

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
September 20, 2011

Committee Members Present: Tony Ritter, Andy Boyar, Scott Rando
Committee Members Absent: Jay Shafer, John McKay
NPS Partner: Don Hamilton
Staff: Bill Douglass, Dave Soete, Laurie Ramie, Cindy Odell
Guests: Anne Willard

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, September 20, 2011 at the Council office in Narrowsburg, NY. After much discussion, it was determined that the committee is now five members due to Phil Chase's retirement and as a result, the three members present constituted a quorum. Chairperson Ritter called the meeting to order at 7:23 p.m. A motion by Boyar seconded by Rando to approve the August 16 meeting minutes was carried. There was no public comment on the agenda.

New Business

Election of a New Committee Vice-Chairperson: A motion made by Boyar to nominate Rando as the Committee's new Vice-Chairperson was seconded by Ritter to fill the vacancy left by Chase's retirement from the UDC. Rando was elected by voice vote.

Report on USGS WaterSMART(Sustain and Manage America's Resources for Tomorrow) Pilot Study of the Delaware River Basin 9/7-8 conference: Hamilton stated that the USGS WaterSMART conference that he and Bill Douglass attended at Shawnee-on-the-Delaware was a good meeting. He reported that there were about 50 to 60 people there from different agencies and organizations.

As noted in Hamilton's report which was handed out at the meeting:
The WaterSMART initiative has two primary national objectives -

1. To ensure that adequate supplies of water are available for use by existing and future generations to benefit people, the economy, and the environment
2. To identify adaptive measures needed to address climate change and future demand

The Delaware River Basin is one of three basins initially selected nationwide for Geographic Focus Area Studies (the others are the Appalachian/Chatahoochee/Flint River Basin complex, and the Colorado River Basin) where technical assessments of water use and availability will be conducted over the next three years, by working with basin stakeholders, to benefit local and national needs.

The goals of this particular workshop were to make basin stakeholders aware of the objectives of the WaterSMART program, to get their input on the priority topics that should be focused on over the course of these assessments, and to better identify the Delaware River Basin's: a) Water Uses; b) Water Availability Stressors; c) Ecological Flow Needs; and d) Hydrologic Modeling capabilities/needs.

The WaterSMART program brings significant funding over three years to the Focus Area Study Basins, and the opportunity to realize the development of priorities and products (e.g. improved flow models) that will help enable better management of Basin resources into the future.

Hamilton noted that an informational clearinghouse website has been set up at www.doi.gov/watersmart/html.

Ramie asked Hamilton if that was the only meeting scheduled. It is Hamilton's understanding that there are going to be some follow-up meetings and he also stated that many people are going to continue to be involved with this effort over the three years. Hamilton recalled that there were break-out sessions on the second day in which they got into smaller groups and focused on the four areas of interest. The meeting was ended abruptly as a result of the rising waters. Soete questioned whether there would be one or multiple reports coming out of the conference. Hamilton believes there will be reports and products, possibly a flow model eventually. He feels it is up to the participants and stakeholders as to what direction

they want to take it in. He also mentioned that lots of groups were well represented at this meeting including Friends of Upper Delaware, Nature Conservancy, USGS, state employees, DRBC, NYC DEP, Penn State and the Army Corps of Engineers to name a few.

Hamilton went on to report that the NPS is continuing to work with the NYS DEC investigating the illegal tilapia farm operation on Big Island. Chief Ranger Joe Hinkes is the primary contact person on this. Ritter expressed that he feels the operators should be fined by the DEC. Hamilton informed him that the case is not closed. He also added that NYS DEC is the lead agency on this case and that the NPS has only proprietary jurisdiction in the river corridor, but that they are working with them. Boyar questions the DEC's ability to monitor large issues such as natural gas if they can't deal with the small issues such as this illegal operation. Ritter agreed, recalling a previous meeting when the question was raised as to who was going to regulate the gas issues and he remembers the answer being that the gas companies would police their own. Ritter noted that it was the guides on the river who noticed this operation going on. Hamilton advised that the NPS was there on July 15. Hamilton reiterated that this case is on-going and to let it run its course. He believes additional action is pending. Soete asked if all the fish were disposed of before the flooding. Hamilton said that the operators tried to get them removed from the pond and buried, but they didn't get them all. Soete asked if they could have made it to the river to which Hamilton answered it was a distinct possibility, but he questioned whether the tilapia would survive. Rando was bothered by the fact that the operators did not act immediately on the DEC's order to remove the monofilament from the ponds. Ritter added that he believes that when the guide took a picture of the operation, there was already a bird caught in it.

Hamilton informed the Committee members that their bi-weekly water quality monitoring program is wrapping up. There is one more week of sampling. They will continue to have a number of continuous water quality monitors out in area streams into the fall and winter as conditions allow. NPS staff have met with USGS staff at several of their stream gage sites where they will be installing (co-locating) continuous water quality monitors, with telemetry, in FY2012.

