

UPPER DELAWARE COUNCIL MEETING MINUTES

February 6, 2014

The Upper Delaware Council held its monthly meeting on Thursday, February 6, 2014 at the Council office in Narrowsburg, NY. Chairperson Andy Boyar called the meeting to order at 7:09 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, Jr., 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, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Shohola Township-Patricia Jeffer, State of New York-Bill Rudge, Delaware River Basin Commission-Carol Collier, National Park Service-Malcolm Wilbur. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Also in attendance: Tony Ritter, Town of Tusten alternate; Ginny Dudko, Town of Deerpark alternate; Jenny Mellan, Town of Lumberland alternate; Debra Conway, Town of Highland alternate. Absent: Lackawaxen Township, Westfall Township, Commonwealth of Pennsylvania.

Rajs introduced Jenny Mellan, the new Town of Lumberland alternate to the Upper Delaware Council. Boyar welcomed Malcolm Wilbur, the acting superintendent for the National Park Service. Boyar noted the agenda would be juggled a bit as he would like Paula Brown, a representative from Congressman Chris Gibson's office, to be present for the Upper Delaware River Coldwater Fishing and Boating Economic Impact Study. He noted he would really like to open a dialogue between the UDC and Congressman Gibson.

Approval of January 9 Meeting Minutes: A motion by Rajs seconded by Roeder to approve the January 9 meeting minutes was carried unanimously.

Public Comment on the Agenda: Barbara Arrindell, director of Damascus Citizens for Sustainability, questioned whether an individual who works for the gas industry can actually represent the economic impact of the fishing industry. Boyar thanked Arrindell for her comment and suggested waiting to hear the results of the report.

Committee Reports: Committee reports were provided based on the meeting minutes. The January 21st Water Use/Resource Management Committee meeting was cancelled due to weather. Boyar reported on the January 28th Operations Committee meeting. The Swearing In of the 2014 Officers and special presentation took place before the Project Review Committee report. Richardson reported on the January 28th Project Review Committee meeting.

Swearing In of 2014 Officers: Boyar introduced Paula Brown and told her the need for the Upper Delaware Council to have a better relationship and communications with the Congressman's office had been discussed. He told her that the Council appreciates her being here and we hope that she will bring the message back to the congressman. The new officers: Chairperson Andrew Boyar, Vice-Chairperson Patricia Jeffer, and Secretary/Treasurer Alan Henry, took their oaths during a swearing-in ceremony officiated by Paula Brown, Constituent Services Representative for Congressman Chris Gibson (NY-19).

Brown noted that Congressman Gibson was not able to be here as he was in Washington, D.C. She said he is involved with many different issues, he is paying attention to what is going on, and she feels we will be very happy with his representation.

Presentation of Results of an Upper Delaware River Coldwater Fishing and Boating Economic Impact Study by Jeff Skelding, executive director of the Friends of the Upper Delaware River; Tom Shepstone of Shepstone Management Company; and Bill Willis of the Delaware County Office of Economic Development: Boyar provided some information on the background of the UDC's Technical Assistance Grants. He noted that the Town of Hancock applied to do an economic study in conjunction with the Delaware County Office of Economic Development to develop promotional materials to demonstrate how improved releases will help stimulate the local and regional economy in the Upper Delaware Region. Jeff Skelding, executive director of the Friends of the Upper Delaware River, said economic studies on water resources are important factors to educate decision makers about different issues. He hopes this particular study can also be used to influence the next water release management plan for the Delaware Basin reservoirs which is due out on June 1st. He hopes this study can be used in many venues in educating decision makers about why these issues are important from an economic perspective. Bill Willis of the Delaware County Office of Economic Development noted some changes that will be made to the first slide of the presentation. He thanked the UDC for their grant and said he hopes the study will have a positive impact. Willis introduced Tom Shepstone and noted that before hiring him, it was discussed that gas drilling is contentious issue, but that this is an economic study and the gas issue has no bearing on what this economic study is about. Shepstone said the genesis of the study is to try and develop some arsenal of data that documents the value of the cold water fishery. He noted this information is needed to have a reasonable discussion with New York City to move things forward to hopefully to secure a better schedule of releases. Shepstone provided data on the direct economic contributions of cold water fishery today and spoke of the potential economic gains from a more consistent release regimen. He stated that 78 miles of cold water fishery is affected by releases from the Cannonsville and Pepacton reservoirs. Data was provided for the West Branch of the Delaware River showing there were 15 weekends in 2013, 26 in 2012, and 3 in 2011 during which the weekend flows were lower than 725cfs or immediately preceded by such low flows that would lead anglers to expect poor weekend fishing conditions thus affecting the economy. Results of a survey sent out to local businesses were shared. The survey showed that the three main reasons the people that are patronizing the businesses are in the area are: (1) angling/fishing; (2) second home visiting; and (3) boating, canoeing, kayaking, rafting. Many charts were shown during the PowerPoint presentation. In conclusion, Shepstone values the river at \$230 million with the potential of an additional \$152 million more by having a more consistent water releases program. The whole presentation is available at <http://www.shepstone.net/FishingStudyPresentation.pdf>. A brief question and answer session took place after the presentation. Boyar asked Shepstone when the study will be completed. Shepstone said he would like to have it done in the next couple of weeks. Henry suggested the measurement cubic feet per second (cfs) be used in the study for consistency.

