

UPPER DELAWARE COUNCIL MEETING MINUTES

April 2, 2015

The Upper Delaware Council held its monthly meeting on Thursday, April 2, 2015 at the Council office in Narrowsburg, NY. Chairperson Alan Henry called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Delaware-Harold Roeder, Town of Cocheton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Debra Conway, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Camille James, Shohola Township-Patricia Jeffer, Commonwealth of Pennsylvania-Rhonda Manning, Delaware River Basin Commission-Kenneth Najjar, 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, Town of Tusten alternate. Absent: Town of Fremont, Town of Lumberland, Westfall Township, State of New York. Media: Dave Hulse, Peter Becker, Frank Rizzo. Guests: Shannon Thol; Carla Hahn, NPS; Jamie Myers, NPS; Don Hamilton, NPS; Freda Eisenberg, Sullivan County Planning; Spencer DeVaul & Tyson Robb, Delaware County Planning; Cheryl Korotky; Rich Krochta; Roger M. Johnson, NPS Land Resources Chief Cartographer via telephone.

“Prototype of a Geographic Information System for the Upper Delaware River Region” Presentation by Shannon Thol and Jamie Myers: Henry introduced the presentation by Thol and Myers. He noted that the GIS work Thol is doing for the National Park Service and the Upper Delaware Council will serve as the capstone project for her Master's in GIS degree from Penn State University which she will finish this summer. Myers thanked Thol for all the support she has been providing on this project. She introduced Roger Johnson, Chief Cartographer for the National Park Service who joined the meeting via telephone. Myers said he has been providing background support on the project. Thol stated that Myers is the Upper Delaware GIS lead who has been instrumental in advancing the project to where it is currently and will continue to be as the project moves forward. She thanked anyone who has provided input on the project. Thol shared her PowerPoint presentation explaining that Geographic Information System (GIS) is a set of computer based tools that are used to help people turn geographic data into information. Thol stated that for this project, much focus has been placed on the Project Review process and the River Management Plan and referred to it as a “decision support tool”. Thol said that tool design considerations included accessibility, functionality, data accuracy, and data timeliness. Thol emphasized that the tool she will be demonstrating is a work in progress. Thol spoke of where the data came from that was compiled for this project. She stated the tool should not be used in lieu of a professional engineering survey or the like, but can give the user a very good overview of the conditions at a location and highlight potential issues that may need to be addressed on the ground. Thol showed the prototype and demonstrated a hypothetical scenario to show how the tool can be used. She spoke of the disclaimer brought up when the user accesses the site. During the demonstration, Thol said that some aspects of the tool will be simplified as it is further developed. Different layers were shown and explained. Thol said she hoped her demonstration gave people a better idea of what it is she is trying to accomplish and what it can offer to a user in terms of efficiency. She thanked Jamie Myers, Carla Hahn, Kris Heister, Don Hamilton of the National Park Service, Travis O'Dell and Laurie Ramie of the UDC, and the Upper Delaware counties, towns and townships for their assistance with the project in making this tool a reality. Roeder questioned how often the data will be

updated. Thol said some of the data layers that are coming from outside sources will update automatically and that a Standard Operating Procedure (SOP) is being developed for the rest of the data. Ritter asked if the tool is ready to go "live" now. Thol told him no, noting there are still questions being answered. He asked when it may be available. Thol said it is hoped that the final system will be up and running in 2016 for the National Park Service Centennial. Najjar asked, since this is an interactive tool, if there will be a method for receiving user input. Thol said this has not been addressed. Discussion has taken place about developing a user's guide, she noted. Dean questioned who will be guaranteeing the accuracy of the tool. Thol said there are always limitations with the data; those limitations will be introduced to the user and the impetus will be on the user to understand them. Hulse questioned if the tool will have an accurate illustration of the corridor boundary. Heister said that at the end of this process, there will be a boundary layer that will be as accurate as it can be and the level of accuracy will be documented at that time. This topic will be discussed at the Operations Committee within the next few months, Heister added. Ramie stated that Thol is doing this as a volunteer and noted we are very fortunate to have her working on this with us as her Master's project. After her work is done on this, Myers will take the lead. The cost to accomplish a project like this was discussed. Spencer DeVaul of the Delaware County Planning Dept. shared the costs of their GIS program. He noted it cost \$10,000 to build their GIS mapping program and an annual maintenance fee of \$3,000 is paid. DeVaul said he is limited as to what information he can put up, stating that more information means more money. He said it can get very expensive to show a lot of data. He said Thol's program shows slopes; he would love to show slopes, but if he did he would have to take some other data down or pay more costs. Roger Johnson said he applauds the efforts of his colleagues to put out a tool that is going to be so useful for communication and collaboration and general management of the area. Henry thanked all those involved with this effort and presented Thol with an Upper Delaware Council lapel pin. Anyone interested in contacting Thol can obtain her information from the NPS or the UDC.

