

UPPER DELAWARE COUNCIL MEETING MINUTES

October 6, 2016

The Upper Delaware Council held its monthly meeting on Thursday, October 6, 2016 at the Council office in Narrowsburg, NY. Chairperson Fred Peckham 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 Roeder, Jr., Town of Cochecton-Larry Richardson, Town of Highland-Jeff Haas, Town of Deepark-David Dean, Damascus Township-Jeff Dexter, Berlin Township-Al Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, State of New York-Bill Rudge, Delaware River Basin Commission-Clarke Rupert, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Also in attendance: Virginia Dudko, Deepark alternate. Absent: Town of Tusten, Town of Lumberland, Westfall Township, Commonwealth of Pennsylvania. Media: Dave Hulse. Guests: Loren Goering, NPS.

Presentation by Loren Goering, Chief of Facility Management for UDSRR: Overview of the Rehabilitation Project of the National Historic Landmark Roebling Bridge (Roebling's Delaware Aqueduct): Peckham introduced Goering. Goering said he was asked by UDC Executive Director Ramie to come and talk about the work being conducted on the Roebling Bridge. Goering showed a PowerPoint presentation which contained photos of areas of the bridge in need of repair. He reported that 2005 was the last time that the road was paved at the Roebling Bridge. He noted that every ten years or so cyclic maintenance should be performed. Goering said there will be two phases of the project and one of the objectives of Phase One of the bridge work included the Repair of Failed Drainage under the NY approach road. The water has caused deterioration of mortar. He noted that this phase was completed on October 5th upon replacement of the culverts under the road redirecting the water away from the structure. The second objective is to repair the approach roads to the bridge. Milling of the roads is scheduled to begin next week, Goering stated. Other objectives of Phase One include replacing the expansion joints; sealing the bridge deck; and repairing the sidewalks. The schedule for the work is 6:00 a.m. on Mondays till 6 p.m. on Thursdays, October 3rd through November 8th. The bridge will be open on weekends. The detour in place during construction hours is Lackawaxen Road to PA 434; across the Barryville-Shohola Bridge; to NYS Route 97. Phase Two of the project will take place next summer, most likely in July, and will be Ice Breaker Repair and Repointing. Work on the ice-breaker beams above the water line has taken place in the past, but never below the water line. A causeway and cofferdams will be constructed in order to de-water the area so that those beams can be replaced. The center channel will always remain open during the project, Goering stated. While the causeway and cofferdams are in place, they will also repoint the piers below the waterline as well as other sections of the structure. Repointing is the filling in or repairing the joints of the stonework. Henry asked if the bridge will be closed during Phase Two. Goering said the bridge will not be closed, but the Pennsylvania parking lot may have to be on occasion. Hulse asked if the cable footings have been checked. Goering stated that he is not sure when those anchors were last checked. Peckham thanked Goering for his presentation and presented him with a UDC lapel pin.

Approval of September 1 Meeting Minutes: A motion by Haas seconded by Henry to approve the September 1 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: September 20 Water Use/Resource Management by Odell on Ritter's behalf; September 27 Project Review by Richardson; and September 27 Operations by Peckham.

Status Reports

Delaware River Basin Commission: In reference to the Delaware River Basin Conservation Act, Rupert reported that the U.S. House of Representatives elected not to attach the DRBCA to their version of the Water Resources Development Act (WRDA) bill which they subsequently approved.

Rupert provided a comprehensive hydrologic condition overview to the members. He shared the September 30 conditions which had the combined storage of the three New York City reservoirs at 173 billion gallons. He added that is about 64% of capacity. When the reservoirs are all at 100% capacity, the combined total storage is 271 billion gallons, he stated. Rupert noted that the DRBC's drought operating plan is tied to the storage in New York City's reservoirs and explained differences in normal operating conditions and drought conditions. He reported that overall, storage is in fine shape, but the Commission continues to watch it. He said conditions are being affected by the lack of precipitation. Rupert passed around a "Drought Status in the Delaware River Basin as Declared by the Basin States" effective 10/5/16 handout, noting that there are now more counties in the basin in drought watch status than in normal status. This information is available on the DRBC website. Rupert shared the data from an October 4 U.S. Drought Monitor for the Northeast handout that he passed around. He noted that quite a number of the Delaware River Basin counties are as of that date either abnormally dry or in a moderate drought classification. A brief discussion about Hurricane Matthew took place. Rupert shared National Weather Service New York/Pennsylvania Year to Date Precipitation Departures, 60 Day Precipitation Departures, and 30 Day Precipitation Departures handouts. Links to much of this information are available on the DRBC website, he reported. Rupert spoke about the National Weather Service Mid-Atlantic River Forecast Center out at State College. River flood forecasts and other valuable information are available on their website at http://www.weather.gov/marfc/self_briefing where you can find the following graphic - <http://www.weather.gov/images/marfc/graphicalHMD/graphicalHMD.png> (Middle Atlantic RFC). Another National Weather Service link for information for our area is <http://www.weather.gov/bgm/briefMessageOfDay> (Binghamton).

