

UPPER DELAWARE COUNCIL MEETING MINUTES June 6, 2013

The Upper Delaware Council held its monthly meeting on Thursday, June 6, 2013 at the Council office in Narrowsburg, NY. Chairperson Jeffrey Dexter called the meeting to order at 7:03 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-Andy Boyar, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Alan Henry, Shohola Township-George Fluhr, State of New York-Bill Rudge, Delaware River Basin Commission-Thomas Fikslin, National Park Service-Sean McGuinness. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Absent: Town of Lumberland, Lackawaxen Township, Westfall Township, Commonwealth of Pennsylvania. Also in attendance: Thomas Murphy, NYC DEP; Tony Ritter, Tusten Alternate; Ginny Dudko, Deerpark Alternate; Debra Conway, Highland Alternate.

Approval of May 2 Meeting Minutes: A motion by Boyar seconded by Niflot to approve the May 2 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: May 21 Water Use/Resource Management by Henry; May 28 Operations by Roeder and May 28 Project Review by Richardson.

After Henry's report, Boyar requested that following Mr. Murphy's presentation, there be another opportunity for public comment as the agenda order has been shifted. It was agreed.

Presentation by Thomas Murphy, Jr., Chief, New York City Environmental Protection Bureau of Water Supply, Reservoir Releases Policy Development: Operating New York City's Water Supply System: The presentation and question and answers with Thomas Murphy, P.E. can be viewed as a video and accessed at <http://www.youtube.com/watch?v=oYVUNqzk754>. Murphy said the focus of his presentation will be on the Delaware system. He provided a brief water supply history starting with the Croton Aqueduct being placed in service on July 4, 1842. Murphy provided some highlights from the Burr, Herring, Freeman Report of 1903 and spoke of the Water Supply Act of 1905. The Act required New York City to allow municipal connections to the system in counties with water supply infrastructure with the exception of Dutchess County. As a result there are upwards of one million people outside of the city that use the water. The New York City Water Supply System is primarily a surface water supply one; it includes 19 reservoirs and three controlled lakes; when full, the system capacity is 580 billion gallons; it serves nine million people (half the population of New York State); delivers approximately 1.1 billion gallons of water per day; the source of the water is a 2,000 square mile watershed in parts of eight upstate counties; and is operated and maintained by NYC DEP. Murphy referred to a graph in his Power Point presentation of historic flows and future projections. He noted that demand has declined approximately 30% since the early

1990's despite increasing population. Since 2009, water usage is below the 1960's drought of record and that has occurred through conservation. Murphy noted that essential tasks of the Bureau of Water Supply include meeting the supply needs of New York City and the outside communities, meeting all reservoir release and diversion requirements, and maintaining the system to ensure a dependable supply. Objectives of the Bureau are to divert the best quality water available, maintain a balanced system, and provide downstream habitat and flood mitigation benefits without water supply impact. The Operational Framework of the Delaware System was covered. It includes the 1954 Supreme Court Decree, the 1982 Good Faith Agreement, NYS DEC Regulations Parts 671 & 672, and the Decree Party Flexible Flow Management Plan (FFMP). Murphy shared the details of the Operational Framework for the Catskill System, which he noted is similar to the Delaware System, and the Framework for the Croton System. He stated in reference to reservoir operations, the goal is to have all the reservoirs full on or around June 1st and to delay the start of system drawdown to as late as possible in the hydrologic year. They look to avoid spilling any reservoir after the system drawdown has started and to preserve storage for use during times of drought conditions. The systems are operated conservatively, Murphy noted, as there is limited reliability of short and long term weather forecasting. He stated that all NYC systems are not created equal and said that operational decisions are made based on water quality, demand, modeling, NWS forecasting, maintenance, and hydrological conditions. Water quality considerations include turbidity, coliform bacteria, phytoplankton, and DBP (disinfection byproducts) precursors. Drivers of these include heavy flow events, high wind events, and drought. Murphy covered water quality and operational decisions noting that water delivered is selected or mixed based on available quantity and quality. Operational strategies include selective withdrawal, selective diversion, blending operations, and treatment operations. Examples of each of these strategies were provided. Murphy said the system is operated to maintain a balance between the three systems (Delaware, Catskill, and Croton) and the individual reservoirs as much as possible. Murphy talked about the OST (Operations Support Tool). OST takes a lot of information from a number of sources to have a more probabilistic foundation for water supply reliability and to better define the system's capacity to meet water quality and environmental objectives. The hope is to have the OST system completed by the end of this year. The National Weather Service has indicated that they will have their component of the system available to NYC DEP sometime in the fall. Murphy spoke of the other data sources. Murphy said that new treatment facilities are the Catskill/Delaware Ultraviolet Disinfection Facility in Westchester County which came on-line last summer and the Croton Filtration Plant that is scheduled to start operations the end of this year. The Croton Plant will be operated by the Bureau of Water and Sewer Operations.

