

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
November 15, 2011

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

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, November 15, 2011 at the Council office in Narrowsburg, NY. Chairperson Ritter called the meeting to order at 7:05 p.m. A motion by Rando seconded by Boyar to approve the October 18 meeting minutes was carried. There was no public comment on the agenda.

Old Business:

Upper Delaware Scenic Byway 10/24 Monthly Meeting Report: Ramie reported the UDSB had received notice from the NYS DOT Region 8 that the Route 97 bridge that goes over the Mongaup River in the Town of Deerpark is going to be painted. It is part of a contract they have for seven different bridges in the Region 8 territory. Construction is expected to begin in the Spring of 2012 and be completed in the Summer of 2014 for all seven of the bridges. She noted that the bridge, which is currently green, is going to be painted red. She said that the Byway did not take a position on commenting either way on the project.

The Byway board opted to take a 1/8 page ad in the 2012 Sullivan County Travel Guide which is due by November 30th. They plan to freshen up the ad that has been used the past couple of years to try and attract some additional attention to it. One aspect of the new ad will be to include a QR (Quick Response) code, which is an image that can be scanned with a smart phone to lead you to a web page of information. Boyar questioned if there are any ad discounts available for the Scenic Byway since it is an attraction that Sullivan County should be promoting. Ramie advised him that the cost for this ad is \$697.50. She did note that the Byway does have three different listings in the guide that are free. Ramie said that once the Byway has this QR code, it will be used in all future promotions and will be offered to any member municipalities and businesses along the Byway for their potential use.

Ramie said the Byway had a handout provided by NPS Chief Ranger Joe Hinkes explaining what the Park Service is doing to establish better emergency communication in the river corridor. Hinkes explained that the biggest hurdle is the radio interoperability issues, which means that responders are not on the same frequencies. Hinkes informed the Byway members that they have been working very closely with the emergency management commissioners in the five river valley counties to try to come up with a system where everyone can be on the same page and that they have been putting together GIS maps, at the GIS lab at the Delaware Water Gap, of river locations that the 911 centers can upload into their systems in order to better dispatch resources to those locations. Loren Goering has arranged for a presentation about this at the next Byway meeting on 11/28.

The Byway passed a support letter for Sullivan County's application for a Local Waterfront Revitalization Plan Grant through the NYS Consolidated Funding notice. They are applying for funds for signage on and off the river, including on bridges, and also to seek funding for site design work for new or improved river accesses.

Ramie noted that the UDSB Visitor Center Feasibility Study remains underway. There is a team of architects meeting regularly who has come up with three schematics for a visitor center at Fort Delaware. The designs were circulated during the Byway meeting for comments. A joint meeting between UDSB and Fort Delaware took place on Nov. 4th to discuss each group's particular needs. Another meeting has been scheduled for Nov. 18th to review revised schematics.

The Byway has received additional feedback on the resolution concerning Heavy Industrial Truck Traffic on Rt. 97. Resolutions of support were approved by the Towns of Lumberland and Tusten. Ramie noted there were also some objections filed.

Ramie provided Byway members with updates on the status of the four current grants that are being administered for the Scenic Byway on the federal and state level.

A topic was brought up concerning the maintenance of Rt. 97 by the NYS DOT. She referenced the handout provided, which is a letter to the DOT Regions 8 & 9 Regional Directors, inquiring whether there is a regular maintenance schedule in place for such activities as mowing and vegetation control and said that if there is not, the UDSB will advocate for one. She said there has been no response to the letter, but that it was just sent out on Nov. 3rd. She will let Council know what the response, if any, is.

Ramie said that the next Byway meeting is scheduled for Monday, November 28th.

