

UPPER DELAWARE COUNCIL MEETING MINUTES

September 4, 2014

The Upper Delaware Council held its monthly meeting on Thursday, September 4, 2014 at the Council office in Narrowsburg, NY. Chairperson Andy Boyar 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 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-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Shohola Township-Pat Jeffer, State of New York-Bill Rudge Commonwealth of Pennsylvania-Tim Dugan, National Park Service-Kris Heister. Staff in attendance: Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Also in attendance: Ginny Dudko, Deerpark Alternate. Absent: Lackawaxen Township, Westfall Township, Delaware River Basin Commission.

Presentation on Upper Delaware River Tailwaters Coalition by Dean Frazier, Commissioner of Delaware County Watershed Affairs, and Sherri Resti, Executive Assistant, Friends of the Upper Delaware River: Resti stated that the Upper Delaware River Tailwaters Coalition (UDRTC) is a locally driven, voluntary group whose focus is on cold water. Frazier noted that the Coalition is in its beginning stage and they are here to educate the Council as to what they are about. He shared some background regarding the formation and said in 2013 he reached out to the communities below the New York City dams to find out what their needs and concerns were. He learned that the economic benefits of the cold water fishery and flooding were common concerns. The Towns of Colchester, Deposit and Hancock; the Villages of Deposit and Hancock; and the Friends of the Upper Delaware River currently make up the UDRTC membership. It was conceived in hopes that a unified voice might be better heard. Resti noted they would like more participation in the Coalition, particularly the Townships of Buckingham, Manchester, and Damascus on the Pennsylvania side and the Towns of Fremont and Delaware and Sullivan County on the New York side. Frazier spoke of the common issues and concerns of communities below the NYC dams. Resti shared the UDRTC mission statement which is "To develop and implement science based initiatives and policies that enhance the local economy, the cold water fishery and mitigate flooding in the Upper Delaware River Tailwaters." She and Frazier discussed the UDRTC objectives. Frazier spoke of sediment issues of tributaries and a comprehensive Stream Corridor Management Plan. Resti referenced some of the UDRTC's accomplishments to date. They include developing a statement on the Flexible Flow Management Plan, conducting an economic study, applying for grants for the Comprehensive Stream Corridor Management Plan (SCMP), planning a September 12th conference, tourism promotions, and meetings with New York City Department of Environmental Protection about directed releases and the FFMP. Frazier said the SCMP seeks to look at the elements that affect streams and to improve tributaries and find long-term solutions versus emergency responses. Frazier spoke of the Catskill Area Tourism Services (CATS) international marketing campaign that is underway promoting fishing. Frazier noted that he can not emphasize enough that the Coalition is community driven and if there is not "buy in" at the local level, it is just a waste of time. A brief discussion about stream restoration took place. Boyar questioned if the UDRTC has a contact person. Frazier said the Coalition has not formed a board yet, but he can be reached at (607) 746-8914 or his email address is dean.frazier@co.delaware.ny.us. Greier shared his concerns about municipalities having to meet certain thresholds before receiving federal aid in times of disaster. Members thanked Resti and Frazier for their time.

Approval of August 7 Meeting Minutes: A motion by Dean seconded by Jeffer to approve the August 7 meeting minutes was carried.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were August 19 Water Use/Resource Management by Al Henry, August 26 Project Review by Larry Richardson and August 26 Operations by Andy Boyar.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of August 28 was at a combined capacity of 84.8% with Cannonsville at 81.1%.

NYS Dept. of Environmental Conservation: Rudge referred to the three news releases provided in members' packets. The first is "DEC Announces that 2014-15 Sporting Licenses Are Now Available: Deer Management Permits, Hunting, Fishing and Trapping Licenses Can Be Purchased at a Licensed Sales Outlet, Via Phone or Online." Rudge noted that they are transitioning to a new licensing vendor and licensing structure. These changes have made for a difficult roll out, but it is improving every day, he added. More information is available at www.dec.ny.gov/permits. Richardson questioned about the new fishing license terms. Rudge said that under a new law that took effect in February, fishing licenses and recreational marine fishing registrations are now valid for 365 days from date-of-purchase.

The second news release is titled "New Regulations Seek to Prevent the Spread of Invasive Species in New York State: DEC and Agriculture & Markets Issue Final Regulations to Address Damage Caused by Invasive Species". The rule, including lists of prohibited and regulated species, may be viewed by visiting the Division of Lands and Forests regulations web site at www.dec.ny.gov/regulations.