Rupert reported that as of this morning, the flow at Montague was at 2,870 cfs. Based on 76 years of record, the median for the date is 1,908. A brief discussion about meeting the flow targets at Montague and Trenton took place. He stated that due to the dry conditions, they have been directing releases from Beltzville and Blue Marsh since the beginning of September. Peckham noted it is his observation that the main stem of the Delaware is quite low.

Rupert noted that the next DRBC public hearing will take place on Wednesday, November 9, 2016 and the next DRBC business meeting will take place on Wednesday, December 14, 2016. Both the public hearing and the business meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, Pa. He added that the Water Management Advisory Committee will meet on Thursday, October 27, 2016 at 10 a.m; the Monitoring Advisory and Coordination Committee will meet on Wednesday, November 30, 2016 at 9:30 a.m; and Flood Advisory Committee will meet on Wednesday, December 7, 2016 at 10 a.m. All meeting information is posted on the website at <http://www.nj.gov/drbc/>.

NYS Dept. of Environmental Conservation: Rudge reported that the DEC is now officially a partner with Orange County for the management of the Sparrowbush Fishing Access site, having recently completed the cooperative agreement. They intend to also work with the Town of Deerpark on this partnership.

Rudge noted that New York State Department of Environmental Conservation Commissioner Basil Seggos has appointed Kelly Turturro as the Commission's Acting Regional Director. She replaces Martin Brand who has taken a new position within the agency, he added.

Peckham questioned if there is to be an early hunting season for bear in Wildlife Management Area Unit 4W. Rudge said he will look into this and get back to him.

Roeder said he recently read that NYS DEC Commissioner Seggos and a team of DEC employees have taken the hunters education course, and Seggos purchased his first hunting license on Saturday, September 2, at the Great New York State Fair in Syracuse. Rudge said that was true.

PA Dept. of Conservation & Natural Resources: No report in the absence of Representative Dugan.

National Park Service-Upper Delaware: Heister reported that the Continuing Resolution was signed into Law on September 29th and goes through midnight on Dec. 9. It includes a .496% across the board cut and a little over 19% of the FY 2016 funding level can be obligated.

Heister said they are going to have three maintenance positions being advertised in the near future. They are GS5 entry level positions; two full-time and one part-time. They are looking to hire local folks, she stated.

Heister said that National Public Lands Day was celebrated on Saturday September 24. She noted the turnout was a decent one with about 30 people participating. Projects included expanding the existing pollinator garden, clearing vegetation from a river access, and a river clean up from Lackawaxen, PA to the Corwin Farm Ranger Station, Hillside, NY.

UDC Executive Director's Report: Ramie provided the amount of operating funds available to the UDC through December 9th as a result of the Continuing Resolution.

Ramie reported that the Fall/Winter issue of *The Upper Delaware* newsletter was delivered on time October 3 by Courier Printing. Extra copies are available upon request.

Ramie provided a couple of updates that included the Skinners Falls-Milanville Bridge emergency repairs are due to be complete by the end of this month at a cost of \$684,864 to enable it to re-open; and the new Bouchouxville Trail directional signs were installed by the Town of Hancock on September 29th and by the NYS DOT this week. Peckham provided the locations of these signs and suggested they could be put in better places.

Ramie referred members to the copies of the UDC's latest Draft Position Paper on Large-Scale Solar Energy Systems and the cover memo requesting its review within 90 days. She noted this went out in hard copy and electronically to our membership on Monday, October 3rd. Comments may be submitted to the attention of 2016 UDC Chairman Fred Peckham, P.O. Box 192, Narrowsburg, NY 12764 or Executive Director Laurie Ramie via email at laurie@upperdelawarecouncil.org.

Ramie referred members to the updated report on our NYC DEP Sirens Request. She noted that new information received since last month is in bold with copies provided. Included is a copy of the follow-up letter to NYC DEP Deputy Commissioner Paul Rush which reiterates our request for a copy of the Dam Emergency Action Plan for in-house reference purposes only and advises him that the UDC is gathering an inventory and anecdotal data to share with DEP at the appropriate time. Also included is a copy of a support letter from Buckingham Township, which Ramie said we appreciate. She added that we had solicited those from 15 river valley municipalities and 5 counties, and have received the 7 indicated, unless others may have been sent to NYC without copying us. Ramie said Golod is working on a report with additional details about the Gilboa Dam siren that have been successfully deployed in a joint venture between NYC DEP and the Schoharie County Office of Emergency Management. This report will be presented at the October 18th Water Use/Resource Management Committee meeting.

