Upper Delaware Council Annual Report
Fiscal Year 2012
(October 1, 2011 - September 30, 2012)

Contents
1. Mission Statement
2. Management Structure
3. 2012 Upper Delaware Council Membership Roster
4. Upper Delaware Council Staffing
5. FY 2012 Activity Highlights:
   a. Approved Resolutions
   b. Administration and Operations
   c. Technical Assistance Grants
   d. Public Outreach
   e. Project Reviews
   f. Water Use and Resource Management Issues
   g. Natural Gas Exploration Activities
   h. UDC Correspondence
   i. Special Meetings and Events
   j. Presentations and Guests
   k. UDC 24th Annual Awards
6. Conclusion

Mission Statement
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. National Park Service Upper Delaware Scenic and Recreational River is a partner.
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. Subcommittees dedicated to such issues as Personnel, Building, and Government Officials Liaisons, 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.

2012 UDC Membership

Elected to serve as Upper Delaware Council officers for the 2012 calendar year were:

- Chairperson: Nadia Rajsz, Town of Lumberland, NY (elected Jan. 5, 2012)
- Vice-Chairperson: Jeffrey R. Dexter, Damascus Township, PA (elected Feb. 2, 2012)
- Secretary-Treasurer John B. Niflot, Town of Fremont, NY (elected Jan. 5, 2012)

Note: The UDC Nominating Committee on Dec. 1, 2011 presented Scott Rando, Shohola Township, PA, as the vice-chairperson nominee in its slate of officers. After the candidate was not re-appointed as Shohola’s UDC representative at the township’s Jan. 3, 2012 reorganizational meeting, the position was left vacant until the Feb. 2, 2012 UDC meeting at which Jeff Dexter accepted the nomination. He was sworn in along with Chairperson Nadia Rajsz and Secretary-Treasurer Jack Niflot by UDC Town of Cochemet Representative Larry H. Richardson, who was the UDC’s immediate past chairperson since his May 5, 2011 election to fill a mid-term vacancy.

Leadership of the UDC’s three standing committees in 2012 was provided by:

- Water Use/Resource Management Committee – Chairperson Tony Ritter, Town of Tusten, NY; Vice-Chair Andrew Boyar, Town of Highland, NY
- Operations Committee – Chairperson Nadia Rajsz, Town of Lumberland, NY; Vice-Chair Fred Peckham, Town of Hancock, NY
- Project Review Committee – Chairperson Larry H. Richardson, Town of Cochemet, NY; Vice-Chair Debra Conway, Town of Highland, NY

As of September 30, 2012, the UDC’s appointed board membership consisted of:

(* denotes a change from Fiscal Year 2011)

<table>
<thead>
<tr>
<th>UDC Member</th>
<th>Representative</th>
<th>Alternate(s)</th>
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<tbody>
<tr>
<td>Town of Hancock</td>
<td>Fred Peckham</td>
<td>Samuel N. Rowe, Jr.</td>
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<tr>
<td>Town of Fremont</td>
<td>John B. Niflot</td>
<td>1st-Jim Rodgers; 2nd-George Conklin</td>
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<tr>
<td>Town of Delaware</td>
<td>Harold G. Roeder, Jr.</td>
<td>David Peters *</td>
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<td>Town of Cochemet</td>
<td>Larry H. Richardson</td>
<td>Edwin Grund</td>
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<tr>
<td>Town of Tusten</td>
<td>Susan Sullivan</td>
<td>1st-Tony Ritter; 2nd-Kevin McDonough *</td>
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<tr>
<td>Town of Highland</td>
<td>Andrew Boyar</td>
<td>Debra Conway</td>
</tr>
</tbody>
</table>
Town of Lumberland | Nadia Rajsz | Jay Shafer
---|---|---
Town of Deerpark | David M. Dean * | Virginia Dudko *
Damascus Township | Jeffrey R. Dexter * | Joseph Canfield *
Berlin Township | Alan Henry * | Paul Henry *
Lackawaxen Township | John S. McKay | Brian Stuart
Shohola Township | Patricia Jeffer * | 1st-George J. Fluhr; 2nd-Aaron Robinson *
Westfall Township | Alex Cena | Vacant
State of New York | William J. Rudge, NYS Dept. of Environmental Conservation | Michael J. Flaherty, NYS DEC
Commonwealth of Pennsylvania | Dennis J. DeMara, PA Dept. of Conservation and Natural Resources | Vacant
Delaware River Basin Commission | Carol R. Collier, Executive Director | Vacant
National Park Service (partner) | Dennis Reidenbach, Northeast Regional Director | Sean J. McGuinness, Superintendent, Upper Delaware Scenic and Recreational River


Upper Delaware Council Staffing
Executive Director William E. Douglass announced at the Dec. 1, 2011 UDC meeting that he would retire effective Jan. 1, 2012. Bill began his 22-year tenure at the UDC on Mar. 13, 1989. Public Relations/Fundraising Specialist Laurie Ramie was named Acting Executive Director on Dec. 5, 2011. After six months in the dual role, Laurie was promoted as Executive Director effective June 9, 2012 to advance her 15 years of experience with the organization that began on Apr. 21, 1997. The position description was revised in the Employment Agreement to incorporate public relations, event planning, and grants administration functions. Senior Resource Specialist David B. Soete announced on April 23, 2012 that he would retire from the UDC effective Sept. 30, 2012. Dave’s 23 years of employment started Oct. 1, 1989. The Personnel Subcommittee drafted a new Scope of Services for a “Resource Specialist” position, conducted two rounds of advertising with deadlines of July 13 and Aug. 24, evaluated the total of 32 applications received, and held four personal interviews on Sept. 6, 2012. A motion was approved at the Sept. 25, 2012 Operations Committee meeting to offer the position to Travis O’Dell pending confirmation of a hiring resolution by the full Council on Oct. 4, 2012. The UDC’s third full-time professional staff member is Secretary Cindy Odell, whose employment began Aug. 29, 2011.
**UDC Approved Resolutions**

