

UPPER DELAWARE COUNCIL MEETING MINUTES

March 6, 2014

The Upper Delaware Council held its monthly meeting on Thursday, March 6, 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.

Boyar introduced Timothy Dugan, the new Pennsylvania representative to the UDC. He thanked him for coming, noting that he travels from Allentown, PA.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Cochection-Larry Richardson, Town of Tusten- Susan Sullivan, Town of Highland-Andrew Boyar, Town of Lumberland-Nadia Rajs, Town of Deepark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-John McKay, Shohola Township-George Fluhr, Commonwealth of Pennsylvania-Timothy Dugan, 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 Deepark alternate; Jenny Mellan, Town of Lumberland alternate; Debra Conway, Town of Highland alternate. Absent: Town of Delaware, Westfall Township, State of New York, Delaware River Basin Commission.

Presentation by Karen Henry, Administrative Officer Upper Delaware SRR, on NPS Centennial

Kick-off: Wilbur noted this presentation is a private preview for staff and key partners of the National Park Service. The Park Service Centennial is in 2016. He asked members to think about how to leverage the NPS Centennial "Find Your Park" Campaign to the Upper Delaware Scenic and Recreational River's advantage. Wilbur said the National Park Service needs to increase its relevance to today's population for its second century of existence. By doing so, he hopes the NPS can form a better connection with the people. The ultimate goal, Wilbur said, is to increase support for the missions of the NPS and its partners. A National Park Service Centennial video hosted by the NPS Director Jon Jarvis was shown to members. K. Henry noted a key message is that the Centennial must be more than just a one-time celebration. She stated that 2016 is the time to re-introduce the National Park Service to the American people and raise awareness about all 401 parks and the work that the NPS does in the communities across the country. The National Park Foundation has the lead on the "Find Your Park" program. Henry shared a number of ideas with members for building an active community of supporters. Members were told they could share ideas or concerns with Odell who would forward them onto Henry. Henry said that in order for the program to be a success, we are all going to need to be involved. Richardson asked where someone could go to find a list of the National Parks, noting there are many parks within easy driving distance of most of the population. He was told to visit www.nps.gov.

Approval of February 6 Meeting Minutes: A motion by Rajs seconded by Richardson to approve the February 6 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were February 18 Water Use/Resource Management by Tony Ritter, February 25 Project Review by Larry Richardson, and February 25 by Andy Boyar.

Ritter announced that Phil Chase, former Deer Park Representative to the UDC, is to be honored as a first Catskill Legend at a dinner on Friday night April 4 in the Wulff Gallery on the Catskill Fly Fishing Center campus in Livingston Manor, N.Y. Catskill Legends are those individuals who have kept Catskill Fly Fishing on the front pages of fly fishing throughout the world.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of February 28 was at a combined capacity of 85% with Cannonsville at 86.5%.

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

PA Dept. of Conservation & Natural Resources: Dugan introduced himself, stating he looks forward to working with the Council. He noted he is the new District Forester for the Delaware State Forest District which covers all of Pike and Monroe counties. There are 86,000 acres of state forest land in the district. In addition to working on the state forest land, assistance is offered to private land owners with stewardship and in the management of their resources. Dugan told members if they have any questions about trees, they can feel free to ask him. Rhonda Manning, the River Basin Program Coordinator for the Department of Environmental Protection's Interstate Water Office, has been appointed as the Commonwealth's alternate and Dugan said he anticipates sharing the responsibility of attending the meetings with her. Richardson asked Dugan if he is experiencing invasive species in his district. Dugan said invasives are a very big threat and something they are dealing with. He said the Pennsylvania Department of Conservation and Natural Resources Bureau of Forestry has an Emerald Ash Borer (EAB) Management Plan which is a document to provide information and guidelines for local communities (counties, cities, boroughs and towns/townships) in Pennsylvania to prepare for the negative economic, social and environmental impact of Emerald Ash Borer on urban forests. Discussion took place about this invasive insect and treatments for protecting trees. Henry asked how close the EAB is. Dugan told him all of Pennsylvania is quarantined for the export of ash, but that it seems to be primarily west of the Susquehanna River. Dean asked if it is inevitable that all the ash will disappear. Dugan said he would not say that and explained his reasoning for his answer. He shared his opinion on cutting ash trees down, noting it is important to maintain diversity.