Audience member Jeff Skelding asked what effect Croton coming back on-line will have on the Delaware system. Murphy said it will be very expensive water and will have an effect, but to what extent he is not sure. A connection project between the Delaware Aqueduct and the Catskill Aqueduct has begun. The connection will provide a transfer of up to 365 MGD to the Catskill Aqueduct and increase the Delaware Aqueduct capacity to 1,000 MGD. The approximate cost of the program is \$31.8 million. Roeder asked if any on this information is available on-line. Murphy told him there is much information available on the city's website, www.nyc.gov/html/dep and that he would make the PowerPoint presentation available. Peckham asked if the Filtration Avoidance Determination (FAD) had been extended until 2017. Murphy said it had. FAD maintains New York City's status as one of only five large cities in the country with drinking water of such high quality that it is not required to filter. Boyar asked who makes decisions for the city. Murphy replied DEP Commissioner Carter Strickland in consultation with the mayor. Boyar referred to the "Lordville Thermal Stress Relief Protocol" proposal that was recently presented. He noted that it was not acted upon or implemented. Boyar said it was requested for a one-year trial period and had lots of support. He feels as a result of the program there could be benefit here to our environment without negatively impacting any of the other objectors. He said he has not heard any reason as to why the proposal was not acted upon and asked if Murphy could shed some light on this. Murphy said there are a number of issues that come into play. He said the city has never felt that there is enough water or that it is appropriate for them to try and thermally maintain the main stem. He added the water is not solely New York City's water. The water would come from the IERQ (Interim Excess Release Quantity) which is primarily intended for the other basin states, especially the lower basin and they have issues that they want the water available for. Murphy added the city is not the one calling the shots here, adding that they have a say, but it is not up to them. Discussion of the back-to-back storms of Hurricane Irene and Tropical Storm Lee in

