

UPPER DELAWARE COUNCIL MEETING MINUTES August 3, 2017

The Upper Delaware Council held its monthly meeting on Thursday, August 3, 2017 at the Council office in Narrowsburg, NY. Chairperson Jim Greier called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold G. Roeder, Jr., Town of Cochection-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Debra Conway, Town of Lumberland-Leigh Sherman, Town of Deerpark-David Dean, Damascus Township-Jeff Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, Commonwealth of Pennsylvania-Rhonda Manning, Delaware River Basin Commission-Ken Najjar, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Absent: Westfall Township, State of New York. Media: Dave Hulse, Peter Becker. Guests: Carla Hahn, NPS, Ginny Dudko, Cliff Robinson, Jane Varcoe, Jim Barth, Roger Saumure.

Presentation on “D&H Canal and Gravity Railroad History” by Cliff Robinson, Jr., chairman of the D&H Transportation Heritage Council: Greier introduced Robinson who shared a very comprehensive history of the D&H Canal and Gravity Railroad. Robinson posed several questions to the audience. He asked why there would still be interest in a transportation system that ended about 120 years ago; why did it start; did it accomplish anything amazing; is there any legacy from it that we should be concerned about. He stated that “yes, there is and that’s why there are lots of people interested in this canal.”

Robinson shared the details of the start of the D&H Canal. He said the War of 1812 cut off the supply of coal of England. After the discovery of coal in northeastern Pennsylvania by Philadelphia businessmen William and Maurice Wurts, they needed to find a route to get the coal to New York City. They hired Benjamin Wright, an engineer on the Erie Canal, to map out a route from northeast Pennsylvania to New York City. Wright was able to develop a route and estimated that it would cost \$1,213,400. When they finished the job, it was almost at the estimate. The D&H Canal Company was formed. With great effort, they got some coal to New York City in January of 1825 to present to investors.

Robinson said that John B. Jervis was hired as the engineer. Jervis needed to design the canal, which ultimately contained 108 locks, and also figure out how to get the coal from Carbondale, PA over Moosic Mountain down into Honesdale, PA. The Gravity Railroad utilized a series of inclined planes and steam engines to pull carloads of coal up and over the Moosic Mountains, a rise of almost 1,000 feet. Construction of the canal lasted from 1825 to 1828 while construction for the railroad began in 1827. Full operation began in 1829. Robinson spoke of some of the initial problems with the canal. He noted that by 1840 the canal was a huge success with the coal market “blowing up.” He stated that between 1843 and 1844, the canal was enlarged bringing the capacity up to 40 tons per boat. The last expansion of the canal took place from 1849 to 1850, this time bringing the capacity to 130 tons of coal and the boats were 90 feet long.

Robinson stated that in 1847, the Roebling Aqueduct construction began as one of four suspension aqueducts on the Delaware and Hudson Canal. It was designed by and built under the supervision of John A. Roebling. He added that for many years, the canal was a more efficient way to move products over the

railroad. It wasn't until the 1890's that the railroad became a more efficient way to move product and the canal closed in 1898.

Robinson stated that the D&H Canal has added to the history of this area and the country. He noted that the D&H Canal Company was one of the first vertically structured companies and most likely the country's first corporation capitalized at one million dollars. The first president of the company was Philip Hone, who was also the Mayor of New York City. In order to begin the practice of shaft mining, they sent a representative to Wales where they did shaft mining and asked an entire town, 90 families, to move to Carbondale, PA. From its opening in 1828 to its demise in 1898, the canal system transported millions of tons of anthracite coal as well as a number of other products such as bluestone, lumber, cement, and produce.

Robinson reported that the D&H Canal Company was one of the first companies to have a telegraph system in place from end to end. He added that the company was very innovative and always looking to make improvements.

Robinson stated that one of the purposes of the D&H Transportation Heritage Council is to educate people about the historical significance of the canal. He would like to see the day when the schools along the corridor would have a mandatory course teaching students about the D&H Canal and the Gravity Railroad.