- 2011-09: Award the Printing of “The Upper Delaware” Newsletter to Courier Printing Corp. for FY 2012, 10/6/11
- 2011-10: Approving Technical Assistance Grants for Fiscal Year 2012, 10/6/11
- 2011-11: Engaging Legal Services on a Per Project Basis, John J. Keating for New York State issues and Jeffrey P. Clemente for Pennsylvania issues, 12/1/11
- 2012-01: Signature of Corporate Resolutions and Bank Cards, 1/5/12
- 2012-02: Agreement with Eckersley & Ostrowski, LLP for Audit and Accounting Services for FY 2012, 1/5/12
- 2012-03: Adopting a Policy for Credit Card Use, 4/5/12
- 2012-04: Adopting the UDC Budget for Fiscal Year 2013, 6/7/12
- 2012-05: Adopting the Water Use/Resource Management Committee Work Plan for FY 2013, 6/7/12
- 2012-06: Adopting the Operations Committee Work Plan for FY 2013, 6/7/12
- 2012-07: Adopting the Project Review Committee Work Plan for FY 2013, 6/7/12
- 2012-08: Hiring an Executive Director, 6/7/12
- 2012-09: Appreciation for David B. Soete, 9/6/12

**Administration and Operations**

Certified Public Accountant Richard Eckersley of Eckersley & Ostrowski, LLP, Scranton, PA, delivered a summary report of his firm’s Audit of Compliance and Internal Control of UDC Fiscal Year 2011 financial records to the Operations Committee on Nov. 21, 2011. No irregularities were found.

Orientation folders were prepared for six new representatives or alternates who joined the UDC board after being appointed by their municipalities during 2012 reorganizational meetings, while outgoing representatives and alternates received letters of appreciation for their service.

UDC staff announced on Dec. 27, 2011 a change in e-mail addresses after switching from cable to DSL Internet service to improve on-line performance and save on costs by bundling Internet and telephone services through Frontier Communications.

The Operations Committee on Jan. 24, 2012 initiated a review of the UDC’s bylaws originally approved in 1988 and revised in 1992 based on discovering proposed amendments that had been introduced in 1994 but not acted upon at that time. The re-evaluation proceeded as an agenda item on a monthly basis as time permitted.

Effective on March 1, 2012, the start time for the monthly Upper Delaware Council meetings was changed from 7:30 p.m. to 7:00 p.m. following a favorable poll of board members.

Thanks to efforts led by National Park Service (NPS) Upper Delaware Scenic and Recreational River Superintendent Sean McGuinness, the typically static $300,000 annual federal funding contribution to the UDC’s operating budget was increased by $20,000 through a modification to the Cooperative Agreement approved on March 2, 2012. The Council had requested assistance with legal support as outlined in the River Management Plan for a land use appeal filed on July 20, 2011 in the Pike County Court of Common Pleas. The Cooperative Agreement was further modified on Aug. 23, 2012 by the approval of a $45,000 advance on the UDC’s FY 2013 $300,000 funding allocation achieved by extending the 2012 fiscal year end date to December 31, 2012. This was done to assure continued UDC monthly payments during the transition time for a NPS-wide conversion to a new Financial and Business Management System as mandated by the Department of the Interior.

Upper Delaware Scenic Byway, Inc. Treasurer Larry H. Richardson presented a $3,000 donation to the UDC on Apr. 5, 2012 in appreciation for the support that the Council provides to the fellow non-profit organization by providing meeting space and some coordination activities.
On June 4, 2012, the Norcross Wildlife Foundation, Inc. awarded the UDC $2,500 to assist with the purchase of computers and software to improve productivity and efficiency. The Council had submitted a $4,920 grant request on Jan. 11, 2012 to replace computer systems that dated back to 2004. The UDC contracted with Chorba Consulting, Inc. of Beach Lake, PA to purchase and install four commercial-grade Dell desktop personal computers and peripherals in August using a supplemental allocation from the UDC’s FY 2012 budget to invest in the technology upgrade project.

A Strategic Planning Workshop to develop the UDC’s Five-Year Operating Program for Fiscal Years 2013-2017 (October 1, 2012 to Sept. 30, 2017) took place on June 23, 2012 in the UDC’s Narrowsburg office. Eighteen board members and staff from the UDC and NPS participated in the half-day workshop facilitated by Alan Sorensen of Planit Main Street. The agenda included a Vision Statement from Upper Delaware Scenic and Recreational River Superintendent Sean McGuinness, a brainstorming session to propose issues and tasks to include in this sixth Five-Year Plan, a voting exercise to rank the issues by priority, a tally and identification of the top issues, and discussion of actions and strategies to implement the UDC’s objectives.

On July 18, 2012 the first draft of the UDC’s Five-Year Operating Program for FY 2013-2017 was sent out to Council representatives, alternates, member municipalities, non-participating townships, NPS staff, the Upper DelAWARE River Roundtable membership, numerous conservation groups and river valley stakeholders for review, with written comments requested back by Aug. 15. Five comments were received and shared with the UDC’s committees on Aug. 21 and 28, along with discussions taking place about the 16-item list of Priority Issues generated from the Strategic Planning Workshop. A second draft was presented on Aug. 28 and the full Council approved the Five-Year Plan on Sept. 6, 2012. Priority Issue #1 was re-phrased to read, “Protect the unique scenic, cultural and natural resource values of the Upper Delaware Scenic and Recreational River and its immediate environs while protecting private property rights.”

The UDC met the Aug. 15 and Aug. 31, 2012 deadlines for four New York State grants under its administration by submitting payment requests and documentation to the appropriate state agencies. The Legislative Member Item grants, all of which were secured by NYS Senator John J. Bonacic, included $25,000 divided in equal shares to the UDC’s eight NYS member towns for local improvement projects under NYS Grant TM09050; $25,000 to the Upper Delaware Scenic Byway, Inc. (UDSB) for a feasibility study and design concept for a UDSB Visitor Center at Fort Delaware Museum of Colonial History in Narrowsburg under NYS Grant TM07083; $25,000 for a UDSB Marketing Campaign with the Sullivan County Visitors Association under NYS Grant TM08104; and the $14,886.62 balance of a $50,000 grant to UDSB for landscaping/beautification projects by byway municipalities under NYS Grant M060091.

