

UPPER DELAWARE COUNCIL MEETING MINUTES June 1, 2017

The Upper Delaware Council held its monthly meeting on Thursday, June 1, 2017 at the Council office in Narrowsburg, NY. Chairperson Jim Greier called the meeting to order at 7:06 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 Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Jeff Haas, Town of Lumberland-Leigh Sherman, Town of Deerpark-David Dean, Damascus Township-Steve Adams, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, Westfall Township-Mike Barth, State of New York-Bill Rudge (7:24 p.m.), National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Absent: Commonwealth of Pennsylvania, Delaware River Basin Commission. Media: Dave Hulse, Peter Becker. Guests: Carla Hahn, Jim Barth, Nadia Rajs, Adam Bosch, Paul Rush.

Presentation by Paul V. Rush, P.E., Deputy Commissioner, Bureau of Water Supply, New York City Department of Environmental Protection: Emergency Communications Systems Below the New York City Reservoirs: Greier welcomed Rush, who said he appreciated the opportunity to come and speak with the Council. He showed a PowerPoint presentation titled, "NYC DEP Dam Safety Program." It started with an overview of the entire New York City Water Supply System. He noted that the highest quality water comes out of the three Delaware System Reservoirs which consists of Neversink, Pepacton, and Cannonsville. The highest quality water in all the system right now comes out of the Pepacton Reservoir providing NYC with 25% of their water. 1.1 billion gallons of water comes out of the system each day, down from 1.6 billion gallons in 1979, supplying 9.5 million consumers. New York City's Water Supply System is the largest municipal water supplier in the country.

Rush reported that the goal of NYC DEP's Dam Safety Program is to ensure public safety and the reliability of New York City's water supply through a robust program of dam inspection and improvement, and through emergency planning. DEP's dam safety program is regularly examined and updated with an eye toward continuous improvement. He said the program is built on three points. Those points are: 1) Operation, maintenance and capital improvement; 2) Inspection and surveillance; and 3) Emergency planning and preparation. He spoke of how an investment in maintenance and cutbacks in maintenance can have impacts over the long-term. Rush noted that the operation of the Catskill-Delaware system is split into three regions. Each region is responsible for the operation and maintenance of two dams. Typical Operations and Maintenance tasks include mowing earthen dams, cleaning and monitoring drainage features and operating release works. He said the operation staff is trained to inspect the dams on an almost daily basis. Rush spoke of a pilot program at the Neversink Dam where NYC DEP has contracted with a local farmer to have his sheep there.

Rush reported that regular dam improvements and upgrades are made through DEP's capital program. He said that projects are based on age, condition of the infrastructure and dam safety consideration. DEP recently refurbished the Gilboa Dam and is in the process of building a new release tunnel there. After this project is completed, the Ashokan Reservoir dam and dikes will be the subject of approximately \$750 million of upgrades to the system.

Rush said a look was taken at all the dams in the system in the late 1990's, early 2000's in order to determine where work needed to be done and to prioritize that work. He noted it was identified that work was needed more in the Catskill Dams as they are older.

Rush spoke of the DEP's program for inspecting its dams. The program includes almost daily observations by trained watershed maintainers and DEP Police; monthly inspections by supervisors; twice annual inspections by a professional engineer; video surveillance at some of the dams; real-time monitoring of instrumentation at the dams; annual inspections by New York State Department of Environmental Conservation; Federal Energy Regulatory Commission periodic inspections; and assessments every ten years by consulting engineers who specialize in dams. Rush provided a list of those who are trained for dam inspections, observations and for the Emergency Action Plans. He said the DEP conducts regular internal drills and exercises to test the Emergency Action Plan response protocols.

Rush stated that the DEP has developed special response protocols for events such as earthquakes; large floods, storms or sudden water releases; landslides; man-made events; and other potential disasters.

Rush reported that the DEP maintains Emergency Action Plans for all its high and medium hazard dams. The holders of the EAP are local elected officials, emergency management, police, fire and others that have a formal role in emergency response. He noted that DEP hosts annual orientation and refresher for EAP holders. The next orientation session for the Delaware Dams is scheduled for June 20th.

