

UPPER DELAWARE COUNCIL MEETING MINUTES

August 1, 2013

The Upper Delaware Council held its monthly meeting on Thursday, August 1, 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(7:20p.m.), Town of Cocheton-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Andy Boyar, Town of Lumberland-Nadia Rajsz, Town of Deerpark-David Dean, Damascus Township-Jeffrey Dexter, Berlin Township-Al Henry, Shohola Township-Pat Jeffer, State of New York-Bill Rudge, Commonwealth of Pennsylvania-Dennis DeMara, Delaware River Basin Commission-Kenneth Najjar, National Park Service-Sean McGuinness. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Absent: Town of Fremont, Town of Delaware, Lackawaxen Township, and Westfall Township. Also in attendance: Tony Ritter, Town of Tusten alternate and Ginny Dudko, Town of Deerpark alternate.

Richardson called for a moment of silence in remembrance of former UDC chairperson and 11-year board member Edward J. DeFebo of Lackawaxen Township who passed away on July 25, 2013.

Presentation by Jerre Mohler, Delaware River Coordinator for the U.S. Fish & Wildlife Service – “Health of the Delaware River Fisheries” – Dexter introduced Mohler and noted that the Council’s new PowerPoint equipment was being used for the first time for this presentation. Mohler said he has been working for the U.S. Fish & Wildlife Service since 1992 and in 2008, he accepted the position as the Delaware River Coordinator. He began his presentation with a slide showing an Atlantic Sturgeon. He noted the Delaware River was once “king” of sturgeon rivers, but now one would be hard pressed to find any spawning adults. Mohler referred to the Delaware as a river of “many faces” as it starts at the headwaters in relatively pristine conditions and goes down to the heavy industrialized area. He said it is important to maintain good water quality in the bay so that the migratory fish that are coming in can get through that water and make their way up the river. Mohler spoke of an electro fishing survey of the American Shad that has been conducted for the last five years with funding from the National Park Service. The testing is taking place in the Sparrowbush, Narrowsburg, and Buckingham pools of the Delaware River. He said it is very hard to determine what the actual population size of any type of fish in the Delaware River is so they must rely on trends to determine the status of fish populations. There is not a lot of money available to monitor the populations. He noted that annual juvenile and adult abundance surveys of shad take place where shad are counted to obtain an index of their abundance or Catch-Per-Unit-Effort (CPUE). Shad are still showing an uptick in their numbers in the Delaware as being monitored by the Delaware River Basin Fish & Wildlife Management Cooperative. Mohler reported that the Upper Delaware is considered one of the best wild trout rivers in our country. There are over 75 miles of trout fishing on the Upper Delaware River system. The Main Stem generally has a larger ratio of rainbow trout to brown trout. The reverse is true for its branches. Fish of 15 to 18 inches are commonly taken with flies. Fish of 20 inches or larger are often caught during favorable conditions. Both East and West Branches are stocked by NY-DEC (mostly brown trout) but there is significant wild reproduction. Mohler said that Walleye and Small Mouth Bass are both popular catches for anglers on the Delaware. Neither species is native to the

Delaware. He noted that the Small Mouth Bass population is holding its own in recent years. Another introduced species is the Muskellunge. This fish can be bad news for Trout and Shad, but there is a big angler interest in it. Boyar noted a large number have been caught in the Lackawaxen Eddy. Mohler reported that the American Eel population is in decline coast-wide, but appears to be healthy and holding its own in the Delaware. Thirty weirs or more were operated in the region historically, but effort has declined dramatically, with only two primary harvesters remaining, one on each of the Delaware and Neversink Rivers. Mohler spoke about impingement and entrainment issues and provided economic loss statistics which he referred to as "staggering." He explained that impingement is when a fish gets trapped on an intake screen and entrainment is when the fish are so small they go through the screen. Boyar asked Mohler if they might consider adding an additional pool located near Callicoon where the cold water reaches its limit to their electro-fishing survey of trout. Boyar wonders where the trout population in that area goes when the water warms up. Mohler said that would be an interesting study for radio tagging. Mohler suggested a university may be a good source to seek a graduate student to do the research and seek funding from some private organizations. Mohler provided information and data on Striped Bass, River Herring, American Shad, Trout, Walleye, Smallmouth Bass, Muskellunge, American Eel, and Atlantic Sturgeon. For more information the PowerPoint presentation can be accessed through the Upper Delaware Council's website at <http://www.upperdelawarecouncil.org/minutes/minutes.php>.