Ritter told Hamilton a colleague asked him to find out what happened to the temperature gage on Kellam's Bridge in Hankins. Hamilton believes they used to use that before the Lordville gage was on-line and now the Lordville gage is the primary gage they use for monitoring the upper river. He hasn't heard of any plans to re-instate that one. Referring to the datasondes, Hamilton pointed out that they will be able to look at dissolved oxygen, temperature, conductivity, pH, and turbidity. These tools will go beyond what the USGS's probes tell us.

NPS submitted comments through the U.S. Army Corps of Engineers on the DRBC's latest draft of natural gas regulations which came out for agency review on September 9th. DRBC has been modifying the regulations based on public comment and meeting with the states.

This week they also met with their NPS Eastern Rivers and Mountains (Inventory and Monitoring) Network (ERMN) staff to learn about software designed for managing the voluminous amounts of water quality monitoring data generated by datasondes. Hamilton noted that it is lots of data to deal with and analyze. It is keeping them busy. He also told members that they have had to pull and re-deploy the datasondes many times this year due to high waters. At this time, Hamilton pulled out a datasonde to show to those present. He explained that it is basically a little computer that stores data and has multiple probes to measure core water quality parameters. They can be programmed for however often you want them to take readings. They can be left out for three to four weeks at which time they are pulled in so that the data can be downloaded, batteries checked, and probes cleaned. The datasondes that the NPS will co-locate with USGS will have telemetry which will uplink data to a satellite and it will be near real-time data. Hamilton commented that the datasondes are a good tool and that they are still learning about them. This program they got funded to have the USGS to help to install them will make a big difference since they have a lot of expertise in that field. Boyar asked about the cost of these items and how many will be deployed under this program. Hamilton said they are going to get four of them deployed co-located with USGS gages at Lordville, Barryville gage above the Lackawaxen, Rowland gage on the Lackawaxen and the Montague gauge. Delaware Water Gap was part of this project too. As far as cost, Hamilton noted that they are over \$5,000 each. They did get pretty competitive bids from vendors as they bundled their request for quotes with Eastern Rivers and Mountains Network people and Delaware Water Gap. NPS received funding from the Regional office. Boyar inquired if they ever sit on the shelf as he thinks it would be interesting to have some base-line data on various tributaries in the area. Hamilton agreed and said all it takes is money. He went on to say that there is a network of 50 of these tools on the Susquehanna Basin and at the time there were 37 of them, they had \$1,200,000 invested in it. A majority of these are deployed in the upper part of

the basin near where some of the natural gas development is going on. Industry paid \$750,000 towards the network, the Susquehanna River Basin Commission paid part, and an energy group out of New York State funded some as well. They estimate it takes \$20,000 to install one of these sites and \$4,000 a year to maintain. He stated that they do provide a lot of useful data and that then you have to manage all that data.

Hamilton informed the Committee that the NPS Water Lab is up and running. He said that it is a real convenient and efficient workplace for them. Ramie noted that the UDC's Spring/Summer 2011 newsletter had an article on the NPS datasondes and new Water Lab, and that *The River Reporter* had a recent two-part series about the NPS Water Quality Monitoring Program. Hamilton said that Sandy Long wrote that and she did a nice job on it. He remarked that they have one term employee in the lab currently who he believes will be on until the third week in October.

NPS 9-1-11 Letter re: Support of the County's acquisition of Sparrowbush Beach #2: Ramie noted that there were two support letters from the NPS and the Upper Delaware Scenic Byway. She explained that there is a proposal by Orange County government in partnership with the Open Space Institute, Orange County Land Trust, and the Town of Deerpark to acquire this property. The property is a 17 acre parcel which is up for sale by the private owners. The desire is to keep it in public use as it is an important recreational asset and also for the emergency services to be able to access the river from that area. Ramie added that the UDC was not asked specifically to write a letter of support, but that the Park Service and UDSB were. She suggested that the UDC could write a letter of support if desired.

NYS DEC News Release re: 90 day public comment period on the revised draft SGEIS (Supplemental Generic Environmental Impact Statement) on the Oil, Gas and Solution Mining Regulatory Program: Ramie informed the committee that Bill Rudge is in charge of finding a location for the Sullivan County hearing that will take place. He phoned the UDC to ask for some advice as they are permitted to only use certain facilities. Ritter hopes that it ends up in a venue where they won't have to turn anyone away as he feels there will be plenty of people who will want to attend this. Ramie stated that the exact dates and locations for these meetings that are to take place in November will be released in early October, according to the news release. She noted that the UDC will be looking at this lengthy document to consider its review strategy. Hamilton believes it is over 1,500 pages.

