

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
March 20, 2018

Committee Members Present: Fred Peckham, Jim Greier, Al Henry, Doug Case, Roger Saumure (for Shohola)
Committee Members Absent: Debra Conway, Patricia Jeffer
NPS Partner: Don Hamilton
Staff: Laurie Ramie, Pete Golod, Linda Drollinger
Guests: Evan Padua with friend, Abby

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, March 20, 2018 at the Council Office in Narrowsburg, NY. Chairperson Fred Peckham called the meeting to order at 7:00 p.m. A motion by Henry, seconded by Case, to approve the February 20 meeting minutes, carried. There was no public comment on the agenda.

Old Business:

Upper Delaware Scenic Byway February 26, 2018 Meeting Minutes: UDC Executive Director Laurie Ramie presented a synopsis of the February 26 Upper Delaware Scenic Byway meeting. UDSB Chairperson Glenn Pontier introduced the new coordinator of the New York State Scenic Byways on behalf of the Department of Transportation, Christine Colley, who participated in the meeting via speaker phone. Guest Jacquie Leventoff of the Mid-Hudson Regional Economic Development Council (MHREDC) was invited by UDSB to explain the New York State Consolidated Funding Application (CFA) process. MHREDC is comprised of 15 members; Leventoff is the only member (and single vote) from Sullivan County. For the past five years, her council role has been that of business person volunteer. She explained the lengthy application procedure for CFA grants, and said that New York Economic Development funding is the most competitive of all state programs. Each council can award 20 points per project application. The focus in recent years has been on workforce development. Solicitation for applications will come out in late April, with applications due the first week of July. Award decisions are typically announced in early December. Leventoff said letters of support should come not just from the typical elected officials and chambers of commerce but also from other partner organizations. Applications require a match to demonstrate local investment. More information is available at www.nysregionalcouncil.com.

New tax law changes plus a \$20,000 grant from Sullivan County have necessitated a more complicated UDSB tax return this year, costing an estimated \$500 to prepare; the committee approved payment to Terry Whitt, CPA, who has handled UDSB filings in years past, for preparation of this year's return.

Applications for 2018 Butterfly Habitat Promotion Grants are due to UDSB by the third Monday of the month, for vote at UDSB fourth Monday meetings.

Under public comment, Ed Wesely highlighted deficiencies of the NYS DEC Skinners Falls Access site in a slide presentation showing tangles of Japanese Knotweed, an invasive species harming the river ecosystem as it obstructs views of it, and potholes in the parking lot. Calling the site disgraceful, he thanked the UDSB for funding pollinator projects. Artist Todd Lantz promoted the installation of butterfly sculptures along the byway. The idea would be to create a trail of pollinator gardens and no-mow zones designated by a series of brightly-colored butterfly sculptures. The UDSB offered conceptual support to Lantz and will welcome related applications to its Butterfly Habitat Promotion Grants Program, but Larry Richardson made clear that the approval motion does not bind UDSB to any agreement with Lantz or to monetary support of his proposal. WU/RM Committee members questioned the practicality of the sculpture project, saying large, heavy objects lining a road could pose a danger to drivers and pedestrians and would probably be stolen anyway. John Pizzolato reported that the Greater Barryville Chamber of Commerce has obtained a grant through Sullivan County for Rt. 97 signage, and will hold a contest for local artists to design and sponsor "Welcome to Barryville" banners celebrating an art and nature connection.

Nationally-renowned land use speaker Ed McMahon has confirmed his availability for the UDSB Scenic Values presentation on July 21 at the Narrowsburg Union, and has consented to do an additional presentation, with Q&A period, in Hancock.

Sullivan Renaissance will host its Annual Conference on April 28 at Bethel Woods. This year's theme, "Love Where You Live," will be addressed by keynote speaker Peter Kageyama, author of a book with that title. UDSB will share an exhibit table with NPS to hand out UDSB literature.

The Dormitory Authority of the State of New York notified UDSB that the NY Economic Development Program still has a \$250,000 grant on the books for construction of a visitor center, despite notification years ago that the funds had been swept due to inactivity. Though the grant is insufficient to construct the visitor center as originally planned, the UDSB committee discussed modification of the original plan or other uses for the money. Partnerships with organizations, including the Cochetton Preservation Society, The Narrowsburg Union, and the Callicoon Depot are being discussed for existing sites.

One inquiry was received in response to the UDSB news release announcing funding for improving vistas from the highway, but that property owner is in the non-participating Town of Hancock. Non-participating towns may join UDSB at any time, pursuant to NYS legislation permitting designation in two phases, which eliminates the need for additional legislative action.