Rush noted that the success of DEP's dam safety program is built upon the philosophy of continuous improvement. He said they conduct internal reviews of recommendations that come from the EAP orientation sessions. One suggestion, made by the UDC, has been to add a sirens system to improve notification speed immediately downstream. He spoke of the siren system installed by Schoharie County downstream of the Gilboa Dam. This system was funded by New York City after an issue with the dam in 2005. DEP is also looking at the use of digital tools to reach many people quickly. He understands the limitations of the use of such tools in the river corridor. Later this year DEP will test the Send Word Now system, a leading provider of on-demand alerting and response services for both emergency and routine communication, with local emergency managers and first responders. Rush explained that the FERC license at Cannonsville requires DEP to "investigate, document and recommend procedures to improve the speed of downstream emergency notifications." As a result of this requirement, DEP has hired Schnabel Engineering, Inc. to perform this expert analysis. The results are expected next year and will inform upgrades to notification downstream of Cannonsville Dam and the lessons learned there will be applied to the other dams, Rush stated.

Rush stated that DEP intends to invest resources in improving notification procedures and public awareness downstream of the dams, but are looking to do it in a systematic way and be guided by the report that comes out from Schnabel Engineering.

A brief question and answer session took place. Henry asked if DEP has compared the cost of keeping up the extensive dam system to the cost of a desalination system to turn ocean water into freshwater for drinking. Rush explained that desalination was "taken off the table" due to the energy demand to accomplish this. He noted that DEP does want to get a handle on what the cost will be for a filtration system as their concern over the long-term is that regulations will not get less stringent and it might get to the point where they can not comply with the regulations to not filter the water.

Hahn asked for clarification of the population that uses the water from NYC's Water Supply System. Rush told her that 8.5 million people are in New York City, about 900,000 are in Westchester County, and others. He reported that Kiryas Joel has an application to tap into the aqueduct in New Windsor. He stated that any municipality that has New York City Water Supply infrastructure, has the right to tap into the New York City system with the exception of Dutchess County. He explained the Dutchess County Act of 1904. Hahn asked if there are any plans to construct additional reservoirs to provide additional water. Rush told her there are no plans to construct additional reservoirs. He stated that currently the demand is 1.1 billion gallons per day and they have enough water for right now. Before the plans to repair the Delaware Aqueduct between Newburgh and the Town of Wappinger, they were looking for additional sources, but as the plans advanced and it looked like the aqueduct would not have to be shut down for four years, they determined they would not need additional water supply. Robinson asked how the water quality has held up over the years. Rush told him the water quality in Cannonsville has improved tremendously. He said in other areas it has gotten worse. The Neversink Reservoir used to be the best quality water, but it is not anymore. It now becomes turbid as the result of a storm in 2010/2011 that caused

erosion of a creek near Frost Valley. Rush spoke about the parameters that are dropping quality in the reservoirs including an increase in chloride use by NYS DOT and municipalities. Peckham questioned if the Filtration Avoidance Agreement (FAD) is up for renewal this year. Rush told him it is. A brief discussion about the Catskill System and the use of aluminum sulfate alum took place. Rush added that NYC DEP tries not to use that chemical, so when there are turbid waters in the Catskill system, they cut back on the water released from the system and use more of the Delaware system or the Croton system now that the filtration system is on-line there. Bosch stated that the need to add aluminum sulfate to the system is the exception more than the rule.

Golod asked for clarification of the DEP's role in funding the siren system below the Gilboa Dam. Rush told him that DEP paid for the actual installation in 2005. It was damaged during Hurricane Irene in 2011 and work was done then to repair the damaged parts of the system. He stated that NYC having funded a system below a dam that there was a specific problem for does set a precedent. He said that this type system might be one that comes out of the study by Schnabel Engineering. He added that NYC is not ruling this out if it makes sense. Rush said that during the issue at the Cannonsville Dam, his biggest concern was for those folks immediately downstream. He stated that NYC wants to improve the notification system and the sirens may be part of a multi-dimensional system. Regarding the system below the Gilboa Dam, Rush clarified that on-going maintenance and responsibility rests with Schoharie County. Hahn asked what area Schnabel is including in the study. They are looking to improve the timing of notification closer to the dams, but are looking at the entire area that could be impacted by a dam breach.

Hulse asked how the arterial system within the boroughs is in terms of its maintenance and upkeep and leakage. Rush said that the overall volume of water that is lost through water main breaks is not a lot of water in the big picture. Hulse said he's heard references made regarding the water main breaks to 100-year old infrastructure. He asked about replacement. Rush said in the late 1970's, the city signed a consent order with DEC regarding issues. There were specific requirements on water conservation measures to be taken and that motivated the city to conserve water. It started a program where there is a capital budget to replace 1% of the system every year now. He spoke of the programs implemented to help with water conservation.

Rush and Bosch shared the Delaware Aqueduct replacement timeline and some of the project details and spoke briefly about the leak in Wawarsing.

