

## **UPPER DELAWARE COUNCIL MEETING MINUTES**

### **May 2, 2013**

The Upper Delaware Council held its monthly meeting on Thursday, May 2, 2013 at the Council office in Narrowsburg, NY. Chairperson Jeffrey Dexter 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-Jack Niflot, Town of Delaware-Harold Roeder, Jr., Town of Cohecton-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Debra Conway, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Lackawaxen Township-John McKay, Shohola Township-Patricia Jeffer, State of New York-Bill Rudge, National Park Service-Sean McGuinness. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Absent: Town of Lumberland, Westfall Township, Commonwealth of Pennsylvania, Delaware River Basin Commission.

**Presentation by Lackawanna College Students:** Carla Hahn of the National Park Service introduced Jamie Reeger, Director of the Ecological Sustainability Program at Lackawanna College. Students of the Land Use Planning and Sustainable Development class with her were Sean Brown, Kyle Hannel, Elizabeth Heesh, Orlando Marrero, and Michael Lopez. The students presented a 50-year vision for how the Upper Delaware Scenic & Recreational River Corridor can be if the Land and Water Use Guidelines are substantially followed. The students offered photos and an analysis related to each principle of the Land Use Guidelines. Heesh covered Principle A: Maintain the high quality found in the Upper Delaware River. Marrero examined Principle B: Provide for the protection of the health, safety, and welfare of residents and visitors while also providing for the protection and preservation of natural resources. He said this could be accomplished through zoning and the use of the Land and Water Use Guidelines. Hannel explored Principle C: Provide for recreational and other public uses while protecting the Upper Delaware as a natural resource. Brown, who referred to himself as a fledgling organic farmer, spoke about Principle D: Provide for the continuation of agricultural and forestry uses. Lopez reported on Principle E: Conserve river area resources. Marrero spoke of Principle F: Maintain existing patterns of land use and ownership. Lopez concluded the 45-minute presentation by saying, "The Upper Delaware is unique, and when it's gone, the world will never see her like again; so let's embrace this place for as long as we can."

Dexter commented that the presentation was very well done and noted that the issues are some that are debated often in his township. He presented each student with an Upper Delaware Council flashlight combo as a token of thanks.

**Approval of April 4 Meeting Minutes:** A motion by Peckham seconded by Henry to approve the April 4 meeting minutes was carried unanimously.

**Public Comment on the Agenda:** None

**Committee Reports:** Committee reports were provided based on the meeting minutes. They were: April 16 Water Use/Resource Management by Henry; April 23 Operations by Roeder and April 23 Project Review by Richardson. A brief discussion about the National Blueways System initiative took place after Henry's report. Roeder, prior to his meeting report, addressed the Lackawanna College students. He suggested that a

copy of the speech delivered by George Fluhr at the 25<sup>th</sup> Annual Awards Banquet be given to the students to help further their understanding of the partnership that exists in the river valley. A brief discussion about the NYS DEC Open Space Plan initiated by Sullivan took place after Richardson's report. Richardson asked Rudge if the public input on the plan was complete at this time. Rudge said the state is developing the Open Space Plan and the Delaware River is a priority project already in the plan. If a property is for sale in one of the priority project areas, the state potentially could use funding from the Environmental Protection Fund to acquire that property on a willing-seller, willing-buyer basis, he stated. Rudge noted that one of the screens the state uses before acquiring property anywhere is that they consult with the community the property is in and the community has input as to whether the state moves forward with the acquisition. It would be helpful to the state to have properties identified that there is interest in conserving. Rudge said the Regional Committee is continuing to draft a regional report. That report will be consolidated with every other report in the state and a draft plan will be released. Rudge said he will let the Council know when the draft will be available for public review. At least one public meeting will be held in the region. The Council could also provide written comment on the Plan, Rudge said. He noted the Council has provided comments in the past. Those comments will be reviewed and possibly incorporated into the Plan. Dean asked if there is any provision made in the Open Space Program to make up for the property leaving the public tax roll. Rudge said it depends how the state acquires the property. Rudge said that right now, New York State owns 4 million acres of land across the state. He noted that the state currently pays taxes on  $\frac{3}{4}$  of the land. There is legislation requiring the state to pay property taxes, just like any private land owner would, on forest preserve land throughout the state. There is also legislation that requires the state to pay all local taxes on re-forestation areas except for county taxes. Rudge provided scenarios for taxes paid on numerous local parcels owned by the state. He said NYS is sensitive to the issue of properties being removed for tax rolls and noted that from his perspective, they always try to find a category to purchase property under so that it would allow them to pay taxes.

