



Upper Delaware Council

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UPPER DELAWARE COUNCIL MEETING MINUTES August 6, 2020

The Upper Delaware Council held its monthly meeting on Thursday, August 6th, 2020 at the Beach Lake Fire Co. Hall in Beach Lake, PA. Chairperson Richardson called the meeting to order at 7:00 p.m. and roll call followed.

In attendance: Town of Cocheton- Larry Richardson, Town of Delaware- Thomas Dent, Town of Hancock- Fred Peckham, Westfall Township- Michael Barth, Town of Tusten- Susan Sullivan, Town of Deerpark- David Dean, Town of Fremont- Jim Greier, Damascus Township- Jeff Dexter, Berlin Township- Alan Henry, Lackawaxen Township- Doug Case, Shohola Township- Aaron Robinson, Delaware River Basin Commission- Kristen Bowman Kavanagh (via phone), Commonwealth of Pennsylvania- Tim Dugan (via phone), National Park Service- Darren Boch. Staff in attendance: UDC Executive Director- Laurie Ramie, Resources and Land Use Specialist- Shannon Cilento, Secretary- Ashley Hall-Bagdonas. Absent: Town of Lumberland- Nadia Rajs, Town of Highland- James Gutekunst, State of New York- Bill Rudge. Media: Peter Becker- Tri-County Independent, Linda Drollinger- River Reporter. Guests: Ginny Dudko- Town of Deerpark.

Approval of July 2nd Meeting Minutes: A motion Robinson seconded by Barth, to approve the July 2nd, 2020 meeting minutes carried.

Public Comment on the Agenda: None.

Committee Reports: Greier said he no longer gets the Water Use/Resource Management Committee meeting minutes now that he isn't on the committee and asked if it was for that reason? Hall-Bagdonas said she emailed last month's minutes out to the committee members but will send them out to the full member list. They can also be found on the UDC website: <https://www.upperdelawarecouncil.org/meetings/meeting-minutes/> There were no questions regarding the following meetings. They were: July 21st Water Use/Resource Management, July 28th Project Review and July 28th Operations.

Status Reports

Delaware River Basin Commission: Kavanagh announced that the August Public Hearing would be held on Wednesday, 8/12. Information for that may be found at: <https://www.state.nj.us/drbc/meetings/upcoming/>. The DRBC 2019 Annual Report has been released and can be found online: <https://www.state.nj.us/drbc/library/documents/2019AR.pdf>

The next Water Management Advisory Committee will be on 10/21. The Water Quality Advisory Committee had meetings on 7/16 and 7/28. The first meeting of Advisory Committee on Climate Change was 8/4.

Kavanagh shared the North Atlantic Division (NAD) of the US Army Corps of Engineers (USACE) will be having a change of command on 7/15. The new Commanding General and Division Engineer of NAD will be Brigadier General (BG) Thomas J. Tickner, replacing Major General Jeffrey L. Milhorn as the DRBC Commissioner representing the federal government.

The Hydrology Conditions Report was provided in the meeting packet. NYC reservoir storage is at its long-term median after this week's storm. Flows in the river went from below average to much above average due to this

week's storm. Tropical Storm Isaias caused action stage flooding along the main stem at Riegelsville and on the East Branch Delaware River; flooding has been fairly extensive in DE and Southeastern PA. NYSDEC has requested enhanced releases from NYC reservoirs for the purpose of thermal mitigation in the mainstem Delaware River multiple times since early June due to predicted water temperatures. These releases have been requested in accordance with the 2017 Flexible Flow Management Program. There is <10% left in the bank. Ramie said Kavanagh provided her written report to UDC staff and would be forwarded to members in case there was any difficulty hearing it over the phone.

NYS Dept. of Environmental Conservation: Ramie said Bill Rudge was unable to attend in-person because he requires more advance authorization to cross the state line as a New York State travel restriction.

