

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
August 21, 2012

Committee Members Present: Tony Ritter, Patricia Jeffer, Jay Shafer, John McKay, Al Henry
Committee Members Absent: Andy Boyar
NPS Partner: Don Hamilton
Staff: Laurie Ramie, Cindy Odell, Dave Soete
Guests: Nicholas Lylo, Anne Willard

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, August 21, 2012 at the Council office in Narrowsburg, NY. The meeting was called to order at 7:00 p.m. A motion to approve the July 20 meeting minutes was made by Henry, seconded by Ritter and carried. There was no public comment on the agenda.

Ritter introduced Nicholas Lylo, District Forester, for the Lackawanna Forest District, and thanked him for coming. Lylo handed out an information sheet on the Bureau of Forestry. The Lackawanna Forest District is part of the Pennsylvania Department of Conservation and Natural Resources (DCNR) Bureau of Forestry. The headquarters of the Lackawanna Forest District is in Dalton, PA which is a small town outside of Scranton. This district encompasses the five counties of northeastern Pennsylvania, one of which is Wayne County along the Upper Delaware, Lylo noted. The other counties within the district are Lackawanna, Wyoming, Luzerne, and Susquehanna. Pike and Monroe Counties are in another forest district. Lylo told members he had seen the press release issued May 24th looking for WU/RM Committee Advisory Members, consulted with his staff, and they determined this would be a position they would like the Bureau of Forestry to be in. He added they have long felt they needed to be more of a presence in the northeastern part of Pennsylvania along the Upper Delaware as an advocate for the forest resource in this area. He said they do have some strong partnerships in the area. Lylo noted that the main mission of the Bureau of Forestry is to ensure the long-term health, viability and productivity of the Commonwealth's forests and to conserve native wild plants. The Bureau of Forestry has been around since 1895 and is organized into 20 forest districts across the state. It is responsible for forest wildfire prevention and suppression through rural fire department programs. The Bureau is also responsible for overall forest health. Lylo said the Bureau has a service forester in each county. The service forester for Wayne County is John Maza who is headquartered at Dalton and is responsible for the one-on-one contact with people, municipalities, and groups on forest land management issues. Jerry Barone is the forest fire specialist supervisor assigned to Wayne County. His responsibility is to oversee the suppression, prevention, and pre-suppression organizations to protect the forestlands in this area. This is accomplished in many ways including providing equipment, training and grant money to local volunteer fire companies, rural fire companies, and the Bureau has their own suppression organization to respond to wildfires in the area. Hamilton asked if they ever do any controlled burns. Lylo told him only on state forestlands, although they do have a Memorandum of Understanding with the Nature Conservancy which owns several large tracts of land across the northeast. Lylo said the Bureau is responsible for monitoring and managing destructive forest insects and diseases on all Commonwealth lands. It coordinates statewide suppression and spraying efforts on ecologically disruptive invasive insects, such as the gypsy moth. The Bureau manages and conserves the state's rich diversity of native, wild plant communities. This also includes the control of invasive species such as Japanese Knotweed. The Bureau also works with communities on the management of trees within the municipalities through the Tree City USA Program and others providing assistance on street tree management and maintenance to local communities. The Commonwealth of Pennsylvania has one of the largest state land systems in the country. Lylo stated that through the state forest system and the private forest land management program, forested watersheds are protected. That is a large part of the management planning and assistance to private forest land owners. The Bureau of Forestry does have a natural gas program on state forest lands more in the western and central part of the state. Lylo asked how can the Bureau of Forestry partner with the Upper Delaware Council. He said this is the topic that was discussed among the Bureau because they want to develop a stronger partnership here in the Upper Delaware to provide technical assistance to manage the forest resources which have a great impact on the water quality and aesthetics and the attraction to this area. The County Forester is the person on the ground that can provide all types of assistance. Lylo covered programs that are available noting that Common