National Park Service-Upper Delaware: Wilbur reported that Michael Caldwell has been appointed the Regional Director for the National Park Service's Northeast Region. He succeeds Dennis Reidenbach in this position.

Wilbur said a news release was issued on March 3 regarding "Tourism to Upper Delaware Scenic and Recreational River Creates \$10,152,000 in Economic Benefit". He stated this is an annual report the National Park Service puts out to show people the economic value of having a park system unit in their area. To download the report, visit www.nature.nps.gov/socialscience/economics.cfm. The report includes information for visitor spending at individual parks and by state in 2012, the most recent data available.

Wilbur reported that in response to the UDC's request for a modern map of the Upper Delaware, created with Geographic Information Systems software, he has already met with the Delaware Water Gap staff as they have a much larger GIS staff. He plans to meet with Ramie and O'Dell to discuss details about the map. Wilbur suggested that digitizing zoning maps would be a good Technical Assistance Grant project for towns that do not have that done.

Wilbur said the NPS has issued a permit for repairs to start on the Pond Eddy Bridge beginning on March 10th.

Chuck Barscz, Manager of the National Wild and Scenic Rivers Program, Northeast Region/National Park Service, is planning on having a Northeast Region Partnership Wild and Scenic Rivers team meeting in mid-April at the Central House in Beach Lake, PA. The UDC will be invited to send a representative to this meeting, Wilbur noted. More details will be provided when available.

Management Assistant Carla Hahn recently attended an Appalachian Gateway Communities Regional Workshop as part of a seven-member team. The regional workshop was offered in partnership by the Appalachian Regional Commission, National Endowment for the Arts, The Conservation Fund, and National Trust for Historic Preservation. It was a three-day workshop that focused on specific trends and opportunities in Appalachian gateway communities related to sustainable drivers for economic development, cultural heritage and natural resource tourism, public arts promotion, and preservation and stewardship of community character. Wilbur said this was a good effort and opportunity for them to be engaged in.

Wilbur stated the Park Service Maintenance Division has been spending much time dealing with snow and snow related issues and announced the hiring of Brandon Diefenbach as a permanent part-time employee. He said he is "real happy to have Brandon on board."

Wilbur shared details of the Water Safety Program. He said that Chief Ranger Joe Hinkes has been selected to be a member of the Office of Public Risk Management's Drowning Prevention Board. He will share information we've learned here with parks across the whole country.

Wilbur said that a couple staff members continue to participate in the planning of the Zane Grey Catch-and-Release Fishing Derby.

Wilbur noted a Cultural Resources Management Team was invited to visit the area upon Dot Moon's retirement. Jerry Fabris, curator of the Thomas Edison National Historical Park, who specializes in Edison wax cylinder voice recording, spent some time here and provided good ideas and direction. Wilbur shared some of the action items the NPS is working on as a result which includes a 100% physical inventory of all the artifacts in the park's collection.

UDSRR received approval of a funding request for records management. A team will be here in about a month to go through Park Service and UDC archives, Wilbur reported.

Regarding the oral history project, progress is being made and the project is growing as more tapes have been found. He has requested that the tapes containing fishing stories be digitized first. He said they continue to research to determine if the tapes can be made available on-line as that was not an option when the recordings were done and releases signed. As the tapes are digitized, they will be available for listening in person at the Zane Grey Museum.

O'Dell asked Wilbur if the position left vacant as a result of Dot Moon's retirement will be filled. Wilbur said that is being evaluated.

Wilbur shared some of the comments from the Transitional Management Assistance Program (TMAP) team. One of the comments was "Relationships with local communities and agencies are improving." He added they pointed out that every division in the park has a role to play in nurturing, developing and maintaining partnerships. He has challenged the Park unit staff to think of ways to accomplish this.

Fluhr commented that at a recent Project Review Committee meeting, it became evident that there is a concern regarding the actual boundary of the corridor. He questioned if town zoning maps should be digitized prior to this determination. Wilbur said they are both needed in order for the UDC to do its job well. A very lengthy discussion regarding the corridor boundary, maps, and surveys took place. Boyar said that the Town of Highland's digitized map is going to be officially approved and it is their intention to share it with the Park Service and request that they show where the river corridor is. This information has impacts on the town's zoning and development, he added.

