

UPPER DELAWARE COUNCIL MEETING MINUTES

February 7, 2013

The Upper Delaware Council held its monthly meeting on Thursday, February 7, 2013 at the Council office in Narrowsburg, NY. Chairperson Jeffrey Dexter 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-Jack Niflot, Town of Delaware-Harold Roeder, Jr., Town of Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajs, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Brian Stuart, Shohola Township-Patricia Jeffer (7:05 p.m.), Delaware River Basin Commission-Carol Collier, National Park Service-Carla Hahn. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Also in attendance: Tony Ritter, Town of Tusten alternate. Absent: Westfall Township, State of New York, Commonwealth of Pennsylvania.

Swearing In of 2013 Officers: The new officers, Chairperson Jeffrey Dexter, Vice-Chairperson Andrew Boyar, and Secretary/Treasurer John Niflot, took their oaths during a swearing-in ceremony officiated by PA Senator Lisa Baker (20th District). Dexter presented Baker with an Upper Delaware Council lapel pin. Baker thanked the Council for the opportunity to join them this evening and expressed appreciation to the members for their service on the Council. She said, "Thank you very much for really taking care of a treasure between both states." She was joined by her field representative Bruce Mackle and noted that he could be reached at her office in Lake Wallenpaupack.

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

Public Comment on the Agenda: None

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

Ritter reported that the Council is now receiving snow pack information every two weeks from Glenn D. Horton, Assoc. Project Manager of the NYC Department of Environmental Protection.

Status Reports

Delaware River Basin Commission: Collier noted that although the reservoirs are on the high side, still in the 80 percentile, they are 26 billion gallons lower than they were last year at this time.

Collier said she attended a meeting earlier in the day of the Decree Party principals and reported they seem to be on track for the renewal of the Flexible Flow Management Program (FFMP) in May. She said Thomas Murphy of NYC Environmental Protection Bureau of Water Supply was in attendance and he reiterated to her that he was very willing to come to the UDC and provide information on their general direction, the proposed Cannonsville Hydroelectric Project, and other topics of interest.

Collier reported that a study has been done by American Water Resources Association, an organization of which she is president of this year, which is "Case Studies in Integrated Water Resources Management: From Local Stewardship to National Vision". She thought members may be interested as the idea is to look holistically at the river and that is what they do from both sides of the river. A copy of the report was passed around for members to look at. She noted an electronic version is also available at www.awra.org.

Collier noted the DRBC is testing a new format for their commission meetings starting in March. The commissioners want to separate the public testimony and their decisions so there is more time to think about them. In the past, the public hearing on proposed projects to be considered for approval by the commissioners was held immediately prior to a vote as part of the afternoon business meeting. Under the new format to be used on a pilot basis in March, a public hearing on the proposed permits (referred to as "dockets" by DRBC) and resolutions relating to projects will take place on March 5, the day prior to the business meeting where they may be considered for commission action. Written comments on the projects also will be accepted through the close of the March 5 hearing. There will be no opportunity for additional public comments at the March 6 business meeting on those items for which a hearing was completed on March 5 or a previous date. Commission consideration on March 6 of items for which the public hearing is closed may result in either approval of the docket or resolution as proposed, approval with changes, denial, or deferral. When the commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the commission on a future date. They plan to see how the new format works and make adjustments as necessary for future hearings and meetings.

Collier said the DRBC received a grant from Pennsylvania Sea Grant to conduct some work this year on didymo. They are trying to figure out why up in the Upper Delaware, the longer stalk didymo grows and as you go further south on the river, the stalk is smaller and not as big a problem. Collier noted that didymo thrives in colder, low-nutrient waters and in warmer, higher nutrient water it changes form. DRBC staff will be out in the river starting this month doing nutrient testing as well as looking at the condition of didymo. They will be taking rocks from the Delaware upstream of the Lehigh River and moving them downstream of the Lehigh and see how that affects the didymo. Collier shared pictures of didymo with Council members.

Dexter asked Collier if there is any progress with the natural gas regulations. Collier said the natural gas regulations are with the commissioners. The commissioners are leading the charge. They have been meeting since Christmas time and they have their technical staffs meeting. She said the meetings are closed for the commissioners and she has not been involved. She told members she will let them know more when she knows more.