Employee retirements, a staffing reduction, and prudent fiscal management contributed to a budget surplus toward the end of FY 2012 that allowed numerous building & grounds improvements to occur. Projects subsidized through this allocation included replacement of interior overhead lights with more energy-efficient fluorescent fixtures, patching and painting of ceilings, installation of dawn-to-dusk exterior lights, construction of a window in the meeting room, crack-filling and striping of the parking lot, the purchase of a table and padded chairs to convert a front office into a small conference room, purchase of a new desk, portable exhibit table, industrial shredder, coffee brewer, vacuum, computer peripherals including surge protectors with battery backups and discounted software packages, and nameplates for meeting use.

**Technical Assistance Grants**

Since 1988, the UDC has offered Technical Assistance Grants to its member municipalities and river valley counties to provide funding for projects related to implementation of the River Management Plan. Funding is competitive and based on an evaluation of applications received by the UDC’s Project Review Committee.

Seven TAGs totaling $14,400 were awarded in the Fiscal Year 2012 program on Oct. 6, 2011:

- **TAG 2012-01:** Town of Deerpark, Update and codify Town Zoning Law, $4,500
- **TAG 2012-02:** Sullivan County, Develop a Sullivan County hiking trails website, $2,100
- **TAG 2012-03:** Town of Lumberland, Produce a Lumberland cemeteries brochure, $1,200
TAG 2012-04: Pike County, Launch a multi-faceted public education campaign related to natural gas exploration in Pike County, $1,000

TAG 2012-05: Town of Highland, Develop an early warning system and enhanced communications system for use during emergencies, $1,500

TAG 2012-06: Town of Highland, Review and update Town Zoning Law, $1,400

TAG 2012-07: Shohola Township, Expand township’s website, adding an emergency management component, and develop a website informational brochure, $2,700

Five projects were successfully completed by the July 24, 2012 deadline. Funding for the two Town of Highland grants was de-obligated, along with a $5.81 surplus for TAG 2012-03, which expended $1,194.19 of the awarded amount.

From the organization’s inception through 2012, the UDC has awarded a cumulative total of $687,492 to help subsidize 201 non-construction projects by member municipalities.

Applications for the Fiscal Year 2013 Technical Assistance Grant program were due by Aug. 31, 2012. Nine applications requested a combined total of $44,485. Total funding available was $32,905.81 based on adding the FY 2012 de-obligated funds to an increased budget of $30,000.

A special meeting of the Project Review Committee took place on Sept. 11 to assess and rank the applications, with representatives for each proposal invited to answer questions. The recommended FY 2013 TAG awards were due to be voted on at the Oct. 4, 2012 UDC meeting.

Public Outreach

News Releases Issued for Upper Delaware Council and Upper Delaware Scenic Byway in addition to a regular publication of meeting notices:
10/3/11 – “The Upper Delaware” Fall/Winter 2011 Newsletter Available On-line and by Mail
10/6/11 – Upper Delaware Council Awards 2012 Technical Assistance Grants
10/20/11 – Hancock Improves Golf Course with UDC State Grant Funds
11/30/11 – Upper Delaware Scenic Byway History Books Make Great Gifts
12/1/11 – Executive Director Bill Douglass to Retire from Upper Delaware Council on Jan. 1st
12/1/11 – Upper Delaware Scenic Byway’s New QR Code Offers Information Shortcut
12/27/11 – UDC Has New E-mail Addresses
1/3/12 – UDC Staff Leadership Changes
2/2/12 – 2012 UDC Officers Sworn In
2/7/12 – Upper Delaware Council Names Roster for 2012
2/17/12 – Upper Delaware Council Seeks Nominations for 24th Annual Awards by March 19
3/8/12 – Rep. Hayworth to Deliver Keynote Address at UDC Awards Banquet
3/28/12 – UDC Announces Honorees for Awards Ceremony on April 22
4/2/12 – “The Upper Delaware” Spring/Summer 2012 Newsletter Available On-line and by Mail
4/4/12 – UDC and NPS Host Workshop on River Management Plan
4/5/12 – Reserve for UDC Awards Banquet by April 13
4/23/12 – UDC Awards Ceremony Honorees (group photo)
5/2/12 – UDC Committee Seeks Advisory Members for Water Use and Resource Management Issues
5/17/12 – Fate of Delaware River Bridges Unknown After Mixed Messages at Annual Meeting
5/24/12 – UDC Committee Seeks Interest in Advisory Memberships by June 12
5/31/12 – UDC Issues FY 2011 Annual Report
6/12/12 – Upper Delaware Council Hires Ramie as Executive Director
7/9/12 – UDC Hosts Family Raft Trip Aug. 5
7/17/12 – Reserve for UDC’s Raft Trip by July 27
7/26/12 – UDC Technical Assistance Grant Applications Due by Aug. 31
8/18/12 – Norcross Wildlife Foundation Grant Helps UDC to Upgrade Computers
8/13/12 – UDC Grant Applications Due by Aug. 31
8/14/12 – Upper Delaware Scenic Byway, Inc. to Hear About Port Jervis Whitewater Park Aug. 27
8/16/12 – Upper Delaware Scenic Byway Completes State Grants for Visitor Center, Marketing

Newsletter: “The Upper Delaware”, a free newsletter about the environment and people of the Upper Delaware River Valley, is published twice-annually by the UDC. It is mailed to approximately 9,500 subscribers and is posted in full color on the UDC’s website at www.upperdelawarecouncil.org.