PA Department of Conservation & Natural Resources: Dugan reported that most Commonwealth Agencies continue to operate in a hybrid model of teleworking and limited office working. This is anticipated to continue until COVID-19 diminishes or there is a cure/vaccine. DCNR Parks and Forests continue to see extremely heavy use from the public which has required operational, law enforcement, and communication strategy changes. Tropical Storm Isaias impacted much of eastern PA with heavy rain, flooding, and moderate wind. Damage to DCNR lands was mostly limited to downed trees and temporary road closures due to flash flooding. No major incidents have been reported for our NEPA region.

Some areas are reporting an increase in gypsy moth defoliation this year; staff is out assessing and mapping damage so there may be a spray program next year. White pine mortality continues to be observed in many locations in PA and the northeastern US. A host of agencies are investigating the issue and working to determine the root cause. Mortality seems to impact all age-classes and sized trees.

DCNR has sent three 20-person crews and multiple single resources to the western U.S. to assist with wildfires. Staff have been sent to California, Wyoming, and a few other locations. Due to COVID precautions, crews are driving cross-country to their assignments versus flying.

The Commonwealth continues to work through budgetary issues and there are still many unknowns. Grant funds and operational funds are reduced. Purchasing continues to be limited to Mission-Critical and Operationally Essential items only.

Robinson said he's noticed on some of the tributaries off of the Delaware River the Hemlock Woolly Adelgid is reappearing after not seeing it the last few years. Dugan said he would take note. They have seen the population climbing over the last few winters because winter temperatures were moderate. He said hopefully this year we get a good cold winter.

National Park Service-Upper Delaware: Boch said NPS has two COVID related travel restriction impacts. A group of NPS architects and consultants scheduled to go to the Zane Grey Museum for the new ADA ramp and that site visit had to be canceled. There was also an FHA inspection at the Roebling Bridge that was canceled. While the Park continues to be open except for the Zane Grey Museum, operationally some of the impacts are building on each other. He stated the Regional Office can't visit because they don't have permission. Some projects involve other states and these are ongoing issues. Boch said anecdotally, this is a busy time for this park and it's evident to all the Town/ships represented here. For better or for worse this National Park Unit is certainly attracting people and it's busy.

This Tuesday the President signed the Great American Outdoors Act. He said in the world of Interior, this is a big bill. Boch said for as long as he's been at the NPS they have had what's called "deferred maintenance" on bridges, roads, visitor facilities, and thousands of historic structures, like the Roebling Bridge. This means things that they need to do for an asset they cannot do in their regular maintenance schedule because they don't have the money. That number totals over \$10 billion across the system of 420 national parks. This legislation will take oil and gas revenues, which normally just go into the general operating funds of the federal government to earmark \$1.8 billion a year for five-years straight to the NPS, and some also to the Department of Agriculture. NPS will take that funding every year for five-years and apply it to some of their long-lasting deferred maintenance facilities and projects. NPS

has 90-days from when the President signed the bill Tuesday to put forward to Region their wish list for park-level deferred maintenance projects. Boch said after speaking with the Facilities Manager, he feels that the Roebling Bridge will probably be their most high profile, high dollar value asset. He feels it is going to be in the \$1-3 million range. He feels they will be able to compete well by putting the bridge forward as a more signature project under this new bill. During the duration of the legislation, they will try to pick off the other assets such as the Zane Grey Museum.

NPS received a \$43,000 award from Region to survey the Dwarf Wedgemussel population to determine to what extent they may exist. He said all the freshwater mussels are very valuable in the river as a natural resource. The Outstanding Remarkable Values of the river mentioned the mussel and the Dwarf Wedgemussel. He believes it's almost 20 years ago that the last real survey was done. They have one year to complete the study. Peckham said NPS did a study in 2010 and the main mussel bed was found in front of his house. He requested a copy of the report.

Boch said he's currently staying in an Airbnb for which he found a great number of options around here at the government rate. Airbnb is featuring in a national campaign five National Parks as a part of "Go Near", a new initiative to support local economies through local travel. NPS is working with Airbnb to promote Airbnb as a place to stay to visit the parks. Boch said he was surprised when he was searching for lodging and there are a number of pins that came up around the Upper Delaware River for places to stay. On 8/18 they're going to roll out the national campaign.

