

WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
August 18, 2020

Committee Members Present: Andy Boyar, Ginny Dudko, Fred Peckham (via phone), Al Henry, Dan Paparella
Committee Members Absent: Pat Jeffer
Staff : Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas
NPS Partner: Don Hamilton
Guests: Dave Dean (Town of Deerpark), Nadia Rajsz- (Town of Lumberland), Deerpark Police Chief Richard Szyndor, Lieutenant Kyle Kroeger- NY State Police, Zone Sgt. Robert Hafele- NY State Police, Town of Lumberland Chief Constable Pat Cahill, Darren Boch- National Park Service, Ingrid Peterec- National Park Service, Sean McNeil- National Park Service, John Pizzolato- Upper Delaware Scenic Byway, Isabel Braverman- Sullivan Co. Democrat, Peter Becker- Tri County Independent (via phone), Linda Drollinger- River Reporter, Wayne Holmes- Boy Scouts of America- Ten Mile River Scout Camps (via phone), Ed Mall- NY DOT, Bill Rudge (via phone)- NY DEC.

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, August 18, 2020. Chairperson Boyar called the meeting to order at 7:00 p.m.

Forum to Discuss Increased River Visitation Traffic: Boyar said this is an issue that was brought up at the last full Council meeting and referred to this committee. It was written up in several of the local newspapers. He said in a nutshell, we have the most beautiful resource here, the Delaware River, and the environment that supports the river, the businesses along the river. We have a host of organizations that invite people and promote the river and the river corridor to display all the wonderful things that we have to offer in the corridor. With that abundance of gifts, it has created a problem of an abundance of people, trash, and problems.

Rajsz said as a legislator, she's very happy that we have increased traffic because that adds to our economy on the river. However, for the past few weekends, even though the weekends have been beautiful, we have had several issues. The first issue she noticed was at Indian Head in Knight's Eddy. There was a Park Ranger there helping navigate the traffic. It was so backed up it extended to Rt. 97. She recognized that they do have a stoplight there now due to construction. There are still issues of speeding and she said it's an accident waiting to happen. Indian Head may be purchasing the property next to them for extra parking which would mitigate the problem next year. Another issue is the Tri-State Diesel site across the street from the Mongaup Access. The DEC/NPS site used by the public fills up immediately on beautiful weekends. People end up going to the Tri-State Diesel site to park and cars are flying by and again; it's an accident waiting to happen. Rajsz said the site is bordered by Birdsall Road and around that is the DEC property. The Tri-State Diesel site is now under Eagle Creek ownership under FERC licensure. It's a flood zone. When Rajsz was Town Supervisor she tried to get a lease with them. There were many plans drawn up to utilize the property for parking. She said something can be done in a collaborative manner to fix the area between the DOT, NPS and DEC. Rajsz said there was also a cement pad there we don't want to disturb in case there is an emergency on Rt. 97. That is where helicopters typically land. There is also a historic wall from the D&H Canal and there were previous talks about cleaning that up for visitation by NPS Assistant Superintendent Sandy Schultz. That land lends itself for multiple uses. There is also a food vendor at the site and as long as they have a DOH permit it's ok with the Town.

Dudko said they have been going back and forth every weekend to York Lake above the Roebing Bridge and not only are cars filling both those areas, they are parking on both sides of Rt. 97 for a half mile+. That is not only in

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Lumberland but also Deerpark up to the Hawk's Nest. Dudko said a lot of times there are people walking right down the middle of the highway.

Chief Sztynдор said Deerpark has created a new law for limited parking in the pull-offs on the Hawk's Nest. There was one section that the Town has barricaded off with a berm. He said that's really the only issues they've had. He believes a 15-minute parking limit will be implemented. Rajs said there are also issues with motorcycles gathering at the Hawk's Nest. There are also issues with graffiti.