RMP Workshop: On Mar. 24, 2012, the UDC and NPS co-sponsored “Working with the Upper Delaware River Management Plan,” a training workshop targeted to NY and PA local governments, planning and zoning boards and commissions, UDC members, and NPS management staff. The 10 a.m. to 3:30 p.m. session held at the Tusten Town Hall Community Room attracted 43 participants. Presentations were offered on “Historical Perspective” by George J. Fluhr of Shohola Township; “Federal Legislation Overview” by Paul Kenney, Partnership Rivers Manager for the National Park Service’s National Wild & Scenic Rivers Program based in Philadelphia, PA, and Upper Delaware Scenic and Recreational River Superintendent Sean McGuinness; “Land & Water Use Guidelines Overview” by planning consultant Carson Helfrich, NPS Resource Management Chief Don Hamilton, and UDC Senior Resource Specialist David B. Soete; “River Management Plan Overview” by Sandra S. Schultz, retired UDS&RR assistant superintendent; “Partners’ Roles and Responsibilities” by UDS&RR Management Assistant Carla Hahn; and “Facts and Fables” by UDC Acting Executive Director Laurie Ramie, in addition to open discussion, questions and answers.

The objective was to introduce or re-orient participants on the contents and applicability of the 1986 River Management Plan and the Land and Water Use Guidelines, the cooperative role that all of the partners play in the Plan’s ongoing implementation, and the duties and value of the UDC in overseeing its administration. For those who couldn’t attend, a news release was widely distributed, documents were posted on-line, and plans were made to bring an abridged version of the presentation “on the road” to river valley communities.

Water Safety Campaign: The UDC supported the National Park Service’s Water Safety Campaign that had been motivated by five drownings that occurred in the summer of 2011 with male victims ranging in age from 19 to 71. The Upper Delaware Scenic and Recreational River allocated $10,000 from its budget and received $19,000 in requested funding from the Northeast Regional Office, as announced by Superintendent Sean McGuinness at the June 7, 2012 UDC meeting, to support a comprehensive, long-range program that included sociological research into behaviors that increase risk, bilingual signage at river accesses, consistent messaging, decals and lawn signs promoting life jacket use, increased patrols, and training for the safety briefings given by livery operators to their customers.

Informational Booths: Visitors to the National Park Service’s Zane Grey Festival held at the museum grounds in Lackawaxen, PA on July 14 and to the 22rd Annual RiverFest presented by the Delaware Valley Arts Alliance on July 22 in Narrowsburg, NY had an opportunity to learn more about the Upper Delaware Council and its activities through exhibits offered by staff.

Raft Trip: The UDC’s 24th Annual Family Raft Trip on Aug. 5, 2012 drew 75 guests, including 17 children, to paddle a 10-mile section of the Upper Delaware River from Callicoon to Skinners Falls, NY. Lander’s River Trips was the host livery. The Council hopes to promote stewardship of the river through this fun activity open to the public.

Non-participating Township: The Buckingham Township Planning Commission invited the UDC to make a presentation at its Sept. 20, 2012 meeting on the benefits of Council membership. Buckingham and Manchester Townships in Wayne County, PA remain eligible to join the UDC due to their property frontage on the Upper Delaware River but have opted against it, subjecting them to federal oversight by the National Park Service. UDC Executive Director Laurie Ramie, Upper Delaware Scenic and Recreational River Superintendent Sean McGuinness, Damascus Township UDC Representative Jeff Dexter, and Town of Hancock UDC Representative Fred Peckham discussed the incentives for participation and answered questions.
Project Reviews

During this report period, the UDC variously researched and reviewed draft ordinances, zoning amendments, development projects for conformance with the River Management Plan; attended public hearings; and issued comment letters on the following proposals:

- Town of Tusten Zoning Law
- Town of Highland Comprehensive Plan
- Town of Lumberland Zoning Law
- Town of Hancock Site Plan Review Law
- Town of Delaware Zoning Law & Map Changes
- Town of Highland Zoning Law
- Shohola Township Zoning Ordinance
- Lumberland Zoning Board of Appeals Variance Requests

Litigation continued in the Pike County Court of Common Pleas for the UDC’s Land Use Appeal filed on July 20, 2011 against the Lackawaxen Township Board of Supervisors objecting to their approval of a conditional use permit to allow a 40-acre expansion of a major surface mining operation which the UDC asserted was a prohibited use in the Lackawaxen Township Zoning Ordinance and determined did not conform to the Land and Water Use Guidelines of the River Management Plan. The UDC sought to vacate that decision pertaining to the property located within the river corridor boundaries and to be allowed to testify before the Board of Supervisors after having been denied that request.

Actions included: meeting with the Pennsylvania Department of Environmental Protection’s Pottsville District Mining Office on Oct. 27, 2011 to clarify procedures for major mining permits; sending a Nov. 3, 2011 letter to the NPS Upper Delaware Scenic and Recreational River requesting legal support assistance; attending with legal counsel the hearing that took place on Dec. 9, 2011 at the Pike County Courthouse in Milford; exercising the UDC’s option through a Jan. 5, 2012 letter to the Pennsylvania Department of Environmental Protection (DEP) requesting a public hearing on the permit application received on Oct. 4, 2011 from Wayne D. Holbert to expand two existing 5-acre minor mining permits into a major mining permit at the Holbert Brothers Bluestone property in Lackawaxen; approving a motion at the Jan. 5, 2012 UDC meeting to authorize negotiations to take place with the appellees; establishing a Litigation Subcommittee at the Feb. 2, 2012 UDC meeting consisting of three board members empowered to act on behalf of the full Council to directly confer with attorneys in contemplation of negotiating a settlement agreement; and authorizing the Acting Executive Director at the Apr. 5, 2012 UDC meeting to sign a stipulation of settlement contingent on approval by the Litigation Subcommittee. Prior to a settlement being reached, however, the court issued two orders on Apr. 9, 2012 dismissing the UDC’s land use appeal, and denying the defendant’s motion to post bond, the plaintiff’s motion to supplement the record, and the defendants’ motion to consolidate cases. The UDC opted against appealing the dismissal and continued to work with the PA DEP to advocate that the state permit follows the intent of the Upper Delaware Scenic and Recreational River’s Land & Water Use Guidelines.