A fall 2018 contract for clearing overgrown vegetation and removing litter from the Hawks Nest section of Rt. 97 will begin October 1 and is expected to wrap up by November 30.

At the next UDSB meeting on March 26, a Nominating Committee will be appointed to develop a slate of officers for the annual meeting vote on April 23.

New Business:

NY-PA Joint Fisheries Investigation Plan – March 22 Meeting: The New York State Department of Environmental Conservation (NYSDEC) will host a public meeting at the Hancock High School on March 22 at 6 P.M. to discuss a new UDR Joint Fisheries Investigation Plan. The plan is an unprecedented interstate collaboration between NYSDEC and the Pennsylvania Fish and Boat Commission (PFBC) to launch a three-year program aimed at enhancing scientific knowledge of the Upper Delaware River cold water fishery. The stated goal of the plan is to "enable professional resource managers, recreational users of the river, and all watershed stakeholders to gain a better understanding of the biological conditions of the fishery and the health of the aquatic habitat that supports this tremendous natural resource." Information acquired is intended to complement the recently adopted 2017 Flexible Flow Management Program (FFMP) by filling data gaps associated with the condition of the fishery. Golod, Peckham, Hamilton and Padua (a fishing guide) plan to attend. Peckham said the plan itinerary sounds as though it will be little more than a "trout counting" project. Peckham worried that river flow would be adjusted to benefit trout to the detriment of other fish species and that the catch-and-release fishing policy inherent to the project would discourage fishermen, especially young ones. Hamilton noted that there are 53 species of fish in the Upper Delaware. Padua said they all deserve study, as do their prey: aquatic insects. A motion introduced by Henry, seconded by Case, to relay a WU/RM recommendation that all 53 fish species and aquatic insects be part of the plan focus, was carried. Hamilton, Padua and Peckham discussed the effects of river flow in fishery water temperature management. Padua said, in summer, flow can be reduced to 800 cfs; Hamilton said it has sometimes been as low as 500 cfs.

D&H Canal Bus Trip –April 29: A guided bus tour of the Delaware & Hudson Canal Company's gravity railroad between Carbondale and Honesdale and its canal between Honesdale and Lackawaxen will leave the Wayne County Visitor's Center from the lower parking lot on Commercial Street, Honesdale at 9 a.m. Stops will include Carbondale's Gravity Monument; Waymart Area Historical Society's Gravity Depot; White Mills Lock Tender House; D&H Canal Park at Lock 31; Lock House 22 and its locks, and the Roebling Aqueduct/Bridge in Lackawaxen; lunch at Cora's 1850 Bistro, followed by an optional tour of Wayne County Historical Society's main museum, with its D&H Canal exhibit. Early registration is encouraged; there are 29 seats only. For ticket purchase (\$45 per person), call 570-253-3240. Payment must be received by April 15. Ramie noted this is the first bus trip of D&H Canal sites that the D&H Transportation Heritage Council has sponsored. If successful, more segments will be offered.

Delaware River Flow and Storage Report: Committee members reviewed the New York City Delaware River Basin Storage Report, showing total storage of 94.1% as of March 15. Normal capacity is 90.4%.

Other: Henry asked Hamilton for clarification of an item in the NPS Upper Delaware Scenic and Recreational River's FY 2018 Work Plan which states that the NPS will conduct Section 7 review for water projects beyond the corridor boundary under the Wild and Scenic Rivers Act (WSRA). Hamilton asserted that any practice or action that "would invade or unreasonably diminish resources of the park" is subject to NPS enforcement, regardless of location. Henry argued that NPS enforcement, as outlined in the River Management Plan, is limited to park boundaries, defined as "the river's normal high water mark." Hamilton also defined enforcement to include denial or suspension of a violating facility's operating license. NPS can have an influence over the outcome of other permitting requirements at the federal level. Greier quoted from Page 17 of the River Management Plan as follows:

"The commerce clause of the U.S. Constitution gives the federal government the authority to regulate certain interstate resources, such as water and air. The National Park Service shares jurisdiction with the states for activities in and on the river relating to recreational use. This jurisdiction does not apply to the bottom of the river or land areas in the Upper Delaware River corridor. The National Park Service also has proprietary jurisdiction over lands and structures which the agency owns and leases.

Federal regulations governing activities by the National Park Service have limited applicability within the Upper Delaware River corridor. Particular regulations covering National Park Service activities are included in Title 36 of the Code of Federal Regulations. These regulations apply on the surface of the river and on lands owned or leased by the agency. They do not apply to private lands in the river corridor."

Public Comment: None

Adjournment: A motion by Greier, seconded by Case, to adjourn the meeting at 7:56 p.m. was carried.

Minutes prepared by Linda Drollinger, 3/23/18