Ritter asked Ramie to update the committee as to what the process is to get the Federal grant reinstated for the visitor center. Ramie said that Congressman Hinchey secured funding for construction through the Federal Transportation bill. The legislation, however, was written specifically for the Cohecton site rather than for the new site which has been selected. The Federal Highway Administration has stated that it is not transferrable. Congressman Hinchey will have to re-introduce a bill in Congress to make the change to the Tusten site. Ritter asked if Congressman Hinchey will do that and Ramie said that he has made that pledge, but she understands there is just one opportunity during the year to introduce a bill like this and it is not known when that is. Ritter asked what the amount was that was allocated for the center in Cohecton. Ramie answered that it had started out at \$600,000, but now it is down to \$510,000. She added there is a state construction grant of \$250,000. With the county match of \$150,000 for the federal grant, the total amount available for capital construction is \$910,000. Hamilton asked when the grant money had been awarded. Ramie replied it was in 2004 and it has been pending ever since. She noted they have been assured the money is still there, although it has been decreased and is subject to further decreases the longer it goes on.

D & H Transportation Heritage Council 10/26 update: Ramie reported this group meets quarterly and this meeting was in High Falls, NY at the D & H Canal Historical Society and Museum which features their Five Locks Walk. The discussion mainly centered around a series of videos that the D & H Transportation Heritage Council is producing. A prototype of the overview video was reviewed. Ramie said that for a long time, the Canadian-Pacific Railroad Company in Montreal, Canada has had custody of original D & H maps which show the entire route of the canal. They are hand-drawn in full color and date back to 1898. They are reported to be in mint condition. The railroad company is not letting them out of their archives, but would allow the Council to digitize them. The cost for doing so would be approximately \$6,000. The D & H Conservancy is hoping to find 120 people to donate \$50 each in order to get this done. The donation would be in the form of a charitable, tax-deductible contribution. Ramie said she has the information if anyone is interested in the cause. Ramie referenced a letter provided in the handouts. It is a letter of support for the D & H Canal and Gravity Railroad Conservancy from the UDC. They are applying for a capacity building grant to allow them to continue their trail clearing efforts. Ramie said that the next quarterly meeting of the DHTHC will be in January, on either the 18th or the 25th, and most likely in Port Jervis.

Pond Eddy Bridge Project Update 11/15 update: Ramie reported that the Memorandum of Agreement to proceed with the construction of the Pond Eddy Bridge has been signed by both states. The next step is for the Federal Highway Administration to sign it and the final signatory is the Advisory Council on Historic Preservation. After execution of the MOA, the Design Advisory Committee (DAC) will begin meeting to come up with architecturally sensitive designs to replace the existing bridge which is on the National Register of Historic Places. Ramie noted that the UDC did obtain a seat on the Design Advisory Committee. The first meeting is scheduled for December 7th at the Shohola Municipal building. Ramie listed all members of the committee. She said that each entity needs to appoint one member and an alternate to serve on the committee, which is expected to meet three times. The DOTs will ultimately decide which bridge design will go forward based on finances and the feasibility of the design. Ramie said the UDC's representative will be named at the Operations Committee meeting. Ramie said that the next teleconference meeting for the Pond Eddy Bridge project is scheduled for December 14th at 1:00.

PA River of the Year Update: Ritter noted the DRBC press release provided in members' packets. Ramie said a verbal report had been given previously about staff attendance at the River of the Year celebration on October 19 and that the handout is a follow up on that. It lists who the guest speakers were and focuses on the River of the Year posters, so it mentions Soete's photo and how people can obtain the posters if they don't have them yet. Ramie said that the River of the Year activities are winding down as we are approaching December.

Other: Soete told members that he had been flying recently and was able to take an aerial photo of Big Island, to which Ritter added some graphics. The photos were passed around among the members. Hamilton noted that the aquaculture operation allegedly discovered on Big Island is still an ongoing investigation. Ritter asked if there has been anything from the NYS DEC concerning this matter. Hamilton said that he is not the primary person on this case, that Joe Hinkes is and questions should be directed to him. Hamilton reiterated that it is still an ongoing investigation.