The Superintendent job position closes tomorrow. Boch said hopefully in the next two months, which is about what he has left here at his acting assignment, the Regional office will get a list of interested applicants. He said he knows it's been a long haul of rotating musical chairs in the Superintendent's office. They are also hiring a new Law Enforcement Ranger with an offer to be made in the next few weeks. The Community Planner job closed two days ago and they received over 50 applications to fill that job.

Sullivan said she had emailed Boch about the trash at Skinner's Falls. Another issue with Skinner's Falls is Japanese Knotweed. In his response he said he would see if he could get NPS Interpretive staff to look at the site. Sullivan feels a sign informing people where the falls are would be helpful. Boch said they need to explore ways to communicate.

Sullivan said with all this money coming to NPS, is there any money for Cooperative Agreements such as the one that we have because UDC hasn't had any increase in funding since 1988? Boch said he talked to Ramie about that at their first meeting. He said he's aware that UDC funding has been static. Base funds for parks have remained static over the past decade. This does not account for inflation and the fact that Congress and the President keep adding new national parks without appropriating more money for the NPS. He said the Cooperative Agreement is funded with park-based funds, it's not a separate pot of money. As good as things are on some level for the NPS in some of their construction project monies, the money they get to operate the parks goes 80 to 90% to personnel services like any other organization; most of their money is payroll. He said again, they are adding more units to the system, but there's no corresponding addition to appropriation dollars for operations. He thinks the decision on the funding through a Cooperative Agreement for the UDC is something he would prefer and he thinks it's more appropriate for the permanent Superintendent to look at that issue rather than him when he will be gone in a matter of weeks. Richardson said that is certainly a substantial amount of money that the Federal Government is looking to appropriate. He would guess there are big parks that could eat that funding up pretty quickly. He asked how will this segment stand out? Boch said he hasn't seen any guidance yet. The bill says in 90 days, Congress gets a list from the NPS. But he doesn't know what that looks like yet so he doesn't know how they're going to prioritize. He would say that probably 70% of all the deferred maintenance of the system is 50 parks that have it. There are going to be some well-known parks that are going to consume a lot of that money. Boch said if he's part of the delegation he will want to ensure that the parks he represents have a piece of that pie. As a park manager he is going to do everything he can in his position in the time he is here to compete. The list goes to the Region, then Washington, then Congress. He said beyond that he thinks there's going to be some likely political calculations that occur. Richardson said if it gets to a point where we need to write support letters, we're good at that.

Dent asked if there's a regular maintenance schedule for the access sites? Boch said he could look into that further. Dent said he uses a couple of sites to gain access to the river for swimming purposes and both are risky to access. He said a kind soul put a rope up so you can get down the hill to the river at the access site at Kellam's Bridge. Another site he uses is on Rt. 97 at Basket Bridge. Boch said he will inquire with Maintenance broadly on a maintenance schedule and he will get back to Dent.

Dexter said the last few weeks his grandchildren were here and the trash situation at Skinner's Falls has gotten worse every single week. In the past there was a quick response team from the Beach Lake 4-H Club. Boch said Sullivan's email to him wasn't the only one relative to trash the past few weeks. He said he has eight interns and four people in Law Enforcement positions stretched across 75 miles of river; it isn't an excuse but it's a reality that there's a lot of these areas especially in the summer that are off the charts visitation wise. It's really hard for his staff to police regarding the trash issue. He's not sure what previous efforts may have been done but there's a need and it's not going to be just one agency or individual. Robinson asked if there are funds to subcontract it to a person or company to watch the trouble sites on a routine basis? Boch said they can do some things under a micro-purchase but he doesn't know if there are funds to do a contract for trash pick-up; he said we would want to work with the Town/ships, PA and NY. He said a lot of time these access points are private property. He believes it would have to be a multi-agency effort. Henry he doesn't know if all of the law enforcement and trash money that was in Upper Delaware's budget was assigned? He asked Dean to check if the Town of Deerpark received any of that. Henry said at one time when it first started it was \$250,000 for law enforcement and trash. The law enforcement part was to basically subsidize local law enforcement, constables, sheriff's departments. Henry recommended checking with Keith Winslow to see where it's at now; we had a meeting about this a couple of years ago. Ramie said the Town of Deerpark is the only law enforcement funding recipient to her knowledge and that is specifically dedicated to patrols of the Hawk's Nest which has enabled them to have additional patrols on Saturdays, Sundays, and holidays. Henry said that was because of the issues with congregating and graffiti at the Hawk's Nest. Henry said that would be great if you could get a group but you can't expect them to do it for absolutely nothing. Henry said at Beltzville State Park they closed their overflow parking lot. They had fights breaking out afterwards and people were parking on the turnpikes and access roads, carrying their things in because they couldn't park in the overflow parking lot but the amount of trash and amount of visitation wasn't minimized at all. He said Dexter has a lot of good contacts and that it's not too late to think about getting a local group together. Barth suggested including Lander's River Trips in the discussion. Boch said a long-term more formal conception of what this could look like could be a subject of discussion at a committee level.