Boyar said some of these problems will be solved in a month regarding tourists and traffic. That's one of the particular unique aspects about Sullivan County; having a population of 70,000 that swells to 200,000 and stresses our infrastructure. Dean said the Hawk's Nest is an attractive nuisance. Chief Sztynдор has cars stationed at the Hawk's Nest every weekend and holidays. People are out there in the dark sitting on the wall. There was already a motorcycle accident there. Chief Sztynдор said the state is going to put signs up about the 15-minute parking. Pizzolato said the Upper Delaware Scenic Byway (UDSB) formed a committee to assist Chief Sztynдор with solutions for this problem. They have talked about installing cameras with motion sensor capability on private properties. They are looking to present a report in September to the Chief and have a support network.

Henry asked if anyone had been down to the Mongaup site to assess the garbage and huge crowds? Peterec said at the Mongaup site garbage is not the number one issue; it is the numbers that are coming to the site. In 2018 they counted 3,089 visitors, in 2019 there were 6,576, and in 2020 up until the end of July there were 10,783. That's an increase over those two years of 249%. NPS has two people at those accesses Wednesday through Sunday. Peterec said that's not even enough to take care of what's going in to the access. They have noticed there is a big increase in the local visitation that are coming to these accesses this year in particular. It's not just people coming from out of the city. The group talked about how the changes in visitation numbers are COVID-related. With little traveling and no public pools, bodies of water are the main source of recreation. Peterec provided the numbers for the other accesses: Lackawaxen has been steady: 20,000 for the last three years. The other one that that has increased is Narrowsburg DEC Access from 10,639 in 2018 to 27,255. Skinners Falls has actually shown a decrease, but she thinks that's because of the bridge being closed. Damascus has also shown an increase since 2018 of 14,467. This year it's at 16,361. Callicoon went from 10,000 to 11,000 and Buckingham stayed around 13,000 all three years. She noted that the traffic counter only includes cars going into the public parking lots, not the cars parking on the other side of the road.

Ramie said Dave Jones, the proprietor of Kittatinny Canoes, wasn't able to join us, but he did call and offered some insights. He was noticing that since they have bases that extend down into the middle Delaware River, that has been equally overrun. We did see in the Pike County Dispatch that at the Raymondskill Falls area, local residents complained for several weeks about littering and illegally parked cars along Raymondskill Road. The newspaper noted this past week NPS had things under control, displaying a photo of a NPS employee handing out maps of the area and directing traffic along with a sign indicating no roadside parking, which is one of those variable DOT signs. The NPS also blocked off the entrance to a particular road closest to the falls and the areas were cordoned off to parking on both sides of the road. Jones said a lot of traffic is coming from that direction because they've been displaced. There were recently some closures there due to bacteria in the river, so public beach areas were closed and people needed somewhere to go. Jones suggested looking into a seasonal speed limit along Rt. 97 at these main access points. He also mentioned changing the rules for the public access sites to make them not available for day use. In other words, you can't park your car and stay there for the entire day; perhaps there could be some sort of limitation to just launch your boat or shuttle yourself there to cut down on the amount of congestion that's being experienced. Jones said he's having a huge problem with garbage and people taking advantage of any sites, even his private accesses. People are basically ignoring the fact that they have not paid to use those accesses. He kicks out 100 people a day from the various properties who are not legitimately camped there or paying to use them. He said they are short staffed and it's consuming all of their time. He is perfectly aware that people are bored, hot, and want to go on the river but they are not paying for the privilege and not cleaning up after themselves. He identified the Mongaup Access as a big issue. The Hawk's Nest is a mess. He stated that Sparrowbush is good access, but the parking is so limited that it's really difficult to use. The Staircase base and the Minisink base are other hotspots. He said that COVID has affected their industry significantly; there are extra costs for disinfecting their rafts and

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equipment and vehicles and it's just created a very bad situation for their paying customers that their campsites are overrun. There's a tendency to have one family rent a campsite, and then they turned around and there's 20 more people on that site, none of whom paid to be there, which is an issue. He said people have brought their household garbage and left it in the dumpsters. He feels we should think about putting in more public accesses that would displace people in one sense, but that also could create more of a problem. He mentioned that people are buying their own wristbands online and coloring them in the same fashion to make it appear they are registered customers.

