



# Upper Delaware Council

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## Upper Delaware Council Annual Report Fiscal Year 2011 (October 1, 2010 - September 30, 2011)

### Introduction

The mission of the Upper Delaware Council, Inc. (UDC) is to ensure the effective implementation and administration of the *River Management Plan for the Upper Delaware Scenic and Recreational River: New York and Pennsylvania* (Final 1986), utilizing the existing authority of its members and operating under the terms of a Cooperative Agreement with the National Park Service.

The Council's existence evolved from special provisions in the 1978 legislation which designated the 73.4-mile section of the Upper Delaware River between Hancock, NY and Mill Rift, PA as a component of the National Wild and Scenic Rivers System, eligible for federal protection due to its outstandingly remarkable values.

Established in 1988 as a non-profit, tax-exempt organization, UDC membership is comprised of the two states and presently 13 out of the 15 local governments (eight New York towns and five Pennsylvania townships) which border on the river. The Delaware River Basin Commission (DRBC) is a non-voting member.

The UDC provides the mechanism to address management actions for the river by a formal partnership of local, state, and federal interests. What sets the River Management Plan apart is the commitment to local land use controls and voluntary actions by landowners to protect the river valley's resources, contrasted with the traditional national park model in which the federal government owns all of the land. More than 85% of the land in the Congressionally-designated, 55,575.5-acre Upper Delaware River corridor remains privately owned.

The Council acts as an advocate, forum, facilitator, watchdog, and educator. On a continuous basis, the UDC monitors proposed projects, legislation, new developments, studies, and governmental policies to assess potential impacts on the Upper Delaware's resources, protect private property rights, and uphold the far-sighted vision of the River Management Plan to conserve the river area for present and future generations.

### Management Structure

UDC representatives and alternates are appointed to one-year terms by their towns, townships, states, and agencies. In addition to a full Council meeting that convenes on the first Thursday of the month, three standing committees meet monthly: Water Use/Resource Management Committee, third Tuesday; Operations Committee and Project Review Committee, both on the fourth Tuesday. Sub-groups, such as the Personnel, Building, and Government Officials Liaison Subcommittees, meet as the need arises. A full-time professional staff carries out the board's directives and operates the Council's business office located in Narrowsburg, NY.

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### *Working together to conserve the Upper Delaware Scenic and Recreational River*

*Town of Hancock • Town of Fremont • Town of Delaware • Town of Cochecton • Town of Tusten • Town of Highland • Town of Lumberland  
Town of Deerpark • Damascus Township • Berlin Township • Lackawaxen Township • Shohola Township • Westfall Township  
State of New York • Commonwealth of Pennsylvania • Delaware River Basin Commission • In partnership with the National Park Service*

## 2011 UDC Membership

Elected to serve as officers for the 2011 calendar year were:

- Chairperson (partial terms): Dolores A. Keesler, Damascus Township, PA (1/6/11-3/21/11); Larry H. Richardson, Town of Cochecton, NY (5/5/11-12/31/11)
- Vice-Chairperson: Nadia Rajs, Town of Lumberland, NY (acted as interim chairperson from 3/21/11 to 5/5/11)
- Secretary-Treasurer John B. Niflot, Town of Fremont, NY

UDC committee chairpersons for the 2011 calendar year were:

- Water Use/Resource Management Committee – Tony Ritter, Town of Tusten, NY
- Operations Committee (partial terms) – Dolores A. Keesler / Larry H. Richardson
- Project Review Committee – Fred Peckham, Town of Hancock, NY

As of September 30, 2011, the UDC board membership consisted of (\* denotes a change):

