

Upper Delaware Council  
**WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES**  
**June 21, 2011**

Committee Members Present: Chase, Boyar, Rando, McKay  
Committee Members Absent: Ritter, Shafer  
NPS Partner: Hamilton  
Staff: Douglass, Soete, Ramie  
Guests: None

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, June 21, 2011 at the Council office in Narrowsburg, NY. Vice-Chairperson Phil Chase called the meeting to order at 7:15 p.m. A motion by Boyar seconded by Rando to approve the May 17 meeting minutes was carried. There was no public comment on the agenda.

**New Business**

**FY 2012 WU/RM Committee Work Plan:** A draft Water Use/Resource Management (WU/RM) Committee Work Plan prepared by staff had been distributed for advance review. Ramie explained that a resolution to adopt the UDC's three committee work plans and FY 2012 budget will be up for a vote by the full Council at the July 7 UDC meeting to comply with the National Park Service's schedule to receive the UDC's annual requisition documents by July 11. Boyar observed that some language and date changes were made from the FY 2011 work plan. Ramie advised that staff decided after this draft had been circulated to restore the work completion target dates listed at the end of each task that are currently marked for deletion. A motion by Boyar seconded by Rando to recommend adoption of a 2<sup>nd</sup> draft of the FY 2012 WU/RM Committee Work Plan that will include targeted completion dates for each task was carried.

**PA Fish and Boat Commission Proposed Regulations: Personal Flotation Devices (PFDs):** A draft letter addressed to Pennsylvania Fish and Boat Commission (PFBC) Executive Director John Arway was handed out for review. A copy of the Proposed Rulemaking published in the June 11, 2011 *Pennsylvania Bulletin* was attached. The UDC draft letter expresses support for the proposed amendment to the Commission's boating regulations which would require, beginning November 1 until midnight April 30 of the following year, people to wear a Coast Guard approved Type I, II, III or V PFD while underway or at anchor on boats less than 16 feet in length or any canoe or kayak. McKay said he thought this regulation was already in effect. Soete replied that it is in New York State. This regulation targets the colder months when hypothermia could be an issue. Hamilton asked if PA's timeframe corresponds to NY's. Soete said he would check that before the July 7 UDC meeting at which this letter will be presented for action. The letter encourages the Commonwealth to coordinate with New York State to ensure that their regulations are consistent. Chase asked whether this regulation pertains at all to waders while fishing. Soete said that it only addresses boaters. A motion by Boyar seconded by McKay to recommend approval of the letter by the full Council was carried. Boyar instructed Soete to check the New York State Department of Environmental Conservation regulations and adjust the letter accordingly if needed. McKay noted that the PA regulation would take effect one year from this November, if approved.

**Lackawaxen Township Conditional Use Hearing: Holbert Quarry, NPS Letter:** Soete reported that this subject will be addressed more by the Project Review Committee but he wanted to bring it up for this committee's awareness. The Holbert Brothers currently have permits to quarry two five-acre areas in Lackawaxen Township. They are seeking a conditional use variance to expand to a 40-acre quarry. A similar proposal was made in 2008 but the applicant ultimately withdrew it. The National Park Service, UDC, and some neighbors who oppose the project had all hired lawyers to represent their interests at that time. The River Management Plan states that "major surface mining operations" are incompatible uses in hamlet areas. It allows for two acres of working face and two acres of ancillary use. The Lackawaxen Township Zoning Ordinance also prohibits major surface mining operations within the Delaware River Corridor Overlay District, so the proposal should not be considered as a conditional use. The UDC and NPS attended a June 8 Lackawaxen Township Board of Supervisors hearing on this application but were