Ramie asked Rush if he wanted to share any insights into the outcome of the Flexible Flow Management Program. Rush reported that negotiations of the Flexible Flow Management Program have been ongoing for a number of years with one-year extensions. He stated that the FFMP expired at midnight May 31 when New Jersey refused to join the other four Decree Parties to sign another one-year extension. This forced flow management to revert to a program known as Revision 1 developed in 1983. This would reduce releases from Cannonsville from 325 cfs to 54 cfs; 150 cfs from Pepacton to 84 cfs; and 110 cfs from Neversink to 54 cfs. With support from New York, Pennsylvania, and Delaware, New York City voluntarily took action to release quantities of water above the minimums outlined in Revision 1. He said that New York City also voluntarily committed to make spill mitigation releases toward the 90% void objective during the months of October through March. He reiterated that this is a voluntary program New York City is doing, not an agreement. He hopes that all the Decree Parties can get back to the table and put together a long-term plan. Ramie thanked Rush for the City's efforts.

Rush suggested that perhaps when Schnabel Engineers are further along in their analysis of a notification system, they could come and share that information with the Council.

Greier thanked Rush and Bosch for their presentation and presented them each with a UDC lapel pin.

Approval of May 4 Meeting Minutes: A motion by Peckham seconded by Sullivan to approve the May 4 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: May 16 Water Use/Resource Management by Peckham, May 23 Project Review by Richardson, and May 23 Operations by Greier.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of May 26, 2017 was at a combined capacity of 100.1% with Cannonsville at 100.4%.

NYS Dept. of Environmental Conservation: Rudge opened by stating that the NYS DEC and its Commissioner are taking the expiration of the Flexible Flow Management Program very seriously. He referred to a copy of the May 26 letter from NYS DEC Commissioner Basil Seggos to the New Jersey Department of Environmental Protection Commissioner Robert Martin expressing his concerns and urging them to act to avoid the environmental damage caused by a return to the Revision 1 operating plan.

Rudge referred to a copy of a May 8th press release titled, "Governor Cuomo Announces \$87 Million for Water Quality Improvement Projects Across the State". The program provided grants for projects that improve water quality, protect drinking water sources, reduce polluted runoff, and restore habitats in New York's waterbodies. The grants will be awarded for a variety of projects, including, but not limited to: up to \$60 million in funding for municipal wastewater treatment facilities; approximately \$15 million in funding to protect sources of drinking water through land acquisition projects; up to \$5 million in funding for projects to relocate a salt storage pile away from drinking water and/or construct structures to cover a salt storage pile. More information about project eligibility and how to apply is available on DEC's website at www.dec.ny.gov/.

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

National Park Service-Upper Delaware: Heister reported that Northeast Regional Director Mike Caldwell has moved on to a position in Washington, D.C. On June 5th he will begin his new job as Chief of Staff for the Park Planning, Facilities and Lands Directorate. Joshua Laird, who usually serves as Commissioner of National Parks of New York Harbor, is currently serving as the Acting Northeast Regional Director. She announced with regret that the Northeast Region Associate Regional Director (ARD) for Resourced Stewardship Frank Hays passed away unexpectedly in early March. Currently, Superintendent of Apostle Islands National Lakeshore, Bob Krumenaker, is serving as the Acting ARD.

Heister reported that Memorial Day weekend was a little slow, but still eventful. Four individuals were arrested at the Corwin Farm for littering and possession of cocaine, Xanax, and marijuana. The National Canoe Safety Patrol reported 26 rescues including 23 instances of boats turning over.

Heister stated that a local volunteer started working on May 23rd with NPS Museum Technician Lauren Hauptman on the Oral History tapes once a week at the Zane Grey Museum. She has started work on transcribing the quarrying interviews and has almost completed her first tape of Austin Smith on Parkers Glen, an interview that took place in 1991. Hauptman has said if anyone is looking for a transcription of a specific topic, to let her know so that she can get those transcribed first.

Heister said that the Park Service is proposing to demolish and remove three structures on the Zane Grey property in order to restore the cultural landscape, enhance the visitor experience, improve the visual scene from both the road and river, and promote long-term fiscal sustainability. She said they will be doing some agency scoping to solicit input, ideas and concerns between June 12th and July 11th. She noted they have to follow a process outlined by the McKinney Act. Heister passed around a list of some of the organizations they plan to solicit input from and asked members to add anyone or any group that is a partner in managing the cultural resources of the river they felt was missing from the list. Henry asked what three structures are being proposed for removal. Heister told him the "Cottage Kitchen", the "Moran House", and the "Ida and Josephine Grey House". Rudge asked if any of the structures were part of the National Register listing. Heister noted that all three are considered to be in poor condition, are non-historic structures, and are non-contributing elements to the Zane Grey Cultural Landscape. Heister spoke of the National Park Service Capital Investment Strategy (CIS). A brief discussion about the condition of the structures took place.