A brief question and answer session took place. Aaron Robinson noted that many of the lock houses between Minisink Ford and Sparrowbush are still inhabited and in pretty good shape. Roger Saumure asked what items are typically found in the bottom of the canal. Robinson told him primarily coal. Jane Varcoe stated there is still some rail in place on the top of Farview Mountain. Jim Barth asked, when it was finished, how deep and wide was the canal? Robinson said that the final version was 32 to 40 feet wide and six feet deep. Aaron Robinson asked if the boats were owned by the Canal Company or privately owned. Robinson said both; at the beginning of operation, individuals bought boats, but in the end it was the Canal Company that owned them. Aaron Robinson asked if they would back-haul anything from the city. Robinson said that he is going to start researching this.

Ramie stated that Robinson is the president of a conservancy that has focused on trail development for the canal. Robinson noted that a 12-mile stretch of canal owned by Orange and Rockland Electric Company was sold in 1988 to Orange County Parks Department. The D&H Linear Park was then established in Cuddebackville and this was the only continuously watered section of the canal. In 2006, Robinson said he formed a group called the D&H Conservancy for the purpose of trail restoration. He said it took a year and a half to get the county to give permission for the group to work on the canal for free. He shared some of the obstacles the group has faced in this process, which he referred to as frustrating. He added that the competition for NYS grant funding is higher than it used to be.

Sullivan commented that the story of the D&H Canal and Gravity Railroad is amazing and she hopes that it can become more well known. Robinson said the D&H THC is in the process of developing videos that will cover different sections of the canal. He spoke of the removal of a dam from the Neversink River.

Greier thanked Robinson for his presentation and presented him with a UDC lapel pin.

Approval of July 6 Meeting Minutes: A motion by Henry seconded by Robinson to approve the July 6 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: July 18 Water Use/Resource Management by Peckham, July 25 Project Review by Richardson, and July 25 Operations by Greier.

Status Reports

Delaware River Basin Commission: Najjar referred to the July 25 hydrologic report provided in members' packets. He reported that the DRBC announced on January 18 the termination of its drought management special permit in effect since Nov. 23, 2016, when the basin was placed in a drought watch.

Conditions are good now with more than 20 billion gallons above the median in the reservoirs and stream flows above average, he added.

Najjar noted that the DRBC will hold its regularly scheduled public hearing on Wednesday, August 16, 2017 at the Washington Crossing Historic Park Visitor Center and will hold its next regularly scheduled business meeting on Wednesday, September 13, 2017 at the Links Pavilion, Bucks County Community College. He said the DRBC Water Quality Advisory Committee Meeting is scheduled for Thursday, August 24, 2017 and the Water Management Advisory Committee Meeting is to take place Tuesday, October 24, 2017.

Najjar reported that bio-monitoring is taking place in the area. Each year, typically during August and September, commission staff collect samples to look at the diversity and health of the aquatic life community.

Najjar shared Delaware River Recreation Map Sets with those members interested in them.

Peckham referred to an article provided in members' packets at his request. The article titled, "DRBC Invested in Oil and Gas? Talk About Fracking Hypocrisy!" dated July 17 was written by Tom Shepstone. The article maintains that the Delaware River Basin Commission has a lot of investments with the New Jersey Cash Management Fund, where a review indicates oil and gas company stocks are among the favorite equities it purchases. Peckham said he finds it hypocritical that the DRBC makes a profit on oil and gas, yet has their moratorium in place. Najjar said he does not handle finances for the organization so he can't speak specifically about it. He did say that New Jersey handles their cash management and they pick all the investments.

Henry asked if there is any update on the status of DRBC adoption of regulations for natural gas development activity. Najjar stated that the DRBC commissioners continue to confer in good faith on a path forward. Najjar clarified that the decision is coming from the actual commissioners, who are the governors of each of the four states, not DRBC staff.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge. Two press releases titled, "DEC Announces Statewide Asian Longhorned Beetle Outreach and Survey" dated July 25, 2017 and "Governor Cuomo Announces New Free Fishing Days and 2017-18 Hunting and Trapping Licenses Go On Sale Starting August 1st" dated July 28, 2017 were provided in members' packets.

PA Dept. of Environmental Conservation: Manning reported that the organization is going through an organizational change. She recently learned that Lisa Daniels has been named Acting Deputy for Water Programs at the Department of Environmental Protection. She replaces Dana Aunkst in that position.