The third news release is titled "DEC Finalizes Rule Changes to Implement New Crossbow Hunting Law: New Regulations Now in Effect for Fall 2014". Details of the final rule can be viewed in the August 27, 2014 publication of the New York State Register and on DEC's website at www.dec.ny.gov/regulations/34113.html#Part1Part2p. For a general summary of the law, see DEC's information on crossbow hunting at www.dec.ny.gov/outdoor/68802.html.

Dean asked Rudge whether the towns get money if individuals buy their licenses at the town clerk's office. Rudge believes so. Dean said he would encourage people to buy their licenses from the local town clerk's office.

PA Dept. of Conservation & Natural Resources: Dugan said he attended the Pike-Wayne Conservation Partnership's Legislative luncheon recently. The event was hosted by the two county conservation districts and others to bring local legislators from the region in to discuss with them their environmental concerns of the area.

Dugan reported regarding Pennsylvania hunting licenses, the Commonwealth transferred to an electronic process a couple of years ago and it has made the licensing system a lot easier.

Dugan noted we are coming into fall and it has been a little dry in terms of average rainfall, resulting in some of the leaves starting to change color.

Henry asked what the latest is on the Emerald Ash Borer. Dugan said there have not been any counties reporting any new reports of infestations. More information on the Emerald Ash Borer and where it is located is available on-line, Dugan noted.

National Park Service-Upper Delaware: Heister introduced Jessica Newbern, one of the biologists for the NPS Upper Delaware Scenic & Recreational River, noting she works with Don Hamilton and Jamie Myers.

Heister thanked the Council for inviting her to the meeting with Congressman Gibson.

Heister said she will eventually be discussing with the Council the possibility of joining forces to conduct a scenic viewshed inventory of the entire river corridor. She asked members to give some thought about how such an inventory may be useful to their town or township.

Heister said an agency permitting meeting took place at the Pond Eddy Bridge to look at the current plans for the bridge replacement and discuss permitting issues and concerns. The proposed bridge will be placed approximately 50 yards upstream from the current location. She said they are planning to build a causeway across the river. As currently proposed, the causeway initially would go half way across the river and then eventually would go all the way across the river due to issues with access on the Pennsylvania side. A small bridge connecting the two sections of the causeway with approximately four feet of clearance underneath for boaters is currently being discussed. Rajszyk noted that it had been said that a meeting of the Pond Eddy Bridge Design Advisory Committee would be reconvened in September 2014 so that plan concerns could be voiced. No such meeting has been scheduled yet. Henry shared his concern regarding the plan for the open section for boaters to use between the causeways, noting that someone could be killed. Heister said the NPS' concerns were expressed during the meeting. A brief discussion took place regarding the proposed plans. Boyar said that under New Business he will suggest that a letter be crafted to include concerns about the safety issues of the causeway that Henry could be consulted about and Rajszyk's concern about the reneging of the recall of the Design Advisory Committee.

Heister said there are some storm water runoff issues happening at the Roebling Bridge. The NPS has been working with the NYS DOT on a small project that will take place at the bridge. The location of the storm drains will be moved and re-paved to re-direct water flow. Boyar asked if there will be any disruption to the traffic flow. Heister said she will let the Council know if she finds out there will be any closure of the bridge. Any closures would be very temporary, she added, less than a day.

Heister reported that Mast Hope Community discharged their raw sewage into the river over the Labor Day weekend. NPS staff has been collecting data and taking photographs. T. O'Dell noted this has been going on for quite a while now. Boyar questioned who the lead is on this investigation. Heister told him it is the Commonwealth of Pennsylvania and that the facility is owned by Aqua PA. The investigation and collaboration with other agencies continues, Newbern stated. Henry said in Pennsylvania, the township sewer officer should be the first person notified of such an issue. Boyar asked Heister to keep the Council informed on this matter.

UDC Executive Director's Report: No verbal report in the absence of Executive Director Ramie due to vacation dates. The September 2014 calendar of UDC Meetings, Activities, and Deadlines was provided in members' packets for their information.

Old Business:

Draft Letter to UDC New York Towns: Partial Exemption for Reconstruction or Rehabilitation of Historic Barns: Boyar noted that this letter was first presented to the Council at the August full Council meeting. O'Dell was asked to edit the letter to remove any endorsement by the Council of this program. O'Dell said he did this and the new letter was included in members' packets. Dean thanked O'Dell for doing this. A motion to send the letter to UDC New York towns regarding the partial exemption for reconstruction or rehabilitation of historic barns was made by Rajszyk, seconded by Sullivan and carried.

Other: Peckham questioned the next step in the River Management Plan review process. Boyar told him it states in the August Operations Committee meeting minutes that "the consultant will complete a report of findings and recommendations by September 30th and present it at the October 2nd UDC meeting."