UDC Executive Director's Report: Ramie stated that she represented the Council at Phil Chase's funeral on May 12. During the time of sharing, she spoke about his 17-year tenure with the UDC representing the Town of Deepark and shared some of the heartfelt tributes that were received after the announcement of his death. She read a card received from his family which stated: "Dear UDC members, Thank you for your condolences and kind memories about our dad. Laurie's reading of these at the service was beautiful. I know for a fact that his #1 passion was the river and fighting for water releases. He knew the importance of citizens taking a stand and putting in the time to protect the river for future generations. Thank you all for carrying on. – All the family of Phil Chase." Ramie called for a moment of silence in remembrance of Chase.

Ramie stated it has been quite a dramatic two days as the FFMP came to an end on May 31 and the new water year starts today. She referred to several handouts in members' packets to supplement Paul Rush's earlier discussion and Bill Rudge's handout of the DEC communication to New Jersey. The first is a press release from the Decree Parties minus New Jersey announcing their contingency plan to voluntarily release additional water from its Delaware System reservoirs to protect the ecological health of the Delaware River, maintain seasonal reservoir voids that enhance flood protection, and lessen the regional harm caused by the expiration of the FFMP. Ramie said we are certainly grateful for the semi-compromise to try and mitigate the negative impacts of the reversion back to Revision 1. The second handout is a letter to the Delaware River Master and Delaware River Basin Commission from the Decree Parties minus New Jersey explaining the strategy and providing the authority for this move that they have taken. The third article, a May 31 Associated Press article titled "New Jersey Balks at New York City's Delaware River Plan" describing New Jersey's concerns, was included at the request of Tusten UDC Alternate Tony Ritter. The last handout was a Sullivan County news release stemming from its 2:00 press conference today. She noted this topic of the expiration of the FFMP has gained a lot of attention for all the right reasons. Sullivan asked if the contingency plan has any expiration date. Ramie believes it is open-ended at this time. Heister noted it is a voluntary action.

Regarding bridges, Ramie referred to the May 26th press release titled "Summer Construction to Impact Upper Delaware River Bridges" that she issued after her attendance at the May 24 NY-PA Joint Interstate Bridge Commission annual meeting. She said members can read about work plans, costs and schedules in the release. Ramie noted that a follow-up item from the May 16 WU/RM meeting was to find out how many of the bridges have the name identification signs hanging below them. She had received a response from Heather Jacksy at Sullivan County Planning, which had secured NYS grant funding for that project, but it also came up in the reports at the Bridge Commission where they are referred to as Water Trail Signage. There are currently four signs installed now on the Skinners Falls-Milanville, Callicoon, Shohola-Barryville, and Narrowsburg-Darbytown Bridges, which as we know actually reads Narrowsburg, NY-Beach Lake, PA and the Council complained about. Ramie said she noticed in the Bridge Commission's packet that the Narrowsburg bridge is variously referred to as Narrowsburg-Damascus or Darbytown, so she expressed the Council's concern over the loss of this historically accurate name if it is not used consistently. Regarding the identification signage, Jacksy had also reported that the engineering specs for the new Pond Eddy Bridge includes one, and that she will be asking the DOT to move the Callicoon and Barryville signage closer to the centers of those bridges. Ramie said it was interesting to learn at the meeting that the price tag for the major rehabilitation of the Narrowsburg Bridge has actually decreased from approximately \$12 million to \$7.7 million after some redundancies in the design were eliminated. She noted that the same contractor building the Pond Eddy Bridge was awarded the Narrowsburg contract. Ramie reported that there was no definitive answer on what the future holds for the Skinners Falls-Milanville Bridge other than to say it's under a Purpose and Needs study. She stated it was disturbing to find out that the headache bars installed at each end of the Skinners Falls Bridge aren't working to prevent oversized vehicles from crossing since they had to be repaired three times over a six-month period. Ramie said she did present the UDC's request at the Bridge Commission meeting for the DOTs to assume responsibility for including river height signage into appropriate bridge contracts, including our offer to work on a re-design for maximum effectiveness of the safety intent and durability. She said that the Department of Transportation regional directors from both New York and Pennsylvania listened and pledged to respond.