At the March 27, 2012 meeting of the Project Review Committee, members began devoting time as circumstances allowed at each subsequent monthly meeting to conduct a line-by-line review of the Upper Delaware Council Project Review Workbook. This document was developed in 1988 to codify the procedures for examining major development projects and zoning-related actions in the river corridor to identify any significant impacts and determine substantial conformance. The objective is to apply a rational and structured protocol to assure that the Council has all the proper information on hand and looks at projects from a broader point of view when making its recommendations. Committee members assessed the applicability of the workbook’s criterion, checklists, and transmittal forms with the goal of implementing a consistent and streamlined review process moving forward.

On June 21, 2012, staff from the UDC and NPS Upper Delaware Scenic and Recreational River initiated a cooperative project to locate, digitize, and file substantial conformance records for the 15 river valley towns and townships, as well as to create an Issues database using common codes to track and record activities of matters undergoing review.
**Water Use and Resource Management Issues**

UDC staff attended a November 4, 2011 hearing held at the Lumberland Town Hall on proposed changes to Eagle Creek Hydro Power LLC’s Federal Energy Regulatory Commission license to upgrade facilities at the Rio Reservoir with a small hydroelectric unit to harness the constant 100 cfs release. Following satisfactory responses to the UDC’s concerns, no detrimental comments were offered.

In response to a citizen’s complaint forwarded to the New York State Department of Environmental Conservation, the UDC learned on Feb. 2, 2012 that the DEC issued notices of permit violations to Little Joseph Realty, Inc. Sand and Gravel Mine in the Town of Cochecton due to stormwater issues. The operator agreed to mitigation measures and a schedule of weekly inspections.

The UDC’s Water Use/Resource Management Committee endorsed the concept at their April 17, 2012 meeting of recruiting non-voting advisory members to provide technical perspectives on subject areas under their purview. Two news releases were issued in May and June, and five letters of interest were received. At the July 17 meeting, the committee decided instead to invite resource experts to offer informational presentations on topics of interest rather than appointing individual advisory members.

The Council kept abreast of the ongoing investigation into an illegal fish hatchery discovered on Big Island in the Town of Delaware. Operators had constructed monofilament-covered ponds, piping, and compressor stations without seeking any permits. While it was reported at the Jan. 5, 2012 UDC meeting that the NYS DEC did not assess any penalties after ordering the operation to be dismantled and the site remediated to its original condition, the National Park Service, Environmental Protection Agency, and U.S. Fish and Wildlife Service were among the federal-level agencies still investigating the case.

The spring of 2012 found unprecedentedly large blooms of Didymo, also known as “rock snot”, throughout 150 miles of the Delaware River, including concentrations in the Upper Delaware section. While the algae are of no risk to human health, it can significantly alter the physical and biological conditions of a waterway. With no known methods of eradication, efforts focused on educational campaigns aimed at preventing the transfer of Didymo to other waters and on research, such as the National Park Service’s receipt of funding for a project to do genomic sequencing and hyperspectral remote sensing to map aquatic plant beds in the Upper Delaware River. It was observed that the Didymo occurrences became less prevalent as the river warmed up.

The Decree parties unanimously agreed on May 31, 2012 to a one-year extension of the water management agreement for the Delaware River Basin reservoirs to protect the fisheries habitat and seek to mitigate peak flood levels while preserving the high-quality drinking water that the reservoirs produce.

On June 20 and July 9, 2012, the UDC formally requested two individual considerations of emergency thermal releases from the Delaware River Basin reservoirs to protect the Upper Delaware’s coldwater fishery during high-heat events. In its second letter, the Council also asked the U.S. Geological Survey’s Office of the River Master for an explanation of the protocols involved in the decision-making criteria for such releases. The UDC received a reply letter dated July 17 from Deputy Delaware River Master Marie Stewart with that requested information.

**Natural Gas Exploration Activities**

The Delaware River Basin Commission (DRBC) cancelled a Nov. 21, 2011 meeting which had been rescheduled from one month prior to consider adoption of Article 7 of its Water Quality Regulations to protect the water resources of the Delaware River Basin during the construction and operation of natural gas development projects. The meeting, which was postponed to allow additional review time by the commissioners, had not taken place by the end of the fiscal year. The DRBC’s draft regulations were originally published on Dec. 9, 2010 and revised on Nov. 8, 2011.

On Jan. 5, 2012, the UDC approved the fourth draft of a letter to the New York State Department of Environmental Conservation (DEC) on its 2009 Draft Supplemental Generic Environmental Impact Statement for the Oil, Gas and Solution Mining Regulatory Program. The DEC had extended the comment deadline on its Sept. 28, 2011 release of its high-volume hydraulic fracturing draft regulations to Jan. 11, 2012 after having held four public hearings attended by approximately 6,000 people.

The Council offered four comments in the letter. The first was to “request that no permits for natural gas well pads, or ancillary facilities, be approved within the Congressionally-designated Upper Delaware River Basin.”
Delaware Scenic and Recreational River corridor. If an operator is able to demonstrate that no alternative practical means of mineral extraction exist, then any such proposals should be subject to site-specific SEQRA determination at bare minimum.” Secondly, “we suggest that no open centralized impoundments for storing fracking waste be allowed…” The third comment opposed any state regulations that diminish towns’ existing home rule authorities or jeopardize private property rights. Lastly, the UDC requested to be notified of any applications which could impact the river corridor, and recommended a robust and accessible mechanism for public notification.

At the same Jan. 5, 2012 meeting, the UDC approved a letter to Commonwealth of Pennsylvania Governor Tom Corbett supporting the positions of two of its township members, Shohola and Damascus, in opposing Senate Bill 1100 and House Bill 1950, which proposed to limit municipalities’ use of zoning ordinances to control some aspects of natural gas drilling. The Council asked the governor to veto any legislative attempt to centralize authority that is properly vested at the local level. In return, Gov. Corbett sent the UDC a letter on Feb. 6, 2012 detailing his position. He approved the legislation known as Act 13 of 2012 on Feb. 14, 2012, but its implementation has been challenged based on the filing of appeals.