NYS Dept. of Environmental Conservation: NYS DEC was absent, however, copies of a press release and an article were provided at Bill Rudge's request. The press release was dated February 1, 2013 and titled "DEC Adopts Chronic Wasting Disease Regulations in Response to Pennsylvania Discovery". The article from Rudge states that "The state is going to extend the Emerald ash borer quarantine area to include all of the state south of the Thruway and east to the state border, except for Rockland, Westchester, Nassau and Suffolk counties and the City of New York."

PA Dept. of Conservation & Natural Resources: No report in the absence of Representative Dennis DeMara.

National Park Service-Upper Delaware: Hahn noted that Council members had received an advance release of the Delaware River Outstandingly Remarkable Values Report. There will be a press release going out this week and some letters to the towns and townships including either copies of the document or a link to the Park Service website where they can download an electronic copy. Hahn stated it is a "really great document."

Hahn stated that the Upper Delaware section of the Delaware River Sojourn is coming up June 22nd through the 24th, noting that NPS Volunteer Rich Egan is one of the main coordinators of it. The Zane

Grey Museum grounds will be the focus of the events in the Upper Delaware. Hahn said they have a great 3-day program planned, although it is not finalized yet.

Hahn said the NPS worked hard on comments for the New York State Environmental Impact Statement for gas drilling.

Hahn said she is working with the Lackawanna Community College Land Use Planning and Development professor to develop a project where the class will review and apply Land and Water Use Guidelines from the River Management Plan to demonstrate good land use and how that can be good for the environment and the economy. Students will work focusing specifically on the Delaware River and will do a presentation about their final project to which the UDC and towns and townships will be invited.

Hahn reported that the Park Service's Water Safety Committee has made a lot of progress in a lot of areas this winter. Billboard messaging is being designed and the company has agreed to place messages on electronic billboards throughout the area free of charge when they have space available. She noted that Ranger Kevin Reish is developing a public radio service announcement and a podcast to be broadcast on local radio stations. The National Canoe Safety Patrol worked with UDSRR staff to update and improve their website and social media outreach, and spawn water safety articles in *NPS* and *Ranger* magazines through the Regional Risk Management Office.

Hahn said the life jacket use survey results have been received from the U.S. Coast Guard. Highlights include 90% wear rate at Skinner's Falls and an average wear rate on other sections of the river of approximately 40%. The results will be further reviewed and strategies will be discussed to encourage increased use of life jackets.

A QR code has been developed to link to the Park Service's Water Safety website, Hahn reported. It is being offered to commercial use authorization holders to put on their brochures. She noted it will also be placed on the UDC's new brochure.

The 2013 River and Water Safety meeting will take place on April 19th. Those attending will include liveries and commercial use authorization holders. It will be a good opportunity to meet with those businesses to discuss ongoing safety concerns and the goals and accomplishments of the Park's Water Safety Committee. A grant focusing on the "Wear It" message is being sought from the Safe Boating Council.

Hahn noted that four school districts in our river corridor will participate in the Delaware and Hudson Canal Days program May 1st through 3rd and May 8th through 10th.

Boat and Watershed Stewards program plans for 2013 include a day long hands on training session with Paul Lord of SUNY Oneonta educating people about keeping their boats clean to prevent the spreading of invasives including didymo.

Hahn said the Park Service has been working with the Delaware Highlands Conservancy/Eagle Institute on a partnership agreement. They will be assisting the Park Service in volunteerism and programs on the river. Hahn is currently working with the Zane Grey's West Society on a partnership arrangement for support for the Zane Grey House to get more opportunities going there.

Hahn advised members that an electronic version of the Council's Project Review Workbook is available on their website along with fillable forms.

Dean referenced the Superintendent's Compendium of January 2013 provided in members' packets. He asked for clarification of 36 CFR 2.12 – Audio Disturbances (a)(2) "Operating a power saw in developed area is prohibited, except pursuant to the terms and conditions of a permit." Henry suggested that Superintendent McGuinness or Chief Ranger Joe Hinkes should come to a meeting to clarify some of the regulations. Much discussion about this document took place. Hahn said she will take the concerns back to McGuinness and ask that he or Hinkes come to explain it. Ritter noted that as stated on the front page of this Compendium, "These rules are applicable on the Delaware River from the confluence of the East and West Branches at Point Mountain in the vicinity of Hancock, New York to the railroad trestle in the vicinity of Sparrowbush, New York, and on any lands owned or leased by the National Park Service within the designated boundary of the Upper Delaware Scenic and Recreational River (Upper Delaware S&RR)." Some members felt the UDC should have had some input on some of the regulations before the document was released. Stuart wondered why the issues of the need for public facilities along the river and private property rights were not addressed in the compendium.