<b><i>UDC Member</i></b>	<b><i>Representative</i></b>	<b><i>Alternate(s)</i></b>
<b>Town of Hancock</b>	Fred Peckham	Sam Rowe, Jr. *
<b>Town of Fremont</b>	John B. Niflot	1 <sup>st</sup> -Jim Rodgers; 2 <sup>nd</sup> -George Conklin
<b>Town of Delaware</b>	Harold G. Roeder, Jr.	Vacant *
<b>Town of Cochecton</b>	Larry H. Richardson	Edwin Grund
<b>Town of Tusten</b>	Susan Sullivan	1 <sup>st</sup> -Tony Ritter; 2 <sup>nd</sup> -Margaret Harrison
<b>Town of Highland</b>	Andrew Boyar	Debra Conway *
<b>Town of Lumberland</b>	Nadia Rajs	Jay Shafer
<b>Town of Deerpark</b>	Vacant *	Vacant *
<b>Damascus Township</b>	Vacant *	1 <sup>st</sup> -Jeffrey Dexter; 2 <sup>nd</sup> -Joseph Canfield
<b>Berlin Township</b>	Lillian Russell	Vacant
<b>Lackawaxen Township</b>	John S. McKay	Brian Stuart
<b>Shohola Township</b>	Scott Rando	1 <sup>st</sup> -George J. Fluhr; 2 <sup>nd</sup> -Nelia Wall *
<b>Westfall Township</b>	Vacant *	Vacant
<b>State of New York</b>	William J. Rudge, NYS Dept. of Environmental Conservation	Michael J. Flaherty, NYS DEC
<b>Commonwealth of Pennsylvania</b>	Dennis J. DeMara, PA Dept. of Conservation and Natural Resources	Vacant
<b>Delaware River Basin Commission</b>	Carol R. Collier, Executive Director	Vacant
<b>National Park Service (partner)</b>	Dennis Reidenbach, Northeast Regional Director	Sean J. McGuinness, Superintendent, Upper Delaware Scenic and Recreational River

\* Appointment Changes: Hancock – Alternate Sam Rowe, town supervisor, was named in Jan. 2011 to replace Jim Serio, who had served as a representative or alternate and chairman of the WU/RM Committee from Mar. 2003-Dec. 04, 2008-09, and 2009-10. Delaware – Alternate Robert Fisher was appointed on Mar. 16, 2011 and resigned on Aug. 1, 2011. Highland – John Sundholm, who had served as representative from 2008-10 and alternate from 2010-11, was replaced as Highland's UDC Alternate by Debra Conway in Jan. 2011. Deerpark – Representative Phil Chase, who held that role since 1994, and Alternate Mel Decker, who served since 1996, both retired from their positions on Sept. 1, 2011. Damascus – Representative Dolores Keesler, who was elected UDC vice-chair in 2010 and UDC chairperson on Jan. 6, 2011, was removed by a township vote on Mar. 21, 2011, after having serving on the Council since Aug. 18, 2008. Shohola – The first and second alternates, Nelia Wall and George J. Fluhr, switched the order of their positions in Jan. 2011. Westfall – Peter Kenney was appointed representative on Mar. 2, 2010 and resigned on June 2, 2011.

F.Y. 2011 Staff Transitions: Carol Coney, who began work on May 6, 1992 as UDC Secretary and was promoted on Oct. 1, 1998 to the position of Office Manager, retired on May 24, 2011 after 19 years of employment. From among 47 applicants, Cindy Odell was hired as UDC Secretary effective Aug. 29, 2011 to join the staff that included Executive Director William E. Douglass (start date: Mar. 13, 1989), Senior Resource Specialist David B. Soete (start date: Oct. 1, 1989), and Public Relations/Fundraising Specialist Laurie Ramie (start date: Apr. 21, 1997).

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## **F.Y. 2011 UDC and River Valley Activity Highlights**

### **October 2010**

10/7/10 – Through the adoption of Resolution 2010-10, the Upper Delaware Council awarded \$16,700 in Technical Assistance Grants to its member towns and townships to undertake projects related to the implementation of the River Management Plan for the Upper Delaware Scenic and Recreational River. The six projects required to be completed by July 25, 2011 were:

<i><b>Applicant</b></i>	<i><b>Project</b></i>	<i><b>Amount</b></i>
Town of Lumberland, NY	Undertake an Assessment of Police/Justice Court Needs	\$2,800
Town of Delaware, NY	Index Town Zoning Law and Post to Town Website	\$2,400
Town of Tusten, NY	Create a Road Use Agreement Permit Process and Road Preservation Local Law	\$2,520
Shohola Township, PA	Research Laws and Court Decisions to Produce a Brochure Outlining Positions and Actions for PA Township Supervisors Regarding Natural Gas Projects	\$2,500
Town of Deerpark, NY	Update and Print the Town of Deerpark Map Brochure	\$2,600
Town of Cochecton, NY	Develop a Town Website including Laws and Ordinances, and Information for Residents and Visitors	\$3,880

