

Upper Delaware Council  
**WATER USE/RESOURCE MANAGEMENT COMMITTEE MEETING MINUTES**  
**Aug. 18, 2009**

Committee Members Present: Wieland, Bowers, Serio, Chase, Fluhr, Keesler  
Committee Members Absent: Sundholm, McKay, Shafer, Flaherty  
NPS Partner: Martinez  
Advisory Committee: None  
Staff: Douglass, Soete, Coney, Ramie  
Guests: D. Hamilton-NPS

Committee chairperson Charles Wieland called the meeting to order at 7:13 p.m. Amendments to last month's meeting minutes were handed out that included clarification under the topic of DRBC's Regulated Flows Advisory Committee meeting June 17, under Old Business. Serio clarified that Pepacton was a larger reservoir with smaller drainage area; there are substantially more diversions from Pepacton and Neversink reservoirs than Cannonsville since NYC uses them for drinking water supply; and the water quality in Cannonsville and West Branch has improved. A motion by Bowers seconded by Fluhr to approve the meeting minutes as amended was carried. There was no public comment on the agenda.

### **Old Business**

**Delaware River Sojourn Update:** Ramie reported that the Sojourn Steering Committee decided at its Aug. 4 meeting to hold another Sojourn in 2010 the week of June 20-26. A possible theme for the event will be "Bridges" Over the Delaware. The Delaware River Joint Toll Bridge Commission is celebrating its 75<sup>th</sup> anniversary. Along with bridge history there is the esoteric "bridging" of communities across from and along the Delaware River. The chairperson of the Sojourn will be the same next year, Kate O'Hara of the Delaware River Basin Commission.

The 2009 Sojourn saw 358 participants with 12 doing the entire trip of about 94 miles. There were very high River levels for Day 1 and 2 scheduled in the Upper Delaware and River miles and sections were adjusted to accommodate that issue as well as using rafts only.

**Upper DeLAWARE River Roundtable Update:** Douglass said he participated in the Aug. 6 Roundtable meeting. The Delaware River Basin Commission had executive director Carol Collier and basin planner Jessica Sanchez in attendance along with various other stakeholders. The agenda included discussion on future land use training workshops; multi-municipal gas task force report; and GIS mapping of special places within the watershed and moving GIS mapping forward.

### **New Business**

**DRBC's Flood Advisory Committee Meeting Aug. 26:** The committee was provided with the draft agenda for the Aug. 26 DRBC Flood Advisory Committee meeting that included such topics as hydrologic conditions report, Flood Analysis Model status report, flood warning improvements, and floodplain regulations report. Douglass will try and attend this meeting.

Bowers asked Serio if the reservoirs were spilling. Serio replied that Cannonsville is 2 feet below spill. The Walton gauge is reading 3500 cfs going into Cannonsville with the reservoir release at 1500 cfs until it's down to 95% capacity. On Aug. 1 if the reservoir is at 100%, they release at 1500 cfs and on Sept. 1 if the reservoir is at 95% they'll release less, possibly 275 cfs.

**News article "Game Commission draft plan open for public comment":** The committee was provided with copy of *River Reporter* article of Aug. 6 relative to the Pennsylvania Game Commission's posting of its Draft Strategic Plan for 2009-2014 on its website for a public comment period that will end on Aug. 21, 2009. Once finalized, this draft strategic plan will be used to guide the agency and its operations for the next five years. The plan is divided into seven goals, which are then expanded on through strategic and operational objectives and a set of strategic outcome and output measurements. To view the document go to the agency's website, [www.pgc.state.pa.us](http://www.pgc.state.pa.us), and click on "Draft Strategic Plan" in the Quick Clicks box

in the right-hand column of the homepage. Soete noted he would try and review this document to see if comments by the Council are needed.

**News article “New Planning Commissioner loves area – and listening”:** The committee was provided with copy of *Sullivan County Democrat’s* article of Aug. 6 relative to Sullivan County’s (NY) new hire Planning Commissioner, Luiz Aragon. Aragon will be replacing Dr. Bill Pammer, who is returning to teaching, on Aug. 24. Aragon’s position is subject to confirmation by the Sullivan County Legislature. Aragon has a summer home in Shohola, PA and is quoted as saying “I fell in love with the area, especially the river.” The Upper Delaware Council looks forward to working with Mr. Aragon.

**NPS Report:** Don Hamilton briefly reviewed some resource management items. They’ve collected some samples of didymo and forwarded them to the Academy of Natural Sciences in Philadelphia for further study. The samples were collected from above Long Eddy and near Callicoon. Didymo is in several locations on the main stem Delaware and it’s a concern as it will impact aquatic habitat. NPS has been trying to get funding to do genetic work on didymo in the Upper Delaware. Their application did not get funded this year, but they will resubmit the grant application next year. Dr. Marina Potapova of the Academy of Natural Sciences will do culture of didymo in her lab and that would be good as the information gained would be new research. Bowers asked if the other alga found was considered invasive. Hamilton replied the alga found in the West Branch near the Rt. 191 Bridge was *Cymbella mexicana*, another similar-looking alga. He noted that there is no explanation so far why didymo is showing extra cell growth and lasting longer. Hopefully the culture will aid in this issue.