Brian Smith, Wayne County Commissioner, told Wilbur he is happy that the Park Service has hired Brandon Diefenbach as he is a nice young man and a local.

Ramie asked Wilbur when the records management team would be here. Wilbur said he believes it will be the end of March.

UDC Executive Director's Report: Ramie said she is pleased that we have achieved representation on the UDC board from every voting member. She said she was notified of the Pennsylvania appointments on February 27th by PA DCNR Secretary Ellen Ferretti. A news release announcing the recent additions to the board was issued on February 28th. Ramie referenced a copy of a letter from newly-appointed Northeast Regional Director Michael Caldwell acknowledging the UDC's vested interested in the selection of the next local superintendent that was provided in members' packets.

Ramie announced that nominations for the awards ceremony are due by Monday, March 10th. Winners will be announced after the Executive Committee finalizes the slate. The banquet will take place on Sunday, April 27, at Henning's Local in Eldred. Reservations will be due by April 18. Ramie continues to work on securing a keynote speaker for the event.

Ramie reported that she is actively composing the Spring/Summer edition of "The Upper Delaware" newsletter. It is due to the printer, Courier Printing of Deposit, NY, by March 21 and will be published on April 1st.

Ramie referenced the Communications Towers Workshop flyer in members' packets. She told members to consider it their invitation to the event. Ads will be placed in three local newspapers which will run on various advance dates. A direct electronic mailing of the flyer and news releases to supplement the promotion will go out. The workshop is scheduled for Saturday, March 29, from 9 a.m. to noon at the Tusten Town Hall. Local government officials, planning and zoning members, and all citizens interested in maintaining the beauty of the Upper Delaware landscape while providing needed telecommunications services for our residents and visitors are welcome to attend this free event to discuss the latest technologies, municipal authorities, and tools for negotiating with the industry.

As a follow up to Wilbur's report on the Pond Eddy Bridge, Ramie said that the emergency replacement of 40 stringers to retain the bridge's 7-ton posted weight limit is scheduled to begin on March 10th by Kriger Construction and work will be completed by May 1st.

Ramie referenced the March 2014 calendar of UDC Meetings, Deadlines and Activities. She noted that Bud Cook, the Northeastern PA director of The Nature Conservancy, has offered to present on the William Penn Foundation's Watershed Protection Program at the April 3rd full Council meeting. He will describe the Pocono Kittatinny Conservation Plan to tap into the \$10 million grant initiative available to eight watershed subclusters over a three-year period. Members agreed. Ramie said that T. O'Dell could preview his Power Point presentation on the UDC's Project Review Procedures at the March 25th Project Review Committee meeting. O'Dell would like to get suggestions before taking it on the road. Richardson said it was a great idea to present it to the committee and said anyone was welcome to come and hear it. Henry asked for a reminder of the presentation at that meeting.

Henry asked if there is any new information on the replacement of the Pond Eddy Bridge. Ramie believes the replacement is still scheduled for 2017.

Old Business:

Peckham asked T. O'Dell if he ever received New York City Department of Environmental Protection's Emergency Action Plans for the reservoirs. O'Dell said no, but the Town of Lumberland loaned their copy to him. Peckham suggested that an early warning system should be put in place and be spearheaded by the National Park Service. Rajsz said that if a dam were to breach, there is already a chain of calls that will be made in place. She explained the procedure. Richardson said he believes that such a situation in Sullivan County would be handled by the Sullivan County Emergency Management Agency. He suggested inviting them to review the procedure with the Council. Henry noted that the network that exists now through 911 includes the Park Service. He feels the process in place is pretty good. Boyar suggested that the Council could reach out to someone, like Dick Martinkovic of the Sullivan County Emergency Management Agency, to update the Council on the procedure. Peckham said it is important for the UDC to coordinate some sort of emergency plan for the municipalities along the river and suggested that existing TAG projects could serve as a base.