2011 took place. Murphy noted it is really hard to deal with a “1 – 2 punch”. Peckham spoke of his experience living on the Delaware River. Peckham feels the void in the Cannonsville Reservoir was a big factor in preventing major flooding during that time. Henry asked if the proposed Cannonsville Hydroelectric project will change the releases in any way. Murphy told him no. The agreement between the Decree Parties that is in effect now, is what will be followed. They plan to take advantage of the current releases. Jeff Skelding of Friends of the Upper Delaware River said the goal for them is to figure out a way to have more consistent temperatures to support fisheries habitat. It was his understanding that the Lordville Thermal Stress Relief Protocol proposed a way to do that without any negative effects to any involved parties. He asked if a downstream environment that isn’t subjected to such radical changes can be accomplished using the OST and the FFMP. He asked Murphy whether that is doable or a goal of theirs. Murphy said the simple answer is no, that managing the main stem thermally is not something that can be accomplished with the water that is available. The water that is available is not just the city’s water. Murphy elaborated by saying managing the main stem thermally is not a goal of theirs. Skelding spoke of a meeting in Hancock that Carter Strickland attended recently. Boyar said he read the Lordville Thermal Stress Relief Protocol proposal and he felt it explained sufficiently that there is enough water for modest thermal assistance. He noted a similar program enacted for the Lackawaxen River is working marvelously. Murphy countered they are not a water supply, they are a power generator. Boyar said the amount of water needed during a thermal event is miniscule and he feels the science that is being presented proves this. In order for an action to be taken, all the Decree Parties have to agree, Murphy said. It has to be unanimous. Jim Serio asked if the down basin Decree Party members agreed that a thermal protection was doable would the proposed protocol be considered. Murphy said there could be a fair chance. He said the city does not see the IERQ (Interim Excess Release Quantity) as theirs; the intent is to give it away, but everybody has to agree to how it is done. Murphy spoke about the IERQ. Releases that are called for in the FFMP are made all the time. Discussion about meeting the 1,750 cfs target at Montague took place. Tom Fikslin justified the downstream flow targets that are met, commenting that they are in place to prevent water pollution problems, salinity intrusion issues and in consideration of many other interests. Murphy noted there are other concerns besides the fisheries. Sherri Resti commented “It is not just about the fisheries, it’s about the whole economy of the Upper Delaware.” Anne Willard questioned if there is any data available with regard to the IERQ. Murphy said the Delaware River Master tracks that. Skelding questioned if IERQ water if not used in a year, is it good to use the next year. Murphy said that it renews every year. Peckham asked when the last recorded drought was. He was told in 2002. Bart Larmouth asked if there is any plan in the short term to look at present weather conditions and make releases in a more timely manner. Murphy said they will look at conditions and increase releases noting they have to take into consideration if they will be making things worse further downstream. He explained all the different factors that need to be considered. Tony Ritter asked what was the lowest that the Cannonsville Reservoir was ever drawn down to. Murphy believes it was down to single digits during a time of drought in 2001. Henry asked what percentage of water in the Delaware System actually leaks out. Murphy said it depends on how much is being moved through the tunnel, noting that 35 mgb is lost if there is 800 mgb being moved. He said the tunnels are being worked on. Dave Hulse asked if the tap into the water system for the village of Kiryas Joel is apt to set a precedent for future taps into the line. Murphy said they have an entitlement to that based on the Water Supply Act of 1905. He added there are just under one million people served by the water system outside of New York City and explained the entitlement quantity and rate structure for them. T. O’Dell asked, based on averages across the board, if there is a carrying capacity number when there won’t be enough water for everybody. Murphy said that would be a safe yield number. The City calculates safe yield as the maximum continuous demand that can be met by the City water supply system during a repetition of the drought of record while maintaining a 25% storage reserve in the collection reservoirs of the Catskill and Croton Systems and in Rondout Reservoir. This is necessary to maintain potable water quality and to provide adequate flow and pressure in the water distribution system. In order to determine the NYC reservoir system safe yield, a series of trial and error runs was performed for each scenario by gradually increasing average total annual demand until a supply shortage occurred. Murphy said the safe yield is a planning tool that is designed to get through most severe conditions. He added the City of New York has a good history of looking ahead and planning. Boyar voiced his frustration with requesting releases during thermal events and not receiving them. Peckham stated that “tomorrow is always the first day of the next drought” according to NYC perception. Murphy said those releases have not been

approved; that is IERQ water and that is not the City's water. Larmouth referenced a specific reservoir release event at Cannonsville Reservoir and asked what the thinking was behind that. Murphy told him the reservoir was spilling and the model was not advising them to release, but the state called and there is a provision in the agreement that allows NYC to transfer spilled water to bottom release water, so the release was requested and honored. NYC operates within the parameters of the agreement. Skelding asked if there is a forum available where a more formal presence could be requested for discussion with the people who make some of these decisions. Murphy told him the principals are looking to hold two RFAC meetings to use as listening sessions where concerns could be expressed. He does not believe it is intended to be held as a question and answer session. These meetings have not been scheduled yet, he added. Sullivan asked for clarification about the statement that NYC has a policy decision that they are not responsible for maintaining the health of the main stem. Murphy said they don't feel that it is advisable for them or that there is enough water, and they are not in favor of taking on the responsibility of maintaining the main stem. He said that was never addressed in earlier negotiations. It was noted that NYC DEP is not a member of the DRBC. Murphy said, "Just to be clear, our thinking at this time is that we're not in favor of taking on the responsibility for maintaining thermal releases on the main stem." Dexter thanked Murphy for taking the time to come to Narrowsburg to explain the system and take questions.

