

**WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES**  
**August 21, 2018**

Committee Members Present: Fred Peckham, Pat Jeffer, Al Henry, Doug Case, Jim Greier, Evan Padua  
Committee Members Absent: Debra Conway  
Staff : Laurie Ramie, Pete Golod  
NPS Partner: Don Hamilton  
Guests: Roger Saumure

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, August 21, 2018 at the Council office in Narrowsburg, NY. Chairperson Peckham called the meeting to order at 7:00 p.m. A motion by Greier, seconded by Case, to approve the July 17 meeting minutes was carried. There was no public comment on the agenda.

**Old Business**

**July 23 Upper Delaware Scenic Byway (UDSB) Meeting Notes:** Ramie reported that, for the second consecutive month, there was no quorum but the committee proceeded with discussion.

The U.S. Army Corps of Engineers is requiring a bat survey and a land-based mitigation plan to offset the water area that will be impacted by the Port Jervis White Water Park as part of its Biological Assessment submission for environmental compliance. Henry questioned who has management authority when the project does not fall within the designated Upper Delaware Scenic and Recreational River Corridor yet involves manipulation of a National Wild and Scenic River. Hamilton replied that the National Park Service (NPS) will conduct a Section 7 review under the Wild and Scenic Rivers Act to evaluate whether the project has the ability to impair or diminish the Outstandingly Remarkable Values of the Upper Delaware Scenic and Recreational River. No other federal agency, including the U.S. Army Corps of Engineers, can issue a permit until this Section 7 approval is received. New York State also has permitting authority since the white water park is located on the New York side channel of an island in the river. Hamilton pointed out the location on the UDC's mural map. He noted that the project will involve installing various features and rocks in the river to create hydraulics for kayakers. While further review is required, he does not foresee any major impacts.

Ramie reported that newly-named Orange County Tourism Director Amanda Dana accepted an invitation to attend the next UDSB meeting on August 27 at 7 p.m. at the UDC office. There will also be a presentation at that meeting by Ed Wesely on the life stages of monarch butterflies, from eggs to chrysalis to caterpillar. UDSB, Inc. offers a Promoting Butterfly Habitat Grant Program and publishes a popular brochure about preserving the species. Hamilton commented that there appears to have been a resurgence in the monarch butterfly population.

UDSB Chairperson Glenn Pontier agreed to serve as the organization's candidate for election to the Sullivan Catskills Visitors Association Board of Directors. He submitted his application by the Aug. 7 deadline.

An update was provided by Callicoon Business Association Train Depot Committee Chairperson Nicole Vallance about the effort to preserve the historic train station in the hamlet and partner with UDSB, Inc. to use a portion of it for a visitor center. UDSB, Inc. has a \$250,000 state grant to develop a visitor center.

The July 21 program by national planning expert Ed McMahon, "The Dollars and Sense of Preserving Community Character", received rave reviews by attendees. The basic message of the presentation was that "you should be in charge of the place where you live", with information and tools provided on how to achieve that objective. UDSB, Inc. intends to sponsor annual public workshops on similar topics of wide appeal.

In membership news that occurred after the July 23 meeting, Ramie reported that the Town of Tusten has appointed Councilwoman Jane Luchsinger to fill its vacant representative seat on the board. On August 7, the Hancock Town Board voted unanimously for the Town of Hancock to become the 10<sup>th</sup> municipal member of the UDSB. Its appointed representative will be Councilman Timothy Newman. Peckham noted that the Town of Fremont is now the only eligible municipality that has not joined the UDSB. Greier said that the current town board remains "adamantly opposed" to joining. Ramie noted that reasons previously cited by Town of Hancock officials for not participating were concerns over impacts of the scenic byway on the logging and bluestone industries which

the Town of Fremont reportedly shared; however, in the ensuing years since the 2002 state designation, there have been no measurable negative consequences on these businesses.

Town of Deerpark UDSB Representative Virginia Dudko asked Kris Gilbert from the NYS Department of Transportation to find out if there are any plans by the DOT to patch some tremendous potholes that exist at the southeast end just over the Town of Tusten line on Route 97. She said some of the holes are 6-12 inches deep.

Ramie reiterated that the next UDSB monthly meeting will be on Monday, August 27.

