

## **UPPER DELAWARE COUNCIL MEETING MINUTES**

### **October 2, 2014**

The Upper Delaware Council held its monthly meeting on Thursday, October 2, 2014 at the Council office in Narrowsburg, NY. Chairperson Andy Boyar called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold Roeder, Town of Cohecton-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajs, Town of Deerpark-David Dean, Berlin Township-Alan Henry, Lackawaxen Township-Camille James, Commonwealth of Pennsylvania-Rhonda Manning, Delaware River Basin Commission-Clarke Rupert, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Also in attendance: Ginny Dudko, Deerpark Alternate and Debra Conway, Highland Alternate. Absent: Damascus Township, Shohola Township, Westfall Township, State of New York.

**Presentation by Jennifer Cristobal of Environmental Planning & Design, LLC: Technical Review Report of the Upper Delaware River Management Plan:** Boyar introduced Jennifer Cristobal of Environmental Planning & Design (EP&D). Cristobal said that EP&D, located in Pittsburgh, PA, provides public and private clients landscape architectural, urban design and community planning services. She noted that she is both a planner and a landscape architect. Cristobal said her firm responded to a Request for Proposals (RFP) to conduct a technical review of The River Management Plan. Copies of the draft report were provided to members. Cristobal noted that the purpose of the technical review was to inventory and document areas of the River Management Plan (RMP) that likely should be revisited or even modified under the process outlined/described in the Plan. The report identifies a number of items and issues including inconsistencies among relevant documents, laws and policies, typographical errors and other issues related to the RMP. Cristobal said the primary role of the UDC through this process was to provide procedural guidance, editorial assistance, much background documentation, and input and insight through interviews. The technical review of the RMP examined the Plan document as well as a number of related documents, laws, ordinances and regulations. The technical review also examined the bylaws and work plans of the UDC. A list of documents reviewed was provided in the written report. Cristobal said a compilation of roles and responsibilities for the various governmental organizations, entities, and organizations was created. Ramie shared copies of this matrix. Cristobal said that a big piece of the task at hand was to identify whether the RMP was in compliance with federal, state, county, and local laws. It was determined that the Plan was written very generally and was designed to use existing laws to implement it. As a result, it has maintained compliance with most laws, regulations and rules at every level of government. Cristobal spoke about the Project Review process and determination of substantial conformance. She added she feels there are many options for modernizing the processes without even updating the Plan. Cristobal covered Land Use issues and listed a number of issues that are not directly addressed in the RMP. Cristobal noted that the Plan does not address invasive species. She reviewed some of the Plan organization, reference, and editorial observations. Cristobal concluded that the RMP has, by all accounts, been successful in both its longevity and ability to prevent incompatible development within the river corridor. It is general enough to be in compliance with most state and federal laws and has been implemented in a flexible manner to accommodate variations where needed. While a number of issues have been identified, none are so egregious that they would warrant extreme concern. However, when taken

together, the issues could point to the need to consider updating the Plan. The RMP explicitly anticipates updates and amendments. Cristobal said that from November 2001 to May 2002, the RMP was reviewed by UDC Committees. This review identified a significant question: Is scenic quality defined from the river or from the highway? She feels that resolving this question would help to guide the UDC and others in the implementation of the RMP in the coming years.

Boyar suggested that members take the time to read through the written draft report provided to them and provide any comments to Ramie. Richardson commented that he looks at the report as a “working document.” Greier said he would like to share the report with his town board. Boyar noted that each representative handles their relationship with their boards differently and it is the responsibility of the Council member (representative) to represent the town in accordance with their expectation. Cristobal commented that the report does not contain any recommendations. After a brief discussion, it was decided that October 29<sup>th</sup> would be the deadline for providing comments to Ramie. Dean questioned if the consultants had satisfied their part of the contract. Ramie said that finalization of the report is the final step. Ramie said the report and the list of roles and responsibilities will be sent to each member electronically and it will be up to the member to distribute it to who they feel is appropriate. After a brief discussion, it was decided that any comments would come through the UDC representative. T. O’Dell commented that the contract with EP&D was for them to do the review and present a report. He doesn’t feel any changes are to be made or anything needs to be voted on. Peckham said he agrees with O’Dell. Ramie does not anticipate many comments as the report is simply a recitation of what is in the plan and what isn’t there. Dean thanked Cristobal for the work that went into this project. Ramie stated she was great to work with.