Stuart asked the Park Service and the DRBC if there is any concern that there are 300,000 visitors a year to the Delaware River and no facilities, noting that visitors often use private property or the river to

relieve themselves. He asked if this issue is being looked at. Hahn said the Park Service provides portable restrooms at several accesses and there are facilities at the Roebling Bridge. She added that some communities also provide facilities. Hahn noted that the River Management Plan has a section designated to facilities and suggested discussing this at a future meeting. Stuart said that in addition to the violation of private property rights, he is concerned about the environmental impact of waste going into the beautiful river. Hahn said the access issue is being revisited in the work being done by the Local Waterfront Revitalization Plan (LWRP) headed up by Sullivan County, N.Y as well as the Greenway Plan in Pike County, PA. She said communities can bring this issue to the table during these discussions as not all the accesses are managed by the National Park Service; some are managed by the states and the communities can provide them. It is an issue that needs to be planned and pulled together, she said. Henry questioned if the Local Waterfront Revitalization Plan work is being reviewed by the Park Service or the UDC. Ramie said the UDC is on the committee. Roeder agreed this is an issue that should be brought to the table and discussed further. Henry noted this is an issue that the Water Use/Resource Management Committee should be involved with. Ramie said she regularly reports on the LWRP at those meetings.

UDC Executive Director's Report: Ramie said she was successful in getting the federal funding request submitted just under the wire before a week-long system shutdown. An electronic payment equivalent to our spending for December and January was received on January 23rd. She noted that as a result of the Continuing Resolution which is in effect until March, only 48% of our federal award for FY 2013 is available. Dean cautioned that organizations like the UDC could fall victim to federal cuts. He said the UDC is a very worthwhile organization, but does not compare to troops on the ground and defense of this country. He said we need to prepare for that. Ramie noted we have been operating under the static funding of \$300,000 since 1988 and are still managing with the rising expenditures. Ramie said we need to diversify our funding sources, perhaps look for outside financing. Peckham cautioned doing this as the UDC represents local municipalities and generally outside financing wants influence. Ramie said the UDC would seek operational funding and grants are usually tied to accomplishing certain projects. Being a bi-state organization also has its own drawbacks. Ramie reported that the missing October 2012 payment is still missing. She will continue to pursue this issue.

Ramie reported that the UDC's 25th Anniversary will be the primary focus of the Awards Ceremony to be held on April 28th at the Lackawaxen Inn. An invitation to Pennsylvania Governor Tom Corbett to serve as our keynote speaker has been sent. Award nomination forms were provided in members' packets. Ramie noted there are nine different categories that are available and encouraged members that if they have ideas of any individuals, agencies, communities, or organizations that have done any good works to enrich the Upper Delaware in some way or protect the resources, to please let staff know. Nominations will be accepted through March 15th. The nomination form is also available on the UDC website. T. O'Dell has been posting all of our documents, Ramie added. Also available on the website is a listing of all the past recipients from 1988 onward and a description of the award categories. She told members if they have a nomination idea, but are not sure where it would best fit, to just submit it and we'll work with it. As part of the awards ceremony this year, we will be having a photo retrospective, will offer \$25 sponsorships in the community to offer support to the UDC, and have a cake. Other ideas being discussed to acknowledge the 25th anniversary are t-shirts. Ramie does not believe there has ever been a UDC shirt. A proposal and design options will be offered at this month's Operations Committee meeting. A list of 25 accomplishments of the UDC over the last 25 years is being produced for release on February 22nd, the actual anniversary date. Other publicity will include articles in the Spring/Summer edition of *The Upper Delaware* newsletter and a website banner is being worked on. A program about the UDC during the Delaware River Sojourn program is also in the works, Ramie said. She has talked with Rich Egan about it and he will work it in where it would be best suited. The UDC generally participates in the Narrowsburg Riverfest in July and the focus of our exhibit will be the milestone anniversary. Ramie noted that a 5K Run/Walk in the fall is also under discussion. It needs to be decided if the event is something that can be tackled with a staff of three. She said we very much want to involve a bridge, but are not sure how that would work taking into consideration the current state of a number of the bridges. T. O'Dell is taking the lead on this event planning. Hahn suggested Callicoon. Ramie noted that we do not want to compete with any other similar events and the Delaware Youth Center sponsors a 5k benefit on River Road in Callicoon. She said that a 5K Run/Walk could be the land component of our "Land, Water,

People” motto since we already have a family raft trip scheduled annually. She told members we welcome any of their 25th anniversary ideas as well.