Election of Secretary-Treasurer: Dexter noted the Nominating Committee did nominate Berlin Township Representative Al Henry for the position of Secretary-Treasurer for the remainder of the 2013 year. He said any nominations from the floor would be accepted. A motion to nominate Henry was made by Richardson and seconded by Rajs. Henry was elected by a unanimous voice vote. Dexter administered the oath of office to Henry.

Approval of July 11 Meeting Minutes: A motion by Richardson seconded by Sullivan to approve the July 11 meeting minutes was carried with Rajs abstaining. She noted she had not been present for that meeting.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: July 16 Water Use/Resource Management by Ritter; July 23 Operations by Dexter; and July 23 Project Review by Richardson.

Ritter reported that the release from the Cannonsville Reservoir today was 502 cfs. Storage in Cannonsville was at 90.3% and 91.1% in the Pepacton Reservoir. Total NYC reservoir storage was at 93%. He noted that normal for this time of year is 90%.

Status Reports

Delaware River Basin Commission: Najjar referenced the hydrologic reports in members' packets and said that Ritter did a good job summarizing more current information. He reported that Philadelphia received a record 8" of rainfall on July 28th. He said there is a lot of water and the salt line is further down in general.

In reference to the Flexible Flow Management Plan, Najjar said the parties are looking to put a multi-year agreement in place next May.

On the natural gas front, Najjar said Michele Siekerka, Commission Chair, New Jersey's Assistant Commissioner of Water Resources, made a statement at the July 10th Commission meeting that "Since November 2011 DRBC staff and the collective staff of all of the signatory parties have spent thousands of hours: 1) reviewing new scientific studies released on the water resource impacts of natural gas drilling; 2) benchmarking new regulations, best management practices and performance standards adopted by states, federal agencies and organizations such as the Center for Sustainable Shale Development, a collaborative group that has brought environmental and energy interests together; 3) using these models to set a level of minimum standards -- a regulatory floor -- for natural gas development in the Delaware Basin that will protect the shared water resources on which all the

basin states depend; 4) performing water quality and quantity monitoring to establish baseline conditions prior to the onset of natural gas development in the basin; and 5) with the help of a grant from the William Penn Foundation, developing a tool for evaluating the impacts of land-based development on water resources, to facilitate informed planning and assess effects. I and my colleagues are continuing to confer in good faith and with forward momentum within and outside of our regularly scheduled business meetings to reach consensus on a path forward that provides for the development of a potentially valuable energy source while protecting the vital water resources within the Basin.”

Najjar added that New York continues to work on their regulations and Pennsylvania keeps improving their regulations. He noted a lot has happened in the last several years in regards to the science and the technology is improving. Najjar said the draft regulations are serving as good models for others including the basin states. “The goal is this year,” he said. “The question is; how much regulation.”

Richardson referenced a July 25th *Times Herald-Record* article about the Delaware River Basin Commission postponing action on renewing Hudson Valley Foie Gras’ (HVFG) wastewater treatment plant over concerns from an environmental group about pollutant levels entering the Middle Mongaup River. Richardson said the Middle Mongaup flows into the Mongaup River and through Swinging Bridge Reservoir into the Delaware River. He asked what the procedure is for reviewing and satisfying the issue. Najjar said the facility applies to the DRBC for a discharge docket. The DRBC coordinates with New York State to be sure that what is in the docket matches their requirements and they are cognizant of any violations the applicant may have. In the case of HVFG plant, they became aware of violations they had not previously seen. He noted that both the DRBC and the individual states issue permits as both have different criteria and regulations. They are in the process of trying to match these up. Rudge said it is NYS’s goal to issue a State Pollutant Discharge Elimination System (SPDES) permit that is compliant with the DRBC standards. Richardson said he is trying to determine the DRBC’s role when it comes to potential large development. Najjar said the DRBC reviews any project which may have a substantial impact on water resources. The DRBC regulations do include those for Special Protection Waters (SPW). In 1992, DRBC adopted SPW regulations for point source (or “end-of-pipe”) discharges, which were amended in 1994 to also include non-point source pollutant loadings carried by runoff. The regulations were enacted to protect existing high water quality in areas of the Delaware River Basin deemed “to have exceptionally high scenic, recreational, ecological and/or water supply values.” Najjar stated that if and when they do work with the states and come up with a one-permit process, the state would be the lead and would have to make sure that Special Protection Water Regulations are being complied with. Richardson questioned if it would be possible for a facility to receive approval from one agency and not the other. Najjar said yes, it happens a lot.