**Approval of September 4 Meeting Minutes:** A motion by Peckham, seconded by Dean to approve the September 4 meeting minutes was carried.

**Public Comment on the Agenda:** None

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were September 16 Water Use/Resource Management by Al Henry, September 9 and September 23 Project Review by Larry Richardson and September 23 Operations by Andy Boyar.

Greier questioned Sullivan County’s qualification for a Technical Assistance Grant. Ramie told him that member towns and their encompassing counties are eligible to apply for these grants.

### **Status Reports**

**Delaware River Basin Commission:** Rupert noted that today marks the 46<sup>th</sup> anniversary of the signing of the National Wild and Scenic Rivers Act by President Johnson. It was ten years later that the Upper Delaware and the middle portion of the main stem were designated. He said that the National Park Service’s web site reports that the U.S. has 3.5 million miles of rivers, but only 12,598 river miles (just over one-quarter of one percent) are included in the National Wild and Scenic Rivers System (as of April 2012). The designation is just “an amazing accomplishment for our main stem Delaware River,” Rupert added.

Rupert reported on precipitation deficits in the last 60 days in the region. He stated that Wayne County is -4.6”; Pike County is -4.4”; Delaware County is -4.7”; and Sullivan County is -5.8”. He shared a 90 Day Departures from Average chart for the time period of July 3<sup>rd</sup> through September 30<sup>th</sup> with members. Rupert noted that the US Drought Monitor, released weekly, does show that currently, a good portion of the watershed is characterized as “abnormally dry” with a very small portion characterized as “moderate drought”. Rupert reported that combined New York City reservoir levels are currently at 68.6% which is just above the long-term median, but approximately 30 billion gallons below where we were last year at this time. Rupert reported on Delaware flows are Montague noting they are at what the median would be for the long term. This is a result of directed releases, he stated. The Office of the Delaware River Master continues to direct releases out of the New York City Reservoirs to meet the targets. He said the DRBC has also directed releases from Army Corps of Engineers reservoirs in the Lower Basin. Rupert shared a precipitation forecast chart with members noting that lately, the forecast of precipitation has not panned out to what we actually receive. He said that during a Flood Advisory Committee meeting recently, representatives from the Weather Service said that we have a 60 – 65% chance of being in an El Nino

pattern during the fall and winter. Rupert explained that El Nino typically corresponds to a less active Atlantic hurricane season and can indicate a more active winter season.

Rupert said that new DRBC Executive Director Steve Tambini officially took office on August 1<sup>st</sup> and was sworn in on August 14<sup>th</sup>. An article in the upcoming Fall/Winter edition of "The Upper Delaware" newsletter will contain an article about the swearing-in ceremony. Tambini plans to attend a UDC meeting as soon as he can.

DRBC held its most recent public hearing and business meeting on September 9<sup>th</sup> and 10<sup>th</sup>, Rupert noted. The Basin Plan Implementation 10<sup>th</sup> Annual Progress Report was released. The basin plan is a 30-year, goal-based framework that serves as a guide for all governmental and non-governmental stakeholders whose actions affect water resources in the basin. This report is available on the DRBC website, Rupert stated.

Rupert said in response to a question raised at a previous UDC meeting that the DRBC's recreation maps do delineate river miles on them. He said the maps are available for sale on the DRBC website and he shared a set of the maps with members. There is a section on the DRBC website that shows the river mile information in a tabular format. Mile zero is located at the mouth of the Delaware Bay and Mile 330.7 is the "head" (or beginning) of the main stem Delaware River, where the East Branch of the Delaware meets the West Branch near the town of Hancock, New York.

Rupert noted that the Delaware River Sojourn celebrated its 20<sup>th</sup> year this year. He said that their second annual fundraising dinner will be held from 5 p.m. to 9 p.m. on Sunday, October 12, 2014 at The Shawnee Inn and Golf Resort, Shawnee on Delaware, Pa. Details are available on the Delaware River Sojourn website.