Waters is one that foresters have been involved with from the beginning on helping to develop the forest management portion. Lylo noted there are 17 million acres of forestland in Pennsylvania; 15 million of which are privately owned including over 300,000 acres in Wayne County. The Bureau is reaching out to provide the owners with the guidance and assistance to put in place the best management practices to sustain that resource. The conversion of land to non-forested uses results in an impact to the watershed system, Lylo explained. Lylo covered some of the grants available and spoke about some of the partnerships the Bureau has in place with land owners and land owner groups and noted they would like to develop more in the area. Lylo stated that the Bureau of Forestry would like to be involved with the UDC as a technical advisor to the WU/RM Committee on issues that relate to forestry, forest land use, and forest sustainability. McKay noted that he did not realize that the Bureau had a forester for each county. Lylo noted that he is the district forester and there are also county service foresters. Mike Roche is a County Service Forester. He is based out of the Swiftwater office and is responsible for the service forestry outreach programs in Pike and Monroe counties, Lylo said. John Maza covers both Wayne and Lackawanna counties. Each county also has a forest fire specialist supervisor. Henry asked Lylo what the latest is with the emerald ash borer. Lylo said that as far as Pennsylvania is concerned, the emerald ash borer has been confirmed as far east as Wyoming County. He noted that on the New York side, it has been confirmed in Hancock area. He feels it is just a matter of time before it is confirmed in other counties. The best way to cut down on the spread is to not move firewood, Lylo noted. Henry asked about the wasps that are being developed to fight the issue. Lylo said that is still being studied. They are trying to determine that what may be released will not cause other problems down the road or will not maintain their own population. Hamilton asked Lylo if they are seeing local forest land owners harvesting their white ash prior to invasion. Lylo said the whole timber industry has dropped dramatically from what it was ten years ago as far as market value. The Bureau does not encourage land owners to go and cut all their ash because there is a threat of an insect coming through, Lylo said. He added there had been some marketing effort to get people to cut down all their ash before it goes bad, but he has not seen a big increase in the harvesting of it. Ramie noted that some of our board members have taken advantage of the Common Waters grants program for Forest Stewardship plans. She added the Council awarded Common Waters with its Partnership Award for coming up with that program. Lylo said that in the four years that he has been District Forester in the area, that program has been the one with the biggest impact on what is being done locally to sustain and protect the resource. Hamilton asked how much money the Common Waters program has given out and if they are continuing to raise money. He wonders how it is projected to work long term. Ramie said she could provide Hamilton with the exact number of how much has been awarded. Discussion took place about the fact that funds are dwindling and the campaign of corporate donors that is underway currently. Ramie noted they are appealing to the downstate water users. Hamilton said he learned an interesting fact today. The Delaware watershed provides as many people with drinking water as the entire Mississippi and Missouri river watersheds. Ramie asked Lylo if there have been any major forest fires in Wayne County that he is aware of. Lylo said Wayne County does not have large fires. He added that west of Wayne County, in Luzerne & Lackawanna counties, they will pick up some larger fires. Henry asked Lylo how PNDI fits into the Bureau of Forestry. The Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review searches for potential impacts to threatened, endangered, special concern species and special concern resources in PA. Lylo said that database is housed and managed in the Bureau of Forestry, but then there are various other agencies that direct the best practices for whatever the "hit" may come up on. Soete asked how the Bureau of Forestry funding is doing. Lylo said that the budget is stable and reviewed different sources of funding for the Bureau as the budget is not all funded through the general fund. Henry asked if the natural gas wells on the state forest lands are horizontal. Lylo said there are two types. There is a program that has been in place since the late 40's, early 50's of shallow gas wells. Those wells are located mostly in central PA. Since Marcellus went into play here, the State of Pennsylvania gave direction to lease property on state lands for horizontal. A team of geologists went through the whole process of delineating where the leases would be. It was put out to bid and leases were awarded to the highest bidders. Henry asked if there have been any problems related to natural gas in the state forests. Lylo said he would not say major problems, but many challenges to bring the program to the level it is at now. Hamilton asked if the leasing revenues go into the state's general fund. Lylo said the Bureau gets a percentage of that called the "oil and gas fund" which goes back to the department and the secretary of the department determines how that is to be spent. That is the oil and gas law that has been in place since the 1950's, Lylo added. He is not sure what percentage it is. Lylo provided business cards with his contact information. Ritter thanked him for taking the time to come to Narrowsburg and meet with the committee.

Lylo said he appreciates the opportunity and he looks forward to the Bureau becoming involved with the Council on forestry issues and forest management. Lylo said he could be of assistance for issues in Pike County also and noted that Brad Ellison is the District Forester there.