Staff participated in a webinar update provided by the U.S. Environmental Protection Agency on Feb. 27, 2012 on the EPA’s Hydraulic Fracturing Study that is investigating the life cycle of water used in the process. The peer-reviewed study results are expected to be made available to the public in late 2013 or early 2014.

Representatives from the Millennium Pipeline Co. contacted the UDC to offer a briefing on its $37 million Hancock Compressor Station project in advance of a May 29, 2012 public meeting. Four board members, along with Council and NPS staff, attended a May 17, 2012 session at the UDC office to hear about plans to construct a 15,900 horsepower natural gas turbine-driven centrifugal compressor with ancillary facilities off Hungry Hill Road in the Town of Hancock on a site approximately 4,000 feet outside the river corridor boundary. The project will require approval from the Federal Energy Regulatory Commission. The Council also monitored the Millennium Pipeline Co.’s $43 million Minisink Compressor Station project located outside the corridor in the Town of Minisink and the Tennessee Gas Pipeline’s 300 Line Expansion Project affecting Wayne and Pike Counties in Pennsylvania.

Among the UDC’s New York State member towns, three have banned gas drilling through their zoning laws (Tusten on Nov. 28, 2011; Lumberland on April 11, 2012; and Highland on July 10, 2012); three have approved resolutions expressing support for the industry if done safely and responsibly (Delaware on June 20, 2012; Hancock on July 10, 2012; and Fremont on July 11, 2012); while Cochecton and Deerpark had not taken official positions as of the end of Fiscal Year 2012.

UDC Correspondence

10/6/11 – To the Federal Highway Administration (FHWA), regarding the Pond Eddy Bridge Replacement Project Memorandum of Agreement (MOA), which the UDC signed to support the advancement of this long-awaited project on behalf of the directly affected member municipalities, Town of Lumberland, NY and Shohola Township, PA. The FHWA oversees the Section 106 consulting process that is required due to the 1904 Petit Truss bridge’s designation on the National Register of Historic Places. The Council expressed concerns over certain omissions in the MOA and questioned the role that the Design Advisory Committee established to solicit input on the structural configuration and aesthetic features of the replacement bridge would ultimately play in the decision-making process.

10/25/11 – To Sullivan County Division of Planning and Environmental Management, regarding support for a grant application to implement Phase 2 of the Local Waterfront Revitalization Program (LWRP) for the Upper Delaware River Corridor. The grant would fund design work for new or improved river accesses and the implementation of signage based on the Delaware River Water Trail Sign Plan. An LWRP Steering Committee which includes UDC representation began meeting in January 2011 to develop an intermunicipal vision to enhance public access, develop the area’s tourism and recreation potential, and protect the river’s ecology in the three-county river valley region from Hancock to Port Jervis.

10/31/11 – To Parks & Trail New York, regarding support for the D&H Canal and Gravity Railroad Conservancy’s capacity-building grant application.
11/3/11 – To National Park Service Upper Delaware Scenic and Recreational River, requesting legal support assistance as outlined in the River Management Plan for the UDC’s land use appeal vs. Lackawaxen Township.

12/15/11 – To the Upper Delaware Scenic Byway, Inc., regarding support for its FY 2012 Federal Highway Administration National Scenic Byways Program grant application to develop a mobile website and enhance the tourist-oriented services component of the www.upperdelawarescenicbyway.org website.

1/5/12 – To Pennsylvania Department of Environmental Protection’s Pottsville Mining Office, requesting a public hearing on permit applications by Wayne D. Holbert for a 40-acre expansion of a bluestone quarry operation in Lackawaxen Township.

1/11/12 – To Norcross Wildlife Foundation, Inc., submitting a grant proposal to assist the UDC with the purchase of four desktop computers.

4/5/12 – To New York State (NYS) Governor Andrew Cuomo and Commonwealth of Pennsylvania (PA) Governor Tom Corbett, individually, regarding those states’ reduced or frozen allocations for the Delaware River Basin Commission. NYS decreased its payment by 40% while PA instituted a budget freeze on 40.7% of its payment. The UDC wrote, “Drastic cuts such as those adopted or proposed in New York State and Pennsylvania – as well as the federal government’s cumulative DRBC funding shortfall that is now in excess of $9 million – seriously jeopardize the DRBC’s ability to function at this time of increasing development pressures and competing water resources demands in the watershed. Furthermore, the cuts could have a devastating impact throughout the basin by threatening the continuation of vital, cooperative projects and partnerships sponsored or facilitated by the Commission too numerous to mention.”

5/3/12 – To Commonwealth of Pennsylvania Governor Tom Corbett and New York State Governor Andrew Cuomo, individually, regarding the failure of both states since the UDC’s inception to contribute to the cost-sharing ratio of 60% federal and 40% state for the Council’s operating budget as envisioned in the River Management Plan for the Upper Delaware Scenic and Recreational River which both states have committed to uphold. A proposal was offered for a $100,000 appropriation per state in which $10,000 would be allocated to increase the Technical Assistance Grants pool of competitive funds; $25,000 would enhance public outreach services; and $65,000 would subsidize consulting services to assist with land use planning and project reviews. NYS Department of Environmental Conservation Commissioner Joe Martens replied on 9/18/12 to acknowledge the funding deficit and state that consideration of the UDC’s request would be given in the DEC’s budget review deliberations.

7/5/12 – To the Town of Tusten, regarding support for the Narrowsburg Esplanade Waterfront Revitalization Project, and to the Sullivan County Division of Planning & Environmental Management, regarding support for a Pond Eddy River Access Parking Study, both of which submitted applications with New York State’s 2012 Consolidated Funding Application grant process.