10/21/10 – The U.S. Environmental Protection Agency (EPA) announced that it finalized its plan to clean up areas of contaminated liquid waste and groundwater at the Cortese Landfill Superfund site in the Town of Tusten, using a technological alternative estimated to cost \$8.1 million and take 15 years that the UDC had favored in a Sept. 2 letter to EPA. Elevated concentrations of volatile and semi-volatile organic compounds were newly discovered after the 1994 original cleanup plan in which the landfill that operated from 1970-81 was capped, 5,000 buried drums of industrial waste were removed, along with three tractor trailer loads of hazardous sludge and 50 dump trucks of contaminated soil, and a groundwater extraction and treatment system were installed.

### **November 2010**

11/3/10 – Staff from the UDC attended a Federal Energy Regulatory Commission (FERC) pre-filing scoping meeting for the Tennessee Gas Pipeline Northeast Upgrade Project, proposing to install 37 miles of a new 30-inch pipeline loop parallel to an existing, 55-year-old, 24-inch pipeline and build four new compressor stations on a route from northeastern Pennsylvania to northern New Jersey. Pipeline construction would occur in Wayne and Pike Counties, PA and involve a crossing of the Lackawaxen River.

11/4/10 – The UDC approved Resolution 2010-11 awarding the printing, labeling, and mailing Fiscal Year 2011 contract for “The Upper Delaware” newsletter to Courier Printing of Deposit, NY.

11/12/10 – The Federal Energy Regulatory Commission (FERC) issued an order approving the transfer of licenses from Alliance Energy to Eagle Creek Companies for the Mongaup Falls and Rio Projects located on the Mongaup River in Sullivan and Orange Counties, NY. Six days later, FERC denied an application to

transfer the license for the Swinging Bridge Project, citing unresolved public access issues to the Toronto Reservoir.

11/16/10 – The UDC’s Water Use/Resource Management Committee concluded a six-part series of informational presentations on Delaware River flows and releases as research to evaluate and prepare comments on regime improvements needed as the Flexible Flows Management Plan approached its May 2011 expiration.

11/23/10 – Certified Public Accountant Richard Eckersley presented a report on the UDC Fiscal Year 2010 Draft Audit to the Operations Committee. Though no financial accounting problems were found, he warned that since the Council has had static federal funding for the past 21 years, the organization is cutting into its equity and there will come a time in the near future when those monies would be depleted. Mr. Eckersley recommended seeking other sources of income funding.

### **December 2010**

12/2/10 – The UDC approved a 2<sup>nd</sup> draft letter to the Delaware River Basin Commission making six recommendations for the proposed Delaware River Water Release Plan protocol and offering support for three provisions contained in the “Recommended Improvements to the Flexible Flow Management Program for Coldwater Ecosystem Protection in the Delaware River Tailwaters” White Paper released jointly by the Pennsylvania Fish and Boat Commission and the New York State Department of Environmental Conservation on Feb. 17, 2010.

### **January 2011**

1/1/11 – New York State Governor Andrew Cuomo signed an Executive Order affirming the continuation of Executive Order No. 169 from 1993 which directs all New York State agencies to work in consistency with the River Management Plan for the Upper Delaware Scenic and Recreational River.

1/6/11 – Election of officers took place at the UDC’s annual meeting. Rev. Jean Blackie, pastor of the Damascus Manor and Abrahamsville United Methodist Churches, officiated over the swearing-in of 2011 UDC Chairperson Dolores A. Keesler (Damascus Township, PA); Vice-Chair Nadia Rajsz (Town of Lumberland, NY); and Secretary-Treasurer John B. Niflot (Town of Fremont, NY). Keesler succeeded 2010 UDC Chairperson Harold G. Roeder, Jr. (Town of Delaware, NY).

1/6/11 – The UDC adopted Resolution 2011-01 to authorize entering into a contract with the firm of Eckersley & Ostrowski LLP of Scranton, PA to provide audit services for FY 2011 and Resolution 2011-02 to authorize UDC officers and the executive director to sign the corporate resolutions and signature cards for the Council’s bank accounts.