New Business:

Draft Letter to Environmental Quality Board: Comments on Proposed PA Chapter 78 Regs.: Dean asked for clarification of the third sentence under **Section 78.15 (f) and (g)**. After some discussion, it was decided to change it to read "We believe this should include any unit of the National Wild and Scenic Rivers System within the Commonwealth of Pennsylvania." Henry expressed his concern with the first sentence of the second paragraph stating the River Management Plan does not define modern day exploration practices for natural gas as Heavy Industrial Uses. After discussion, it was determined to omit that sentence. McKay suggested changing the ending of the second sentence under **Section 78.70** and **78.70a** from "comply with" to "enforce". Richardson made a motion to send the letter with the three

suggested changes. Greier expressed his issues with **Section 78.70** and **78.70a** noting we don't express concern over the spraying of vegetation by NYS DOT in the corridor. The motion was seconded by McKay. Fluhr expressed his concern with giving the Environmental Quality Board too much power. Sullivan asked if we are just commenting on Chapter 78. O'Dell told her yes proposed 25 PA Code Chapter 78 regulations. Sullivan noted the letter does not address outside the corridor or beyond Chapter 78. Boyar called for a roll call vote. Aye- Richardson, Sullivan, Boyar, Rajs, Mckay. Nay – Peckham, Greier, Dean, Dexter, Henry, Fluhr. Abstain – Dugan. The motion failed.

Richardson commented that "Our purpose here is to look out for the River Management Plan and try to support that. If we can't do that on any important issue that comes before us that may be controversial, then why are we here?" He added that anyone that voted no on this "needs to step back and look at this and what really are you objecting to in this letter?" A brief discussion regarding the spreading of brine took place. Dexter said he felt that just asking that the river be recognized would have been sufficient.

Report on Meeting with the NYS Decree Party Principal: Boyar said he had the opportunity on February 20th, in Albany, NY to meet with "the" principal to try and open lines of communication. The meeting was facilitated by Jeff Skelding of The Friends of the Upper Delaware River and Boyar traveled there with Dr. Peter Kolesar. Garth Pettinger was teleconferenced into the meeting. Fair Share, Thermal Releases, and economic dividends that could be maximized with enhanced health of the river were discussed. He said they first met with James Tierney, Assistant Commissioner for Water Resources, and Mark Klotz, NYS DEC Division of Water Director, whom Boyar referred to as "the" Principal. The second meeting was with NYS DEC Fisheries Bureau Chief Phil Hulbert; Fred Henson, Senior Aquatic Biologist, NYS-DEC; Brennan Tarrier, NYS DEC Environmental Engineer; and Angus Eaton, Environmental Engineer at NYSDEC. Boyar said no commitments were made as a result of the meetings regarding any of the issues, but noted that better relationships are being developed.

Decision on meeting order for Project Review and Operations Committees: Ramie noted that on September 5, 2013, the Council passed a resolution adopting changes to UDC meeting practices. One of those changes was switching the order of the Operations and Project Review Committee meetings for a six-month trial basis. She said this change was motivated by the deadlines associated with the Technical Assistance Grants program. After a brief discussion, a motion to send this issue back to the Operations Committee for further discussion was made by Richardson, seconded by Rajs and carried.

Other: Dexter, in reference to Proposed PA Chapter 78 Regulations, made a motion to send the UDC's draft letter containing all of paragraph 1, paragraph 2 with the first sentence stricken, paragraph 3, and paragraph 4 with the earlier discussed change to the second sentence which would read, "We believe this should include any unit of the National Wild and Scenic Rivers System within the Commonwealth of Pennsylvania." The motion was seconded by Henry. T. O'Dell asked Dexter if he is suggesting striking **Section 78.62** and **Section 78.70** and **78.70a**. Dexter said yes. After brief discussion, a vote was taken and carried with Peckham voting no and Dugan abstaining. The motion carried.

Public Comment: Dave Hulse noted that in recent weeks, he has been reporting on a resolution that came out of Sussex County, New Jersey calling on the Decree Parties "to amend the Decree of 1954 and demand that the City of New York shall maintain the levels in the Delaware River Basin reservoirs at or below 90% during all periods of the year, thereby providing reasonable flood mitigation capability to protect those who are downstream of the City of New York's reservoirs." Wayne County Commissioner Brian Smith commented that Wayne County agreed to write a letter that simply says they support the management of the reservoirs at a level that would offer flood mitigation for those towns below them. Hulse asked if the UDC has considered this resolution. Ramie said we just received a copy of it and suggested referring the issue to the Water Use/ Resource Management Committee at their meeting this month.

Adjournment: A motion by Rajs, seconded by Henry, to adjourn the meeting at 9:26 p.m. was carried unanimously.