Greier asked whether the UDSB should reimburse the Upper Delaware Council (UDC) for the expenses by the Town of Deerpark to clean up the Hawk's Nest since that section of Route 97 is such an important feature of the byway. He said that UDSB has received \$20,000 grants from Sullivan County for the last two years, with no strings attached. Ramie replied that the Hawk's Nest is located in Orange County, UDSB, Inc. is a non-profit organization with limited income, and the UDC had chosen to sponsor a River and Shoreline Clean-up Grants Program for its member municipalities such as Deerpark after the National Park Service ceased its trash removal contracts with towns and townships.

Peckham referenced an excerpt from the July 23 UDSB meeting notes which stated that an inquiry had been made about the status of a proposal to run passenger train excursions between Hancock and Callicoon. Village of Hancock UDSB Representative Nancy Furdock had responded that the Chamber of Commerce is driving that idea and it is still in the proposal stage. Peckham said he doubts this could ever happen because the insurance requirements are so prohibitively high, and it would require lowering the grade and manipulating the tracks to make them suitable for passenger trains instead of freight traffic. He said the railroad company has not been traditionally amenable to even allowing walking paths.

**July 25 D&H Transportation Heritage Council (DHTHC) Meeting Minutes and Documentary Release:** Ramie attended this quarterly meeting held at the D&H Canal Historical Society and Museum in High Falls, NY and shared highlights of the minutes that were handed out. There was a proposal to revise the mission statement, which currently reads, "The D&H Transportation Heritage Council is committed to promoting appreciation and preservation of the historic resources of the Delaware and Hudson Canal Company, and the Gravity Railroad of the Pennsylvania Coal Company." The amendment would add to the end of that sentence: "...and of those industries and communities that owed their existence to these organizations." The idea is to put it in a broader historical context while emphasizing the relevance of the canal system today. The amendment will be officially voted on at the next meeting to provide for the required 30-days advance written notice in the bylaws.

Carbondale Historian Dr. S. Robert Powell has completed the final four e-books of his 24-volume "History of the D&H Gravity Railroad and Canal", which cumulatively contain 10,179 pages of text, maps, and illustrations. Ramie noted this definitive history can be ordered at \$25 per volume online through the Carbondale Historical Society website.

Ramie referenced a separate handout of an Aug. 17 news release, "New D&H Canal Documentary Available for \$10" which announces the release by DHTHC of Chapter 2 of the DVD series, "The Delaware & Hudson Canal Co.: Its History and Legacy" covering Honesdale to the Delaware River. The approximately 17-minute documentary that DHTHC produced with Bollinger & Rutter Video and Production Services features a conversational history, historic photos, modern scenes, music, and interviews with Cliff Robinson, Jr., DHTHC chairperson; Pike County Historian George J. Fluhr; authors and historians Albert G. Rutherford III, Pike County Commissioner Matthew Osterberg, and Dr. Walter Barbe; Sally Talaga from the Wayne County Historical Society; and Ranger Susie Kaspar from the NPS Upper Delaware Scenic and Recreational River. It is currently available at the Wayne County Historical Society's Main Museum in Honesdale, or by phone and website order there. Chapter 1, which highlighted "The Gravity Railroad", can also be purchased for \$10. Chapter 3 will cover the Roebling Bridge to Port Jervis section of the D&H Canal and is approaching the final footage and editing stage.

Concluding her report, Ramie said that the first-ever D&H Co. Bus Trip organized on April 29 by DHTHC between Carbondale and Lackawaxen was so successful, a second trip was added on May 6 which also sold out with 54 guests and a waiting list.

The next quarterly meeting of DHTHC will take place on October 24, hosted by the Neversink Valley Area Museum of History and Innovation in Cuddebackville, NY.