UDC Executive Director's Report: Ramie said a few members are meeting our Resources and Land Use Specialist Shannon Cilento for the first time since she began working with us on 7/15. Hall-Bagdonas and Ramie are thrilled to welcome her to our team after the six-month vacancy in that position. The UDC benefitted immediately from her considerable skill set, as well as her quick ability to grasp our unique mission and her responsibilities toward meeting it. She also brings a lot of energy, innovative ideas, and passion to her work.

The Summer issue of "The Upper Delaware" was delivered on Monday. Ramie passed around copies and noted that the newsletter is working its way through the postal system. Cilento also posted it on our website. This issue took about 57 hours to compile on top of normal duties. One article featured on page 7 summarizes the issues we've had with the NPS's ban on trailered boat launching at the Ten Mile River (TMR) access. In a 7/1 letter we reviewed last month, the Regional Director challenged the UDC to develop formal recommendations to help address the mud problem, while saying that enforcement of the ban would be implemented over a two-year period with an initial focus on education. On behalf of the Water Use/Resource Management Committee, Henry arranged for an engineer who is a wetlands biologist with JHA Companies of Honesdale, PA to visit the site on Monday afternoon, 8/3. He was joined by 10 people representing the UDC, NPS, and property owner Greater New York Council, Boy Scouts of America, to walk the property. That engineer is expected to return a preliminary report next week which will outline feasible options and costs for consideration.

Town of Lumberland Representative Nadia Rajsz couldn't be here tonight but called to ask us to mention her concerns with the potential over-use of at least two river access areas. Over the last several weekends, traffic has been overflowing in the vicinity of the NYS DEC Mongaup Access and Knights Eddy where Indian Head has a

base. People have been parking across the road, such as at the former Tri-State Diesel site in Mongaup's case, and creating a hazard of crossing the state highway. Rajszyk feels we should have a conversation with the NPS, DEC, and liveries to take some collaborative action. Rajszyk plans to attend the next meeting of the Water Use/Resource Management (WU/RM) Committee to discuss further what can be done in the interest of public safety. Deerpark Alternate Ginny Dudko made the same observation at the last WU/RM meeting about the proliferation of vehicles at the Mongaup access, wondering if anything special was going on and finding out the river's popularity has just increased significantly this summer in this age of COVID. Barth said Indian Head actually tells you to park across the street if you are not an Indian Head customer but allowing you to put your boats in on the riverside and use the launch. Ramie said this conversation should include the Department of Transportation as well. Dudko said an issue was the traffic parked for a mile on both sides of Rt. 97. Henry said NPS has no jurisdiction at the Tri-State Diesel site. They have a Cooperative Agreement for Mongaup which should still be in effect, but that's limited. Henry said relative to the concern about Mongaup; he asked if Ramie could reach out to Rajszyk. He recommends for the Water Use/Resource Management Committee meeting we have a representative from the New York State Police or the Sheriff's Department.