Ritter noted that on November 17th there is a public hearing in Binghamton, NY for the NYS DEC draft SGEIS. He said that November 21st is the DRBC vote on its draft natural gas regulations in Trenton, NJ which he believes will be very well attended. November 29th, another public hearing for the draft SGEIS will be held at Sullivan County Community College in Loch Sheldrake. November 30 is the last public hearing for the SGEIS and that is to be held in New York City. December 12th is the deadline for public comment on the NYS DEC draft SGEIS.

Ritter questioned if the UDC should be writing a public comment letter in time for the December 12th deadline. Boyar feels that many of the valid points that have made during the past couple of years have not been addressed by the DRBC or New York State. He feels that the UDC has been ignored along with many other people. Boyar feels that the regulations read as though they could have been written by the industry instead of an environmental protection agency. Boyar suggests sending a letter with a little more "bite" as the polite approach has been ignored. Ritter feels it is imperative that the UDC reiterate their stance to the current NYS DEC Commissioner Joe Martens. Hamilton feels there is still some good that can be accomplished by commenting on this version of the proposed regulations. He suggested looking over Section 7 on mitigation, weighing in on some of the actions that they've proposed and letting them know which ones the UDC supports. Ritter noted that the last letter sent to the NYS DEC concerning this matter was back in late 2009. Hamilton stated that one thing that could be commented on is that there is continuation of the Executive Order from the Governor of New York directing the State agencies to act consistently with the Upper Delaware River Management Plan. It could be a reminder to them that they supported the Upper Delaware River when it was designated, they participated in the development of the River Management Plan, and the plan addressed heavy industrial use not being a compatible use in the corridor. Rando said the UDC should reiterate some of the more critical points and more importantly, state that any regulations on drilling should be in concert with the RMP. Boyar said that maybe we should be defensive of our river corridor, saying that this is the UDC's responsibility. Hamilton suggested telling them that there is this narrow river corridor that provides minimal riparian buffer to protect the high quality values of this river and 197 miles of Special Protection Waters downstream from here. Hamilton said that agencies like the DRBC and NYS DEC have pressures coming from both sides to regulate this activity and he thinks that anything that they put out there that is favorable to protecting the river, we should voice our support of. Ritter would like to see a letter sent to the new NYS DEC Commissioner. Ritter questioned if, generally speaking, a letter like this would come out of the Project Review Committee. Ramie said that it would and that is why Soete has requested that any comments be sent to him prior to this month's Project Review so that he could have a letter drafted for Nov. 22, which could ultimately be approved at the full council meeting on December 1st. Soete noted that on the NYS DEC website there is a map of areas where high volume hydraulic fracturing surface drilling would be prohibited. He shared a copy with the committee. He suggested it might be good to request to have the river corridor added to that map. Ritter asked Soete if he would be kind enough to draft the letter of comment to the DEC Commissioner. Soete agreed. Hamilton said maybe we should ask them to, at bare minimum, give us the same protection that they give to their state parks. Soete did say he sent out a call to all board members to send in any comments and the only board member that he received any from to date is Susan Sullivan. His deadline for comments is Friday, Nov. 18th. Soete noted a link of draft SGEIS responses by a group called Sourcewatch. He said he found the link very interesting and said they had some great points. http://www.sourcewatch.org/index.php?title=DSGEIS_Responses. Ritter questioned if in previous letters to the DEC, the subject of enforcement had been addressed. Soete said he believes that it had in terms of adequacy of DEC staffing for inspections.

New Business:

DRBC Revised Natural Gas Development Regulations “At a Glance” fact sheet: Ritter noted the handout is an outline of the regulations. Boyar questioned the use of the acronym “ADA” for “Approval by Delegated Authority” as it is already used for “Americans with Disabilities Act”. Soete noted the DRBC is no longer taking public comment which has been met with dissent. Rando said that he had heard of an “Occupy Trenton” movement. Ritter said that on November 21st there will be a large turnout in Trenton, both for and against drilling. A discussion took place to try and determine who the person acting for the Army Corps of Engineers was currently. It was not decided.