Status Reports

Delaware River Basin Commission: Collier noted that this is her last official UDC meeting. She commended the Council on the incredible job they are doing getting the river communities working together to really focus on the factors that are so critical to this area. She said she has enjoyed being part of this group for the last 15 years and working with the current members as well as past members and staff.

Collier referred to the hydrology report included in members' packets. She stated that things are good right now and spoke of ice and snow pack.

Collier said that the Commonwealth of Pennsylvania came out with their proposed budget and it has a \$500,000 cut for the DRBC, which is half of their budget. She is not clear of the reason for this cut, but is questioning it. A reduction of this size to their budget could result in a reduction to the staff at a time when the commissioners are asking more and more of them. She referred to this news as "a shock to the system."

NYS Dept. of Environmental Conservation: Rudge referred to three news releases in members' packets. They were titled: (1) "DEC Proposes Regulatory Changes to Prevent the Introduction of Aquatic Invasive Species at Boat Launches" dated January 9, 2014; (2) "DEC's Saratoga Tree Nursery Kicks Off Annual Tree and Shrub Seedling Sale and School Seedling Program" dated February 4, 2014; and (3) "DEC Accepting Applications For Pheasant Release Program" dated February 6, 2014.

Rudge spoke of the first news release noting the DEC is proposing new regulations to prevent the introduction and spread of aquatic invasive species (AIS) at DEC boat launches. The proposed regulatory changes require boaters to remove all visible plants and animals from boats, trailers and associated equipment and to drain boats before launching at or leaving a DEC boat launch and waterway access. The DEC will accept public comments on the proposal through February 24, 2014. The full text of the proposed regulation can be found on DEC's website at www.dec.ny.gov/regulations/propregulations.html. Boyar noted that the Delaware has many rentals such as canoes, kayaks and rafts and questioned how those crafts would be impacted. Rudge stated that if the boats would be staying on the Delaware throughout the summer, they would not have to be cleaned between every use. Peckham questioned if there has been any coordination with Pennsylvania on these regulations. Rudge said they are communicating with the adjoining state. Discussion about who would enforce these regulations took place. Rudge reiterated the intent of these proposed regulations is to prevent the spread of invasive species. Boyar suggested this issue be referred to the WU/RM Committee for further discussion at their February 18th meeting.

Rudge said the Saratoga Tree Nursery is a good source of trees and shrubs. The 2014 Tree and Shrub brochure can be found on the DEC's website at www.dec.ny.gov/animals/9395.html.

PA Dept. of Conservation & Natural Resources: No report in the absence of the Commonwealth of Pennsylvania.

National Park Service-Upper Delaware: Wilbur stated he looks forward to working with the Council over the next few months. He shared the process that the Park Service goes through when a successor for a superintendent is sought.

Wilbur said he spoke to the interpretive staff that is working on the oral history project. He said they expect to have the tapes digitized within the next couple of months. He questioned what the next step is once these tapes are available in a digital format. He said he has asked NPS staff to develop a list of those that were interviewed, but for whom no release forms are on file in order for the Council to help locating family of those individuals. Richardson said he hopes that once this project is complete, there is some mechanism available where historical societies will be able to gain access to the recordings. Wilbur said he is pursuing the concept of having the information available on-line. T. O'Dell questioned needing release forms if there was not such a law in place at the time the interview took place. Wilbur said he believes the release forms will be required.

Wilbur reported that a fisherman considers himself lucky to be alive after falling into the waters of the Delaware River on Monday, January 20th. Before launching his canoe, the fisherman just happened to read a sign on the access bulletin board that stated "Mandatory Wear of the Life Jacket Nov. 1st – April 30th". The fisherman stated that "This sign saved my life." He made the lifesaving decision to put on his life jacket which made all the difference that day. Wilbur understands that this individual is willing to record a public service message as a first-person testimonial of the effectiveness of the water safety program.