Manning reported that Department of Natural Resources UDC Representative Dugan is looking into Pennsylvania sources of funding for the UDC as a result of the UDC's July 6 letter to Governor Wolf regarding the subject.

Manning referred to the July 25 press release titled, "DEP Draft Water Quality Report Submitted to U.S. EPA" provided in members' packets. The DEP has submitted the 2016 Draft Integrated Water Quality Monitoring and Assessment Report to the U.S. Environmental Protection Agency, listing the impaired waterways in Pennsylvania. An interactive map of Pennsylvania waterways and impairments can be found at www.depgis.state.pa.us/integratedreport/index/html. This mapping tool can identify individual stream/river segments and any applicable impairments and their causes.

Also included in members' packets at Manning's request was a copy of the Commonwealth of Pennsylvania Fish Consumption Advisories for 2017.

National Park Service-Upper Delaware: Heister reported on National Park Service and National Canoe Safety Patrol statistics for the month of July. She said for the entire month there were 7,827 visitor contacts on the river; 150 rescues; 67 boat overs; and 54 calls to the dispatch line.

She reported that one drowning took place on July 8th near the Carriage House in Barryville. The victim was a 69-year old male from New York State. She provided details of the incident and noted that he was not wearing a life jacket.

Heister said that Jennifer Proctor and Ina Hysi from the National Park Service Office of Risk Management visited UPDE on 7/19-7/21 to look at UPDE's drowning prevention efforts and to make

recommendations to enhance the program. She added they also met with the UDC and reviewed the safety information in the Map and Guide brochure to offer comments.

Heister reported that the Zane Grey Festival was held on Saturday, July 15th. There was a total of 855 visitors, which she called a great turnout. She said that 120 guests attended the Birds of Prey presentation and 375 took wagon rides.

Heister said that the UPDE Law Enforcement joined forces with the New York State Police on July 15 for a Buckle Up NY operation on Route 97 at the Roebing Bridge.

Heister said the Park Service continues to work on the Lackawaxen Crossing for the Tennessee Gas Pipeline Orion Project. She said the project was voluntarily shut down last Friday and Saturday in order to provide additional safety and environmental training due to the issuance of violation notices. She said "kudos to them for shutting it down, pulling everybody in, and doing a little extra training."

Heister added that they continue to work on the Rio and Mongaup Falls Hydroelectric Project relicensing. They have submitted comments on the pre-application package with our Wild and Scenic Rivers staff and jointly with the Fish and Wildlife Service. They are asking for some additional information on how flows from the Mongaup actually affect releases from the Cannonsville and Pepacton Reservoirs.

Heister said they received three sets of comments on the Zane Grey House Cultural Landscape Restoration project. Those were received from the UDC, the Tusten Historical Society, and the Pennsylvania State Historic Preservation Office. All were supportive of the project.

Heister referred to the July 21 NPS press release titled, "Gay Vietzke Named Director of National Park Service's Northeast Region" provided in members' packets. She noted that Vietzke had been in attendance at a full Council meeting in December of 2011.

UDC Executive Director's Report: Ramie reported that the UDC's 29th Annual Raft Trip will take place on Sunday, August 6. Odell noted that there are 110 guests over the age of 12 and 20 guests between the ages of 5 and 12 currently registered.

Ramie said she appreciated the National Park Service's Office of Public Risk Management team's input on our Map and Guide Brochure update as there are three panels designated to water safety. She said we are finalizing our in-house revisions to the content of the brochure this week to turn the files over to the printer on Monday, August 7. We expect delivery of the updated brochure in early September at which time a news release will be issued announcing its availability and acknowledging the voluntary business donations made to offset the printing costs.

Ramie reported that River Clean-up Grants are due by August 14th; FY 2017 TAG projects are due by August 18th; and August 31st is the deadline for the submission of FY 2018 TAG applications.

Ramie noted that after we take action on the member fees system, it will be necessary to update the UDC bylaws that were last revised on July 11, 2013. She asked members to take a look at the bylaws to see if there are any other issues that need to be addressed. She said that Carla Hahn of the NPS had observed that we have no procedure outlined for conducting email votes for time-sensitive issues so we will formalize that. Ramie said that after the action on the member fees, she will write up the proposed changes.