not allowed to speak. Hamilton reported that NPS initially presented a letter requesting a continuance of the hearing. When that letter was rejected, he presented a letter requesting “that the Lackawaxen Township Supervisors deny Wayne and Dave Holbert’s conditional use permit based on the Township Supervisors’ lack of authority to approve the proposed use.” A copy of that letter dated June 8 and addressed to Supervisors’ Chairman Brian Stuart was provided, along with an aerial photo of the quarry site taken by Soete. McKay noted that Stuart was not present at the meeting, which left only two supervisors to hear the testimony. The board denied standing to the NPS and UDC. McKay asked what the Park Service will do about that. Hamilton said that there is an option to litigate this as a civil action in state court, appealing the board’s failure to recognize NPS as an interested party. NPS wants to see the River Management Plan provisions upheld. Soete asked whether UDC should retain an attorney. In 2008, that action resulted in the UDC being granted standing at the hearing. Hamilton said he related that precedent from 2008 to the board but they weren’t swayed. Hamilton wondered whether Holbert would grant access to his quarry so that NPS could independently verify the application’s claims regarding drainage and visibility issues. Soete said the 40-acre plan projects that there would be 375 truck trips per day. McKay noted that Holbert has stipulated that this is already a non-conforming use, for which the township’s zoning ordinance limits the maximum expansion to 25% additional space. This application would exceed that restriction. Soete said that he will prepare a draft comment letter from the UDC on this conditional use permit application for action by the Project Review Committee at its June 28 meeting.

**“PennDOT and NY DOT Agree to Replace Pond Eddy Bridge” News Release:** A June 7 news release from the Pennsylvania Department of Transportation was handed out. It states, in part, “PennDOT and NYSDOT have reached agreement on replacing the existing Pond Eddy Bridge... The project is advancing through the states’ preliminary engineering phase and environmental approval processes and this will continue into the fall... Construction of the replacement bridge is targeted for the end of 2012 or the beginning of 2013.” The release further states that a Design Advisory Committee of local representatives will be established this summer, the old bridge is being marketed to interested parties for adaptive re-use in whole or parts, and recently-completed repairs of the bridge have restored it to a 7-ton weight limit posting. Rando commented that this long-sought agreement to replace the bridge is good news.

**USGS WaterSMART Pilot Study of the Delaware River Basin:** Douglass reported that the Delaware River basin will be one of three focused studies by the U.S. Geological Survey on water use and availability as part of the pilot WaterSMART initiative. USGS expects the study to take three years. Researchers will be funded at about \$500,000 each year. As part of the study, there will be a two-day stakeholder meeting on Sept. 7-8 to which approximately 50 people are being invited, including Douglass as UDC executive director and Delaware River Basin Commission Executive Director Carol Collier. Douglass said he would like to attend the meeting to be held in Shawnee, PA if the board approves. There is a reservation deadline of June 29. A request will be made at the June 28 Operations Committee meeting. McKay asked where the money is coming from for the study. Douglass said that information was not included with the announcement. Boyar said he feels it would be worthwhile for the UDC to participate and we should have a seat at the table. Rando pointed out from the handout that there is a form requesting written input to develop a draft work plan that will be discussed in detail at the stakeholder meeting. It asks individuals to list three issues that could/should be addressed in the study. Boyar offered: 1. Collect baseline measurements data of water quality, particularly before any natural gas drilling occurs in the basin, to guard against degradation; 2. Need for ample river flows to sustain multiple uses; and 3. Cold water releases/temperature issues for the aquatic habitat. Hamilton agreed that, besides flows, water quality should be emphasized. With New York City’s plans to connect their reservoir systems, we need to be documenting the quality needs for our species in the Upper Delaware River. Chase said that it would be interesting to find out whether New York City has the authority to take 800 million gallons per day of water. Soete said the question is whether there is a level of water withdrawals that is not sustainable for the Delaware River. Chase noted that he had recently been invited by Paul Rush from the NYC Department of Environmental Protection to fish with him on the Neversink River, which has seen its flows increase from 15 cubic feet per second in the 1970s to 140 cfs recently. The NYC DEP is developing a \$5.2 million computer system that will measure various factors such as weather, water demand, and snow pack, to decide how much water can be released into the Delaware and Neversink Rivers. Progress is being made.

**Wild & Scenic Rivers Training Workshop, June 23-24 Agenda:** Soete reported that he will attend a two-day workshop on the Wild & Scenic Rivers Act provided by the National Park Service on June 23-24 at PPL Environmental Learning Center in Lake Wallenpaupack, PA. Hamilton said that staff from the Upper Delaware Scenic and Recreational River, Delaware Water Gap National Recreation Area, and the Northeast Regional Office will participate. The two instructors are from the Wild & Scenic Rivers Program. An agenda was handed out for informational purposes. Soete noted that the registration was at full capacity. UDS&RR Superintendent Sean McGuinness had stated that he would like to hold an abbreviated version of this training program for UDC members in the fall.