UDC Executive Director's Report: Ramie provided a federal funding update. On February 4, the Northeast Region executed Modification #15 to our Cooperative Agreement which authorized a deposit into the UDC account to cover the period of Jan. 16 through Feb. 15. It is hoped that Modification #16 will cover the rest of the fiscal year.

Ramie referred members to the response we received from the NPS to our inquiry about New York State's increase in the income threshold to require non-profit organizations to file an independent audit. New York was at \$250,000 but will raise that to \$500,000 as of July 1, 2014. Pennsylvania requires audits for \$300,000 and above. The federal government requires it for \$500,000 or more. The UDC's federal funding is \$276,000. Ramie said that her interpretation is that, after FY 2014, the UDC could opt to have a financial review done instead of the audit, which would cut costs for this service approximately in half.

Ramie reported that there are three new alternates to the UDC board. For the Town of Cochection, Sean Nearing replaces Ed Grund; in the Town of Lumberland, Jenny Mellan fills a vacancy; and in Damascus Township, Steven Adams replaces Joe Canfield. She said we await a Westfall appointment and are hopeful that will happen on February 11th. Ramie said she plans to send another letter regarding a Pennsylvania representative and alternate.

Ramie noted that the nomination period for our nine award categories for the 26th Annual Awards Ceremony is open through March 10th. The forms and a press release were provided in each member's packet and are available on the UDC website. A directory of past recipients is also available on the website. The banquet will take place on Sunday, April 27th at Henning's Local (formerly The Eldred Preserve) in Eldred. A keynote speaker is still being sought, Ramie said.

The Conflict of Interest statements were mailed out to every representative and alternate on January 21st with a request to return them by tonight. Ramie thanked those who returned them and said Odell will be in touch with the others so that the forms can be turned over to the Executive Committee, which consists of the chairs from the three standing committees, for review and sign-off.

Ramie said an Upper Delaware River Access Design Workshop will be held on February 27th at the Cochection Town Hall. A public open house will take place from 4 p.m. to 7:30 p.m. with a project presentation from 6:30 p.m. to 7:30 p.m. Sullivan County is currently working to improve river access in each of the six Sullivan County towns along the Delaware River. The goal is to improve and enhance existing river access points. Ramie said this is part of the Local Waterfront Revitalization Project in which the UDC has been participating on the steering committee. Heather Jacksy of the Sullivan County Division of Planning and Environmental Management is coordinating that project. Henry questioned if the Park Service is participating in this. He was told yes. Discussion took place about this project being reported to the WU/RM Committee. Ramie noted that any new information is reported to that committee. Henry noted that the River Management Plan speaks about what should be done regarding river accesses.

Ramie referenced the February calendar of UDC Meetings, Deadlines and Activities. She noted the UDC will take part in a NPS Transitional Management Assistance Program (TMAP) interview on February 19th.

Old Business: Jim Greier wanted to clarify that one of the banquet venue bidders, the Tennessean Lake Golf & Tennis Club, is indeed located in a member town.

Susan Sullivan asked Carol Collier about the DRBC federal funding noting that the UDC wrote a letter in support of DRBC funding restoration. Collier noted the federal government has only funded the DRBC once since 1996 and there is a legal requirement to provide 20% of the DRBC funds. Boyar said the UDC has to continue to follow this issue. Sullivan wanted to bring this up as there was a representative from Congressman Gibson's office present.

New Business:

Draft Letter to Environmental Quality Board: Comments on Proposed PA Chapter 78 Regs.: Boyar noted that this letter was vetted through the Project Review Committee at their January 28th meeting. Two drafts were provided in members' packets. A motion to approve the second draft of the letter was made by Richardson and seconded by Rajs. Henry questioned if the letters were sent to the supervisors of all the participating towns and townships. Ramie said they were not. Henry said it is his opinion that these letters should be sent out to all the local officials. Boyar said he feels it is the job of the UDC representative to communicate with their boards. Henry said he only received the first draft and feels communication needs to be improved and the elected officials should be included in correspondence. Boyar asked what the deadline is for getting comments in. Ramie said the deadline has been extended until March 14th. She added that as a general practice, sending correspondence to the elected officials has not been our policy; the information is shared with the representatives of the towns and townships and it has been considered that you, as the liaison, would seek out direction from your elected officials. Boyar said the communication process is something that should be addressed at a committee level. Richardson said he views his position here at the UDC as he is appointed to act in the best interest of the Town of Cochection and he does not feel his supervisor needs to be copied on everything that comes before the board. If he feels he does not have direction, he'll go back to his board and ask for direction. Boyar commented that it is up

to the Pennsylvania delegates to take the lead on a letter regarding Pennsylvania Chapter 78 regulations. After a brief discussion, a motion to table this letter and send it back to the Project Review Committee at their February 25th meeting, for action by the Council at the March meeting, was made by Roeder, seconded by Rajsz and carried.