Status Reports

Delaware River Basin Commission: Fikslin told members he has not been to a UDC meeting since August 2011 and stated that he is the manager of the Modeling, Monitoring & Assessment Branch of the Delaware River Basin Commission. He referenced the handout titled "DRBC Monitoring in the Upper Delaware River" in members' packets. He noted there are a number of activities underway for monitoring water quality. The Delaware currently has the longest stretch of antidegradation waters. It is unusual and something to treasure, he added. Special Protection Waters regulations effective in 1992 for the Upper and Middle Delaware River require projects to demonstrate that they will not measurably change the existing water quality. A lot of work has been conducted the past few years on the Neversink River. They are looking at projects on the Neversink and how they affect the Delaware River down in Port Jervis. Dean asked Fikslin if he is aware of Pennsylvania's proposed regulations on subsurface sewer discharge and if the Commission has been asked to comment or to send a letter. Fikslin was not aware if that request had been made and he was not familiar with the topic. Dean noted that Pennsylvania's proposed policy was confiscatory when it came to land use, literally just about disallowing people to use their land. Peckham noted there is something going through the Legislature right now trying to stop it. Fikslin said that data from a 2007 to 2011 monitoring program is currently being evaluated to see if water quality has measurably changed and to develop control points for tributaries and the mainstem. Fikslin reported that additional monitoring was in place for didymo. They received a Pennsylvania Sea Grant in August 2012 to help delineate the threats from the expanding Didymo invasion. They will continue to do a survey this year and also conduct experiments as it looked like the didymo was changing its form. This invasive species was first identified in 2007. Didymo is a clean water indicator, he added. Fikslin noted that the Commission has not taken any action on the natural gas regulations, but baseline monitoring continues. Currently five HOBO data sondes, which measure conductivity and temperature, are in locations in the Upper Delaware River. The locations are focused on the Pennsylvania side as that is where we would expect the initial natural gas development should it occur. Fikslin commented that NYC's protection of the watershed does keep the river at good water quality. That is a benefit to their good watershed protection efforts. He noted there is a need for continuous monitors with real-time data access (such as www.water.usgs.gov/waterAlert/) and the DRBC hopes to work with the USGS to get 13 gauges on-line. Some of the parameters in natural gas waste water are not the typical things that one would look for such as strontium, barium, bromide and sodium. The DRBC has been able to collect three years of data to represent pre-drilling baseline chemical conditions at existing sites in the Upper Delaware River. He referred to the chart depicting the preliminary results from 2009/2010 archived samples of dissolved barium and noted the values are extremely low. He added the results for dissolved sodium from the 2009/2010 archived samples are also quite low. Toxicity testing addresses the toxicity of chemical mixtures to aquatic life. The DRBC was able to evaluate the toxicity of a produced water sample obtained from a drilling site in the Susquehanna River Basin. The study looked at the effect of soft waters on response of standard test species and mayfly species. A study

funded by the William Penn Foundation will begin this year. Quarterly monitoring for radiological parameters will be conducted at 33 sites in the Upper and Middle Delaware. He noted that the DRBC feels they have a very good baseline if or when any natural gas development occurs. Boyar asked if the DRBC has any protocol or policy with respect to treated produced water going back into the river. He said at this present time there are no treatment plants authorized to take produced water in the Delaware Basin. Sullivan asked if the testing and sampling will continue. Fikslin said they have the baseline data and eventually the program will be scaled back. McGuinness said the NPS will continue to monitor. Fikslin noted there are also the USGS monitors which are the most sophisticated monitors that do more parameters. He noted that it is the conductivity that people are most interested in. Dave Hulse asked what the Commission's policy is in terms of the eventuality of a waste water treatment plant getting rid of treated waste water. Fikslin said that under the regulations that are proposed, but not adopted, there are wastewater requirements. They would require treatability studies before a plant would be authorized to accept it; they would have to demonstrate that the mixture would not impact aquatic life or violate any of the primary drinking water standards in their discharge. A portion of the proposed regulations specifically deals with wastewater facilities. Peckham said he believes that Pennsylvania has one facility that can reduce the wastewater to distilled water using reverse osmosis. He added that two more such facilities are scheduled to come on-line in the future.