Pizzolato said there is a plan with the Sullivan County Planning Department for the Highland Access, which got a substantial amount of grant funds for improvements. It was then put on hold for COVID. He feels like that would definitely relocate a lot of people between Mongaup and maybe some of the other sites. They're still seeking a \$5,000 approval for site plans so they can start to receive in-kind services. He said if that could be actioned in any way for post season it could be ready by next summer.

Rajsz suggested forming a subcommittee for this issue. She suggested lowering the speed limit and leaving the traffic light there. Boyar asked if there is a possibility of expanding the parking where the kayakers come down river on the upstream side. He said there's a parking area in the Town of Lumberland that has an New York DEC sign. Boyar asked would it be feasible to see through the DEC and a Cooperative Agreement with Eagle Creek if they could expand the parking at the Riverside as a part of a solution? A Motion by Rajsz seconded by Henry to form a subcommittee on the Increased River Visitation Traffic including everyone that has a vested interest in this carried. Henry recommended caution signs being put up at the Indian Head Knight's Eddy area for due diligence. Sgt. Hafele said from the NYSP perspective they are here to help in any way they can. Issuing tickets and towing vehicles are possible. He does feel the timing of the light at Mongaup is not optimal. He agrees going forward working with the DEC and DOT for a more permanent solution is best for everyone. Ramie said she would compile an appropriate list of parties, most of whom were at the meeting today. Mall suggesting bringing the liveries into the discussion later down the road. Boyar thanked everyone that attended the forum. Ramie asked Rajsz to share the date and time of the site visit with NYS DOT when that is arranged.

A motion by Dudko, seconded by Henry approving the July 21st meeting carried. There was no public comment on the agenda.

Old Business

Barnes Landfill Update: Rajsz discussed the latest communication received from Joshua Potosek, Sullivan County Manager, about the Barnes Landfill. They received correspondence from the DEC. The Town's attorney is going to work with Nancy Buck. They are seeking a Temporary Incidence of Ownership so they can get onto that property right now. That property is in limbo, not owned by anybody. That will allow the County to perform an analysis of the site without any liability. She was asked if there was approval for a Phase I Environmental Assessment? Rajsz said they have grant money and a vendor engaged that can do that. After the detailed testing, the County will get a better sense of timing in their conversation with the DEC. Rajsz said unfortunately the Town was not cc'd on this letter but she will forward it to them. Boyar said he will give a copy to Highland Supervisor Jeff Haas. Rajsz said she has not stopped on this issue and would like to get some closure on the Barnes Landfill before she retires.

Long Eddy River Access Improvement Update: Rudge said since the Long Eddy River Access was acquired by them, they submitted a request to their Engineering Services in Albany to do an analysis and figure out how to deal with the buildings on the site and then to design an appropriate parking lot on that property. Unfortunately, there are other priority projects in the queue ahead of it. They had linked the cleanup of the site in addressing the buildings with the design of the parking lot, which complicated it. He said he thinks he's successfully bifurcated this project, and he's hoping that will allow them to move forward with at least addressing the buildings and other site things that they inherited to get a clean site. Then they can proceed with the design of a parking lot.

NPS Comments on the NYS DEC Draft Fisheries Management Plan: Ramie said last month the committee received the comments that Friends of the Upper Delaware River (FUDR) submitted to the draft plan. Hamilton mentioned that the NPS had also been preparing comments by 6/25. The committee requested NPS's comments and this is the summary provided in the meeting packet. Boyar said they will review it and if they have anything to

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comment on they can bring it up at the next meeting. Dudko questioned #2 regarding stopping stocking trout. Hamilton said if you talk with most anglers along the Upper Delaware River they prize this wild trout fishery, and they're not promoting stocking trout on tributaries of the Upper Delaware River. Hamilton said NPS has evolved their thinking over time but conservation agencies like Trout Unlimited support this comment number one about improving habitat instead of having self-sustaining fisheries rather than putting hatchery fish in these waters. He said he feels the committee would find that is the prevailing opinion favored these days. Henry asked regarding #9 what it means when it says one trout limit throughout the system? Are they recommending that on the Main Stem and what is it currently? Hamilton said yes, presently it is two fish on the whole 74-miles. Hamilton believes the East and West Branch is a one fish limit.