Boyar suggested it would be "neat" to have the river miles on the river mural done by Sandy Schultz in the large meeting room.

**NYS Dept. of Environmental Conservation:** No report in the absence of Representative Bill Rudge.

**PA Dept. of Environmental Protection:** Manning said she had nothing relevant to the Upper Delaware River to report on at this meeting.

**National Park Service-Upper Delaware:** Heister reported that a Cultural Landscape Inventory was recently completed on the Zane Grey house. The Cultural Landscapes Inventory (CLI) is a comprehensive inventory of all culturally and historically significant landscapes within the National Park System. The CLI records each landscape's location, historical development, existing conditions, and management information. It is hoped that inventories will be completed on Corwin Farms and the Roebbling Bridge in FY 2015. Heister said she will share final reports of these inventories with the Council.

Heister said the Delaware Basin Federal Interagency Team, of which she represents the National Park Service, met with the new federal representative Lieutenant Colonel Michael A. Bliss. Bliss represents the federal vote on the DRBC, she added. The purpose of the meeting was to educate Bliss on each of the federal agencies and some of the unique situations such as the joint management structure in the Upper Delaware.

Heister reported that Loren Goering, NPS Chief of Maintenance, returns to the Upper Delaware on October 20<sup>th</sup> after fulfilling an acting superintendent position at Fort Stanwix National Historic Site in Rome, New York.

Heister noted that NPS met with many partners in the past week including the Delaware Riverkeeper and National Canoe Safety Patrol. They attended the Upper Delaware River Tailwaters Coalition (UDRTC) conference on September 12<sup>th</sup>. She stated that October is a very busy month. Performance evaluations will be performed, budgeting will be conducted, and work plans will be updated. Heister said NPS will also be meeting with Penn DOT on October 15<sup>th</sup> regarding the Pond Eddy Bridge. She will provide the Council with an update after this meeting.

**UDC Executive Director's Report:** Ramie stated we had a "strong" finish to FY 2014, noting all the improvements to the UDC office and series of energy efficiency upgrades. She encouraged members to take the time and look at all the new Dave Soete photos exhibited throughout the building.

Referring to the River Management Plan Technical Review Report, Ramie asked members if they wanted to set a policy on the release of the draft report. After a brief discussion, members agreed that it should not be released until it is finalized.

Ramie shared copies of both the old Design Handbook and the updated, color version. On August 7<sup>th</sup> the bid of W Design was approved. O'Dell took the lead working on this project with Dorene Warner. The book contains the same text from the Land and Water Use Guidelines, however, it has a more contemporary layout, better organization, new photos, updated and colored illustrations, and updated phone numbers for town and township contacts. The work scope of this project was to produce a print-ready and web friendly PDF by September 30<sup>th</sup>. The bid did not include printing hard copies, but estimates were provided for various formats. Ramie said she proposes seeking possible grant sources for the printing of the handbook.

Ramie commented that the latest issue of "The Upper Delaware" newsletter was turned over to the printer on September 22<sup>nd</sup>. The proof was received and returned on September 29<sup>th</sup>. The printed copies are not yet available, although the contract stated they would be on October 1<sup>st</sup>. Ramie said she intends to include a late penalty in the FY 2015 contract as incentive as the newsletter delivery has been repeatedly late.

Ramie referred members to the October 2014 calendar of UDC Meetings, Activities and Deadlines provided in their packets. Quarterly meetings for the month include Catskill Regional Invasive Species Partnership (CRISP) on October 3; Common Waters on October 9<sup>th</sup>; and the D&H Transportation Heritage Council on October 22<sup>nd</sup> in High Falls, N.Y. Ramie said that at the October 21<sup>st</sup> WU/RM meeting, a joint presentation with NPS from the September 15 – 18 Gas Summit will be given. She encouraged any interested members to attend. She stated that an invitation to a new exhibit opening for "Celebrating Catskill Waters: Past & Present" at the Time and The Valleys Museum in Grahamsville on October 9<sup>th</sup> was received. Speakers at the opening include Congressman Gibson, Senator Bonacic, and NYC DEP Commissioner Emily Lloyd. Ramie noted that she and T. O'Dell are registered for the Friends of the Upper Delaware River's "Water, Water Everywhere" conference on October 14<sup>th</sup> and 15<sup>th</sup>. A copy of the agenda was provided in members' packets for anyone interested.