NYS Dept. of Environmental Conservation: Rudge, considering the time, referred members to the news release provided in their packets.

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

National Park Service-Upper Delaware: McGuinness reported he met with Congressman Chris Gibson's Sullivan County representative Christine Schiff and Delaware County representative Paula Brown to talk about river issues and the role of the Park Service in the valley.

McGuinness attended the ribbon-cutting of the Hancock Fitness Trail and Scenic Overlook on June 1st. The ceremony was well attended. The project was funded by economic recovery funds.

A meeting was held with the commercial use individuals, fishing guides, up in Hancock where a lot of issues were discussed including water flow, combustible motorized vehicles which are starting to have a conflict with fisherman in the upper part of the river and the need for more law enforcement presence up in that area. There was a lot of conversation about the accesses and the condition of the accesses. This meeting is held annually to address their concerns and was attended this year by approximately 12 guides.

McGuinness referred members to the handout on visitor statistics in their packets. He noted that he sought clarification of the term "visitor day" and learned that the amount of time that a person is actually in a park unit is looked at. He reported on statistics for the Upper Delaware Scenic & Recreational River. Dean said it appears the number of visitors went down in 2012. McGuinness said it did and referred to the "Visitation Forecast" section of the report where the projected number of visitors for 2013 is up 2.3%. The forecasts are trend line extensions based on actual visitation data from the previous five years. McGuinness said he included other Wild and Scenic Rivers that are managed by the Park Service for comparison. McGuinness said he did ask if it would be possible to get a better number of people coming into the Upper Delaware as the Park Service statistics count just those visiting Park Service facilities. He was told it could be done, but would have to be a group effort that would need to continue once started. McGuinness said he will continue to pursue that since the question of how many people come to the Upper Delaware to recreate is of interest to many.

McGuinness referenced the copy of a letter of appreciation included in the packets. It is from a fifth grade teacher at Sullivan West School District praising the park rangers that are going out there and getting involved with school programs. McGuinness read the last paragraph of the letter which stated, "We are very fortunate to live in an area with a tremendous amount of community support, which is so important in the lives of our young students. You're not only helping us in raising trout, but in raising children. Thank you!" Comments like this mean a lot to him, McGuinness said.

McGuinness said he did some research on the oral history tapes that Jack Niflot has asked him about in the past and provided a briefing statement regarding them. The oral history project was undertaken by Mary Curtis, Park Historian, with the assistance of Interpretive Seasonal Park Ranger Kitty Groesbeck Womer. He said there are 133 oral history interview tapes. The Park was successful in transcribing 26 of the interview tapes. Twenty-eight of the interviews have no signed release, therefore the data from these interviews cannot be used without the subject's permission, and most if not all have passed away. He hopes to try and contact family members of these individuals to see if permission can be obtained from them. The original interview tapes are located at the Park Service headquarters. An extra copy was made of each of the tapes and is stored at the Zane Grey Museum Curator's Office. Both the original interview tapes and the copies are in good condition, McGuinness said. He added that funding is not currently available to either contract or hire a temporary employee to transcribe the remaining the oral history tapes. Discussion took place about digitizing the tapes. Henry suggested finding out the life expectancy of the tapes. Ritter suggested recording the tapes via an MP3 player. McGuinness said he does not have the staff to take on the project right now.

McGuinness said a guided hike of the Mongaup River Trail will take place on June 15, 2013 at 10:30am. This trail is about two miles long and is part of the "Take a Hike" program, he added.

UDC Executive Director's Report: Ramie thanked the guests, alternates and media for coming to the meeting and for their patience in sitting through a longer than usual meeting.

Ramie said the Narrowsburg Beautification Group has asked for authorization to re-plant and maintain the flower barrel in front of the UDC office. The anticipated cost is between \$35 and \$40. Permission to allow that expenditure was granted.

Ramie said she contacted the Westfall Township Supervisors with the UDC's offer to assist in their search for a new representative, outlining the history of their membership and the benefits of active participation. She has not heard back from them yet.