Status of the Railroad Emergency Response Plan: Ramie said this matter hasn't been discussed it in quite a while. UDC has an outdated 1997 Railroad Emergency Response Guide for Port Jervis to Deposit that was done in conjunction with Conrail and the NPS. The 2018 train derailment prompted us to bring that plan out again and realize that it could be very valuable in situations like that. UDC has always been trying to interest the railroad company of record to assist us by participating. Central New York Railroad, the current operator of the Southern Tier Line, agreed to update it. On 10/29/2019, we held a meeting at UDC with all parties involved and that was very productive in deciding we would move forward. We then heard NPS was working on a proposal for a plan even larger in scope that would address any sort of spill that happens in the entire non-tidal portion of the Delaware River. NPS offered to include the Railroad Emergency Response Plan as a component of that overall Delaware River Oil Spill Response Plan. They were already in the process of seeking funding. The application is through the Department of the Interior and this project was included in there. UDC had been advised by Superintendent Kris Heister that the UDC should include an extra \$5,000 in our Fiscal Year 2021 budget to support our work on this Emergency Response Plan. Ramie said we had included that in our Fiscal Year 2021 budget for the 1st quarter that we submitted to the NPS by a recent deadline in order to get it approved before the end of the Fiscal Year. Through that process we discovered on 7/31 that funding was not going to be available for at least the first quarter, so we needed to remove it. Ramie said there is a possibility that it will be funded in FY21, just not that soon. She said the inter-agency request is for \$125,000 and it covers the entire Delaware River, with this railroad plan as one component.

7/22 D&H Transportation Heritage Council Meeting: Boyar said the D&H Transportation Heritage Council meeting minutes and the Upper Delaware Scenic Byway meeting minutes are provided in the meeting packets. Boyar said if you read through each of these minutes there are initiatives to promote and get people into the area where they may park on the side of the road. Ramie remarked that no organization is advocating for anyone to park on Rt. 97. She said we have to remember how much of our local economy is dependent on tourism. We love our visitors and must provide for them adequately; that's the challenge.

7/27 Upper Delaware Scenic Byway Meeting: 7/27 meeting minutes provided by Upper Delaware Scenic Byway Secretary Ramie are in the handouts.

8/4 Upper Delaware BioBlitz Call: Cilento was part of the conference call two weeks ago regarding the probability of BioBlitz 2021. There are two site visits in 10/13 to a cabin property in the Damascus/Abrahamsville area and one at the Van Scott property that the Delaware Highlands Conservancy has in Beach Lake. Cilento will keep the committee updated.

8/6-8 Callicoon Riverside Park Public Design Process: Ramie said the Trust for Public Land has acquired land that they are basically holding temporarily much in the same way that the Delaware Highlands Conservancy had purchased the Long Eddy Access adjacent property and held it until such time as the DEC was ready to take it over. In this case, they have three different parties that are involved: the Town of Delaware to purchase a portion for the relocation of their wastewater treatment plant; Sullivan County to develop a park of approximately 40-acres; and the NYS DEC to put in a new fishing access to replace the one at the Callicoon Creek, which is basically defunct. Over the course of 8/6-8/8, the Trust for Public Land invited the public in for a design process. On Thursday it was a tour of the site. They started at the Callicoon Depot and walked all the way downtown to the site, which is the old Upper Delaware Campgrounds facility, which flooded out in 2006. On Friday they held an outdoor studio with landscape architects and planners to ask the public what they would like to see there. The next day they debuted three different