Approval of March 5 Meeting Minutes: A motion by Richardson seconded by Jeffer to approve the March 5 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: March 17 Water Use/Resource Management by Ritter, March 24 Project Review by Richardson and March 24 Operations by Henry.

Ritter provided the current hydrologic conditions and reported on snow pack.

Status Reports

Delaware River Basin Commission: Najjar referred members to the hydrologic reports provided in their packets. He noted that the flow in the river is generally okay, but storage in reservoirs varies. He said the storage in the New York City Reservoirs is very close to a drought watch with the combined storage at 63.9% which is 20% below normal for this time of year. The goal is to fill the reservoirs to 100% by June 1st. Najjar said the lower basin reservoirs have enough storage. He said the DRBC owns storage in the Army Corps of Engineers reservoirs of Beltzville and Blue Marsh and uses that to supplement river flows and downstream demands. Najjar referred to the dash line on the storage graph. He said that snowpack equals storage and that line represents a credit of 50% of the snowpack into storage. Ritter commented that storage in the Croton System is currently at 100% and asked if that is normal. Najjar said the Croton Water Filtration Plant is about to come online. The Croton ordinarily provides about 10% of New York City's total daily water needs, but at times can be relied upon for up to 30% of the City's total water supply. Ritter asked if water is being diverted from Cannonsville and Pepacton into the Croton. Najjar does not think that is happening, noting that those systems are separate. Ritter asked when the Croton system is to go online. Najjar told him this year, that they are awaiting some permits.

Najjar reported that the next DRBC Regulated Flow Advisory Committee Meeting will take place on April 17th at the DRBC office in West Trenton. This committee advises the Commission about regulated flows and potential changes to the Water Code; provides a forum for public discussion; disseminates

accurate scientific information; and increases understanding of operational and legal constraints and opportunities. Najjar explained that the DRBC consists of the governors of each of the four basin states and a federal representative appointed by the president and the Decree Party representatives are the governors of the four basin states and the mayor of NYC. He explained the difference in their roles. Najjar spoke of the Water Management Advisory Committee of which the UDC has been asked to become a member. Ramie said the Council awaits the DRBC's formal letter. Najjar said that O'Dell as the UDC representative to the committee is welcome to participate even before the letter is issued. This will allow for more Upper Basin representation.

Najjar said that he read the minutes from the March 24th Operations Committee and wanted to address the issue of support of DRBC federal funding which he referred to as a "long shot". Regarding funding from other groups, he said the DRBC does not have regular year-to-year funding coming in. The only year-to-year grant they have is from the Environmental Protection Agency (EPA) for their water quality program. He clarified they have accepted grants from the William Penn Foundation and the Otto Haas Charitable Trust. These were received over three years ago. He noted the DRBC was looking for additional funds at the time they were developing the natural gas regulations. He said the DRBC's job as a regulatory agency is not to stop development, but to regulate it. The vast amount of the monies they received went to other parties such as the University of Vermont, the USGS, and New Jersey Office of Information Technology (OIT) to determine how development affects the landscape and water quality; it did not go to operations. He explained the projects for which this money was used. These projects included mapping and a sampling program to gather baseline data. Najjar stated that some of that grant money that was received still remains on their books. Peckham stated that the Delaware Riverkeeper serves on some of the DRBC advisory committees. Najjar said the DRBC committees consist of a diversity of membership including the Delaware Riverkeeper, DuPont, the states, federal government, and more. He explained the process of chairmanship for the various committees. They are trying to go into a webinar format for committee meetings to alleviate the drive for members.

Najjar said the DRBC received an application for the Pond Eddy Bridge about one month ago.