The Department of the Interior completed its review of the UDC-NPS Cooperative Agreement for the next five-year period that will start 10/1/2020, for which the Upper Delaware unit had submitted the draft prepared by Superintendent Kris Heister with our input in mid-January. Now it's undergoing review by the Northeast Region Contracting Officer and the NPS Solicitor. The Fiscal Year 2021 1st Quarter financial documents and work plan that the UDC prepared on 6/5 to obligate \$75,000 for Oct. 1-Dec. 31 were returned on 7/24, marked up with questions and comments. Ramie completed revising those items on Tuesday. The deadline for this NPS action that would allow us to enter the new fiscal year with no funding delays is 8/31. She said she is hopeful that we have fulfilled our end.

Ramie said she would like to express the UDC's appreciation to the NPS under Boch's leadership for removing the trashed tires that were found by the Callicoon and Cohecton-Damascus Bridges as discussed last month.

Lastly, Ramie noted the August calendar of meetings, activities and deadlines that was provided in the meeting packet. We expect to hold our next UDC monthly meeting on 9/3 at the Narrowsburg Union.

Old Business

UDC 32nd Annual Raft Trip Results: Ramie said this is something that actually continued in this world of so many cancellations. Unfortunately, that was one day we faced very iffy weather. We had more cancellations than we had participants. We started the day with 92 registrants as of that Friday evening. By Sunday 52 people did not show up. The trip still went with 40. Fortunately, this doesn't really affect anything because we charge exactly what the livery charges us. The sun eventually came out for the people that participated and had a good experience. Ramie wanted to thank Hall-Bagdonas for all her logistical coordination of this. Cilento also had her first raft trip experience with us during the registration. She was our event photographer and has posted a photo gallery on our website. Ramie put out a press release as well.

UDC Five-Year Strategic Plan Retreat Update: Ramie said we need to pick a date for the Retreat. She will do a poll of the membership to ask for their preferred Saturday. Tentative dates are: 9/26, 10/3, 10/17, or 10/24. Optimum participation is the goal. We know that we have these various limitations and gatherings between NY and PA. NY is 50 and PA can have 250 people if you're outdoors, as of now. We have discussed options of a pavilion or tent setting to have more ventilation. Robinson suggested Rhoman's Park in Shohola. In Ramie's survey she will also be requesting suggestions for locations for a venue. Henry asked how much money was budgeted for the retreat? Ramie said fortunately we have lapsed funding for FY20 but she doesn't know if we will still be in FY20. If it's past 10/1 we can obligate it before then. That's what she is doing with the facilitator costs because we have started the preplanning process. Sullivan suggested the Narrowsburg Union. We will be asking our board, the NPS, and have intentions to ask Town/ship Supervisors and Planning board members so we can cast a pretty wide net and get as much feedback and input as possible. We have interest from partner groups like National Parks Conservation Association and perhaps Friends of the Upper Delaware River would like to contribute. It could be around a group

of 50 people. Greier said the way that COVID is playing out is it wise to plan a social gathering? Ramie said she understands but this isn't a social gathering. It's a work requirement of our Cooperative Agreement. The NPS said they originally needed us to have this done by 7/1 and that's why we planned 5/30 originally. Greier said we can't help what's going on in the world. Ramie told NPS we would do this as early in the next fiscal year as possible. Henry recommends a venue in NYS where it's limited to 50 people and we can control how many people come to this event giving priority to staff, members, and partners. Narrowsburg Union is centrally located and close to food venues and it would be a good idea to know what their price range is. A Motion by Henry to see if Narrowsburg Union is available and obligate for this fiscal year seconded by Dent carried.

NYS DOT 7/6 Response Letter to UDC: Status of Guiderail Projects on Rt. 97: A copy of the 7/6 letter was provided in the meeting packet. This was directed to the UDC although several entities had written letters on the subject, including Senator Metzger, Assemblywoman Gunther, the Sullivan County Legislature Chair and the Upper Delaware Scenic Byway. Ramie said they are advancing a couple of these projects. Project 9TGD21 that addresses 18 runs of guiderail was awarded on 2/27 and construction will be this construction season. That is the project in the Towns of Delaware and Cohecton. The other project that is still being designed in the slope stabilization on Rt. 97 in the Towns of Fremont and Delaware. Ramie said she doesn't know what section the reference makers are because it doesn't list it by Town. The Regional Director did mention the UDC's request of the safety barrels that have rolled down the hill and they have been retrieved.