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concept drawings which includes some sort of public beach, the river access, a dog park, playground, etc. They conducted phone interviews with all steering committee members including UDC. Ramie had hers on 7/29. In late September they will have another community meeting. Simultaneously, they have a campaign going on to match a community member who donated \$30,000 to this project. Mike Levine, who's a stained-glass artist, is the donor who has particular interest in the dog park. They have a goal of \$60,000. Lastly, they did mention that this whole deal could fall through if Sullivan County doesn't follow up on its suggestion that it would support the development of the park portion of it. They would appreciate any advocacy that people could do to stress that even in these difficult times this is an opportunity to do something really wonderful and beneficial in terms of public recreation, health, and wellness to revitalize this vacant property. Ramie said if anyone wishes to consider making their feelings known to the County Legislature, it would be a good time to do so. Cilento said the County had included about a cash-match commitment. Paparella asked Ramie to forward contact information to him. Henry suggested taking the photograph of where the high-water mark was in 2006 flooding at that site to caution against building any permanent structures in the flood zone.

8/14 U.S. Army Corps of Engineers Ordinary High-Water Mark Training: Cilento said she and NPS staff took part in training last Friday with Army Corps of Engineers. They went to Callicoon, Hortonville, Buckingham, and Milanville and identified ordinary high-water marks at each of the sites. Cilento prepared an infographic from an EPA video that was shared with them. She has a more extensive packet if anyone would like a copy. Cilento said the ordinary high-water mark is important because in the River Management Plan (RMP) it's identified in multiple places. You will also see it cited in the Land and Water Use Guidelines for Project Review purposes for projects within a hundred feet of the ordinary high-water mark. She said NPS's jurisdiction extends to the ordinary high-water mark on either side of the river so it's important to be able to identify and locate exactly where that line is. Henry disputed the last sentence, saying it wasn't true and there are many New York deeds that go right to the water's edge. There is no riparian ownership in the state of Pennsylvania. He said that statement needs to be researched thoroughly. Cilento said she was just trying to illustrate the concepts that were learned. Hamilton said it does have application on the Pennsylvania side. They went to the Buckingham access where they have an issue where they are saying anglers can't walk in the strand area along the river because they own down to the water's edge. He said it was a useful training. It may not apply to some properties on the NY side where they have a deed that claims they own to the center of the channel of the river. It varies on either side of the river. Cilento said she was just going off the conversation with the Army Corps of Engineers. The infographic wasn't meant to be anything binding.

Other: Lumberland Constables Chief Pat Cahill introduced himself as a later arrival and said the main reason he is here is because of the overflow parking at Rt. 31 and Rt. 97. He said this year they are also encountering speeding cars and have been keeping an eye on that. Boyar explained the discussion that occurred at the top of the agenda and a committee will be formed. Cahill said a lot more people are gravitating towards the outdoors but they do have extra law enforcement at these sites.

New Business

Ten Mile River Access Launch Area Feasibility: Ramie said there was an onsite meeting on 8/3 with engineer Eric Baird from JHA Companies. UDC's charge to Baird was to come up with a feasibility plan for what could be done there potentially to improve the boat access situation. She has yet to hear back from him. Ramie provided the committee with correspondence from 2015 on the plans for improvements under the Local Waterfront Revitalization Plan program coordinated by Sullivan County. It was a \$850,000 concept that was never implement beyond plans. She said it was considered a "pie in the sky- if money was no object, how would you improve Ten Mile River Access?" Ramie said she shared that correspondence with Baird at JHA. Henry recommended trying to reach out to JHA again.

NPS Upper Delaware Dwarf Wedgemussel Survey Project: Hamilton said NPS learned earlier this month that one of their projects was funded to resurvey the Dwarf Wedgemussel population in Callicoon. They had to compete nationwide for this funding through a service wide combined call and the work is scheduled to be done in 2022. Peckham asked if he could get a copy of any materials related to the studies done in 2010.