**August 17 Delaware Watershed Conservation Fund Webinar:** A handout was provided of Ramie's notes from an Aug. 17 webinar held by the National Fish and Wildlife Foundation in conjunction with the U.S. Fish and Wildlife Service. The on-line presentation was to provide information on the application process for the approximately \$4

million in Conservation Action Grants available to non-profit organizations; federal, state, interstate and local governments; Indian tribes; and educational institutions to conserve and restore natural areas, corridors, and waterways on public and private lands to contribute to the vitality of communities in the Delaware River Watershed. 2018 is the inaugural year for this competitive grants program which requires a 1:1 match for projects. Proposals are due by Sept. 27. Grants ranging from \$50,000 to \$250,000 will be awarded by December 2018. Projects must start within 6 months of the award date and be completed within 2 years. They should address one or more of four Strategic Program Areas that are listed at [www.nfwf.org/delaware](http://www.nfwf.org/delaware), along with that website offering Request for Proposals details and the procedure for the on-line submission. Ramie said that she would send the webinar notes with informational links to the river valley counties, towns, townships, local non-profit organizations, and the rest of the UDC membership.

**Aquatic Weed Sightings Investigation:** In response to a report brought up last month, Hamilton reported that there had been a proliferation of submerged aquatic vegetation such as filamentous green algae, the type that can accumulate on fishing lines, in late July when the water was low and hot. This is not out of the ordinary for those conditions. Hamilton asked licensed fishing guide Padua for his observations. Padua said he didn't see anything of concern on the northern end of the river. He did observe Elodea, the most common river weed, floating down the river for a few days after an increase in the reservoir release from Stilesville but did not consider it any threat. Hamilton said that the initial report from fellow fishing guide Tony Ritter may have pertained to further downstream, where he was fishing for small mouth bass.

**PA Fish & Boat Commission's (PFBC) Proposal to Increase Fishing License Fees:** Golod said he had researched this topic that was raised at last month's meeting. He confirmed that the PA Fish and Boat Commission is looking for new ways to fund the department as there are more anglers casting than in years. Per PFBC Executive Director John Arway, not as many active anglers are buying licenses because they're in different age groups, or some don't have to buy licenses, such as seniors and children. Arway was quoted as saying, "Over time, you can imagine that unless you continue to increase sales just like a private business would to keep up with expenses, you either got to cut programs or raise fees, and that's really the position we're in." To keep up with these costs, the Commission is considering a few changes: 1. A \$2 charge on the annual rules and regulations booklets fishermen have been getting for free; 2. A charge for people who use PFBC property if they do not hold a license, a boat registration, or launch permit; and 3) Increased permit fees for Scientific Collectors' Permits and permit fees for Triploid Grass Carp, Snapping Turtles, Venomous Snakes, and Organized Reptile and Amphibian Hunts. One definite change that is coming is that people can opt into paying a recommended price to fish wild trout, muskie, and bass through obtaining a voluntary permit for habitat conservation improvement. Lastly, officials also want the state legislature to approve an increase in the cost of a fishing license by \$6 with a 3% increase each year after that. Arway said that if the fees aren't approved, they may have to eliminate some hatcheries. Golod commented that his concern with the second proposal is that people might be charged just to walk on PFBC properties. Hamilton said that the PA Game Commission charges \$6 for their regulations booklets. Henry added that those booklets are not available in retail outlets and get sent to individuals by mail when they purchase hunting licenses. Hamilton added he believes those booklets are accessible on-line.

**Other:** Padua asked Hamilton about the status of a microplastics study that includes the Upper Delaware River. Hamilton said sampling of eight sites from Callicoon, NY to Lambertville, NJ was completed in early July. Samples were taken of the water column, sediment, fish, and mussels. Fish samples included small mouth bass and whitesuckers. He expects to have some results by the end of the calendar year. Hamilton said that the average American discards 185 lbs. of plastic per year. Very few rivers have been sampled for microplastics yet it is an emerging contaminant. It's creating real problems in oceans such as the floating mass known as the Great Pacific Garbage Patch located in the North Pacific Gyre off the coast of California which is twice the size of Texas, as well as freshwater ecosystems. Hamilton said that plastic items may have increased our quality of life through convenience but we need to find a better way to handle packaging and its other uses. Some microbeads used in products such as face scrubs and toothpastes have been banned. Saumure said that there is a current movement away from plastic straws. Peckham noted they now want to outlaw balloons. Henry asked what impacts microplastics have on fish. Hamilton said microplastics can fill up their stomachs with non-digestible material and kill them from nutritional deprivation, as well as impair their reproduction. The Academy of Natural Sciences assisted with the collection of some fish down river and the Upper Delaware team collected freshwater mussels to sample. Hamilton

said he would follow up to confirm when data will be available from the U.S. Geological Survey study. *[Note: An article authored by Hamilton as the Natural Resources Chief of the NPS Upper Delaware Scenic and Recreational River, "Delaware River to be Sampled for Microplastics", appears in the Spring/Summer 2018 issue of "The Upper Delaware" newsletter which is available for viewing on the UDC's website.]*