NYS DEC draft SGEIS public meeting 11/29, 1 or 6 p.m., SUNY Sullivan, Loch Sheldrake: Ritter said there will be two public comment sessions on the 29th at 1:00 p.m. and 6:00 p.m. at Sullivan County Community College. He said in addition, there will be one in NYC on November 30th and one in Binghamton on November 17th. Hamilton asked what building the meeting is to be in. Ritter told him he believes it is to be in the Seelig Theatre. Soete believes that UDC staff will attend at least one of the hearings.

Eagle Creek Hydro Power LLC 11/4 Public Hearing Report: Soete said that on November 4th he and Don Hamilton attended the public hearing at the Lumberland Town Hall. Eagle Creek is proposing a small hydroelectric unit to harness the constant 100 cfs water release at Rio Dam. The proposal is to move the existing pipe that comes out of the viaduct 300 feet down in order to allow more room to put a turbine in there. There was discussion that there will need to be a power line to go from the new unit down to the two-turbine unit. Soete said he had some concerns if that would have any effect on the bald eagles that over-winter there. He said there was not much detail as to what the power line would look like. Boyar asked if the power line would run right along the flume. Soete said it probably will, but he is not sure how close it would be to the river. He feels it may be a concern to express if the Council wants to do a draft letter. He said it would be roughly 7,300 feet long along that section of the stream. Soete said he brought up at the hearing whether it would have any impact on the oxygen content. He noted that they are accepting comments if we have any concerns. Soete learned at the hearing that Bill Rudge of the NYS DEC had been at the site and he had not seen any problems with it. Boyar said that he has done a lot of fishing where the 100 cfs comes out and that the flume moves quickly away from the river. Soete noted that Peckham had brought up the point that turbines can warm up the water a little. Boyar said that would most likely be addressed in the Environmental Impact Statement. Soete said that he had posed that question at the meeting and they said it would be looked into. Rando asked if there was a schedule mentioned at all on the bald eagle aspect. Hamilton said that he had talked to Kathy Michell on the phone about it and shared the initial consultation document with her. She is going to take a look at it and get back to us as she is very familiar with the area and how bald eagles use it. Rando mentioned the schedule as the spring/summer months would not affect the nesting eagles, but the wintering eagles would be affected as they tend to be down where they are talking about making the modifications, especially in December, January, and February. Hamilton said that’s a good point and maybe we could influence the construction period. Soete reported there is a 60-day comment period and that is from the date of the hearing which was November 4th. A brief discussion took place about the dam site. Soete questioned if he should draft a letter for next month’s meeting. Ritter said that he should although he, at the moment, is more concerned with a letter being done for the NYS DEC. Hamilton told Soete that he would share some ideas with him.

“Water, Water Everywhere” 10/28 conference report: Soete reported that he, Hamilton, and Boyar attended this conference. It was held at West Branch Angler Resort and had been called together by the Friends of the Upper Delaware River (FUDR). He noted that the agenda was provided in the member packets. Soete felt the premise of the conference was to address the FFMP (Flexible Flow Management Program) and look for ways to further improve it. He said they did not come to any conclusions and they are probably going to poll people that attended the meeting and see what concepts they could endorse, and perhaps meet again early next year. Ritter asked if it would be before the season starts. Soete thought so. Soete said Norm McBride from the NYS DEC was in attendance and he had reported that he is doing fish sampling. McBride noted in his presentation that it takes at least six years to get an idea how the flows are affecting the fisheries and he would like to see ten years. McBride did say he feels the biggest threat to the fisheries is the climatic instability. Soete said there was a pretty good turnout. There was a presentation by the NYC DEP about the Gilboa Reservoir regarding the recent flooding and about the sensors on their dams. They had received false notice that the dam was moving so they put off emergency sirens and