6/11/12 – To Pennsylvania Department of Environmental Protection (DEP), requesting that the agency consider appointing an Upper Delaware Council alternate representative to fill a vacancy that has existed since February 2005. Dennis DeMara from the Pennsylvania Department of Conservation and Natural Resources was appointed as the Commonwealth’s UDC representative in October 2004 but has lacked an alternate to fill in during his absences.

9/5/12 – To Pennsylvania Governor Tom Corbett, to thank him for visiting the Upper Delaware River Valley on August 23 for a kayak trip and tour of the Zane Grey Museum in Lackawaxen, at which the UDC made contact with him and suggested a follow-up meeting to discuss river valley issues.

**Special Meetings and Events**

10/14/11 – The new water laboratory at the NPS Upper Delaware Scenic and Recreational River’s Milanville, PA Office was dedicated with a plaque unveiled in tribute to the late Dick Albert, the first basin planner for the Delaware River Basin Commission, leader of the effort to enact the Special Protection Waters program, and a staff scientist for the Delaware Riverkeeper Network following his DRBC retirement.

10/19/11 – A Delaware River Celebration at Shawnee-on-the-Delaware, PA, organized by the Delaware River Basin Commission and the Pocono Mountains Visitors Bureau, marked the designation
by the PA Department of Conservation and Natural Resources of the Delaware River as Pennsylvania’s 2011 River of the Year based on a public nomination and voting process, the 50th anniversary of the Delaware River Basin Commission founded in 1961, and the 100th anniversary of the Shawnee Inn.

10/28/11 – A forum entitled “Water, Water Everywhere: Future of the Upper Delaware River” was sponsored by the Friends of the Upper Delaware River at West Branch Angler Resort, Hale Eddy, NY, to hear from expert speakers and discuss ways to improve the Flexible Flows Management Program operating regime for the Delaware River Basin reservoirs.

12/21/11 – Consultants from the Studio d’ARC architectural and engineering firm made their final presentation to the Upper Delaware Scenic Byway Visitor Center Subcommittee of the advanced schematic conceptual design for an Upper Delaware Scenic Byway (UDSB) Visitor Center at Sullivan County’s Fort Delaware Museum of Colonial History in Narrowsburg, produced under a $25,000 state grant-funded feasibility study. The capital construction estimate for the 2,400 square foot facility as proposed was $1.45 million. UDSB, Inc. had secured $760,000 in federal and state grants but new legislation would require to be written reflecting the change in the project’s original location in order to release the federal funding.

2/10/12 – A press conference was held in Lackawaxen, PA to announce the merger of the Delaware Highlands Conservancy and The Eagle Institute non-profit organizations with the goal of combining forces and consolidating resources to protect the habitat for eagles to continue thriving in the Upper Delaware River region.

4/17-20/12 – A National Wild and Scenic River Values for the Delaware River Basin workshop took place in Matamoras, PA that brought together for the first time representatives from all four designated segments of the Delaware River and several tributaries in Pennsylvania, New York, and New Jersey. Technical specialist reports were shared to discuss the watershed’s Outstandingly Remarkable Values, including scenic, recreational, ecological, geological, and cultural/historic qualities. The value statements to be included in a subsequent report will provide the foundation for future management and protection of this nationally-significant river system.

5/16/12 – The annual meeting of the New York-Pennsylvania Joint Interstate Bridge Commission was held at the New York State Department of Transportation Region 9 headquarters in Binghamton to discuss capital construction and maintenance plans for the 10 bridges crossing the Upper Delaware River.

6/24-30/12 – The 18th Annual Delaware River Sojourn: “Adventures on the Delaware” kicked off with two days of paddling on the Upper Delaware River. On June 24, 65 participants paddled from Callicoon, PA to Milanville, PA, with camping at the National Park Service office. Seventy-eight paddlers took the trip from Milanville to the Ten Mile River Access on June 25. Recognized as Lord High Admirals were Upper Delaware Scenic and Recreational River Superintendent Sean McGuinness and Chief of Resource Management Don Hamilton on Day 1; and eel weir operator Floyd Campfield of Narrowsburg, NY on Day 2. Richard Egan of Damascus, PA chaired the Delaware River Sojourn Steering Committee.

6/27/12 – The UDC was invited to participate in a meeting with New York State Department of Transportation (DOT) Commissioner Joan McDonald and other agency representatives, federal, state, and town officials, and stakeholders on the topic of the Pond Eddy Bridge proposed replacement. The meeting was arranged by NYS Senator John J. Bonacic and held at the Sullivan County Government Center in Monticello.

7/31 and 8/1/12 – An Upper Delaware River Visioning Charette was held as part of the Local Waterfront Revitalization Program for the Upper Delaware River Corridor. Consultants from Synthesis and The LaBerge Group assisted project organizers from the Sullivan County Division of Planning & Environmental Management to convene focus groups at the Hortonville Firehouse to discuss river valley assets and liabilities regarding economic development/tourism, river access, and arts/history/culture. They also visited four sites in Lordville, Long Eddy, Old Tusten Settlement, and the National Park Service’s Corwin Barn property near Barryville to prepared conceptual designs to improve them for use by the public. The findings will be summarized as part of the Local Waterfront Revitalization Plan document to be produced under this New York State Department of State-funded grant program.
8/23/12 – Commonwealth of Pennsylvania Governor Tom Corbett launched a two-day Delaware River kayak tour at the Darbytown, PA Access and paddled to the Zane Grey Access in Lackawaxen, accompanied by environmental agency guests, security, some supporters, and a larger contingent of natural gas drilling opponents in boats and posted along the shore. His stop included a tour of the NPS Zane Grey Museum and lunch at The Inn at Lackawaxen.

Presentations and Guests

Two National Park Service Northeast Regional Office guests attended the Dec. 1, 2011 Upper Delaware Council meeting, accompanying Upper Delaware Scenic and Recreational River Superintendent Sean McGuinness. Gay Vietzke was introduced as new Deputy Regional Director for Park Operations and Rick Harris is the Associate Regional Director for Natural Resources and Science.