### New Business

**Update: August 9 Train Derailment and Diesel Fuel Spill:** Hamilton reported that the National Park Service was among the agencies to respond to the train derailment that occurred at 2:01 a.m. on Aug. 9 west of Hale Eddy Road in the Town of Deposit, NY. The freight train headed westbound from New Jersey to Binghamton on the New York, Susquehanna and Western Railway Corp. tracks included four locomotives and 63 rail cars. Two of the empty cars that derailed were partially submerged in the West Branch of the Delaware River, discharging an estimated 4,000 gallons of diesel fuel. Hamilton reported that a sheen of fuel and the smell of diesel were observed as far down as Lordville, NY on the Upper Delaware River. Hamilton said the affected area was contained and boomed off. None of the 14 cars that contained hazardous material (one with corrosive liquid and 13 with contaminated soil with low levels of radioactive material from a clean-up site) derailed. Hamilton said the railroad company attributed the cause of the derailment to be a washout from the recent storms and flash floods. Peckham observed that the ballast between the railroad ties and the culvert had washed away. The tracks were together but there was no support underneath them. There were no injuries to the two conductors on board or anyone else. The DEC caught one merganser and two Canada Geese that had been covered in fuel and transported them to a wildlife rehabilitator. Hamilton said incidents like this are never good but it was a silver lining that the river was running so fast and flows were so high that the slug of diesel that was released flushed down the river quickly. Diesel is light and floats on the surface. It would not necessarily have gotten into the water column or affected any species on the river bottom including mussels. He doubts there will be any permanent impacts. The NPS did inspections at Hale Eddy, Buckingham, Shehawken, and the Rt. 191 bridge and found that the fuel sheen and odor dissipated throughout that day. An additional release of approximately 300-400 gallons of fuel occurred on Aug. 11 when one of the engines was lifted. The locomotives were removed on Aug. 13 and train service was expected to resume on Aug. 14. Hamilton said this incident raised the issue that there should be a review of emergency procedures and communications. He noted that UPDE Superintendent Kris Heister was receiving numerous calls for information about the derailment and realized that NPS did not have a direct line contact for the railroad. Henry asked how downstream people were informed about this diesel spill, noting that we've expressed concern over how New York City Department of Environmental Protection handles its emergency notifications in events of flooding or dam breaches. Case and others noted that there was plentiful news coverage. Hamilton said that the NPS issued a news release on Aug. 9 cautioning individuals to avoid skin contact with the water. That alert was rescinded by the next day based on assessment of river conditions and other sources like drone footage. Henry asked who was in charge at the scene. Hamilton said that the New York State Department of Environmental Conservation with its Spill Response staff appeared to provide coordination, although the U.S. Environmental Protection Agency and Department of Homeland Security were among the agencies there with the NPS. Henry said we should advocate for all of the agencies to get together to figure out protocols for downstream notifications. Peckham said that, due to heavy rain and flash flooding, the Town of Deposit had declared a State of Emergency on Aug. 7 as of 9 p.m. and the Town of Hancock issued a travel advisory for all roads on the night of Aug. 8. On Aug. 13, the Town of Hancock issued a State of Emergency at the privately-owned Bear Brook Dam due to additional heavy rain. Bear Brook is a tributary to Sands Creek which drains into the West Branch of the Delaware River. Peckham said those public warnings were very effective. Henry said he would like to find out how well emergency notification procedures worked in the case of the train derailment and which agency had jurisdiction. Everyone's awareness needs to be heightened. Padua asked if the NPS has any funding available for infrastructure projects like protecting against erosion under railroad tracks. Hamilton replied that infrastructure repairs are the focus of a presidential initiative but he's not aware of any specific funding programs. He displayed a copy of an "Emergency Response Guide for the Upper Delaware River Valley: Port Jervis to Deposit, NY" which had been produced in 1997 through a UDC Technical Assistance Grant by subcontractors Helle Henriksen from the Delaware Riverkeeper Network and Earl Pardini from Conrail. At that time, Conrail operated the railroad. He recommended that the booklet be revisited since it contains very useful information and mapping. Ramie said that the UDC had attempted to interest the various railroad owners over the years in investing in an update but had not had any luck getting it funded.