Ramie stated that a key component to putting together our FY 2018 funding package has been having the member fees in place. Once this happens, she will meet with NPS Superintendent to work out other details. Henry asked Heister if she feels there could be a delay in the FY 2018 funding. Heister told him not for the reason there was one this time.

Ramie noted that the Renewable Energies Subcommittee meeting took place at 6:00 this evening. The subcommittee has decided to pass along the position paper to the Council and there will be an associated resolution that has been amended for possible action. She added that at this meeting there was discussion about this subcommittee dissolving.

Ramie referred to the July 31, 2017 letter provided in members' packets to Joshua Potosek, Sullivan County Manager, regarding suggestions of ideas for funding sources and potential collaborators if there is interest in pursuing emergency telephones along NYS Route 97 in the Town of Lumberland. Ramie said the letter outlines the steps we have taken thus far in improving emergency communication along the river corridor. She said she participated in an August 2nd conference call with management officials at Sullivan County. She said the first question she was asked was whether the UDC would write a letter of support for a new cell tower if it could provide coverage for 95% of the river. Ramie said she pointed out that we were proposing an alternative to cell towers with these hard-wired emergency telephones because

we regard traditional towers as an incompatible use in the designated Upper Delaware corridor. She explained that what happens outside the boundary is not our concern. She said she was then asked if we would actively oppose a tower and whether we feel aesthetics trumped public safety. Ramie asked whether there was such a tower proposal in development and was told that a Liberty company has expressed interest but they didn't offer any specific locations. She told them that we could only comment on an actual address and wouldn't pre-judge anything. Ramie said that Sullivan County misunderstood that Frontier Communications had come to us in a vendor capacity, rather than our doing research on various technologies and asking them to give us the presentation that took place in September 2016. Ramie provided details of other concerns of the Sullivan County management personnel. She said she is not very optimistic about partnership opportunities based on the line of questioning, although they did say they would look further into it. Ramie said she mentioned that we would love to hear about any plans for extending cell coverage in the county.

Ramie referred to the July 5 letter from PennDOT District Executive George J. Roberts and NYSDOT Regional Director John R. Williams regarding our request to continue the use of the river height signs along the Upper Delaware River. The letter states, "At this time, the Pennsylvania and New York Departments of Transportation, both individually and jointly under the JIBC, will support the NPS's recommendation that the use of the river height signs should be discontinued."

Ramie spoke of the false information out on social media regarding overnight closures of the Narrowsburg Bridge. She has requested to receive official notifications from the PennDOT Safety Officer regarding any overnight closures in advance of the dates.

Ramie stated that the new director of the NPS Northeast Region, Gay Vietzke, automatically becomes the official representative to the UDC, with the local superintendent as her alternate. Golod read an excerpt of the December 2011 UDC minutes when Vietzke visited the Upper Delaware with Superintendent Sean McGuinness.

Ramie referred members to the August 2017 calendar of UDC Meetings, Deadlines and Activities and told them to contact her with any questions they may have.

Greier recommended researching if e-mail proxy voting is allowable in New York State.

Greier noted that the Council will be voting to enact a new Member Participation Policy to "comply with National Park Service (NPS) policy relative to those federally-funded expenses which are deemed allowable, allocable, and reasonable under the NPS-UDC Cooperative Agreement by making reimbursements directly payable to the individual representatives and alternates of the UDC town and township members for their participation as described in the above policy rather than to the local governments." He asked Heister if she could provide something in writing to provide a guideline for what is "allowable, allocable and reasonable." Heister said she would do that.

Old Business: Henry said a July 18 press release titled "Delaware River Basin Restoration Program Clears First Funding Hurdle" was provided at the July 25 Operations Committee meeting. The second to the last paragraph states in part, "The program will leverage the expertise of multiple experts, promote partnerships, and coordinate resources to address critical needs of the Delaware River Basin, its habitat, clean water, and supply for communities from the Delaware Water Gap to the Delaware Estuary." After a brief discussion about no mention of the Upper Delaware in the release, a motion to send a letter to Congressmen Cartwright and Dent advising them of the fuller extent of the Delaware River Basin was made by Henry, seconded by Dexter and carried. Sullivan said it is a good idea to clarify the extent of the Delaware River Basin.