NPS Upper Delaware Scenic and Recreational River Chief Ranger Joe Hinkes gave a presentation on “Emergency Communications in the River Valley” at the April 5, 2012 UDC meeting. He reported on strategies underway to better coordinate emergency response among agencies and address radio frequency compatibility issues.

The Delaware River Basin Commission formally approved a resolution of appreciation at their May 10, 2012 meeting honoring retired UDC Executive Director William E. Douglass “for his many contributions to protect and preserve the Upper Delaware River for present and future generations.”

Acting Executive Director Laurie Ramie provided an orientation to the UDC’s mission and functions to the 20 incoming Upper Delaware Scenic and Recreational River seasonal staff including rangers, interns, law enforcement trainees, and volunteers during an introductory picnic held May 31, 2012 at NPS headquarters in Beach Lake, PA.

NPS Upper Delaware Scenic and Recreational River Management Assistant Carla Hahn gave an overview of the partnership roles and responsibilities outlined in the River Management Plan, while UDC Executive Director Laurie Ramie discussed the development and draft contents of the Council’s new Five-Year Operating Program for Fiscal Years 2013-2017 at the Aug. 2, 2012 Upper DelAWARE River Roundtable meeting held at the Tusten Town Hall in Narrowsburg.

The Water Use/Resource Management Committee heard an explanation from Andrea Reynosa and Stanley Harper from the Big Eddy Revitalization Project Design Committee on June 19, 2012 as the committee weighed issuing a support letter for the Town of Tusten’s grant application to New York State to proceed with construction of a Narrowsburg Esplanade public park facility.

Chuck Barscz, division chief of the National Park Service’s Wild and Scenic Rivers Program for the Northeast Region, attended the July 24, 2012 meetings of the UDC’s Operations and Project Review Committees while on temporary assignment at the Upper Delaware Scenic and Recreational River, which is one of 15 northeast rivers included in the program.

National Parks Conservation Association Pennsylvania Regional Representative Cinda Waldbuesser audited the Aug. 2, 2012 Upper Delaware Council meeting and explained NPCA’s mission to the board. She also discussed NPCA’s participation on the Coalition for the Delaware River Watershed Steering Committee, for which the UDC had initially received an invitation but was determined ineligible to join as of Aug. 29, 2012 due to the governmental membership composition of the non-profit organization.

In the first of its series of informational presentations arranged in lieu of appointing advisory members, the Water Use/Resource Management Committee heard from Nicholas Lylo, district forester for the Pennsylvania Department of Conservation and Natural Resources Bureau of Forestry, Lackawanna Forest District, about his agency’s services at their Aug. 21, 2012 meeting.
UDC 24th Annual Awards
The Upper Delaware Council held its 24th Annual Awards Ceremony on April 22, 2012 at The Carriage House in Barryville, NY. U.S. Congresswoman Nan Hayworth (19th District-New York) served as keynote speaker for the 77 guests in attendance.

Honored for their contributions to the Upper Delaware River Valley were:

**Distinguished Service Award ~ U.S. Congressman Maurice D. Hinchey, Jr.**
(Principled and effective representation of New York State’s 22nd Congressional District, 1992-2012)

**Robin M. Daniels Memorial Lifesaving Award ~ Peter Van Slyke, Deposit, NY**
(August 13, 2011 Skinners Falls rescue of four capsized canoeists, including a disabled individual)

**Partnership Award ~ Common Waters Fund, The Pinchot Institute for Conservation**
(Upper Delaware landowner grants for forest stewardship practices to protect clean water)

**Outstanding Community Achievement Award ~ Town of Tusten, NY**
(Strong public participation to adopt a Nov. 28, 2011 Town Zoning Law that reaffirms home rule)

**Community Service Award ~ Philip D. Chase, Port Jervis, NY**
(Steadfast and informed advocacy on behalf of the Upper Delaware River’s flows, fisheries and wildlife)

**Recreation Achievement Award ~ Kittatinny Canoes**
(Expanding its Adventure Center ecotourism attractions with a dual zip line in 2011)

**Cultural Achievement Award ~ Tusten Historical Society**
(Conception and implementation of “Take a Walk Into Narrowsburg History” self-guided program)

**Special Recognition Award ~ William E. Douglass, Oregon Township, PA**
(Contributions to the Upper Delaware Council as executive director from March 13, 1989-Dec. 31, 2011)

**Special Recognition Award ~ Anne Willard, Town of Fremont, NY**
(Research and writing thought-provoking editorials on topical issues for The River Reporter)

**Oaken Gavel Award ~ Larry H. Richardson, Town of Cochecton, NY**
(Leadership as Upper Delaware Council chairperson from May 5-Dec. 31, 2011)

For the first time, the UDC sought sponsorships by reaching out to boat livery businesses operating in the river valley to coordinate to the 2012 theme of “Ride the Delaware.” Accepting the offer with $125 donations were Kittatinny Canoes and Campgrounds; Cedar Rapids Outfitters; and Northeast Wilderness Experience, all of whom were mentioned in event publicity, listed on the programs, and invited to set up exhibits at the ceremony.

**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 2012, staff regularly participated in meetings of the Upper DelAWARE River Roundtable, Common Waters Partnership, Local Waterfront Revitalization Program for the Upper Delaware River Corridor Steering Committee, National Park Service Marcellus Shale Gas Task Force, Pond Eddy Bridge Consulting Team and Design Advisory Committee (which held three meetings on 12/7/11; 2/14/11, and 3/29/12), Upper Delaware Scenic Byway, D&H Transportation Heritage Council, and a NPS/UDC Issues Team, among others.

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.

For more information on the UDC and its activities, please visit [www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org); stop by the office at 211 Bridge St. in Narrowsburg; write P.O. Box 192, Narrowsburg, NY 12764; or call (845) 252-3022.

Prepared by UDC Executive Director Laurie Ramie, posted 12/04/12