evacuated in one area. The dam was alright, but the area that had been evacuated was badly flooded and it is believed that lives may have been saved as a result of the evacuation. Ritter wondered if anyone at the conference questioned the NYC DEP about the surplus of water they had this year. Soete said that it was not discussed much. Ritter noted that the water in storage in the NYC reservoirs is still 23.5% above where it should be for this time of year. Soete said that Kelly Maloney gave a presentation on fresh water mussels. Soete added that some of the agencies are working on making their modeling more user-friendly. Hamilton said that there was mention of a possible effort to get the fisheries agencies to develop a White Paper No. 2.

Delaware River Flow & Storage Data Report: Ritter said that he pulled statistics off the NYC DEP website before the meeting. He reported that the current average storage total is 93.3% and that normal for this date is 69.7%. Ritter noted that the reservoirs are still quite full and we will be getting snow in the next couple of months. He said that the water temperature is still between 45 and 50 degrees in the Main Stem, East Branch and West Branch. Boyar asked if in June, when they released the new regulations, if they made a concession to the flood mitigation community that they would create voids during certain time periods. Ritter did not recall this and said that he did not remember any voids this past summer or fall. Boyar thought that there were supposed to be voids at different times to act as a shock absorber for weather events. He does not think he has seen that implemented. Ritter said they are currently releasing 238 cfs out of Cannonsville and that is what they have been releasing since the reservoir stopped spilling. Soete said getting back to “Water, Water Everywhere”, he feels that the consensus was they were pretty happy with the new flow schedule as far as the fisheries are concerned, although rainfall was much above normal. He said that there was also discussion about water quality. Ritter said that he had not seen any didymo this year like he had last year. Ritter added that the trout fishing was superb and the bass fishing suffered as a result of flows and water temperature.

Other: Ritter noted that he has seen a lot of activity on the railroad tracks and asked if anyone had any information on this. Ramie said that she had followed a truck this morning loaded with railroad ties. Boyar added that he had seen a crew in Shohola this morning. Boyar asked Hamilton if the railroad company lets the Park Service know if they are working on the tracks. Hamilton said that he hasn't been notified of anything. He said that he can try and find out if something is going on. Hamilton said that if they are replacing a large number of ties, his concern is what they are doing with the old ones. He would like to see if there is a way that they could encourage the railroad to get them off the tracks and out of the river valley as they have in the past ended up in the river. Boyar asked Hamilton if he could do a follow up for next month's meeting. He said he will try and find out what they are doing and what their plans are. Rando said that he has seen some railroad tracks that were so degraded and rotted he would not want to walk on them. Soete recalled back in the 1990's the railroad company was replacing ties and discarding the old ones along side the tracks. After a letter was sent, they did come back and pick them up for the most part. Hamilton thinks they should be encouraged to get the old ties out of here. Boyar said that five out of nine people in attendance have noticed an uptake in activity along the railroad tracks.

Soete showed some additional aerial shots he had taken a week ago, including the Lordville Bridge and what he believes is the Mirch/Tompkins Bluestone Quarry in Manchester Township. A brief discussion took place of other landmarks in the picture as well as the route taken that day.

Ritter said that the Tusten Town Board will be voting on their draft zoning on November 28th. The vote was postponed because the draft had to be published for a certain number of days prior to the vote. Soete said the town needed to be sure their legal notice was timed correctly.

Public Comment: Anne Willard of *The River Reporter* said that if anyone wanted to read about voids in the NYC reservoirs they should refer to Section 7 of the FFMP/OST June 2011 agreement, pages 23 - 26 http://water.usgs.gov/osw/odrm/documents/ffmp_ost_052511_final.pdf.

Adjournment: A motion by Rando seconded by Boyar to adjourn the meeting at 8:55 p.m. was carried.