1/13/11 – The Pennsylvania Department of Conservation and Natural Resources announced that the Delaware was selected as Pennsylvania’s 2011 River of the Year based on a first-time public voting process. The designation, which seeks to raise awareness of the river and its conservation needs, would be promoted by a River of the Year Steering Committee on which the UDC was asked to serve. The program is administered by the Pennsylvania Organization of Watersheds and Rivers. A photo by UDC Senior Resource Specialist David B. Soete of Junction Pool and Point Mountain above Hancock, NY was chosen by a subsequent voting process to represent the Upper Delaware on a four-section series of River of the Year posters.

1/15/11 – The UDC staffed an informational exhibit at the 10<sup>th</sup> Annual Delaware Valley EagleFest in Narrowsburg, dubbed the Eagle Capital of New York State.

1/28/11 – The kick-off meeting to initiate the Local Waterfront Revitalization Plan (LWRP) for the Upper Delaware River Corridor was held at the UDC office. The LWRP Steering Committee on which the UDC participates is tasked with developing an intermunicipal vision for the riverside communities from Hancock to Port Jervis to develop the area’s tourism and recreational potential, enhance public access to the river, and protect river ecology. The Sullivan County Division of Planning and Environmental Management obtained an \$82,025 NYS Department of State grant to help subsidize the project.

### **February 2011**

2/1/11 – The 9<sup>th</sup> Circuit Court of Appeals struck down the National Interest Electricity Transmission Corridor designations which would have made it possible to use federal eminent domain to site power lines, ruling that the U.S. Department of Energy did not follow proper environmental impact procedures during its 2006 Congestion Study. The Northeast NIETC designation could have facilitated approvals for the proposed New York Regional Interconnect high-voltage electric line that would have cut through the Upper Delaware River Valley.

2/3/11 – In a letter to the National Park Service’s Environmental Quality Division based in Denver, CO, the UDC commented on the agency’s intent to prepare an Environmental Impact Statement for a proposed revision of 36 CFR Part 9 pertaining to non-federal oil and gas development within the boundaries of National Park Service units. The UDC stated that while these regulations which have been in effect for over 30 years would have limited applicability in the Upper Delaware Scenic and Recreational River due to the majority of the land being privately owned, we welcome any science-based knowledge that can lead to improved best management practices and a better understanding of the Marcellus Shale issue.

2/10/11 – The Project Review Committee sponsored a work session that featured a presentation delivered by Delaware River Basin Commission (DRBC) Water Resources Management Branch Manager William Muszynski and Geologist Eric Engle as part of its in-depth research into the DRBC’s draft Natural Gas Development Regulations in order to prepare comments.

2/15/11 – The Water Use/Resource Management Committee hosted Wayne Conservation District Resource Conservationists Len Grover and Dave Mitchell to offer a presentation on implications from the Pennsylvania Department of Environmental Protection’s Nov. 19, 2010 release of revised regulations for Erosion & Sediment Control. The Chapter 102 rules require permits for construction activities that disturb a specified amount of land and sets buffer standards along Exceptional Value or High-Quality Waters.

2/20/11 – Kathleen Johnson, who had served as secretary of the Conference of Upper Delaware Townships (COUP) from 1984-88 and then as Administrative Director of the newly-incorporated UDC from 1988-93, died at the age of 68. The Cochecton resident was the Council’s first staff member.

2/22/11 – Numerous UDC representatives attended the Delaware River Basin Commission’s public hearings held in afternoon and evening sessions in Honesdale, PA; Liberty, NY; and Trenton, NJ on its Article 7 Natural Gas Development Regulations, as released in draft form on Dec. 9, 2010. The six hearings offered an opportunity for 18 hours of oral testimony to be taken.

### **March 2011**

3/3/11 – Upper Delaware Scenic Byway, Inc. Chairperson Nadia Rajsz presented a \$2,750 donation from that non-profit organization to the Upper Delaware Council, Inc. as appreciation for staff support services and facility use.

3/3/11 – The UDC approved the fourth draft of a letter to the Delaware River Basin Commission offering 16 detailed comments on the agency’s Draft Natural Gas Development Regulations. The UDC recommended that the DRBC prohibit all surface activities of natural gas development in the Congressionally-designated Upper Delaware Scenic and Recreational River boundaries and called for “an independent, peer-reviewed analysis of the cumulative impacts associated with any additional water withdrawals from the Delaware system ...and also a need for a complete systematic environmental review of the full range of natural gas extraction activities that will affect the basin.”