**“Estimate for Tunnel Repair: \$2B”, June 10 *Times Herald-Record* Article:** An article by Adam Bosch addressing New York City’s plans to fix the leaks in the 45-mile Delaware Aqueduct was handed out. It states that it will cost \$2 billion for all the projects - including a 2.5-mile bypass tunnel under the Hudson River from Newburgh to Dutchess County, power grouting in Wawarsing, and cleaning and lining the Catskill Aqueduct to use water from the Ashokan and Schoharie Reservoirs – required to fix the leaks while continuing to provide 900 million gallons of drinking water to the city. The project is scheduled to be completed in 2020 and will create up to 1,500 jobs. Rando commented that the plans to use water from other reservoirs may help this area.

**Other:** 1) Chase reported that the big repair job at the Hawk’s Nest scenic overlooks continues, with two red lights for one-way traffic. Boyar observed that there are some real craftsmen doing beautiful work on the stone walls. 2) Rando reported that work on the Tennessee Gas Pipeline has gotten underway in portions of Pike County. It will probably get to Shohola soon. The clearings resemble a superhighway to the east. Rando is concerned over the crossing of tributaries, such as Walker Lake Creek. He hasn’t seen any plans for how that will be done, only signage denoting “no fuel area”, “waterway crossing” and “wetland area” messages. Hamilton speculated that the company could use a coffer dam or metal flume. McKay suggested asking the Pike County Conservation District for a copy of the plans. Soete noted that they are installing a 30-inch pipeline. He read that the Lackawaxen Township Supervisors made an agreement for the Tennessee Gas Pipeline to cross the Lackawaxen River in August. They figured the water levels would be lower then. The company has already been working in Wayne County.

### **Old Business**

**Upper Delaware Scenic Byway Update:** Ramie reported highlights from the Upper Delaware Scenic Byway, Inc.’s May 23 meeting. The Village of Hancock has a newly-appointed representative, Cliff Johnston, who attended his first meeting. An experimental program to add business listings from local chamber websites was initiated with the Callicoon Business Association ([www.visitcallicoon.com](http://www.visitcallicoon.com)). The listings of all members were transferred to the UDSB website for a nominal fee and will be carried for one year. UDSB, Inc. will next issue invitations to the chambers in Narrowsburg, Barryville, Hancock, and Tri-State with the same offer. The UDSB now has its own Facebook page which went active on May 6. No membership or account is required to visit the page. The UDSB board also discussed the Hawk’s Nest repair project, noting that alternating traffic is being controlled by two lights between Hawk Mountain Road and Bolton Basin Road, and that work is due to wrap up in August. As mentioned by Larry Richardson at the last UDC meeting, the UDSB Visitor Center has run into a complication. The federal legislation language for its transportation funding grant must be changed to reflect the intended location switch from Cochetton to Narrowsburg in order for the project to proceed. While this was considered a technical correction initially, the opinion now seems to be that it will require approval of a new earmark bill, which Congress only addresses once a year. The House leadership is reportedly not accepting any new earmarks at this time. The good news is that the federal funding that was announced for this project in 2004 remains secure. Officials from Congressman Hinchey’s office and Sullivan County Division of Planning are working to resolve this issue. For the community signs project, the designer is inputting the local content provided by the eight member municipalities. The Sullivan County Division of Public Works has agreed to accept delivery and storage of the signs at the county garage facility on Rt. 55 in Barryville. The crate of eight, 2x4-foot panels, steel pedestals, and hardware is expected to weigh approximately 330 lbs. A May 27 deadline was noted for submission of applications to the FY 2011 Federal Highway Administration National Scenic Byways Program Grants. Since this was only four days after the UDSB meeting, it was too short of a timeframe; however, the UDSB board endorsed potential applications by three member