Ramie reported that staff will be in attendance at the Town of Tusten Planning Board public hearing on June 17th to represent the Council and to voice our concern about the impacts that the proposed new store at the adjacent property to the office could have on our parking which is already tight and encroached upon.

Ramie said we received notification on June 2nd from the Norcross Wildlife Foundation that our \$2,500 request for computer and audiovisual equipment was not awarded. This does not affect consideration of any future requests. She said the computer needs will be discussed at this month's Operations Committee meeting.

Ramie noted that we've opened up applications for our FY 2014 round of Technical Assistance Grants. A news release was issued on June 3rd. Applications will be accepted until August 30. A funding pool of \$30,000 has been set aside in our budget for these grants and it is competitive. T. O'Dell has updated the forms on the UDC's website. Ramie reported that the current TAG projects must be completed by July 26th. Eight of the nine projects are currently outstanding including Deepark, Tusten, Damascus, Cochetcon, Lumberland, part 2 of Delaware, Fremont, and Sullivan County. Pike County has completed their project and they have been paid.

Ramie said that registration for the UDC's Strides Across the Delaware 5K Run/Walk on September 28 is open. A copy of the registration form was provided in members' packets along with the news release soliciting sponsors. A pledge form offering a "wish list" of services, products, or door prizes, as well as stating the entitlements associated with four levels of monetary donations that include publicity mentions or listings on the event t-shirt, can be found at the UDC's website. A direct mailing to over 100 businesses was done in addition to the general press release. Ramie asked members to help spread the word about the event.

Ramie referenced the DRBC press release in members' packets concerning the 2013 Delaware River Sojourn which begins on June 22nd. Day plans for the first three days which pertain to the Upper Delaware section were also provided. Ramie said she will be presenting a program at the first day kick-off about the UDC's 25th anniversary.

Ramie noted there are two new publications out by or featuring UDC alternates. The first is George Fluhr's book "The Shohola Civil War Train Wreck: The Great Prison Train Disaster in Pike Co., PA" which was done in anticipation of the sesquicentennial anniversary of the wreck in 2014. All sale

proceeds will benefit the Shohola Railroad & Historical Society. This year the ceremony for this commemoration will be July 14th at the old Barryville Congregational Church at 1 pm. Tusten's Tony Ritter was featured in the June 2013 edition of *Cabela's Outfitter Journal* in a fishing article exploring the "West Branch of the Delaware River".

Ramie said the June calendar of UDC meetings, activities, and deadlines was provided. Fluhr pointed out that June 9th will be Ramie's one year anniversary as the UDC's Executive Director.

Old Business:

Other: None

New Business:

Draft Resolution 2013-08: Approving an Amendment to the UDC Bylaws (30-day notice): Ramie said this will not be acted on as it is notification for the July meeting given that the Bylaws require a 30-day notice.

Draft Resolution 2013-09: Adopting the FY 2014 Budget: A motion to adopt the FY 2014 budget was made by Boyar, seconded by Henry and carried.

Draft Resolution 2013-10: Adopting the FY 2014 Work Plan for the Water Use/Resource Management Committee: A motion to adopt the FY 2014 Water Use/Resource Management Committee Work Plan was made by Henry, seconded by Boyar and carried.

Draft Resolution 2013-11: Adopting the FY 2014 Work Plan for the Operations Committee: A motion to adopt the FY 2014 Operations Committee Work Plan was made by Henry, seconded by Boyar and carried.

Draft Resolution 2013-12: Adopting the FY 2014 Work Plan for the Project Review Committee: A motion to adopt the FY 2014 Project Review Committee Work Plan was made by Henry, seconded by Boyar and carried.

Public Comment: None

A motion to go into Executive Session for the purpose of personnel was made at 9:43 p.m. by Richardson, seconded by Henry and carried.

A motion to come out of Executive Session at 10:20 p.m. was made by Boyar, seconded by Roeder and carried.

A motion to accept the recommendations of the Personnel Subcommittee was made by Henry, seconded by Sullivan. Boyar said raises for two employees and the contractual increase for the third were discussed. The motion was carried.

Adjournment: A motion by Henry, seconded by Peckham, to adjourn the meeting at 10:22 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 6/20/13