3/21/11 – Damascus Township voted to remove 2011 UDC Chairperson Dolores Keesler as its representative to the Council. A Nominating Committee consisting of Jack Niflot, Fred Peckham, and Larry Richardson was appointed at the Mar. 22 Operations Committee meeting to nominate a candidate in April with a vote in May to fill the UDC chairperson’s vacancy for the balance of 2011. UDC Vice-Chair Nadia Rajsz served as chairperson in the interim period.

3/22/11 – Technical Assistance Grant Project 2009-06 by Lackawaxen Township to produce and distribute two township newsletters was approved as completed, with a \$1,787.21 payment authorized.

3/31/11 – “The Upper Delaware” Spring/Summer 2011 was released by the UDC, featuring articles on “DRBC’s Draft Natural Gas Regulations Take Public Hit”, “New NPS Water Lab Supports Datasondes”, and “Battle of the Cushetunk Women”, among other articles. Each of the Council’s 12-page, twice-annual newsletter is posted at [www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org) under Publications.

### **April 2011**

4/7/11 – An emergency meeting of the Operations Committee was convened to discuss UDC financial preparedness if the federal government were to shut down as threatened at midnight on Apr. 8 due to an impasse over the FY 2011 Federal Appropriations Bill. The UDC’s base operating funds come through its Cooperative Agreement with the National Park Service/U.S. Department of the Interior. The government shut-down was averted by the passage of a Continuing Resolution.

4/7/11 – The UDC sent a congratulatory letter to the Pennsylvania Fish and Boat Commission for developing a draft Delaware River Management Plan to provide guidance on handling aquatic resources in the Delaware River after reviewing the plan and offering suggestions.

4/7/11 – Two individual, project review letters were approved offering comments on a proposed, 195-foot tall AT&T Mobility telecommunications facility on Henderson Road in Mileses (Town of Fremont) in which the UDC requested a balloon test to analyze viewshed impacts from the river, and on a proposed zoning ordinance amendment by Damascus Township pertaining to Oil and Gas Wells and Pads expressing that the change would substantially conform with the Land and Water Use Guidelines in the River Management Plan by disallowing those facilities in the River District Zone and considering them as a conditional use in the Rural Residential District.

4/7/11 – A second draft, follow-up letter to the Delaware River Basin Commission was approved reiterating the UDC’s support for two notable inclusions in the Delaware River Water Release Plan White Paper pertaining to implementing a simple set of minimum flow targets on the watershed’s upper rivers and creating a habitat bank of water to be used for unforeseen circumstances.

4/17/11 – The UDC held its 23<sup>rd</sup> Annual Awards Ceremony at the Central House Family Resort in Beach Lake, PA. Eighty-two guests were present to hear the keynote address by Pennsylvania Representative Sandra J. Major (111<sup>th</sup> District) and to pay tribute to the UDC honorees, as follows:

#### **Distinguished Service Award ~ Peter E. Nye**

*Successful bald eagle restoration efforts as leader of the New York State Department of Environmental Conservation’s Endangered Species Unit from 1976 through his September 2010 retirement*

#### **Robin M. Daniels Memorial Lifesaving Award ~ Lumberland Volunteer Fire Department (NY), Port Jervis Fire Dept. (NY), Port Jervis Volunteer Ambulance Corp. (NY), Sparrowbush Engine Co. (NY), Huguenot Fire Co. (NY), Westfall Township Volunteer Fire Dept. (PA), Mill Rift Fire Dept. (PA), Matamoras Fire Dept. (PA), and Regional EMS (NY & PA)**

*July 31, 2010 night-time rescue of two rafters involving personal injury from an attempted cliff climb at the Hawk’s Nest in the Town of Deerpark, NY*

#### **Partnership Award ~ Pennsylvania Fish and Boat Commission and New York State Department of Environmental Conservation’s Division of Fish, Wildlife and Marine Resources**

*Collaboration on the “Recommended Improvements to the Flexible Flow Management Program for Coldwater Ecosystem Protection in the Delaware River Tailwaters” White Paper released Feb. 17, 2010*