Other: None.

New Business

Draft Resolution 2020-11: Amendment to UDC Bylaws to Allow Teleconference Voting: A Motion by Henry seconded by Sullivan to Amend UDC Bylaws to allow Teleconference Voting carried.

Substantial Conformance Recommendations to NPS for 2 Town of Tusten Special Use Permits: Cilento said at the Project Review Committee this month we had two Special Use Permits from the Town of Tusten both in Narrowsburg. They aren't changing the building footprints. Narrowsburg Motors is establishing a small cafe operation, an eating and drinking establishment within their existing auto showroom which is a permissible use in the Hamlet. We had a Special Use Permit application for a retail operation in an existing Main Street storefront in Narrowsburg called Tess. She said both were pretty simple, straightforward allowable uses. Cilento recommended substantial conformance and they are ready to go to NPS pending approval tonight. A Motion by Case seconded by Dent to send the Substantial Conformance Recommendations to NPS for the two Tusten Special Use Permits carried.

Responses to UDC 6/5 Memo: Proposed Minor Amendment to Add Utility-Scale Solar Guidance: Ramie said Monday had been our requested deadline to hear back from the voting membership. We received six replies which are listed in the handout provided in the meeting packet. On Tuesday, Ramie sent out a reminder to the others that hadn't weighed in yet that we would still welcome their responses. She said you might think it's kind of academic because given that this minor amendment process requires a unanimous vote, you can see by the responses that we would not be able to achieve that standard. The question is what to do about that? In a separate PDF Ramie included numerous attachments related to this issue to have some additional background information. One is the January letter from the NPS, basically stating that if the UDC can't reach an agreement on this, they do have the authority and would proceed to add in these definitions and Schedule of Use changes unilaterally. We had subsequently after the 1/15 letter addressed utility-scale wind and geothermal through a Letter of Interpretation, and that was approved. That's why we're only focused on Utility-Scale Solar Energy Systems now. This is the one that in the NPS's determination was not able to be addressed by any other means than a minor amendment. That procedure is laid out in the River Management Plan (RMP) on how to do that through a public input process and hearings. Ramie said our board and committee had discussed coming up with an alternative method to minor amendments. We discussed at several points in 2019 hiring a consultant to come up with what he called a set of recommendations and which some members have been calling a supplement. Ramie included in the background information the cost and the scope of services that was set for that originally, as well as what we had come up with as justification for that

approach. Just to emphasize, the NPS has very clearly told us that they would not accept a supplement as an appropriate means of making this change. Ramie asked all to keep that in mind as they move forward with the deliberations. Richardson said it's the UDC responsibility to come up with a solution here. Sullivan said she apologizes that UDC didn't receive anything from the Town of Tusten; she believes they are addressing their water system with the Town but she will request a response from them. Henry recommends having Tom Shepstone attend the next Project Review meeting so we can accomplish something. Robinson said Shohola discussed it at length at the township meeting and their attorney was there. He said the history of the NPS here kind of lends itself to a sense of this distrust. He said their township would surely support this position paper because fundamentally it's correct. It's a well-written logical position but they reject the concept of changing the terms of the RMP because Shohola's Zoning has been changed so much by the NPS unilaterally. He said just look at the funding. When the RMP was agreed upon, it was a structure of funding for a variety of different venues, cultural, law enforcement, grants, etc. How did it change? He said it changed based on the NPS policy. They modified the RMP without the consent of the UDC. It was a unilateral change. We can't do anything about it. Robinson said why would a Township be inclined to open the door to more change? That's why the Township rejected it. They support the position paper. Henry said if we bring in the 2014 NPS Foundation Document, the Superintendent at the time, Sean McGuinness, recommended having a Supplemental to the RMP because of the roadblocks UDC faced. Richardson said the matter would be going back to the Project Review Committee.

Other: Henry asked to have a few minutes after the meeting with any members of the Personnel Subcommittee to have a discussion. It's not executive session.

Public Comment: None.

Adjournment: A motion by Peckham, seconded by Dent, to adjourn the meeting at 8:30 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas 8-20-2020