### **Status Reports**

**Delaware River Basin Commission:** The DRBC was absent, however, the hydrologic report was provided. The NYC Delaware River Basin Storage as of April 26 was at a combined capacity of 99.5% with Cannonsville at 100.3%.

**NYS Dept. of Environmental Conservation:** Rudge referred to the two NYS DEC press releases included in members' packets. He said that grants are available to improve public access to non-profit or municipal shooting ranges across the state. The application period is now open through May 31<sup>st</sup>. The second release announces \$1.4 million in conservation grants to land trusts statewide. For a listing of the 2013 grant recipients, visit DEC's website at [www.dec.ny.gov/lands/48901.html](http://www.dec.ny.gov/lands/48901.html).

Rudge said the Atlantic States Marine Fisheries Commission (ASMFC) reviewed data that indicated to them that the eel stock on the Atlantic coast is significantly down. They are proposing a change to the eel plan. The ASMFC has held public meetings and are accepting public comment on the plan. They hope to make a decision by May 21<sup>st</sup>. Two options have been presented to all the states along the Atlantic coast. One is status quo and the other is to impose a seasonal closure restriction. The proposed seasonal closure restriction would run from September 1<sup>st</sup> through December. Rudge said the DEC is resisting the idea of a seasonal closure restriction and advocating for the status quo for New York at least. Eel fishing is a historic use of the Delaware River, Rudge noted. The eel fishermen provide great data to the DEC, he added. Rudge said he will get a copy of the official letter on New York State's position to share with members. The question was asked if the source of the degradation has been identified. Rudge said that eels are extremely valuable and that overfishing has been the cause. Richardson said he has heard that there are large numbers of shad in the Delaware. Rudge said he does not have any data readily available, but will report back to the Council on the matter.

**PA Dept. of Conservation & Natural Resources:** No report in the absence of Representative Dennis DeMara.

**National Park Service-Upper Delaware:** McGuinness said he took a short walk along River Road before the meeting which renewed his appreciation for this area's special qualities and said it is "great to be here with all you folks to do what we do." He noted we are working here together to protect and conserve the Delaware.

McGuinness thanked Carla Hahn for working with the Lackawanna College students and arranging the presentation. He said the presentation was really nice to see and he appreciated it.

McGuinness stated that May is Water Safety Month. A meeting was held with the National Canoe Safety Patrol and other local agencies to kick off the month and the activities that go along with it. He said that Ingrid Peterec will be speaking with many elementary students in the river valley. Walmart has donated \$100 worth of Lifesavers for the "Be a Lifesaver" card that will be handed out to the students. He thanked the UDC for the Partnership Award for the Water Safety Campaign presented to them, the National Canoe Safety Patrol, and Stuart Communication at the April 28<sup>th</sup> banquet. He was happy the campaign was recognized.

McGuinness said the second floor of the Roebling Bridge toll house has been refurbished and houses new exhibits. The downstairs of the toll house is scheduled to be closed and refurbished in the next phase. McGuinness encouraged people to stop and check out the new exhibits which include great old photographs and a replica of a canal boat room.

A wooden bulletin board was donated to Damascus Township by the Park Service for use at the Forest Trail. McGuinness said that was a nice project to work on together.

April 29, 30, and May 1<sup>st</sup> were spent at the Foundation Planning Workshop. McGuinness thanked Jordan Hoaglund and Nancy Doucette from the National Park Service Denver Service Center for facilitating the workshop. The elements of the workshop were to establish why Congress designated the river and to determine why we are all here. One of the significant statements to come out of the workshop is, "The management of Upper Delaware Scenic & Recreational River is achieved through a collaborative partnership with local, state, and federal governments and local landowners, the first such management model in the nation's Wild and Scenic system." McGuinness covered the issues that were discussed over the course of the three-day workshop. He said a draft document will be produced. McGuinness said it was a pleasure to have Ramie, O'Dell, and Dexter at the workshop. They represented the Council well, he added. The Foundation Document replaces the General Management Plan, and aims to be more cost-effective and flexible. Hoaglund said a completed draft typically takes about six months. Dexter presented Hoaglund and Doucette each with an Upper Delaware Council flashlight combo. McGuinness said the Purpose Statement, the park's core mission to provide guidance for all the decisions to be made, reads, "The Upper Delaware Scenic and Recreational River protects, conserves and enhances the free-flowing character, exceptionally high water quality, and the scenic, recreational, ecological, cultural, and geologic values of the Upper Delaware River valley through collaborative partnerships."