Ramie referred to the September 26 *Times Herald-Record* article publicizing the three public hearings that NYC DEP has scheduled to explain their plans for repairing the leaks in the water supply system, which will involve a shutdown and draining of the Delaware Aqueduct in 2022 for 6-8 months. Golod will be attending the October 20th hearing and will report back. Written comments on the draft environmental impact statement will be accepted until November 14th.

After last month's presentation by Frontier Communications on the Red Alert Phones, the Project Review Committee followed up by directing a letter requesting an engineering study to explore the feasibility of the six sites along NYS Route 97 that Shohola Township Representative Robinson mapped as potential sites for emergency call boxes. A copy of that September 29th letter along with the map were included in members' packets. Ramie noted that we've asked for an evaluation of the infrastructure for

suitability and connectivity, property ownership and jurisdiction over the existing poles, and solid costs, as well as negotiation of the monthly phone line charges.

Ramie referred to the handout titled, "Economic Impact of Tourism Statistics" provided in members' packets. She said that she had prepared it for the Sullivan Leadership Class of 2017 when they were here on September 21 for a river valley presentation. It is a summary of five studies or reports that quantify the economic impact of tourism to the region and Delaware River watershed. Ramie said she will be attending a forum called "The Top 3 Reasons Tourism Has an Important Role in Economic Development in the Upper Delaware River Region" featuring as the presenter economist Dr. Steven Morse on October 18th from 9-11 a.m. at the Tusten Theatre in Narrowsburg. She added that Delaware Highlands Conservancy is handling registrations at \$10 per person. Ramie said there is a flyer available to anyone who is interested in attending.

Ramie stated that in an effort to promote and encourage additional nominations for the National Geographic MapGuide project, the Scenic Wild Delaware River has produced a rack card and issued a recent newsletter. A rack card was provided in each members' packets. The Geotourism Stewardship council has set up monthly teleconferences on the 3rd Mondays and will have an in-person fall meeting on October 27th at a location to be determined to discuss sustainability and new projects.

Ramie referred to the flyer for the October 15th Barryville Butterfly Bike Ride included in members' packets. It is a 4.6-mile ride from the Zane Grey River Access in Lackawaxen, PA to the Barryville Farmer's Market site on River Road, during which wildflower seed balls will be thrown to create habitat for pollinator species. This event is an offshoot of the Monarch Butterfly brochure produced by the Town of Highland on a grant from the Upper Delaware Council at the initiative of the Upper Delaware Scenic Byway.

Ramie referred to the October calendar of UDC Meetings, Activities and Deadlines and provided some highlights. She said a productive meeting was held on October 5 with staff, Dorene Warner and Aaron Robinson to discuss the methodology for making our meeting documents and other documents available electronically through our website. A proposal will be presented to members when more details are figured out. Another subcommittee is working on the Project Review Workbook update. A UDC-NPS staff-level review will take place on October 13th to further this project. A draft will go through the Project Review Committee before the content is finalized, Ramie noted. October 15th is the date for the Equinunk Watershed Alliance's Strides 4 5K Run/Walk. She reminded members that the UDC is a sponsor of this event. The \$20 registration includes a t-shirt and lunch and participants can register the day of the event. Ramie provided the history of the event which started four years ago as a way to recognize the UDC's 25th anniversary. Ramie stated that Golod will be attending Planning Board meetings in the Town of Tusten on October 17 and Town of Delaware on October 19th for specific agenda items. She reported that the Friends of the Upper Delaware River will hold their 7th annual "Water, Water Everywhere" conference on October 19th at the West Branch Angler. She and Golod will be attending. The D&H Transportation Council has its quarterly meeting on October 26th at the D&H Canal Park in Hawley, PA to which all are invited. The DRBC's Water Management Advisory Committee meets on October 27th. Ramie noted that the calendar also includes a list of major FY 2017 projects to be accomplished. Those projects include executing the contracts for FY 2017 Technical Assistance Grants, with projects due by August 18th; finalize the re-design and printing of the Project Review Workbook; prepare the FY 2016 Annual Report; do a FY 2016 full audit; establish the UDC member web portal; and update and print the Visitor Information Guide.

Ramie stated that a presentation by Jamie Knecht of the Wayne Conservation District on a "Baseline Assessment of Groundwater Quality in Wayne County, PA" will be given at the November 3 full Council meeting. She added that at this meeting it will be Peckham's duty to appoint members for the Nominating Committee to propose a slate of 2017 UDC officers at the December meeting.