Najjar reported that a resolution authorizing the DRBC Executive Director to initiate rulemaking to provide for the One Process – One Permit program and to enter into an administrative agreement with New Jersey for demonstration of the program was passed at the March 11th business meeting. The One Process – One Permit Program is to promote collaborations and enhance administrative efficiencies between the DRBC and the four basin states while ensuring that equal or better environmental outcomes are obtained. The program will rely upon administrative agreements between the DRBC and each state agency to identify common regulatory programs that will be managed through a single process resulting in one decision or approval.

Ramie questioned what authority the DRBC has over reviewing the Pond Eddy Bridge. Najjar explained the Pond Eddy Bridge is in Delaware River Basin Commission's Special Protection Waters Zone 1B and projects located in the drainage area are subject to DRBC review and there are provisions for stormwater management non-point source pollution control. He does not expect this review to be complicated.

Richardson said there were subtle implications by some board members that outside DRBC funding in some ways played a part in the fact that the DRBC has not to this date come out with regulations regarding natural gas. Najjar said that is the exact opposite of the purpose for getting the funding. He said the purpose of the funding was to take in money so they could review applications; to give them a way to automate their system. He said that back in 2010/2011 they expected a barrage of applications. They were trying to develop a system with which they could receive them. He said they were trying to obtain resources to conduct reviews for natural gas development.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge. Ramie noted there are two press releases included in members' packets titled, "DEC Reminds New Yorkers That Residential Brush Burning is Prohibited Until May 15" and "DEC Invites Hunter Input On Fall 2015 Waterfowl Seasons". Copies are available upon request.

PA Dept. of Environmental Protection: Manning reported that the DEP has declared a Drought Watch for 27 Pennsylvania counties noting that the lack of groundwater recharge is a major factor. Wayne and

Pike counties are included in the watch area. Pennsylvanians are being asked to voluntarily reduce their water use. Manning said a drought watch declaration is the first and least severe level of the state's three drought classifications. Hahn questioned if New York State has such a watch in place. Henry asked O'Dell to look into that.

Manning said the DRBC will execute a new administrative agreement with Pennsylvania to replace the agreement in place since 1979 and spoke of the One Process – One Permit program to be initiated in order to alleviate duplication between agencies and reduce administrative costs. Najjar added this effort is to consolidate compliance and permitting into one place as this is what the regulating community and governors have been asking for. Richardson asked if this effort will take place in New York. He was told yes.

National Park Service-Upper Delaware: Heister stated that she is the National Park Service representative on the Delaware Basin Federal Interagency Team which is the team of federal agencies that informs the federal representative to the Delaware River Basin Commission. She said she can confirm everything that Najjar said regarding the direction the DRBC has wanted to go with the natural gas regulations.

Heister reported that UPDE Chief Ranger Joe Hinkes will start his new position as Operations Supervisor at DEWA on May 3rd. They will be detailing Larry Neal, an UPDE ranger, into his position for 120 days.

Heister said she is in receipt of the letter requesting the determination on whether there is any authorized mechanism available for the UDC to start building up a fund over time solely dedicated to the RMP evaluation and inquiring about the deadline for submitting the UDC's Annual application for Federal Assistance package for FY 2016. She stated the funds are one year funds and can not be banked from one year to the next. Heister added that transfers of up to 10% of funding from one functional area to another can take place. She offered to have Administrative Officer Karen Henry attend an Operations Committee meeting if members wanted. Regarding the application for the Federal Assistance, Heister said that paperwork is due by May 15th.

Heister said that she's invited Bonnie Sheard and Joe Hinkes to attend the April 28th Project Review meeting to discuss Commercial Use Authorizations (CUAs). She noted that the Upper Delaware has as many CUAs for fishing guides as Yellowstone does. Heister said that CUAs regulate activities to the mean high water line. Hinkes will discuss what the Park Service authority is on land where there are co-use/co-management agreements.

UDC Executive Director's Report: Ramie stated that any members interested in hearing about the Commercial Use Authorizations are welcome to attend the April 28th Project Review Committee meeting at 6:30.

Ramie acknowledged Freda Eisenberg, the Commissioner of Sullivan County Division of Planning and Environmental Management, and thanked her for attending tonight's meeting.

Ramie noted that Westfall Township, as of tonight, has missed three consecutive full Council meetings. She said the Member Participation Policy enacted in 2014 states that "In the event of a member's absence at three consecutive, regular meetings of the Upper Delaware Council, stipend payments will be suspended until active participation resumes. Suspension of stipend payments would require advance written notice to the member (addressed to the Town Board or Township Board of Supervisors) and a majority vote at a regular meeting to take effect." A motion to proceed with the suspension of Westfall's stipend according to the policy was made by Dean, seconded by Peckham and carried.