Ramie showed members a copy of the “Visitor Information Map and Guide For Touring The Upper Delaware Scenic and Recreational River” that is currently being updated. She told them we are looking at every word and every image in it and most importantly looking at the 17” by 22” map of the river corridor which this brochure unfolds into. This map is being completely re-designed with the help of the Park Service. Jamie Myers of Upper Delaware and Kathy Commisso of the Delaware Water Gap have been helpful and accommodating. The brochure has not been updated since 2008 and as a result, many changes are needed. C. Odell is working on updating the business listings and is having some trouble getting responses. We require confirmation from all the current listings and then we need to know as well, if there are any new businesses under any of our four very specific categories that are physically located within the river corridor boundaries. We are accepting donations for this project to offset the printing costs and currently have \$700 pledged. March 15th is the date by which all the files need to go to the printer in order to have the brochure available by April 15th. The Park Service’s QR code that leads directly to their River Safety web page and their “Wear It” lifejacket logo will also appear in the brochure. Another brand new feature in the brochure will be a listing of river accesses indicating what facilities or services are offered at each. An inventory is going to be done by T. O’Dell and Ron Babus of the NPS. They will be looking at each access along the river to determine what is offered at each one. It is the feeling that if we can direct people to where there are facilities, they may be more likely to use them. Peckham suggested maps at each of the access areas to show where these facilities are located. Ramie said we are trying to improve the situation as best we can.

Ramie noted that the reason we have been doing the swearing-in ceremony in February is so that we have our membership list updated following municipal reorganizational meetings. She reported there are no net changes to the Council in terms of new faces, however we lost three alternates for various reasons. Jim Rodgers of the Town of Fremont re-located, Kevin McDonough of the Town of Tusten is no longer their second alternate, and Jay Shafer of the Town of Lumberland retired from public service. His position is vacant. We have neither a representative nor an alternate for Westfall Township, Ramie added. Chris Hollenbeck of NPS and C. Odell are working on the 2013 Local Officials Directory.

Ramie referenced the February calendar provided. She reported that she and T. O’Dell attended the Common Waters meeting earlier in the day held at the Pike County Conservation District. A report on that meeting will be offered at the Feb. 19th WU/RM Committee meeting. T. O’Dell has set up a meeting on Feb. 12th at 3:00 p.m. with the Town of Hancock to introduce our substantial conformance review process. Participation by all Project Review Committee members is welcome. Ramie noted it is the Project Review Committee that is in charge of substantial conformance and the staff carries it out on their behalf. On Feb. 19th the WU/RM Committee will have a presentation. Dr. Peter Kolesar and Jim Serio will present on “Alleviating Thermal Stress on the Upper Delaware.” All are welcome and we would like to have a good turnout for them, Ramie said. Feb. 22nd is the actual anniversary date when operations formally began at the UDC in 1988. Feb. 27th is the next meeting of the Local Waterfront Revitalization Plan committee at 9:00 a.m. at the Highland Town Hall in Eldred. That meeting is coordinated by Heather Jacksy from the Sullivan County Planning Department and is open to all interested people. Ramie reminded members that Feb. 28th is the deadline for the mid-term progress reports due by our nine Technical Assistance Grant recipient municipalities.

Ritter suggested putting the QR codes at kiosks located at public accesses as we are now living in the digital age. Visitors could scan those codes and have any of the information offered downloaded onto their smart phones, he added. The issue of poor cell service in the area was brought up. Ritter pointed out that more cell towers are going up and service is getting better.

Boyar said the Town of Highland used to host a triathlon in which the runners would cross the Barryville-Shohola Bridge. He said they would be interested in becoming a host community for the UDC’s 5k event should they decide to proceed with it. T. O’Dell said the timeframe we are looking at for our event is the fall months of either September or October. Shohola already has a 5k scheduled and we are trying not to conflict with anyone else’s event, he added. Ramie said it is a Boy Scout Memorial event and we would not want to compete with that for an audience. After a brief discussion, T. O’Dell said he appreciates the offer and we will consider options at this month’s Operations Committee meeting.