Old Business: Roeder said he does not believe that people are against the use of solar, but stated that "the problem has become 'where could it go?', 'who could use it?', 'who can't use it?'". He shared some of the compromises that have been discussed, noting that the issue has become contentious. He doesn't understand why if a solar array does not affect the scenic or recreational qualities of the river, it can't be installed on private property. He said he did some research on solar use in National Parks and found that they do have huge solar arrays in some National Parks such as Natural Bridges National Monument in Utah and on Alcatraz Island in California. Roeder passed around photos of these arrays. Rudge commented that

solar arrays are fine for residential purpose. Roeder said he understands that; he's talking about a person that wants to put in an array and sell that power. Rudge said that would be commercial use. Roeder shared his interpretation of commercial use for profit. He said that his point is that if the National Park Service can use solar, he thinks "we're on thin ice that we can't here where you can't see it and it's not disturbing the corridor." Heister said nobody has said that you can't put solar arrays on any roof you want in any part of the corridor. Peckham said the position paper has been distributed to all the municipalities for consideration and comment. Roeder said he is happy that was done so we can come up with a position that serves all the people and the towns and townships as well as the corridor. A discussion took place about whether the position paper would become part of the River Management Plan. Heister stated that we don't have to re-write the schedule of compatible or incompatible uses; whatever decision is made can be documented and commemorated in a memorandum, for example, or could be similar to the errata page in the beginning of the River Management Plan (RMP). Henry suggested following the same procedure that was used for determining the position of the Council regarding natural gas. He stated the River Management Plan was not changed after that determination was made. Dean said that if the effort is being made, the Council would want to memorialize it "rock solid" so that there is no question and suggested it be added to the RMP. Robinson said he believes the RMP is supposed to be reviewed every five years and open to re-write every twenty, if he's not mistaken. Peckham referred to the RMP as a "grand compromise" and he feels that will ultimately happen with this solar issue. He said we will await the municipalities' responses and move forward from there. Greier noted that the United States is the largest consumer of energy per capita in the world. He spoke of the increase to his property assessment after a 15-year abatement due to the installation of a windmill on his property. He said many issues need to be considered when it comes to solar energy such as the removal of the panels. Richardson said he does not know of any town or township currently looking to ban solar within their municipality; he stated they're trying to determine whether it is appropriate in the narrow corridor. Rudge asked if we're talking about commercial and not residential when trying to determine if it's an appropriate use. Peckham said we are talking about commercial. Henry shared a nuclear energy to solar panel equation he recently learned. He asked Heister if she could contact a National Park Service solicitor to advise us on the procedure to incorporate an approved position or definitions such as for large-scale solar energy systems into the 1986 River Management Plan and about what legal authority that position paper holds. Heister said she can check with a solicitor. Heister noted that it is the Park Service that has the ultimate responsibility to prevent incompatible uses. Rudge stated that the solar power being generated in the National Parks that Roeder spoke of is being done to power their own facilities. He feels that the issue in the Upper Delaware would be when a solar array is built that is large enough to become a producer and outsource. He does not feel that the examples that Roeder provided meet that test. Rudge said he believes the position paper states that they are looking to limit commercial use in the corridor and he does not feel that Roeder's definition of commercial use matches his. Roeder explained that he feels the paper needs to allow for some exceptions. He added that use of the term "commercial" denies someone the use of their land. Rudge agreed. Dean noted that excess power generated by residential solar arrays can be sold back to the utility, and commercial is when you produce something and you sell it. Dean noted that we're all talking about solar the way it exists today and he thinks it's irresponsible to think that in the future, solar panels as we know them may be replaced with ones that are much smaller and still produce the same if not more power and he for that reason he does not feel that prohibiting commercial solar farms in the river corridor should happen. He agrees with Roeder that the position paper should allow for some exceptions. Roeder shared some facts about the solar at Natural Bridges National Monument in Utah.

New Business:

Resolution 2016-10: Approving Technical Assistance Grants for Fiscal Year 2017: A motion to approve Resolution 2016-10 was made by Henry, seconded by Roeder and carried unanimously. Ramie reported that with this passage, the UDC has awarded \$845,605.00 to fund 247 projects since 1988.

Draft Letter to Heather Jacksy: Narrowsburg, NY-Beach Lake, PA Bridge Identification Sign:

Ramie noted that this letter was sent out in advance to members. Peckham stated his opinion that no signs should be placed on the bridges. Henry noted that the sign as it appears now is historically inaccurate. He

feels it should be labeled Narrowsburg, NY-Darbytown, PA, which is what the letter states. A motion to send the letter was made by Henry, seconded by Dexter and carried with Peckham voting no.

Other: Ramie reported that Golod will be with us six months as of October 23rd. That is the end of his probationary period and she suggests the Personnel Subcommittee meet in advance of the October 25th Project Review and Operations Committees meetings to perform his evaluation. After a brief discussion, it was decided that the Personnel Subcommittee would meet at 6 p.m. on October 25th to perform Golod's evaluation in advance of the next full Council meeting when a recommendation can be made.

A brief discussion about the office printers took place.

Public Comment: None

Adjournment: A motion by Dean seconded by Haas, to adjourn the meeting at 8:58 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 10/20/16