Ramie stated that she had sent out the 2018 budget and work plans for advance review and action at tonight's meeting, but they do not appear on tonight's agenda. She explained that we have a reprieve in

the June 2 deadline that the NPS had originally set for submission of the federal assistance package. Ramie reported the reason for the reprieve is two-fold. First, there is a backlog in the processing of the current FY 2017 Cooperative Agreements to clear out before any action occurs for 2018. Secondly, it has been learned that we will need to revise all those documents and change our quarterly and annual reporting practices to conform to the questions and requirements of new managers for the Northeast Region Agreement Office. These revisions will take hours and hours to complete, Ramie stated. Heister said the forms expired the end of 2016 and Upper Delaware SRR Administrative Officer Karen Henry should have known, but didn't. Heister explained the reasoning behind the changes in contracting and spoke of a conversation that she and Karen Henry had with the contracting office staff. Heister said the contracting office is requiring a budget narrative and they will be looking to see that the budget links with the Work Plans. Heister said she will work with Ramie to see that all the requirements are met. Ramie noted that the only silver lining is that once this is complete, we'll have a model to follow for preparing the 2018 documents. A brief discussion about the poor communication of these requirements, procedural changes, and the budget took place. Heister reported that an additional Department of the Interior review of all cooperative agreements over \$100,000 is so that Secretary Zinke can see what is going on in his department, but will potentially take a long time as well as the Northeast Region review of FY 2017 documents.

Ramie referred members to the June calendar of UDC Meetings, Activities and Deadlines provided in their packets and told them to contact staff with any questions they may have.

Henry said he had been contacted by a number of fishing guides relative to some activity going on up at the Long Eddy Access. A brief discussion about the blocking off of a private road in that area took place.

Robinson asked Ramie if she participated in the May 9th American Planning Association Regional Transect Mobile Workshop. Ramie shared details of the day noting that A.J. Schwartz from Environmental Planning & Design's report had to be given on the bus as they ran out of time during their Narrowsburg stop. A copy of Schwartz's report titled, "Upper Delaware Council: A Cooperative Partnership Model for Protecting the Upper Delaware Scenic and Recreational River" was handed out at the May full Council meeting, she stated.

Old Business: None

New Business:

Draft Letter to Roberta Byron Lockwood, President/CEO, Sullivan County Visitors Association:

Water Safety Messaging: A motion to send the letter which brings attention to "another missed opportunity for the Sullivan County Visitors Association to help promote water safety without compromising any public marketing appeal" was made by Peckham, seconded by Sullivan and carried.

Draft Letter to U.S. Secretary of the Interior Ryan Zinke and National Park Service Acting Regional Director Joshua Laird: UDC Funding Concerns:

A motion to send the letter was made by Robinson and seconded by Richardson. Dean questioned if the timing of the letter is appropriate given the current funding situation. After a brief discussion, it was determined that the letter was timely. Robinson stated he wanted to emphasize how grossly underfunded the UDC is. He stated that when you adjust the funding for inflation, we are really running on half the money that we started with. He added that the two states never contributed and the budget lines for personnel and benefits have grown in accordance with inflationary costs. He asked, "How do we change it?" Heister stated that the Park Service was never intended to be the sole funder of the UDC and the Park Service budget is in "the same boat." She spoke of changes in the staffing structure and other initiatives underway to save money. Heister suggested some strategy sessions to further discuss the issue. Discussion about re-evaluating the Technical Assistance Grant program and past projects took place. Robinson commented that some of the undertakings that are expected of the UDC should entail the hiring of private consultants but funding is not available for that. A vote was taken and the motion passed. Robinson said the letter was well-written.

Other:

Public Comment: None

A motion to go into Executive Session at 8:59 p.m. for personnel issues was made by Roeder, seconded by Richardson and carried.

A motion to come out of Executive Session at 9:23 was made by Haas, seconded by Sullivan and carried.

Greier stated that due to the funding uncertainties at the present time, the Council can not “address the salaries, but we want to address the cost of the health care plan.” The Council would like to look into higher deductible plans. Ramie said we are planning to address this issue at the next Operations Committee meeting, noting the current plan is in effect until December. Dean suggested that as a group we lobby for additional funds. Sullivan spoke of the burden of the extra work put upon the staff.

A motion to accept the recommendations made during the Executive Session was made by Henry, seconded by Robinson and carried.

Richardson suggested the focus of Technical Assistance Grant funding should be placed on zoning-related projects. A brief discussion of the history of funding took place. Ramie said we will go over the TAG criteria at the next Project Review Committee meeting as June is when we start soliciting for the next round.

Adjournment: A motion by Roeder, seconded by Sullivan to adjourn the meeting at 9:29 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 6/15/17