Thirty-four young fledged from the 18 active Bald eagle nests in the Upper Delaware. Unfortunately one was electrocuted in Narrowsburg due to power line entanglement. There were five nests with three young. South of the Delaware Water Gap a nest of 4 young, which is very rare, was documented.

Hamilton said there was a meeting today he attended hosted by the Pike County Conservation District of the Conservation Partnership group. There was a report on the Pike County groundwater study, “Groundwater-Quality Assessment, Pike County, Pennsylvania, 2007” released in July 2009. He would provide the website address for the studies to the Council. (Information provided after the meeting: [www.usgs.gov/pubprod](http://www.usgs.gov/pubprod), reference Scientific Investigations Report 2009-5129) Hamilton thought maybe the Wayne Conservation District would also be interested in doing a study of this type.

Martinez addressed the committee on an issue involving personal flotation devices (PFD). He read aloud a couple of examples of the kind of letters NPS is receiving regarding dangerous high water conditions on the River and the need for visitors to know this information. He also relayed that the National Canoe Safety Patrol that monitors and assists River users on a volunteer basis are expressing their concerns with river safety issues, one of which is not wearing PFDs, and NPS personnel are also looking at the issue and providing feedback.

He also read aloud for the committee’s information a Navigation Law Update from the NYS Dept. of Parks, Recreation and Historic Preservation. This agency is the lead agency in NYS for the coordination of marine law enforcement efforts. The Update stated: “Beginning November 1, 2009, Section 40, Subdivision 1 of the Navigation Law shall be amended by adding new paragraph (e), which reads as follows:

*No owner or operator of a pleasure vessel less than twenty-one feet, including rowboats, canoes, and kayaks shall permit its operation, between November first and May first, unless each person on board such vessel is wearing a securely fastened United States Coast Guard approved wearable personal flotation device of an appropriate size when such vessel is underway.*

Failure to wear a lifejacket on such vessels will be considered a violation under Section 73-c of the Navigation Law and is punishable by a fine of not less than \$100 nor more than \$250, applicable to either the operator and/or the owner of the vessel.”

Martinez explained that he has checked with the NPS Solicitor and the Code of Federal Regulations to make sure that he as Upper Delaware Superintendent had the authority to institute a mandatory PFD wearing policy. He has that authority. He informed the committee about and asked their input on a policy proposal he was considering to require mandatory PFD wearing, subject to fine, when the Upper Delaware River is registering six feet or higher at the Barryville gauge on a given day at 8 a.m. This would include all River users in any activity. The six foot criteria is the same the canoe liveries use for

their policy of “rafts only” when the River is running that high. The Delaware Water Gap has a policy of mandatory PFD wearing when the gauge at Montague reads 11.2 feet. Martinez noted that information on the 57 drowning events over the years in the Upper Delaware and the “hot spots” where drowning has occurred was provided to the committee previously. He felt the time had come to institute a stricter river safety policy in addition to the normal education systems in place with the canoe liveries currently. He requested Council support on this issue.

The committee discussed this issue at length and provided Martinez with numerous suggestions on his proposal. Martinez will review these suggestions and get back to the committee on the proposal.

**News article “DEP poised to start hydro work”:** Chase referenced the *Daily Star* Aug. 18 news article handed out to the committee. It indicated that the NYC DEP had placed legal ads announcing the initiation of the licensing process to install hydroelectric projects at four of the city’s dams, but the Delaware County Electric Cooperative is not mentioned as a partner. Chase offered that when the re-licensing process happened years ago for PPL’s Lake Wallenpaupack reservoir, he had asked FERC at one of the meetings that since the generators were on the tunnels why couldn’t we get recreational releases, but FERC indicated the generators were in the tunnels and it couldn’t be done. In this new NYC DEP project we’re going to four generators on the city reservoirs. The question is would FERC be involved. NYC doesn’t really want anyone telling them how to run their reservoirs. These new generators would be using spillage from the reservoirs. Bowers wasn’t sure how this would work since the FFMP is trying to reduce reservoir spillage. Chase said there are a lot of questions on this relative to protecting our fishery. Maybe we could ask FERC to come to a meeting and explain how this would work and if NYC or the Delaware Cooperative would be running the show regarding generation and will they agree to protect the fishery. We need to get information on this to protect our watershed.

**Public Comment**

Serio mentioned that since releases are already stepping down on Pepacton since we’re reaching 95%, it will be interesting to see how long New York City takes to reduce cfs releases. Serio thought the required timeframe was three days.

**Adjournment** A motion by Bowers seconded by Serio to adjourn the meeting at 8:56 p.m. was carried.

Carol Coney, Office Manager