Old Business:

Upper Delaware Scenic Byway 7/23/12 Meeting Update: Ramie referenced the news release in members' packets announcing the completion of two state grants. The release details what was accomplished with those \$25,000 grants. Ramie reported that at the next meeting of the Upper Delaware Scenic Byway (UDSB) on August 27th, there will be a presentation on the proposed Port Jervis Whitewater Park. It will be held in the Council's conference room at 7:00 p.m. Ramie noted that at the July 23rd meeting there was a long discussion about the administrative support that the UDC provides to the Byway. They are looking to replace Ramie due to her other responsibilities now to the Council as Executive Director. They have broken the job into three parts, which are recording secretary, corresponding secretary, and grants administration. Ads have been placed in local newspapers for the secretarial portion for up to 15 hours per month. Duties would include covering the monthly meeting, taking the minutes, distributing them, agenda preparation, and some other clerical tasks that Ramie currently tends to. Applications are being accepted until August 23rd. Five applications have been received to date, Ramie said. She noted that there were three different state grants that all came due in August. Two of the grants have been paid out at this point and the payment request is being processed for the third. Ramie reported there was discussion at the meeting, initiated by Don Hamilton, about the Byway getting a window decal as both a marketing branding tool and as a fundraiser. She said the board is interested in looking into that idea to assist as a revenue stream. Ramie reiterated the invitation to attend Monday's UDSB meeting for the proposed Port Jervis Whitewater Park presentation which will be delivered by Anna Tison, the administrative assistant to the Mayor of Port Jervis. Hamilton commented that the UDSB signage logo might be good for the window decals that are being discussed. Ramie said the decals will be discussed further and they have gotten the names of some vendors.

D&H Transportation Heritage Council 7/25/12 Meeting Update: Ramie reported that this meeting took place at the D&H Gravity Railroad Depot Museum in Waymart, PA. These quarterly meetings are held in different locations so that people can see the canal route from Kingston to Carbondale. Among the reports given, the Park Service mentioned that they have re-opened the Towpath Trail that runs on the New York side under the Roebling Bridge in a primitive fashion due to past flooding events. D&H logo markers have been posted along the pathway as they're trying to do for the entire route. Ramie said she reported at the meeting on the Council's Five-Year Plan and advised them that we do have a cultural resources section that covers preservation of the canal remnants and items such as that. She also spoke about the UDC Annual Raft Trip and of the vacancy for the Resource Specialist. The next quarterly meeting will be on October 24th in the Cuddebackville area in Orange County, New York.

LWRP Upper Delaware River Corridor Charette 7/31 – 8/1/12 Meeting Update: Ramie noted that she did report on this meeting at the full Council meeting, but wanted to reiterate that she forwarded electronically on August 6 the consultant's Power Point presentations from their visit of four potential design sites to improve access areas. The presentations are basically recommendations and observations from the consulting team, she added. The next step will be writing the Local Waterfront Revitalization Plan. The charette was to provide information to include in the overall plan that Sullivan County Division of Planning and Environmental Management is preparing on behalf of the entire river corridor which includes three counties on the New York side. A report on the charette itself is forthcoming and Planner Heather Jacksy will be working on the plan. Ramie referenced the Times Herald-Record August 12th article in members' packets which eludes to \$125,000 in grant funding that was received for access development. Having the plan in progress makes this area eligible for grants like this, Ramie added. She noted the UDC is on the LWRP Steering Committee and will keep members informed when anything else happens. Ritter asked if there is any update on the access in Callicoon on Tower Road. Hamilton said as far as he knows that area is still owned by the railroad company. He added there is a group that is looking into another access in that area, but he is not sure where that stands.

Upper DeLAWARE River Roundtable 8/2/12 Meeting Update: Ramie reported that the river safety program that has been implemented by the Park Service was discussed in terms of the new tools which have come out. These include yard signs, posters, and advertisements in newspapers encouraging life jacket use. Ramie said there were a few yard signs available here and if anyone was interested in taking one for display, they were asked to fill out a form with their name and address information. Ramie said that Carla Hahn of the National Park Service presented an overview to the group about the River Management Plan. She added that they are working on this presentation as a “road show” eventually to be taken around to towns and townships and planning boards and commissions. Ramie said she summarized the Council’s Five Year Plan for the group and shared some of their feedback. She noted there was a general consensus that the tasks assigned to the committees should be prioritized more effectively. They suggested that the River Management Plan message be taken out to the communities rather than expecting them to know and/or remember the contents of the plan and what our expectations of them are and what their responsibilities are. There was discussion about giving the counties a bigger role to play in the whole River Management Plan scheme. She mentioned there was a suggestion to have the member municipalities post the River Management Plan on their websites. Ramie said she was questioned how can the number one issue of the UDC be to protect private property rights. She said she tried to explain what the intent was behind that. The next meeting of the Roundtable is scheduled for October 4th and the possible subject of that will be the Local Waterfront Revitalization Plan.