Ramie referred members to the copy of the Spring/Summer issue of *The Upper Delaware* newsletter in their packet. She noted it arrived by the deadline and she is much happier with the quality of the photo reproduction.

Ramie reiterated that reservations for the 27th Annual Awards Banquet scheduled for April 26th at the Central House Resort in Beach Lake, PA are due by April 17th. Research on all the honorees to prepare the souvenir booklet and presentations is currently underway, she added.

Ramie reported that April 24th is the deadline for member municipalities to apply for a UDC River Clean-up grant for this year. She said discussion took place at the March 24th Operations Committee meeting about the UDC submitting an application to Sullivan County's Plans and Progress Small Grants.

Ramie said she asked that project ideas be submitted to her by April 1st. She did not receive any, but noted a staff suggestion would be to complete the patio area in front of the building by providing seating, additional landscaping and a flagpole. The requirements for the grant include quotes from at least two contractors and a 50% match guarantee. The deadline for the application is April 30th, Ramie noted. A motion to authorize a patio improvement project as the application for the Sullivan County Small Grants program which requires a 50% match was made by Richardson and seconded by Jeffer. After a brief discussion, it was decided that the UDC's maximum budget is not to exceed \$2,000. Dean questioned if the UDC is subject to prevailing wage. He was told no as we are a private non-profit. The vote was taken and the motion carried.

Ramie noted that since the May 15 deadline has been confirmed for submitting the UDC/NPS Cooperative Agreement, Five-Year Plan for FY 2016-2020, and FY 2016 Application for Federal Assistance package which includes a new budget, committee work plans, and financial forms known as FY-424s with numerous attachments, those documents will have to be ready for this month's committee reviews leading up to a vote on resolutions of approval at the May 7th UDC meeting. She said due to the time constraints, the Five-Year Plan will be drafted as a broad framework for what the UDC accomplishes every year and will refer back to the work plans for details. The Plan will be more general and used as an administrative document.

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

Ramie reported there are presentations pending for both the May and June full Council meetings. She said Norma Schadt, the Town of Deepark Assistant Historian, has offered to give a presentation on historic markers at the May 7th meeting. Aqua Pennsylvania, the operators of the Mast Hope Wastewater Treatment Plant in Lackawaxen, have expressed interest through their meetings with the National Park Service in addressing the UDC. They will attend the June 4th meeting. Both presentations were approved by Council members.

Ramie said that Travis O'Dell was selected for a profile in the *Sullivan County Democrat's* Young Professionals and Business Leaders of Sullivan and Wayne Counties special section called "Up and Comers", which will be published on Friday, April 10, which she noted is the day O'Dell turns 30.

Old Business:

PennDOT Reply: Narrowsburg Bridge Rehabilitation Project: Ramie referred to the response from PennDOT to the UDC's offer to host a public meeting regarding the rehabilitation project. The letter states "Your letter outlining the concerns of all those affected by this project has been forwarded to the consultant designer for coordination of this meeting." Ramie said we are pleased with this response. Ramie shared details of the response letter from Susan E. Hazelton, P.E., Assistant District Executive from PennDOT to the petition drive for the Narrowsburg Bridge initiated by local resident Iris Helfeld.

PA DEP Reply: Mast Hope Wastewater Treatment Plan: Ramie referred to the copy of the letter provided in members' packets. O'Dell noted the letter states that "The last Discharge Monitoring Report (DMR) violation was reported on January 2013". He said the letter further reads, "The Department has conducted three inspections of the Mast Hope WWTP since 2011." He stated he feels more information will be provided by Aqua Pennsylvania, the operators of the Mast Hope Wastewater Treatment Plant, at the June full Council meeting and the issue can be further discussed at the Project Review Committee meeting if members feel that is necessary.

Henry, speaking to Najjar of the DRBC on behalf of Berlin Township, stated that the Township has had a DRBC fine levied against them for failing to monitor municipal authority waste water for the presence of specific environmental hazards. He questioned if Mast Hope has received any fines for similar violations. Najjar stated the violation referred to in the PA DEP reply letter would have been imposed by Pennsylvania Department of Environmental Protection. He said that DRBC provides compliance for those that are not in the DEP permit adding that if there were parameters they had to sample that were not in the DEP permit, the DRBC would look for compliance of those. Henry asked both Najjar and Manning if they could follow up to see if there were any fines imposed as a result of the 2013 violation. Najjar asked Henry

if Berlin's plant has been upgraded in the last several years. An upgrade would have triggered the Special Protection Water criteria. Najjar said he would check into this and report back to UDC staff.