Niflot said to McGuinness that over the years there has been a lot of oral history recorded and those recordings are all sitting down at the Zane Grey House. He asked if there is any money this year to have any of them transcribed. McGuinness said that Dorothy Moon is going through them to determine what condition they are in. Conway asked if this is a project that The Delaware Company could get involved with. McGuinness said it is a project anyone could get involved with, noting the Park Service does not have the funding to take on the whole project. McGuinness said the recordings are on cassette tapes and the plan is to have them digitized. Ramie said that in the most recent edition of *The Upper Delaware* newsletter is an article about the Unearthed Oral History project for the river valley that the Western Sullivan Public Library runs. Carla Hahn of the Park Service will look into this.

**UDC Executive Director's Report:** Ramie reported that 87 guests attend the April 28<sup>th</sup> Awards Banquet. She said the venue was excellent, the food was delicious, and being in view of the river was pretty special. Ten awards were presented and George Fluhr did an excellent overview of the Council's 25-year history. His speech is available if anyone is interested in obtaining a copy or having it sent to them digitally. Special greetings were received from some elected officials. They were from: Pennsylvania Governor Tom Corbett; U.S. Congressman Chris Gibson; Joint resolution from NYS Senate (sponsor: John Bonacic) and Assembly (sponsors: Aileen Gunther, Cliff Crouch, Annie Rabbitt); Pennsylvania Senate (Lisa Baker); Pennsylvania House of Representatives (Mike Peifer and Sandra Major). A photo retrospective of the past 25 years of the UDC looped during the reception and can be copied for members on request. Ramie asked

members if they had any comments or suggestions about the banquet. Dudko wondered if the presenting of the awards could be done at different times to break it up a bit. Roeder said Ramie does such a good job researching and speaking of the recipients and noted that it would be nice for guests to have that information in a booklet and suggested it wouldn't be such a burden for Ramie to have to read it all, that she could synopsize it and let people read about the recipients in detail at their convenience. Roeder added that the banquet was great and thanked the whole staff for their efforts. Dudko said she really appreciated the photo retrospective; that it meant a lot to her.

Ramie said she felt that NPS Foundation Document Workshop that she, O'Dell, and Dexter attended at the beginning of the week was very productive and at times, intense; the discussion was very frank and open. She was glad the three of them were able to represent the particular point of view of the Council in that we do have a unique position here. She assumes Hoaglund and Doucette found that this area is one of many challenges and based on the management structure, it is not a "typical" park situation and therefore, certain matters are more sensitive. Ramie noted the Purpose Statement that McGuinness read, really crystallizes why we are here, why this area was designated, and what are we here to accomplish. She said she is looking forward to seeing the draft document and will share it with members once it is available to get their input in order to continue having the Council's point of view represented.

Ramie noted that on-line registration is being accepted for a free conference hosted by Common Waters on Natural Economies. The subject is how the Delaware River's natural resources translate into an economic asset. The conference will take place on May 14<sup>th</sup> from 9 a.m. to 3:30 p.m. at the Riverview Inn in Matamoras, PA. The keynote speaker will be Dr. Jerry Kauffman whose socioeconomic value study the students from Lackawanna College referenced during their presentation. She shared cards with the agenda listed and said she can send out the registration link to anyone interested.

Ramie mentioned the passing of a former UDC board member. Bob Levin of Sparrowbush died on April 11 at the age of 80. He served on the River Management Plan Revision Committee as the Town of Deerpark alternate, was the 1988 Town of Deerpark representative, and served on the Upper Delaware Citizens Advisory Council as Secretary of The Interior's appointee.

Ramie reported that the Local Officials Directory for 2013 was provided in members' packets. The directory is compiled by Christina Hollenbeck of the National Park Service with some assistance from C. Odell.

Ramie referred to the press release in members' packets announcing that registration for the Delaware River Sojourn is open. The Sojourn will take place from June 22<sup>nd</sup> through the 29<sup>th</sup>. The press release includes a list of the daily trips scheduled. The UDC will be delivering a 25<sup>th</sup> anniversary program at the June 22<sup>nd</sup> kick-off event.

Ramie listed the UDC news releases that are forthcoming. She noted the UDC t-shirts will now be available to the public for a \$15 donation. She shared a couple of photos from the awards banquet.