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Hamilton said Dwarf Wedgemussels are state and federally endangered mussels that were first found in the river in 2000 with the project they got funded to do a qualitative survey the length of the river. They actually snorkeled the entire 73.4 miles of river. They documented the relative abundance, diversity, and distribution of nine species of freshwater mussel for every 200-meter segment of the river. The following summer, they completed that survey down through the Delaware Water Gap. Freshwater mussels make up the greatest animal biomass in the river and play an important role through their filtering that contributes to water quality, clarity, and nutrient processes. Hamilton said Dwarf Wedgemussels are spread out; there are three subpopulations over a 22 miles section of river from Frisbee Island down to Callicoon. Callicoon's population is the most vulnerable. NPS has advocated for minimum flows of the river at Callicoon to support these Dwarf Wedgemussels. Mostly they've been able to get successive studies done to determine the size and extent of the Dwarf Wedgemussel population, flows needed to sustain them, and information on their host fish. All these fresh water mussel species reproduce by their larvae living parasitically on that specific host fish. Hamilton said when this study is done, hopefully they will have a better understanding of how that population is doing, where they exist within the site, and the flow recommendations they make for Callicoon will be more valid. Boyar asked if any other mussels in the river are endangered or threatened? Hamilton said there are some State threatened mussels such as the Brook Floater Mussel and that the Alewife Floater is a critically imperiled mussel.

Delaware River Flow and Storage Report: A copy of the 8/17 DRBC Hydrologic Conditions Report was provided in members' packets. Total combined storage was at 82.8%.

8/15 "Get Trashed" River Cleanup Report: Cilento said she and Hall-Bagdonas participated at the Delaware River Club's clean-up event on 8/15. They kayaked almost six-river miles and spent five hours on the river. There were 96 tires collected, a lot of cans and bottles, and an old sign that had fallen down from the highway into the river bed. Cilento said it was a great day on the river and the Delaware River Club appreciated UDC's \$500 contribution. Hamilton said it looks like a good effort based on the report in the packets.

Other: Boyar asked what action should follow the forum held earlier, wondering whether the UDC is the appropriate entity for this. Ramie said she feels one of UDC's roles is to be a facilitator because we are representing the partnership of federal, state, and local interests and it seems logical for us to reach out. A Motion by Henry seconded by Dudko tasking Ramie with inviting the appropriate people for the Increased River Visitation Traffic committee and making Cilento or Ramie the head of the Committee carried, with a focus on the Mongaup Access and Hawk's Nest areas as the most problematic areas. Hamilton said he could provide a contact for Eagle Creek which owns the property across from the Mongaup Access. Supervisors for those towns should also be invited to participate on the task force.

Public Comment: Henry received a report from Tony Ritter about bungee jumping off the Basket Bridge in Long Eddy. He contacted NPS Chief Ranger Winslow after he was given the name of the business "Jump for Joy LLC". Henry said then Ritter said it was hear-say which he relayed that information to Winslow. He contacted Jim Greier who said he did not hear anything about this issue. The last message Henry received was that the Town's Assistant Highway Supervisor said that one of the workers did heard something about it. It's under investigation.

Boyar asked Hamilton to update the committee on the invasive fish, the Northern Snakehead. Hamilton said they got word a few weeks ago that someone caught a Northern Snakehead in Callicoon. Jeff Dexter also reported one had been caught further down river. These are very voracious predators. This is the first they've been caught in the Upper Delaware. Hamilton said he can share a plan with trying to control this invasive fish. They are hoping it doesn't get established up here. He said there is room for education and they can put information out. Jessica Newbern of the NPS was getting in touch with Catskill Regional Invasive Species Partnership, of which NPS is a member. Hamilton said if you catch one, kill it. Don't throw it back. Boch said this would be an appropriate subject for a press release with a photo.

Adjournment: A motion by Boyar seconded by Henry, to adjourn the meeting at 8:45 p.m. was carried.