#### **Volunteer Award ~ John and Yoke Bauer DiGiorgio of Narrowsburg, NY and Rockaway, NJ**

*Founders of the 10<sup>th</sup> Annual Narrowsburg EagleFest, and their efforts through programs, publications, and photography to raise public awareness of wildlife conservation and the natural environment*

#### **Recreation Achievement Award ~ Paul Weamer of Coburn, PA**

*Author of "Fly Fishing Guide to the Upper Delaware River"*

**Cultural Achievement Award ~ Town of Lumberland Cultural Series of Glen Spey, NY**  
*25<sup>th</sup> anniversary in 2010 of offering diverse cultural programming for the public*

**Community Service Award ~ Friends of the Upper Delaware River, Inc.**  
*Advocacy to protect the Upper Delaware River fishery and to support stream restoration work in the Town of Hancock, NY*

**Special Recognition Award ~ Dorothy Moon, National Park Service**  
*Overseeing all aspects of the Upper Delaware Scenic and Recreational River's Zane Grey Museum's renovation for its May 2010 reopening in Lackawaxen, PA*

**Special Recognition Award ~ Kathleen Michell, Narrowsburg, NY**  
*Numerous contributions since 1985 to the Narrowsburg and greater river valley communities*

**Oaken Gavel Award ~ Harold G. Roeder, Jr., Town of Delaware, NY**  
*Leadership as the UDC chairperson in 2010*

4/20/11 – The UDC's Government Officials Liaison Subcommittee met with U.S. Congresswoman Nan Hayworth (19<sup>th</sup> District-NY) in her Goshen District Office to introduce her to the Council and discuss river valley issues.

4/26/11 – Technical Assistance Grant Project 2009-08 by the Town of Tusten for mapping services to create a Town Natural Resources and Open Space Inventory Database was approved as completed, with a payment of \$3,000 authorized.

### **May 2011**

5/5/11 – Larry H. Richardson, Town of Cohecton, NY was unanimously elected by his fellow representatives to assume the chairmanship of the UDC for the balance of the 2011 calendar year.

5/5/11 – The UDC approved Resolution 2011-03, "Supporting Sullivan County's River Corridor Main Street Grant Application under the New York Main Street Program" which targeted improvements in the hamlets of Callicoon, Narrowsburg, Barryville and Pond Eddy in the respective UDC member towns of Delaware, Tusten, Highland, and Lumberland.

5/5/11 – In the interest of public safety, letters to the New York State and Pennsylvania Department of Transportation were approved requesting additional directional signage for Catskill Regional Medical Center's Grover Hermann Hospital in Callicoon.

5/19/11 – UDC staff attended the annual New York-Pennsylvania Joint Interstate Bridge Commission meeting at PennDOT District 4-0 headquarters in Dunmore, PA to learn about inspection results, maintenance schedules, and capital construction plans for the 10 Upper Delaware River bridges under the Commission's purview. A news release, "New Pond Eddy Bridge Moving Closer to Reality", was issued to publicize the meeting outcomes.

5/24/11 – Technical Assistance Grant Project 2011-01 by the Town of Lumberland to undertake a Town Police and Justice Courts Assessment was approved as completed, with a payment of \$2,800 authorized.

### **June 2011**

6/1/11 – A new, Multi-State Water Management Agreement for the Delaware River Reservoirs went into effect after being signed by representatives from New York State, New Jersey, Pennsylvania, Delaware, and New York City. The one-year plan would use the Operations Support Tool mathematical computer technology to improve the ability to forecast and model water conditions.

6/2/11 – The UDC adopted Resolution 2011-04: Approving a Change in Employee Health Insurance Plan to Take Effect June 1, 2011.

6/7/11 – PennDOT issued a news release announcing that both states had reached agreement on replacing the 1904 Pond Eddy Bridge and that a Design Advisory Committee would be established so that local stakeholders could have input on an aesthetic design that would fit into the context of the Delaware River's natural setting. The existing bridge, posted for a 7-ton weight limit, will be marketed to entities that are willing to move it. Construction was targeted for the end of 2012 or beginning of 2013.