Pond Eddy Bridge Update: Ramie said there are two handouts in members’ packets concerning the Pond Eddy Bridge. One is the minutes from the June 27th NYSDOT meeting with elected officials that took place in Monticello. The minutes were just finalized and include a list of who was there and what was said. The second handout is a letter we received on August 6th from Shohola Township regarding their continued support for the replacement of the bridge. Ramie noted that the group that had originally planned a protest at the bridge on August 4th had decided to cancel it as they saw the June 27th meeting as a real sign of progress that the matter is being discussed and re-evaluated at the state level.

Other: Ritter reported that the Cannonsville Reservoir was at 67% capacity and the total combined storage for the New York City Reservoirs is 80%. Normal is 84%, so we are below, he added. Precipitation for June, July, and August is a little more than 9 inches, where typically we receive 12 inches in that time period, Ritter said. He noted they had been releasing out of Cannonsville at 350 cfs and increased it today to about 420 cfs. He said that they have been releasing about 350 cfs out of Cannonsville for the last eight weeks. He said the river has been “gin” clear and the floating levels have been normal. Committee members asked where the precipitation levels are measured. Ritter said the numbers are from the New York City DEP website, but he does not know where they are taken. Ritter recalled that last year we received 24 inches of precipitation in the same time period. Henry asked Ritter if he has been seeing any didymo. Ritter said no. He added the small mouth bass fishing is phenomenal. Hamilton said he has still been seeing some short stalk didymo attached to the rocks. It is not very visible, but if you look at it under a microscope, you can still see there is some of it left. It is not like it was this spring, Hamilton said. A discussion about didymo and water temperatures took place.

New Business:

Comments on UDC Draft Five-Year Plan : FY 2013 – 2017: Ramie noted that the comments were just distributed in the morning as one individual had asked for an extension to the comment deadline. She reported that in total, five written comments were received. She noted that the intent was to circulate any comments received among the three committees in August so that we would be prepared to take a vote at the September 6th full Council meeting because we don’t have another meeting until October 4th, past the Oct. 1 date when the plan would take effect. She said the comments were not what she expected and she feels she has a lot more work to do, but needs the direction of the board as to what they would like to see changed for draft two. She said the comments are a lot to read now, but she encouraged members to take the time to do so and offer their input. Ramie noted that she does feel that some of the comments are valid including that the document is convoluted and it takes a long time to get to the point of what our mission is and what our intentions are for the next five-year period. Ramie covered some of the suggestions and said that the structure of the plan is essentially the same that has been followed since the beginning, but that does not mean that it can not be changed. Discussion of the June 23rd Strategic Planning Workshop voting