**Barnes Landfill Letters to NYS Department of Health and Office of the Attorney General:** Golod reported that the two letters in the packets were drafts that had been corrected for one typo and sent out in final form earlier today under his signature as Resource Specialist. One letter is directed to NYS Attorney General Barbara D. Underwood. Following background information at the UDC's interest in the Barnes Landfill in the Town of Highland, it requests a response to the following questions: 1. Being it has been determined that there is no potentially responsible party, and the NYS OAG was unable to find a potentially responsible private owner, who ultimately will be responsible for the monitoring and mitigation of the Barnes Landfill?; 2. If no potentially responsible party is uncovered, does that mean no future action will be taken?; 3. What was the resolution and outcome of your office's evaluation and prioritization of the landfill?; and 4. Officially when did the NYS OAG close this case? And, how was that determination made? The letter to the NYS Department of Health (DOH) requests the most recent water quality sampling results for residential wells in the vicinity of the Barnes Landfill, which the NYS Department of Environmental Conservation had recommended that the UDC obtain from the DOH after the DEC had provided sampling results from four on-site groundwater monitoring wells. Golod explained that these two letters are follow-ups to UDC correspondence sent to the NYS DEC on May 21 and July 20, a letter with additional questions sent by Hamilton on behalf of the National Park Service on July 25, and the UDC's July 6 Freedom of Information Law request to NYS DEC seeking a copy of the 1992 Barnes Landfill Closure Plan, which was provided electronically on July 26. He also investigated the question of whether the Barnes Landfill was ever declared a Superfund site and found that it is not listed on the U.S. Environmental Protection Agency list. Greier congratulated Golod for doing a good job with the letters. Peckham asked why Delaware Riverkeeper Network Executive Director Maya K. van Rossum was included on the courtesy copy list. Golod said it's because that organization is the Riverkeeper for the Delaware River Basin and we would like to get as much support as we can to address this landfill that continues to produce leachate with certain contaminant samples that exceed DEC and EPA levels. Golod asked Hamilton if he had any comments since NPS Resource Management had provided input on the two latest draft letters. Hamilton said it will be interesting to see what replies the UDC gets.

**Delaware River Flow & Storage Report:** Committee members reviewed the New York City Water Supply storage report, updated as of Aug. 20. Storage is at 101.1%; normal for this date is 82.9%. The Cannonsville Reservoir is at 102.6% capacity. Peckham pointed out that the average precipitation in July and August had exceeded 6 and 8 inches, respectively. Padua said he was curious why New York City didn't release water in July when it was cresting over the reservoir. Peckham said it's because a New York City official told the UDC at a previous presentation, "It's our water." Peckham said anything that they release then becomes somebody else's water. Also, they say it could always be the first day of the next drought. Padua said they are releasing 1,500 cfs out of Cannonsville now. Henry said that's a drop in the bucket.

**Other:** Golod said that Henry sent him a message that the PA Cable Network had aired a program from Agricultural Progress Days on the Spotted Lanternfly invasive insect. Penn State's College of Agricultural Sciences in mid-May created a new position of Spotted Lanternfly Extension Association for which Heather Leach was hired. Golod recommended inviting her to offer a presentation to the UDC. Golod said he considers the spread and agricultural impact of the Spotted Lanternfly to be potentially apocalyptic. Ramie said the fact that an entire job was created to support outreach and response to the Spotted Lanternfly demonstrates the significance of this problem. The committee agreed with the idea of pursuing Heather Leach as a speaker for an upcoming UDC meeting.

**Public Comment:** None

**Adjournment:** A motion by Greier, seconded by Henry, to adjourn the meeting at 8:18 p.m. was carried.

*Minutes prepared by Laurie Ramie, 08/23/18*