municipalities. The Town of Cohecton wishes to improve an existing pull-off on NYS Route 97; the Town of Deerpark would like to acquire the Sparrowbush River Access property; and the Town of Lumberland seeks to improve the pull-off area at the junction of NYS Route 97 and County Road 31. Of those three projects, only the Town of Lumberland was able to submit an application by the deadline, Ramie reported. UDSB, Inc. received correspondence from NY DOT regarding its support for additional directional signage for the Grover Hermann Hospital in Callicoon, and from PennDOT accepting its request to be included on the Pond Eddy Bridge Design Advisory Committee. Updates of activity since the May 23 meeting were provided for four grants: NYS Grant M060091, approval given for a revised scope of work and contract deadline extension to 8/15/12 for six beautification projects; FY 2007 FHWA Grant for the Japanese Knotweed Educational Campaign and Community Signs Project, first interim reimbursement payment received; NYS Grant TM07083, executed contract received for the \$25,000 Visitor Center Feasibility Study; and NYS Grant TM08104, draft agreement submitted for a \$25,000 matching marketing funds campaign. The next UDSB, Inc. monthly meeting will be held on Monday, June 27.

**River of the Year Update:** The Pennsylvania Department of Conservation and Natural Resources (DCNR) and PA Organization of Watersheds and Rivers (POWR) held a survey vote to select images for the series of posters that will celebrate the 2011 Delaware River “River of the Year” designation. Dave Soete’s photo featuring Junction Pool and Point Mountain in Hancock was chosen to represent the Upper Delaware. The winning photo, originally taken in May 2006 on a cloudy afternoon prior to a rainstorm, was displayed to the committee. Other images were selected to represent the Middle, Lower, and Tidal sections of the Delaware. It has not yet been announced when the posters will be available.

**New Reservoir Operating Plan Took Effect June 1, 2011:** A fact sheet titled, “The Current FFMP” and a May 31 news release, “Delaware Basin States and New York City Announce New Reservoir Operating Plan Agreement”, originally handed out by DRBC Executive Director Carol Collier at the June 2 UDC meeting, were re-circulated for informational purposes, since this committee had questioned when the new plan would go into effect.

**Other:** Chase referenced the Delaware River Master Report for June 13-19 that was included in the handouts and said he appreciated receiving it. Cubic feet per second releases from the NYC Reservoirs as of June 19 were: Pepacton, 141; Cannonsville, 497; and Neversink, 110. Storage in those reservoirs ranges from 95 to 98%. Chase said we can’t ask for more than that.

**Upcoming June Meetings:** The following list of upcoming June meetings taken from the UDC calendar was included on the agenda for informational purposes:  
6/23 – National Park Service Wild & Scenic Rivers Training Workshop, 9 a.m. to 4 p.m., PPL Environmental Learning Center, Lake Wallenpaupack, PA  
6/23 – Local Waterfront Revitalization Program lunch meeting with tourism expert Dr. Peter Tarlow, 12-2 p.m., River Grille, Narrowsburg, NY  
6/23 – Sullivan County Division of Planning & Sullivan Renaissance Roundtable Discussion with Dr. Peter Tarlow, 4-6 p.m., Bethel Woods Center for the Arts, Bethel, NY  
6/24 – NPS Wild & Scenic Rivers Training Workshop Day 2, 8 a.m. to 4 p.m., PPL, Lake Wallenpaupack  
6/27 – Upper Delaware Scenic Byway, Inc. monthly meeting, 7 p.m., UDC office, Narrowsburg  
6/28 – Delaware River of the Year monthly teleconference, 10 a.m., UDC office, Narrowsburg  
6/29 – DRBC’s Subcommittee on Ecological Flows, 10:30 a.m. to 3 p.m., PPL, Lake Wallenpaupack  
6/30 – Multi-Municipal Task Force Road Preservation Law public hearing, 7 p.m., Sullivan West High School, Lake Huntington, NY (Towns of Lumberland, Highland, Tusten, Cohecton, Delaware, Bethel, Callicoon, and Rockland)

**Public Comment** None

**Adjournment** A motion by Rando seconded by Boyar to adjourn the meeting at 8:29 p.m. was carried.