New Business

Other: Sullivan noted that at the conclusion of the Viewshed Analysis workshop on September 3 hosted by Sullivan Renaissance, NPS Natural Resource Supervisor Don Hamilton asked the group how many would be interested in a three-day training on Viewshed Analysis. He received eight positive responses, Sullivan said. She said if members are interested or know of any of their town officials that may be interested, they should contact Don Hamilton. Heister said she will report to the Council on the Viewshed Assessment

strategy in the near future. Dean asked what the goal is of this Viewshed Assessment. Heister said it is to identify the scenic views up and down the corridor that are important. Sullivan said this would be accomplished through each town's zoning. Each town would decide what views they value and if they want to protect them. Heister said it is the goal to have the towns and townships identify these scenic views they find important. Dean said that he sits on the Council to protect private property rights for everybody that owns land. He said that while we all enjoy nice views, it is his opinion that private property rights and their rights to develop land need to be considered. Richardson said that he attended the September 3rd seminar and that Sullivan Renaissance planner Helen Budrock did an outstanding job. He shared his thoughts on the seminar.

Henry asked Heister if it would be possible for him to receive any documentation regarding the placement of the boundary line of the river corridor on the map. Heister said she has recently consulted the River Management Plan to research how the line was drawn. Heister told Henry she will look to see if there is any documentation and get back to him.

Boyar reminded Project Review Committee members that the Special Project Review meeting to review the Technical Assistance Grants applications is scheduled for Tuesday, September 9th at 6:30 in the Council office.

Boyar reported that he participated in a river clean-up on the West Branch of the Delaware last week. A total of 32 volunteers and nine drift boats participated. A total of 143 tires were removed from the river just above Balls Eddy and tons of debris and garbage. This clean-up was sponsored by the West Branch Angler Resort, Friends of the Upper Delaware River, and Patagonia, Inc. They plan to host two clean-ups in 2015, Boyar noted and he feels the Council should be mindful to help promote it.

Boyar commented that the new photos in the meeting room look great. Rajsz agreed.

Rajsz noted that the UDC and Upper Delaware Scenic Byway will co-sponsor a meeting on September 22nd at 7:00 in the Tusten Town Hall to release the results of the Tourism Visitation Report. Light refreshments will be included. She encouraged all to come, noting the results will be an eye opener.

Rajsz made a motion to send a letter to Pennsylvania Department of Transportation regarding the Pond Eddy Bridge. Issues that should be addressed include the fact that Shohola Township and the Town of Lumberland were not called to the recent meeting, water safety concerns, and the proposed staging area along Route 97. The motion was seconded by Henry. Henry asked that a Boating Safety Plan be requested and that he have access to it. Henry suggested that the NPS pressure Penn DOT for that plan. Boyar called for a vote and the motion carried.

Henry asked for clarification as to how the committee reports should be handled at future full Council meetings. Boyar said he senses a growing feeling that people feel that there are plenty of opportunities to view the minutes prior to the meeting and that reading them is a waste of time. Boyar said that this issue has been addressed before and it was decided that the reports be limited to five minutes in duration. He added that if there is no presentation scheduled for the meeting and there are three five-minute reports; that should not be too unbearable. Richardson feels that the committee reports are a service to the public that attend. Boyar recommended leaving the reports to the committee chairs to use their discretion and to deliver the most informative, concise report possible within the five minute time frame.

Dean referred to the September calendar of UDC Meetings, Activities, and Deadlines. He questioned what the UPDE Gas Summit was. T. O'Dell said it is a National Park Service sponsored summit. Participants will have the opportunity to tour a couple of well pads in Bradford County, PA. and a compressor station, he said. Heister said the summit is for educational purposes. Henry asked who is going on the trip. O'Dell said that he and Ramie will be participating from the Council. The UDC chair and vice-chair had also been invited but were not available. Heister told Henry there is room on the bus and he is welcome to go on Tuesday or Wednesday. Heister said advance notice is required.

Public Comment: Ginny Dudko notified Heister that the radio station that signs refer people to for information at either end of the Upper Delaware River Scenic and Recreational River corridor is not working. Heister said she would check into that.

David Hulse told Rudge he's been seeing ads regarding the new New York State tourism signage program that the state is doing. He wondered if those signs will be appearing in this area. Rudge said there are a couple of programs currently underway that the Governor has championed. One is the "Pathway Through History" program and those signs have been put up identifying cultural and historical resources throughout the state. The signs guide the traveling public to those sites. Rajs said there are a couple of brown, museum signs along Route 97 directing people to local museums. Rudge said he would be happy to look into the fact that there are not any of the "blue" signs in the area.

Adjournment: A motion by Rajs, seconded by Greier, to adjourn the meeting at 8:26 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 9/22/14