NYS Dept. of Environmental Conservation: Rudge referenced two news releases in members’ packets. One was titled “Pool Owners Sought to Participate in Citizen Science Survey to Identify Invasive Insects” and the second was titled “DEC Seeks Participants For Summer Game Bird Surveys.” Pool owners are invited to monitor their pool filters for Asian Longhorned Beetles. He noted this has been a very effective means of detecting these in Massachusetts. They have not been detected in this area yet, but have been found in New York City and Long Island where they are working to eradicate them. Rudge spoke of the Emerald Ash Borer which he said is in the region. He said they currently have regulations in place to reduce or slow the spread of it in hopes that the environment will have more time to respond to the outbreak.

Citizens are encouraged to take the time to record their observations of turkeys or pheasants during the month of August and report them to the NYS DEC, Rudge said.

Rudge said the regional Open Space Plan Citizens Advisory Committee completed their report and submitted it to the Central Office in early July. He expects the reports will be consolidated and a draft New York State Open Space Conservation Plan will be available for public review in the fall. He will bring it to the Council’s attention when it is available and provide a hard copy to the office. Rudge anticipates there will be at least one public meeting in the region and he will let us know when that is and where it will be.

Rudge said that David Church, Commissioner, Orange County Dept of Planning, contacted him to advise him of an upcoming meeting to discuss management of the Sparrowbush access property.

Henry asked Rudge if Emerald Ash Borer has been confirmed in Delaware County. Rudge said yes, but not in Sullivan County yet.

PA Dept. of Conservation & Natural Resources: DeMara said a meeting relating to the William Penn Foundation funding is scheduled on August 6th at Grey Towers where The Nature Conservancy is the lead for the Pocono & Kittatinny cluster which involves Monroe, Pike, and Wayne counties in Pennsylvania and Sullivan County in New York. This is one of eight clusters for which the William Penn Foundation has designated different conservation organizations to put together action plans. He noted it is important for partners to be at the table to submit potential projects for watershed protection. Funding will be available for a whole host of projects, DeMara added. He read from a general overview which states “William Penn Foundation’s newly launched Watershed Protection Program will focus the Foundation’s environmental grantmaking on aligned, strategic conservation efforts within the Delaware River Watershed. The Watershed Protection Program has three grantmaking strategies: research, policy and advocacy with a basin-wide focus on protecting watershed health, with an emphasis on protection of forested headwaters, reduction of agricultural runoff and stormwater, and protection of groundwater; constituency building for watershed protection, aimed at engaging people who participate in these targeted river- and trail-based recreation and educational activities that are greatly enhanced by clean water and provide a platform for raising awareness among and mobilizing thousands of people; and on-the-ground conservation and restoration in eight targeted sub watersheds clusters to drive preservation or restoration of water quality through a combination of tried-and-true approaches and innovation, with on-going monitoring to demonstrate impact.” DeMara said that the eight targeted sub watershed clusters were carefully selected with the assistance of the Academy of Natural Sciences at Drexel University (ASN) and the Open Space Institute (OSI) to leverage existing organizational capacity and landscape identity and address specific water quality stressor prioritized by the Foundation (loss of forests in headwaters, agricultural runoff, stormwater, and aquifer depletion). DeMara said he understands that Andrew Strauss, consultant to the William Penn Foundation, will give a presentation on the “Delaware River Basin Regional Trail Study” at the August 20th Water Use/Resource Management Committee meeting. He said that Strauss’ mission is to catalog all the potential trail projects in the entire watershed. Rajsz questioned if there is information available on-line. Najjar advised her to go to the William Penn Foundation website. Dean questioned if these trail projects are conservation easements or private purchases of actual ground. DeMara said that the Land Trust and conservancies work with willing land owners based on high conservation value areas that they are looking to acquire or put easements on. Dean asked if that normally takes those pieces of ground off of the tax rolls. DeMara said it typically does. He added it would be an interesting study to see the economic comparison of that land being taken off the tax rolls and the economic impact of some of the trails. Dean said he has seen some of those studies and questions some of the methods that are used to obtain the results. He noted there are 27 miles of trails in the Town of Deepark and he said one would be “hard-pressed” to really see any economic benefit out of them. DeMara said that trails generally come about as the result of requests by citizens to have these recreational opportunities.