Delaware River Flow and Storage Data Report as of 9-16-11: Ritter reported that he visited the NYC DEP website prior to coming to the meeting and that the combined NYC reservoir storage is 21.5% more than it should be for this date.

Other: Ramie wanted to clarify, based on discussion that took place before the meeting officially opened, that the Committee did in fact want letters sent to all of the representatives and alternates asking for anyone who wants to join the WU/RM Committee to do so. After a short discussion, it was decided that letters should be sent.

Ramie informed the Committee that she received an announcement from PennDOT that the Skinners Falls Bridge would be closed Wednesday, September 21st from 9 a.m. until 3 p.m. for a bridge inspection. It was anticipated to be just a one day closure.

Old Business:

Upper Delaware Scenic Byway 8-22-11 Monthly Meeting Report: Ramie reported that the Byway board unanimously passed a resolution calling for a ban on heavy industrial truck traffic on NYS Rte. 97 by a vote of 6 – 0 at the August 22nd meeting. She remarked there have been some very vocal opinions expressed on this subject. On September 1st the resolution was sent to a number of agencies, organizations and municipalities, including the Delaware River Basin Commission, NPS, Upper Delaware Council, NYS DOT, NYS DEC, Sullivan County, Orange County, Delaware County, and member municipalities of the Scenic Byway, looking for a response or comments. Ramie reported that the only comments received thus far are from two non-participating towns, Hancock and Fremont, and from a private citizen who works for a natural gas pipeline company who objects to the idea. The resolution is creating a lot of dialogue. Ramie said that the byway organization had hoped to spark some conversation about the use of the highway for heavy industry.

Also at the August 22nd meeting, the Byway approved writing two support letters. One was for the Sparrowbush land acquisition and the second was for the Town of Lumberland's request for their Mongaup Welcome Park. She noted that the UDC passed a similar letter for the Welcome Park on September 1, 2011.

Ramie reported that the Scenic Byway Visitors Center Feasibility Study contractors were in the area on September 15th and 16th to take a tour of the Byway and also participate in meetings with various stakeholder groups that included the Scenic Byway Committee, Sullivan County, the Town of Tusten, Fort Delaware, and the NPS. There were several architects that participated from offices in New Paltz, Pittsburgh, and Montreal, Canada. They are hoping to conclude this study within four months and it is being accomplished under a \$25,000 state grant.

Ramie noted that the community signs have been delivered to the Sullivan County DPW garage in Barryville and that four out of the eight municipalities have picked them up and are preparing or have already installed them. These signs are the 2' by 4' outdoor panels that will sit on aluminum pedestals. The final cost for the signage, hardware, and the shipping, which was a significant cost due to the weight of the signs, was \$8,227. Ritter commented that the sign on the Narrowsburg deck is beautiful. Ramie informed him that it had been installed last Thursday and that the Town of Tusten Highway Superintendent had brought in his form as the municipalities have been asked to keep track of the mileage and labor costs. Ritter asked if there are other known places that the public can view the signs. Ramie advised him that it was up to each municipality where they would post them.

The Byway renewed an annual contract with Catskill-Delaware Publications for brochure distribution. They charge the Byway \$300 each year to bring the Scenic Byway travel guides to 22 different locations.

The Byway Committee is still interested in getting a presentation on the Port Jervis Whitewater Park proposal. It could tentatively happen at the next Byway meeting which is scheduled for September 26th, but that has not been confirmed as yet.

PA River of the Year Committee 8-24-11 Meeting Report: Ramie announced that after the Delaware River was selected by Pennsylvania as its "River of the Year" in January, the "River of the Year" posters have finally been received. Dave Soete's Point Mountain shot was chosen for the Upper Delaware image. The series of four posters focus on the four different sections of the river. Ramie noted that she issued a news release announcing the availability and told the committee that if anyone would like a poster, we have about 50 of them here. The press release is also on the River of the Year.com website.

Ramie said she participated in a teleconference on August 24th for the River of the Year Steering Committee and one of the items discussed was that Pennsylvania provides \$10,000 to support the River of the Year activities and it was decided that each river section would each get approximately \$1,100 to use, but details are yet to be defined. There is an application process involved. Ramie continued that of that \$10,000, \$2,000 is going to the Upper Delaware Preservation Coalition because they are serving as a fiduciary for this project, \$3,000 has been allocated for the October 19th forum that will take place at the Shawnee Inn, and there have been some incidental expenses, such as for banners and artwork. It has been decided that any surplus at the end of this program will go to the 2012 Delaware River Sojourn to help support that event.