Collier commented that the Delaware is a shared river and what happens on one side affects the other; that is why there is the UDC. It seems to her that there should be discussion across the river on an issue such as these regulations.

Resolution 2014-05: Resolution of Appreciation to Carol Collier, DRBC Executive Director: Boyar referenced the Resolution in members' packets. Sullivan wanted to share Carol Collier's June 24, 2008 presentation to the US House of Representatives' Subcommittee on Water Resources and the Environment. A copy of this was provided in members' packets as well. Sullivan shared some of what she felt were highlights from this. She added these "Self-Evident Truths About Water Management" express what the UDC does and has guided her philosophy in thinking about these watershed issues. She said that some sound so simple, yet are so difficult. Sullivan shared some of Collier's comments which included: "Water does not respect political boundaries"; "What happens on the land affects streams and rivers. You can not manage water without managing the land"; "There is only one water system. We must consider ground water & surface water; storm water, water supply and wastewater integrated as one system". Sullivan shared many more of Collier's comments. She added we do not know all the answers and stated that "water management is not unilateral, it is a collaborative process." She told Collier it has been great to have her with the UDC.

A motion to approve the Resolution was made by Sullivan and seconded by Henry. Boyar told Collier that the Council has really appreciated collaborating with her and that her input has been invaluable. He wished her the best in her retirement. Richardson asked that the Resolution be read. The Resolution read as follows:

A Resolution of Appreciation to Carol R. Collier

Whereas, The Delaware River Basin Commission (DRBC) has been a non-voting member of the Upper Delaware Council (UDC) since 1988, while the UDC has in turn been an active constituent of the interstate/federal compact agency's services in managing the water resources of the 13,539 square-mile Delaware River Basin; **and**

Whereas, Carol R. Collier began employment on August 31, 1998 as the third DRBC Executive Director since the Commission formed in 1961, succeeding Gerald M. Hansler; **and**

Whereas, Carol will retire from the DRBC on March 12, 2014 after a 15-year tenure in which she and a staff of 39 full-time professionals under her supervision were responsible for carrying out the directives of the Commission members representing New York, Pennsylvania, New Jersey, Delaware, and the United States; **and**

Whereas, Carol obtained a B.A. in Environmental Biology from Smith College and a Masters in Regional Planning from the University of Pennsylvania; was employed in the private sector for 19 years by BCM Environmental Engineers, working her way up the ladder from student intern to a vice-president; served two years as Southeast Regional Director for the Pennsylvania Department of Environmental Protection; and was tapped by Governor Tom Ridge to lead Pennsylvania's 21st Century Environment Commission before joining the DRBC; **and**

Whereas, Carol promoted a holistic view of water resources management as key to our economic and environmental future, and believed in making herself available to engage with stakeholders throughout the river basin and even international interests for mutual educational benefits;

Now, therefore, be it resolved that:

- (1) The Upper Delaware Council expresses appreciation to Carol R. Collier for her valuable contributions to this non-profit partnership organization over the past 15 years, *and*
- (2) The UDC offers its congratulations and best wishes to Carol on her retirement.

The motion to approve the resolution was carried unanimously.

Other: None

Public Comment: Bernie Handler of Damascus Township asked Carol Collier if she could comment any further on her statement that the Commissioners have asked DRBC staff to re-examine some of the technical aspects of the gas drilling. She said she could not.

Barbara Arrindell, director of Damascus Citizens for Sustainability, asked Collier about the process for finding a new Executive Director for the DRBC. Collier said the position was advertised and approximately 80 applications were received. A short list was developed and interviews were conducted. She does not know if a decision has been made yet. Arrindell asked who is making the decision. Collier told her it will be the Commissioners.

A group photo and reception will follow the business meeting, Boyar announced.

Adjournment: A motion by Rajszyk, seconded by Greier, to adjourn the meeting at 9:06 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 2/14/14