A calendar of May UDC meetings, activities, and deadlines was provided. Ramie noted that on May 8<sup>th</sup>, T. O'Dell and some members of the WU/RM Committee will be traveling to Milford to visit Marie Stewart, the USGS Deputy Delaware River Master. A report of the visit will be given at the May WU/RM Committee meeting. May 15<sup>th</sup> is the annual meeting of the New York/Pennsylvania Joint Interstate Bridge Commission. The meeting will be held at the PennDOT headquarters in Dunmore, PA. The construction and maintenance plans for the ten Upper Delaware crossings will be learned at the meeting. Ramie said she will issue a press release after the meeting. The date of May 16<sup>th</sup> has been set aside to prepare the two FY 2014 budgets required by the Park Service. Ramie will be working on this with bookkeeper Mike Poska and auditor Dick Eckersley.

Conway asked Ramie what is the nature of the presentation scheduled for May 9<sup>th</sup> to the Sullivan County Legislature on the Upper Delaware Scenic Byway Visitor Center. Ramie said it is being made by county staff from the Division of Planning and the Division of Parks on that project's status to update the legislators. Conway noted she thought that a decision had been made at a preliminary meeting to first educate the legislators about the Byway, the Delaware River, and Fort Delaware and wondered if that would be part of the scheduled presentation. Ramie said that it could be and that the meeting is supposed to be an educational opportunity as well. The Byway committee is encouraged to attend this meeting, she added.

Ramie reminded members that Thomas Murphy, Jr., chief of the NYC Department of Environmental Protection's Bureau of Water Supply, Reservoir Releases Policy Development, will offer a

presentation at our June 6<sup>th</sup> full Council meeting. Ramie noted that he was also in attendance at our awards banquet on April 28<sup>th</sup>.

**Old Business:** Henry pointed out that there was a Park Service news release in members' packets. The news release is titled "Upper Delaware Scenic and Recreational River Seeks Volunteers to be Watershed Stewards." McGuinness said interested volunteers can contact Jamie Myers at (570) 729-7842 for more information or to sign up.

**Other:** None

**New Business:**

**Draft Letter to PA DEP: Proposed Onlot Sewage System Policy:** Ramie noted that this comment letter was sent out in advance for members' review. The 5-page letter concludes, "Due to the discrepancies, lack of documented need, and potential negative economic impacts of the proposed policy, Document # 385-2208-001 should not be adopted. On behalf of our respective Townships, we urge the DEP to discard this draft policy and address the valid concerns of the citizens in the regions most affected." A motion to send the letter was made by Richardson, seconded by Peckham and carried unanimously. On behalf of the Pennsylvania townships, Dexter thanked the Council for their assistance.

**Draft Resolution 2013-08: Approving an Amendment to the UDC Bylaws (30-day notice):** Ramie said this resolution is being presented as a draft, but members are not being asked to vote on it tonight because the Bylaws require 30-day notice in writing of any changes made to the Bylaws. This is the start of the 30-day notice, Ramie said, and on June 6<sup>th</sup> we will ask the Council to take action at that time. Richardson emphasized that this is not a change. Ramie said it was an administrative error from 2009 that it did not make it to the Bylaws. It was previously approved via a resolution.

**Other:** Sullivan referred to T. O'Dell's original draft comment letter to FERC in reference to the Hancock Compressor Station Environmental Assessment and noted she does not believe she ever received a copy of it. She understands there was a time issue associated with the letter to FERC, but said she feels the letter should have been sent out to all of the members for comment. T. O'Dell said the original letter was just sent to members of the Project Review Committee because they were going to be the only ones that would be able to act on it by the comment deadline. Henry said it is his opinion that there is nothing wrong with sharing information with the whole Council. It would not be removing any authority from the committee, but then everyone would be informed. By doing this, it gives members the opportunity to attend a meeting they may be interested in. O'Dell said the issue with everyone responding electronically to him and not responding to all is that it creates a lot of miscommunication. Ramie said that if it is the wish of the members for that to be a general policy, staff can share issues with everybody on the Council. Peckham noted the input needs to come from the committees. Sullivan asked O'Dell if he could send her a copy of his original letter to FERC as she feels there is a lot of good information in it. O'Dell said he would, but added that the comment period is over.

**Public Comment:** Carla Hahn of the NPS commented that the Lackawanna College students really did review the Land and Water Use Guidelines. They took the principles of the Guidelines and applied them to sustainability. She gave them a lot of credit for taking on the Guidelines and offering it back to the Council in today's sustainable language.

Niflot suggested upgrading O'Dell's name plate now that he has become a permanent employee.

**Adjournment:** A motion by Roeder, seconded by Rudge, to adjourn the meeting at 9:17 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell 5/10/13*