New Business:

Draft Resolution 2017-06: Accepting a Revised Quote for Brochure Printing Services: A motion to approve Resolution 2017-06 to print a total of 35,000 copies of the UDC Map & Guide was made by Henry, seconded by Richardson and carried.

Draft Resolution 2017-07: Adopting a UDC Member Participation Policy: Sherman asked when the current \$100 per month pay schedule was put into effect. Ramie told him in 1988. He asked why it was put in place. Ramie told him to cover member participation for reimbursement of expenses for attending

meetings and such. He asked why it was set at \$100. Ramie told him we can not find any evidence as to why that particular amount was set, but she believes it was some sort of incentive, because at that time not all of the towns and townships had joined yet. Sherman asked if the \$35 per meeting proposed fee came from the federal government. An explanation of how the proposed \$35 per meeting fee was developed internally at the July 25th Operations Committee meeting was offered. Peckham asked when this change would go into effect. He was told the next fiscal year, October 1, 2017. A motion to approve Resolution 2017-07 was made by Henry, seconded by Peckham and carried.

Draft Resolution 2017-08: Guiding Substantial Conformance Review of Renewable Energy Projects in the River Corridor: Ramie referred to the amended Draft Resolution 2017-08 handed out to members which came about as a result of suggested revisions offered at the Renewable Energies Subcommittee meeting. She noted they were fairly minor changes from what was sent out in advance two days ago. Robinson questioned if the Resolution sets in motion the minor amendment process. Ramie said it does; it offers the conclusion of what is considered special or conditional use and what is incompatible and sets up the minor amendment process. She pointed out that under “be it resolved that” point 3 states in part that “A copy of this resolution....will be distributed to all UDC member towns and townships to provide notice of the intent to pursue a minor amendment to the River Management Plan, which will require public advertisement, establishment of a period to accept oral and written comments, and a unanimous vote in support of the amendment by all members of the council for the minor amendment to be adopted.” Heister clarified it is a minor amendment, but it is an amendment to the Land and Water Use Guidelines as opposed to the River Management Plan. A discussion about process took place. A motion to approve Resolution 2017-08 was made by Henry and seconded by Conway for discussion. Henry noted that he does have some angst about point 3 as there has been a precedence of changes being implemented without the minor amendment process being followed. He stated that this would be the first amendment to the Plan and would require a unanimous vote by all the voting members of the Council. Robinson wondered if procedurally, the township supervisors and town boards would have to prepare a resolution to support this resolution. He noted that he personally would be comfortable with that process of bringing it formally before the board of supervisors or town councils. Henry said there is a mechanism in the River Management Plan for letters of interpretations and wondered if the amendment could be accomplished through this route. Richardson, in response to Robinson’s suggestion, said the UDC representative is a voting member and it is their responsibility to represent their town/township. He suggested if one is not comfortable on how they should vote, they should certainly obtain input from them, but once you are present at a meeting, you are authorized to vote. He added that nowhere in the RMP does it say anything about supervisors voting on resolutions. After additional discussion about process, Ramie suggested that members express their conceptual support for the position paper and defer action on the resolution at this time pending further research into process. Henry amended his motion to adopt the “Position Paper on Select Utility-Scale Renewable Energy Systems: Solar, Wind, Geothermal and Hydropower” and send the adopted version to UDC members highlighting its conclusions, and explaining the next steps to incorporate these renewable energy land uses into the Schedule of Compatible, Conditional, and Incompatible Land Uses in the Land and Water Use Guidelines, with the first step being a resolution that the UDC will consider at its September 7 meeting. The motion was seconded by Sullivan. A vote was taken and the motion carried unanimously.

Other: Sullivan suggested to continue to follow up on the state funding issue despite the fact that the immediate financial crisis is over. Greier spoke about a meeting with NYS Assemblywoman Aileen Gunther that he had earlier in the day.

Henry asked if the Park Service could research the most appropriate methodology to revise the Secretary’s Land and Water Use Guidelines.

Public Comment: Jim Barth stated that the UDC committee meeting minutes are available for anyone to read and suggested they not be re-summarized during the full Council meetings, but that people be given the opportunity to ask any questions they may have based on the written copies.

Adjournment: A motion by Roeder, seconded by Case to adjourn the meeting at 9:18 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 8/21/17