Ramie informed the Committee that on October 19th there will be a forum held at the Shawnee Inn to celebrate the River of the Year, DRBC's 50th anniversary and the Shawnee Inn's 100th anniversary. The DRBC and the Pocono Mountain Visitors Bureau are jointly organizing this event. It will run from 1:30 until 9:00 during which time two 90-minute panel discussions will be held, followed by a social event and dinner to which the four basin State Governors and the Secretary of the Department of the Interior have been invited as keynote speakers. This event will be brought up next Tuesday at the Operations Committee to authorize staff attendance.

The next teleconference for the River of the Year Steering Committee is scheduled for Friday, September 23rd.

Pond Eddy Bridge Project Consultants' Team 9-13-11 Teleconference Report: Ramie referenced the NPS letter to the FHWA which echoed the UDC's concerns about the Design Advisory Committee membership and a couple of omissions that were made in the Pond Eddy Bridge Memorandum of Agreement that we feel are serious enough to warrant a revision of the MOA, but having participated in this teleconference on September 13th, Ramie feels that it is safe to say that they do not seem too interested in

the idea of revising the agreement. They had asked for signatures on that document by September 6th, but had only received a couple. The UDC's letter sent on September 1st prompted a lot of reaction from other groups such as Friends of the Pond Eddy Bridge and the Upper Delaware Preservation Coalition, and we had received a call from the Historic Bridge Foundation and others. During the September 13th teleconference, the Council's letter dominated the discussion among the consultants. They did say that the FHWA will send us a written response, but in the meantime, they replied verbally to the three points we raised. The first being omitting the Town of Lumberland as a concurring party, which they said was simply an oversight. The second being omitting both the UDC and the Town of Lumberland from the membership list for the Design Advisory Committee. They stated that was not their intention but they don't intend to revise the MOA to put us in there. They do, however, plan to send us a formal invitation to participate by letter. And as to the tone of the language for the Design Advisory Committee where we had expressed our concern that a design had already been selected by PennDOT and that this committee's role would just be to okay it, their reply was that although it is true that PennDOT does have the ultimate authority to select a design based on fiscal restraints and permitting needs, they assured us that it is going to be an open forum, a collaborative process, that there is no final design and they do want input. When questioned about the designation of three meetings in the agreement, they said they don't know until they get into the process if it will take more than three meetings, but they are open to the idea. They implied that they just don't want it to be a long, never-ending process. Ramie pointed out that the MOA only requires the signatures of five parties who are required signatories to the document. Entities like the UDC and other concurring parties, although it would be a nicety to have our signature, they can still move forward without it. When questioned why the Cumberland County Redevelopment Authority was listed as a concurring party, it was explained that they had been interested in taking the old bridge and using it as a pedestrian bridge in Harrisburg, but since the MOA was written, they have abandoned that idea. Ramie noted that the bridge is still being marketed to anyone who will take it and move it off the premises.

NYS DOT 9-24-11 Letter responding to Hospital Sign Request: Ramie noted that the UDC had sent a letter to the NYS DOT at the request of the Administrator of the Catskill Regional Medical Center's Grover Hermann Hospital Division in support of his request for additional signage to the facility. The first letter received from NYS DOT stated that they would do a study on it. The second letter, which was handed out at the meeting, informed Council that they had installed two additional signs and were unable to meet the hospital's request for any additional signs for various reasons. Boyar, at the September 1 UDC meeting, expressed that he would like to see further discussion on this matter. Ramie considers the two signs a victory following the NYS DOT's study of the hospital's request and reported that there has been no response from PennDOT on the same request. There were no additional comments on this matter.

Other: Rando reported that the Tennessee Gas Pipeline in the Shohola area is in the ground in most places with the exception of some spring crossings. They've been held up because of all the rain. Rando mentioned that there have been some issues with sedimentation. Boyar questioned if they had seeded those enormous right of ways. Rando commented that he had heard they were doing food plots for some of the local hunting clubs. Boyar mentioned how beautiful the grade was done on these areas. Rando agreed.

Ritter announced that the Town of Tusten will be holding its first public hearing on Monday, September 26th from 7 p.m. till 9 p.m. for its draft zoning. The second public hearing is scheduled for October 10th. Ramie pointed out that day is Columbus Day, a federal holiday. Ritter questioned if anyone from the UDC would be attending. Soete said he is going to attempt to go. Ritter noted that the draft is online at www.tusten.org. Boyar asked if an updated comprehensive plan was done first. Ritter answered that one was done two and a half years ago. He said that the last Tusten zoning re-write was done in 1998. Boyar questioned if there are many variations from the 1998 version. Ritter said that the draft done in 1998 was maybe 90 pages and that the new draft is probably 150 – 170 pages. He invited Boyar to take a look at it. Ritter said it is very detailed. Ritter also mentioned that the Town is accepting comments on the draft until October 30th.

Public Comment: None

Adjournment: A motion by Rando seconded by Ritter to adjourn the meeting at 8:36 p.m. was carried.