Old Business: Hahn reported that the Pond Eddy Bridge has some maintenance issues. It requires the replacement of 14 stringers this season. Work will commence soon. The bridge is expected to be closed at times. Skinners Falls Bridge also requires the replacement of stringers, Hahn noted. She said the bridge is supposed to flex and is not currently, so that issue also needs to be addressed. The emergency work to be performed this season should start soon and they hope to have it finished early in the season. She expects to see some activity at both the Pond Eddy and Skinners Falls bridges in the next few weeks. Hahn said Penn DOT will begin work on the Narrowsburg Bridge in mid-March. It will be one lane of traffic with a restricted weight limit until they finish the emergency repairs. The emergency repair of replacing the bridge deck one section at a time on the downstream side will take place this season. Once that side is finished, the bridge will be restored to its normal weight limit, but just one lane. That will stay in effect until they begin restoration of the bridge which is scheduled for 2014 or 2015. Henry asked Hahn whether she knew if it is just an issue with the decking or if there is an issue with the arch. Hahn said it is the decking. Hahn said that restoration work on the Skinners Falls bridge will take place in 2014. An inspection of Kellam's Bridge is to be done this season and restoration of it is scheduled for 2014. Hahn summarized that there is a lot of bridge work anticipated. Henry asked Collier where the release would be for the proposed Cannonsville Hydroelectric Project. She said it would be on the Delaware spillway. There is discussion of putting in four turbines. A brief discussion about this project took place.

New Business:

Resolution 2013-06: Accepting the Quote of Courier Printing Corp. For Printing the Visitor

Information Map and Guide: A motion to award the printing of the Visitor Information Map and Guide to Courier Printing Corp. at a cost of \$3,820 for 35,000 copies was made by Boyar, seconded by Stuart and carried unanimously.

Other: Boyar wanted to emphasize the importance of everyone marking their calendars for the February 19th WU/RM Committee meeting. He said the presentation by Dr. Kolesar and Jim Serio on "Alleviating Thermal Stress on the Upper Delaware" will be very informational. He said the Council will be asked at a later time to take an action with respect to enhancing the releases. In order for members to be able to vote on whether you would support the proposal or not, you need to know what the facts are. Boyar said the DRBC periodically sets or adjusts the release protocol. Collier clarified that it is not the DRBC, but the Decree Parties that do this. He noted that this issue has been a tug-of-war between the City of New York and the downstate riparian users. This conflict has gone on and there have been adjustments to the flows and releases, but people felt there are better ways to manage it. Boyar provided a brief history of the flows and releases program. He said that at the Feb. 19th meeting, Kolesar and Serio will explain how releases can benefit the habitat of the Delaware River. They will explain why their water release protocols would improve the habitat of the river without adversely affecting the needs of New York City water use. He hopes the Council members will attend and when we are asked to support the proposed changes on the FFMP, we will be informed. Rajs commented it is unfortunate that there is a New York Association of Towns meeting that week in New York City. She would have loved to have been able to attend the presentation, but will not be able to because of this commitment. She asked if there is a way the presentation could be taped or recorded. Ramie said we would be happy to record it, but do not have the video equipment here. She asked if anyone had the equipment to loan. Audience member Anne Willard said she will reach out to an individual who has been taping many of the local town board meetings and see if he would be available.

Dean noted that on Tuesday Feb. 19th at the New York Association of Towns meeting there will be full day of both pro and con shale gas drilling discussion. He encouraged those that could attend any of this session in New York City to do so. Boyar said they had a similar session at the meeting last year at which the Town of Dryden's lawsuit decision was announced at the beginning of their session.

Public Comment: Bernie Handler of Damascus Township asked Carol Collier for clarification of the amount of time between commission meetings. Collier said they hold five meetings a year so the time between can vary from one and a half months to three months. He asked her if she knows how much funding the DRBC will receive from the Commonwealth of Pennsylvania this year. She said they will be

receiving the same amount they did last year. Handler asked Hahn if she has heard anything about the Callicoon bridge. She said they are talking about rehabilitation, but she has not heard when. She may have more information after the Bridge Commission meeting in May.

Peckham announced that the Town of Hancock passed a resolution against the New York gun laws that Albany passed. They also passed a resolution for DEC favoring gas drilling in New York.

A group photo and reception will follow the business meeting, Dexter announced.

Adjournment: A motion by Roeder, seconded by Rajs, to adjourn the meeting at 8:41 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 2/13/13