Ramie reported that a UDC t-shirt has been contributed as a raffle prize to the Delaware River Sojourn benefit dinner taking place on October 12<sup>th</sup>. She said that she, T. O'Dell and C. Odell all participated in the Equinunk Watershed Alliance's Strides II 5K Run/Walk on September 20<sup>th</sup> which was inspired by Strides I which the UDC hosted in recognition of its 25<sup>th</sup> Anniversary in 2013. Ramie showed the t-shirt handed out at the event which lists the Upper Delaware Council as one of its sponsors on the back of the shirt. She noted that Peckham was at the event as a volunteer as he also serves on the board of the EWA.

Ramie said a presentation on the "Acoustic Monitoring of Bats in the River Valley" by Dr. Howard Whidden and students from East Stroudsburg University has been arranged by NPS Chief of Natural Resources Don Hamilton for the UDC November 6<sup>th</sup> meeting.

### **Old Business:**

**Other:** Roeder said he recently purchased a whole set of "The Echo" newsletters produced by the Basket Historical Society since 1980. He referred to the set as "fascinating" and shared a story from the first issue about a mid-1930 Long Eddy High School graduating class trip to Washington D.C.

### **New Business**

**Draft Resolution 2014-12: Resolution Approving FY 2015 Technical Assistance Grants:** A motion to approve the resolution was made by Rajsasz, seconded by Greier and carried with Dean voting no. The approved projects and awards were:

<u>#</u>	<u>Applicant</u>	<u>Project</u>	<u>Amount</u>
01	Highland (Town of)	Create Soil Maps & Update Town's Zoning Maps to include overlay of The River Corridor	\$542.00
02	Highland (Town of)	Update and Improve Town's Website	\$1,500.00

03	Fremont (Town of)	Print/Distribute "The Echo" Publication of the Basket Historical Society	\$1,134.00
04	Lumberland (Town of)	Create Topographic Maps and Purchase Code Enforcement Software	\$2,800.00
05	Delaware (Town of)	Codify Local Laws and Ordinances	\$6,670.00
06	Damascus Township	Revise Township Communications Ordinance	\$2,500.00
07	Tusten (Town of)	Create Topographic Maps	\$552.00
08	Shohola Township	Produce History Related Kiosks Panels	\$3,900.00
09	Fremont (Town of)	Purchase Code Enforcement Software	\$4,018.00
10	Berlin Township	Publish Sanitary Sewer Manual and Print Sign & Subdivision Ordinances	\$2,312.00
11	Sullivan County	Eagle Education Initiative Only	<u>\$3,000.00</u>
TOTAL:			\$28,928.00

**Draft Resolution 2014-13: Authorizing Signatories for New Banking Accounts:** A motion to approve the resolution adopting a Corporate Resolution and authorizing the UDC Chairperson, Vice-Chairperson, Secretary/Treasurer, and Executive Director to submit signature cards for the new accounts at Jeff Bank was made by Richardson, seconded by Peckham and carried.

**Other:** Boyar welcomed Camille James, Lackawaxen second alternate, representing that township at the meeting.

**Public Comment:** Buck Moorhead announced that the Confluence Project was set to be revealed in the Boiler Room of the Hawley Silk Mill October 5 from 4 – 6 p.m. He explained that the overall Confluence project is to develop self-guided, place-based audio tours centered on the people, places and stories of the Upper Delaware River watershed. The project includes a new website that allows visitors to hear the voices of local persons, share their stories, and speak about why they love the area. He referred to the project as an economic driver to the region. The first town being showcased is Hawley, PA with hopes of showcasing a New York town next.

Dudko asked about the status of the oral history tapes that the Park Service has. Heister says she is waiting for the hiring of a Cultural Resource Specialist to advise her on this project. Sullivan questioned if this is in their budget. Heister told her that it is.

**Adjournment:** A motion by Roeder, seconded by Rajszyk, to adjourn the meeting at 8:40 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 10/16/14*