6/18-19/11 – At the 17<sup>th</sup> Annual Delaware River Sojourn held on June 18-25 under the theme of “River of Life”, the Upper Delaware section honored Dolores Keesler of Damascus, PA as Lady High Admiral for the June 18 itinerary from Stalker, PA to Callicoon, PA, and honored river releases researchers Dr. Peter Kolesar and Jim Serio jointly as Lord High Admirals for the June 19 itinerary from Buckingham, PA to Stalker, PA. Day 3 of the Sojourn featured 10 miles of paddling on the Lackawaxen River.

6/23-24/11 – The National Park Service sponsored a two-day Wild and Scenic Rivers Act training session at the PPL Environmental Learning Center near Hawley, PA attended by UDC staff.

6/28/11 – The Project Review Committee heard a presentation from Dr. Larysa Dyrszka on a proposed Health Impact Assessment of Natural Gas Drilling in the Delaware River Basin to be used as a tool to inform land use decisions.

### July 2011

7/7/11 – The UDC adopted Resolutions 2011-05, -06, -07, and -08 Approving the Fiscal Year 2012 UDC Budget and the Annual Work Plans for its Water Use/Resource Management, Operations, and Project Review Committees.

7/7/11 – A UDC letter to the Lackawaxen Township Supervisors urged them to deny a Conditional Use Permit application by Holbert Brothers Bluestone Co. to expand an existing quarry to 40 acres “because it would constitute a clear violation of the Lackawaxen Township Zoning Ordinance, and is not in substantial conformance with the Land and Water Use Guidelines in the River Management Plan”, among eight comments offered. The Council also approved a motion to investigate the procedure to file a Civil Action Land Use Appeal with the Pike County Court of Common Pleas based on the township's denial of standing to the UDC to provide testimony at a 6/8/11 public hearing on this application.

7/7/11 – Proposed rulemaking by the Pennsylvania Fish and Boat Commission to require use of personal flotation devices in cold-water conditions from Nov. 1 through Apr. 30 while underway or at anchor on boats less than 16 feet in length or any canoe or kayak in PA waters was strongly supported by the UDC. Its comment letter urged cooperation with New York State and the National Park Service to ensure that all regulations are consistent between both states and enforceable.

7/24/11 – The UDC participated as an exhibitor at the 21<sup>st</sup> Annual Narrowsburg RiverFest sponsored by the Delaware Valley Arts Alliance and the Narrowsburg Chamber of Commerce.

7/26/11 – Five Technical Assistance Grant projects were approved as completed, with the indicated payments authorized: 2011-06, Town of Cohecton, develop a town website, \$3,880; 2011-05, Town of Deepark, update and print a town map/brochure, \$2,600; 2011-04, Shohola Township, develop a PA Natural Gas Laws Brochure, \$2,500; 2011-03, Town of Tusten, develop the process for a Road Use Agreement, \$2,520; 2011-02, Town of Delaware, create and post Zoning Law Index, \$2,400.

7/26/11 – The UDC learned of an investigation into an alleged tilapia hatchery on Big Island in the Town of Delaware, two miles south of Callicoon, for which the operator had obtained no permits. The New York State Department of Environmental Conservation shut down the aquaculture operation, which included five manufactured ponds, compressor stations, and piping to the river, and issued violation notices following a 7/29 inspection. Remediation was ordered as multiple levels of law enforcement continued investigating the complaint.



7/26/11 – Members approved a motion to contact the UDC attorney to review the Lackawaxen Township Board of Supervisors' 7/23 written decision approving a Conditional Use Permit for the 40-acre expansion of the Holbert Brothers Bluestone Co. quarry to determine whether the terms and conditions comply with the River Management Plan's guidelines for mining operations, whether the UDC can become a party to the PA Department of Environmental Protection's permit application process for the quarry expansion, and what is the procedure to file an appeal within the allotted 30-day time period from the decision.

### August 2011

8/4/11 – A motion to retain legal representation for potential litigation carried by a vote of 7 ayes, 4 nays, and 1 abstention. A letter of engagement was then signed with two attorneys on 8/17.

8/4/11 – The UDC addressed a letter to the Lackawaxen Township Board of Supervisors requesting clarification of a condition regarding the amount of open clearing and active face allowable in its 7/23 written decision for the Holbert Brothers Bluestone Co.'s Conditional Use Permit.