Other: Manning questioned if the UDC had received a response from the PA Governor regarding the Commonwealth's failure to provide the funding to the UDC it had agreed to. Ramie said a letter was sent to Governor Wolf congratulating him on his election and informing him of the situation with the funding. She added we have not received a response to date.

Richardson stated that the Delaware River Basin Commission has been a dutiful member of the Council for a very long time. It has been suggested that a letter of support might add weight to their request for funding from the federal government. Many times over the years, we have done just that he added. He spoke of the discussion that took place at the March Operations Committee meeting. Copies of the draft letters that were distributed at the Operations Committee meeting were distributed to members. He stated Najjar did address some of the concerns during his report. He hoped those issues had been satisfied. Richardson said he wanted to bring the letters back up for consideration. Henry confirmed there are two letters. Ramie said yes, one to the House and one to the Senate. A motion to send the letters was made by Richardson and seconded by Conway. Sullivan said she does not feel it is a good time to not support the agency that is the main defense against flooding and drought. She spoke of the similarities of the missions between the UDC, the DRBC, and the National Park Service noting she does not see a conflict in supporting the DRBC. Ramie stated the UDC is not supporting federal funding as the UDC is not allowed to lobby for federal funds. She said we are supporting the DRBC as a member of this organization and pointing out to the legislators what the situation has been for federal funding over their history. Roeder shared his thoughts on the inability to separate funding and special interests. He told Najjar it is his observation that over the years the gas companies and pipeline companies have not been invited to talk. He noted that did not happen at the UDC either. He recommended the proposed letters be reviewed by the UDC's attorney in order to be sure they are not soliciting funds or legislation. Najjar said he agreed with Roeder's comment that perception is everything. He said that the DRBC has met with natural gas companies from 2009 through 2012. He added they wanted rules; something they could work off of. He noted the DRBC has also met with the Northern Wayne Property Owners Association. He said they try to play as level a playing field as they can because of the fact that they are a regulatory agency. He said they are also a planning agency that manages and maintains the water resources of the basin. He understands this is a volatile issue because of the natural gas situation and this region. Najjar spoke of the work of the William Penn Foundation, noting they are about watershed management. He stated that the DRBC looks for members to join their committees. He invited any of the members or municipalities or counties that are interested to join, stating there is plenty of room for members and discussion. Henry called for the vote. Five ayes and five nays were cast. The motion to send the letters failed.

New Business:

Draft Letter to Kristina Heister: Law Enforcement Collaboration with Delaware Water Gap National Recreation Area: A motion to send this letter was made by Roeder, seconded by Peckham and carried.

Draft Letter to PennDOT: Pond Eddy Bridge Replacement Project – Section 7 Authorization and Aid to Navigation Boater Safety Plan: A motion to send this letter was made by Roeder, seconded by Peckham and carried.

Draft Letter to NYSW Railway/Central New York Railroad: Transportation of Hazardous Material through the Upper Delaware Corridor: A motion to send this letter was made by Roeder, seconded by Peckham and carried.

Other: Peckham referred to a copy of a letter provided by him dated August 14, 1975 from the Upper Delaware River Association to the Erie Lackawanna Railway Company regarding a train wreck and derailment that took place on January 13, 1975. He noted that one of the cars contained thousands of gallons of tar which fell into the river. He reported that the river was dredged and the contents were buried

on the other side of the railroad tracks and monitoring wells were installed. Peckham is unsure if these wells have ever been checked. O'Dell said in the 1990's the Council put together a book of toxic and potentially toxic sites within the area. He said he will check this book. Henry suggested trying to obtain more information on this issue. Henry asked Don Hamilton if he could look into this issue. Hamilton said he would and would report back to the WU/RM Committee.

Peckham spoke of a 1970's settlement by New York City with New York landowners regarding riparian rights from converting the warm water fishery to a cold water fishery.

Public Comment: None

Adjournment: A motion by Dean, seconded by Roeder, to adjourn the meeting at 9:35 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 4/16/15