is currently under discussion.

UDC Executive Director's Report: Ramie said she received a traffic alert regarding Route 97 earlier today from NYS DOT. She noted there is to be a rock scaling project in the Town of Cochection. It is .6 miles south of the Newburgh Turnpike intersection. As a result starting November 12 through December 3rd, the northbound lane will be closed between 7:00 a.m. and 5:30 p.m. with times that both lanes could be closed for up to ten minutes while larger rocks are removed.

Ramie reported that funds were deposited into our federal account on November 5th and she was able to apply for a payment to cover the October expenses. The Continuing Resolution under which the federal government is operating enables the obligation of 19.72% of our Cooperative Agreement award through December 11th.

Ramie said the audit team from Eckersley & Ostrowski was in on November 4th to examine the Council's financial records. As a result of NYS's Non-profit Revitalization Act which raised the income threshold requiring independents audits from \$250,000 to \$500,000 effective July 1, 2014, we are able to conduct a CPA financial review for FY 2014 rather than a full audit. This will result in a cost-savings for the Council, she added. When Dick Eckersley appears November 25 to give his report to the Operations Committee, he will explain the difference and make a recommendation about adopting a schedule to do reviews vs. audits for our budgeting purposes.

Ramie said that we do plan to comment on the NYS Open Space Plan. T. O'Dell did solicit comments from members by November 3rd. None were received, but comments were generated through committee discussion and O'Dell's review of the draft. A draft letter will first be presented at the November 18th WU/RM Committee meeting and then Project Review on November 25th. The letter will appear on the December 4th full Council agenda.

Ramie stated she is soliciting quotes from three printers to provide solid costs that will enable her to apply for a grant through the Sullivan Renaissance Environmental Initiative Program to print color copies of the newly designed UDC Design Handbook. The Design Handbook is currently available as a download on the UDC website. Peckham asked if Ramie had any estimates on the printing. Ramie said prices have averaged around \$800 for 100 copies of the full color document to \$1,900 for 250 copies.

Ramie referred to the final RMP Technical Review Report in members' packets. She reminded members that the draft was presented at the October 2nd full Council meeting with comments requested by October 29th. All comments that were received were circulated for everyone's consideration. Ramie separated out 27 suggested report revisions from the overall Plan update questions or recommendations, and requested consensus on those edits by November 4th. She worked closely with the consultant to address clarification issues and incorporate those changes. The final report, which provides an analysis of the 1986 Plan's current condition, completes our contract with Environmental Planning & Design. Ramie referred to this report as a "springboard" for discussion towards potentially pursuing an update of the River Management Plan. Ramie noted that the conclusion of the report is that the Plan is still an effective guidance document, although things have changed over the years. She said these changes are now contained in one resource and feels it was a very valuable project. She told members it is up to them how they would like to proceed from here. Ramie told members she is open to any suggestions as to how they would like to pursue any future discussion. A brief discussion took place with some suggestions offered. Henry suggested putting some time aside at a future meeting for the full Council to be able to discuss this report.

Ramie referred members to the November calendar of UDC Meetings, Deadlines and Activities provided in their packets.

Old Business:

Other: Greier said that he learned that the New York State Barn Restoration and Preservation Grant Program is no longer being funded by the State of New York. O'Dell said that the program he spoke of recently authorizes a partial exemption, at the local option, for the reconstruction or rehabilitation of historic barns.

Sullivan said as a follow up to the UDC's Communication Towers Workshop, the Town of Tusten has been in contact with Dick Comi of the Center for Municipal Solutions. Comi suggested that the Town put together a committee of people familiar with zoning issues to participate in a conference call with him. He asked that the committee have a list of prepared questions. Sullivan said the town will be doing this in the near future.

Henry said that the Beach Lake Municipal Authority is facing potential fines by the Delaware River Basin Commission for issues regarding monitoring practices. He questioned if Berlin Township is being fined for not monitoring their outflow, what is the Masthope Community facing for actually discharging fecal coliform into the Delaware. Heister questioned if the community is permitted by the DRBC and said the Park Service continues to put together their case. Boyar commented that we need to do a better job in 2015 of building a case against the Masthope Community. After a lengthy discussion, a motion for staff to prepare a letter to the DRBC and PA DEP inquiring about the protocol for water quality monitoring and enforcement at the Masthope Mountain Community Treatment Plant in Lackawaxen Township was made by Richardson, seconded by Henry and carried. A letter would be developed by staff and shared with members for comment before being sent.

New Business

Appointment of a Nominating Committee for 2015 UDC Officers: Boyar noted that when he took the UDC Chairman position in January, one of his objectives was to build a better relationship with the Congressman on the New York side and he feels this was accomplished. He hopes that the 2015 Chair will make the Masthope Community issue a top priority. Boyar reported that the following members are named to serve on the Nominating Committee to produce a slate of officers for the UDC for the calendar year 2015: Larry Richardson (Town of Cochection), Pat Jeffer (Shohola Township), and Jeffrey Dexter (Damascus Township). The Nominating Committee will issue its report at the December UDC meeting,

with the election taking place at the January 2015 meeting. Boyar said his term as the UDC Chairman has been very rewarding and was an eye opener for him. He said to members, if you are called upon to serve in an officer position, please do it. Richardson asked members to contact one of the Nominating Committee members if they are interested in serving.

Other: Pranski spoke of his concern of the condition of the service road that runs along the railroad track on the Pennsylvania side starting at Railroad Bridge #2 in Mill Rift, PA and extending to the Pond Eddy Bridge in Pond Eddy, PA. He said the road was being washed out and as a result, Jersey barriers have been installed limiting access for emergency services to respond if an occasion should arise. He asked if a letter could be sent asking if they plan on making the road accessible for emergency services. Boyar asked who the primary response teams would be should an emergency arise. Pranski said it would be the railroad and the local fire departments. After a brief discussion, a motion to prepare a letter to Central New York Railroad to express concern over the condition of the railroad access road was made by Richardson, seconded by Pranski. Henry suggested including asking if there is any potential for them to actually improve the road and remove the barriers for access by the emergency vehicles. He believes we need to improve our communication with the railroad. Pranski feels it is especially important now as he has heard discussion about tank cars and crude oil moving through on the railroad. A vote was taken and the motion passed.

Public Comment: None

Adjournment: A motion by Rajszy, seconded by Roeder, to adjourn the meeting at 9:23 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 11/18/14