results took place. Ritter referenced the priority issues final voting results from that day and noted that ranked number one is "Protect and respect private property rights and land use." He suggested that this board should really discuss if they are in agreement with whether that is the critical issue going forward for five years. He then referenced the goals of the River Management Plan as stated on pages 13 and 14 and read some of them. McKay commented that he does not know if it is the ultimate goal, but that it is close. Shafer stated that one of the reasons the UDC was formed was to be the go-between between the Park Service and land owners, so he said he does not know if it should be the top point, but that it should rank in the top five anyway. Ritter said he questions merging trespassing issues with land use issues. Ritter pointed out to Shafer that in the raw voting results "Protect private property rights – land use restrictions" ranked tied for 18 and "Protect private property rights – trespassing" was number 1. Ramie reported that not until after the workshop was over did she see in notes from the previous five-year session, when we gave the colored dots that assign various point values, we told each person to use only two of each color. This time we gave them a whole page of colored dots and did not limit them. She noted that obviously, the outcome of any vote depends on who is doing the voting and there was a collective philosophy of the people who happened to be there on that day who put enough dots to amass 99 votes under the trespassing issue. She added we would not do that process again because it was not very representative. Henry asked how the two issues became merged. Ramie said there was a discussion that there were too many issues and she was given authority to go through and combine similar themes and that ultimately the number one issue was a compromise of language that the whole board agreed on at the time. Ramie referenced Sean McGuinness' comment on the first page of his letter where he states that "The key is understanding that the Council must protect the river and its immediate environs as priority; and then through adequate zoning private property rights will be protected." She added that this was the sort of philosophical theme that several people who submitted comments said, that our mission is the river, the environment, the health, the eco-system, and private property is secondary to that or is in alignment with it. She told members they really need to look through the comments and decide what they do and do not agree with and let her know so that she has some direction on where she needs to go next. Discussion about Marty Kunstmann's comments took place including it is perceived that the actions the UDC takes are mainly from the top down with very little from the bottom up, meaning we take our direction from the Park Service and don't necessarily appeal to the residents to see what they want or need. McKay feels that is a fair assessment that citizens are not actively involved. Hamilton asked how that could be changed. McKay feels highlighting private property rights probably helps the image with the rank and file, noting that originally the threat was there that this could be just like the Middle Delaware. Ramie said that is a point that she made, that 25 years ago she could see number one being private property trespassing. Ritter again referenced pages 13 and 14 in the River Management Plan and noted that number 4 is "Protect private property rights, and allow for the use and enjoyment of the river corridor by both year-round and seasonal residents." Jeffer commented that for some people who attended the workshop, private property rights was a major issue and they took all of their points and put them all there and that is how that happened. Ritter said the question he has is whether that is a good cross representation of the Upper Delaware Council voting. Shafer responded that it "may be closer than you think". Ritter feels that if you are going to present a blueprint, everyone should be given the chance to vote so that there is a healthy feedback as to what your blueprint will be for five years. Ritter wondered if the vote could have been put out to all the Council representatives and alternates possibly securely on-line so that those who could not attend the workshop could have provided input as well, resulting in healthy feedback all the way from Hancock down. Ramie noted the issues were generated that day, resulting from the brainstorming session of the workshop, and then the vote was taken. Henry suggested that if we have concerns with the top ten list, send it out to the towns and townships for their input. He feels that it would be foolhardy to operate under a plan that was based upon a bunch of people "throwing darts at a board" for the next five years as opposed to spending a little bit more time and effort and send out the top ten, something that someone may respond to, and ask for some feedback. Ritter agreed with Henry. Henry asked if there was a way the list that was value voted on could be sent out to all. Ramie remarked that the Five-Year Plan used to be a completely internal document and felt it was quite revolutionary for the board to seek as much public input this time around. Henry commented that it should be transparent. Ramie agreed. Henry recommended sending out the issues that were generated the day of the workshop and ask for the towns' and townships' input. Ritter suggested developing an on-line, secure survey. Ramie asked for confirmation as to who to send the 16-item list to for participation in this voting exercise. Henry said that if the town boards and officials are not included, you've lost sight of what the River Management Plan is about noting that the elected officials in his township appointed him as a

representative and he can't act without letting them know what is going on. Henry did suggest the list go out to everyone on the Council first for review and perhaps have discussion at the September full Council meeting because he feels that everyone needs to have input on this. Discussion took place about the length of the Five Year Plan. Ritter said he wants everyone to have the chance to review the list and provide input as to what the priorities should be and have the opportunity to vote on it. Jeffer said she would be happy with that. Ramie said she will bring this concept up at next week's committee meetings too so that there will be more people who understand what the intent is.

Reply letter from Deputy Delaware River Master Marie Stewart – Reservoir Releases: Ramie noted this letter was handed out at the August UDC meeting, but since the Deputy River Master was responding to a letter that this committee had generated, Ramie wanted the members to have a copy and see if they wanted any further action or discuss it at all. Ramie added Marie Stewart is willing to give a presentation on this subject, but not until her office vacancy is filled so that they are fully staffed.

Upcoming Committee Presentations: Ramie reported that Len Grover, a Wayne Conservation District representative, wants to come and give a presentation on Pennsylvania's new floodplain regulations at the September 18th WU/RM meeting. Brennan Tarrier from New York State DEC is tentatively scheduled for a presentation on flows and releases at the October WU/RM meeting. Ritter asked what Tarrier's title is. Hamilton was unsure but said he attends a lot of the RFAC meetings and represents the DEC. Hamilton said he may discuss how the flow design is working. Ramie added that Tarrier works for the DEC Division of Water. Hamilton said that October meeting would be a good one to attend to learn more about the subject and to offer suggestions for how to improve. Ramie wanted confirmation that it is okay to extend the Sept. 18 invitation to Wayne Conservation District. Members said to go ahead.

Public Comment: Willard said that if the Council decides to send the poll out to public officials in addition to the representatives and alternates of the Council, she asked that we be cautious that each town has equal representation for fairness and equality. Henry said he would suggest that each town and township get one vote each.

Adjournment: A motion by Jeffer, seconded by Henry to adjourn the meeting at 8:41 p.m. was carried.

Minutes prepared by Cindy Odell, 8/28/12