8/4/11 – A motion to offer employment for the position of UDC full-time secretary was unanimously approved following an executive session to discuss the qualifications of a particular individual and the recommendations of the Personnel Subcommittee.

8/7/11 – The Upper Delaware Council's 23rd Annual Family Raft Trip drew 77 participants on a stormy day, including seven children ages 11 and under, who paddled a 7-mile route between Barryville and Pond Eddy with equipment and shuttles provided by Kittatinny Canoes as host livery.

8/10/11 – A staff comment letter was sent to the Town of Cochection offering input following review of the town's proposed update of its Zoning Law, Subdivision Law, and Comprehensive Plan.

8/19/11 – The UDC filed a Civil Action Land Use Appeal vs. Lackawaxen Township Board of Supervisors in the Pike County Court of Common Pleas requesting the Court to vacate the decision that granted conditional use approval for the Holbert Brothers Bluestone Co.'s proposed 40-acre quarry expansion. In the alternative, the UDC requested that the matter be remanded for a properly noticed hearing at which the Council would be allowed a meaningful opportunity to participate, cross-examine witnesses and offer evidence. The appeal raised the same objections that the UDC brought forth in 2008 when the same expansion was proposed but that application was ultimately withdrawn. The UDC was granted party status to participate in the hearing at that time.

8/29/11 – Narrowsburg, NY native Cindy A. Odell of Honesdale, PA began her employment as UDC secretary after being selected from a pool of 47 candidates.

### September 2011

9/1/11 – In response to being asked to sign a Memorandum of Agreement for the Pond Eddy Bridge Replacement Project, the UDC advised the Federal Highway Administration that it objected to: the apparent oversight that did not list the Town of Lumberland as a Concurring Party; another oversight with the Council and the Town of Lumberland both being omitted from the membership list for the Design Advisory Committee (DAC); and the tone of language in the stipulations which suggested that the DAC's role would be to offer reactive recommendations to a design put forth by the Pennsylvania Department of Transportation rather than a more proactive, collaborative process. "Given the historic and scenic value of this river valley bridge proposed for replacement, this is an important consideration," the UDC's letter read.

9/1/11 – The UDC directed a letter of support to Eagle Creek Renewable Energy for the Town of Lumberland's proposed Mongaup Welcome Park which would be developed on property owned by Eagle Creek at the intersection of the New York State Route 97 Upper Delaware Scenic Byway and County Route 31 in the Mongaup hamlet area.

9/7-8/11 – UDC staff participated in a Stakeholders Meeting held in Shawnee-on-the-Delaware, PA to kick off a three-year pilot study by the U.S. Geological Survey on water use and availability under the Water SMART

Initiative. The Delaware River was selected as one of three river basins that would be the subjects of the focused study for which approximately \$500,000 per year has been funded.

9/13/11 – A special meeting of the Project Review Committee was convened to review applications from member municipalities that were received by the 9/2 deadline for the FY 2012 Technical Assistance Grants program. Seven applications requesting a combined total of \$26,800 in funding were submitted. Committee members met with representatives for each applicant, ranked the projects, and made a recommendation for full Council action that would follow on 10/7.

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## **Conclusion**

The Upper Delaware Council is responsible for over 40 tasks assigned to it in the River Management Plan, ranging from project reviews to public education, the majority of which are ongoing in nature.

In FY 2011, staff regularly participated in meetings of the Delaware River of the Year Leadership Team Steering Committee, Upper Delaware River Roundtable, National Park Service Marcellus Shale Gas Task Force, Upper Delaware Scenic Byway, Pond Eddy Bridge Consulting Team, Delaware River Basin Regulated Flows Advisory Committee, D&H Transportation Heritage Council, Wayne County Oil and Gas Task Force, and the Common Waters Partnership, among others.

The staff closely monitored draft regulations and new developments pertaining to natural gas exploration throughout the Delaware River Basin, and maintained a listserv to share information with resource management colleagues and concerned citizens on threats, opportunities, and challenges facing the river valley.

The activities in which the Upper Delaware Council engages are designed to ensure that the river valley's collective voice is heard, its rural character is preserved, incompatible land uses are prevented, private property rights are protected, and the pristine water quality is maintained.