Henry asked DeMara if he had any update on the Emerald Ash Borer as he had been told it was definitely in Wayne County. DeMara said he would get that information for him.

National Park Service-Upper Delaware: McGuinness reported that Park Service has been very busy with various activities and programs. Rangers have been conducting many programs and staffing the areas and talking with visitors from Mongaup all the way up to Hancock. He noted that June was a wet month so visitor numbers were down. The Natural Resources team has been working with different agencies on a number of different issues. They currently have eight data sondes in place and are constantly monitoring and maintaining them. At headquarters, staff is working with Sullivan County on the Local Waterfront Revitalization Plan.

McGuinness said they are working on an ongoing issue with raw sewage going into the Delaware River from the Mast Hope Community in Lackawaxen Township. They are working with Lackawaxen Township, Environmental Protection Agency, and Pennsylvania DEP. The issue is in its infancy, but the goal is to stop it from happening, he added.

McGuinness noted we all know that the Skinners Falls area gets a lot of use. Recently, Lander’s River Trips started charging people to cross the piece of property owned by them in order to access the rocks. As a result, people are utilizing other areas heavier than normal. McGuinness would like to work with the UDC, the Town of Cochection, New York State DEC, and the landowners to work out some issues.

Garbage is one of the biggest issues, he noted, adding that it has been brought to his attention that a large amount of it is being left by counselors from a local camp. McGuinness said that Skinners Falls is a great place and everyone needs to take ownership of taking care of it.

In reference to the NPS Visitor's Center in Narrowsburg, McGuinness said it is being closed as a result of sequestration. Since that decision, he has been in discussion with local residents. He would love to keep the center open. He reported that it costs between \$10,000 and \$12,000 per year to maintain it. Several options for keeping it open are being discussed, but nothing has been finalized.

McGuinness said it has been determined that there is no way Corwin Farms in the Town of Lumberland could be opened for next summer. There are just too many issues that need to be addressed.

McGuinness said Sullivan County is going to be holding a meeting to select a consultant for the Local Waterfront Revitalization Plan. He has asked that the Upper Delaware Council be included in the process as it includes Hancock to Port Jervis on the New York side of the river and partnering with Pike County as they want to develop something similar on the Pennsylvania side of the river. Ramie said the river access site design project is only for Sullivan County. The meeting to interview the consultants will take place here in the UDC office, she added. McGuinness said town participation is important as the concept is to look at the project as one waterfront, one river. The idea is to get people working together on what is important to the whole valley. Boyar stated it will be interesting to see if the consultants that are being interviewed will have any knowledge of the River Management Plan. DeMara noted it is important for both sides of the river to work together. He understands that Pike County Planning office lost a staff person and their project had been delayed for a while.

Dean asked McGuinness if Park Service kept track of how many visitors visited the Narrowsburg bookstore. McGuinness said they have and although he did not have the actual count, he reported it is less than 5% of the visitors to the UDSRR. Ritter commented that the low numbers could be a result of the decreased hours the store is open. McGuinness said it has been open Friday through Sunday for the past several years and noted it is currently staffed totally by volunteers. Sullivan asked if it is a priority of the Park Service to have a visitor's center. McGuinness said he would love to have a shared visitor's center. Partners could include New York State, Sullivan County, towns, Park Service, Fish and Wildlife Service to share costs and responsibilities.

Henry said that someone should urge whichever consultant is chosen for the Local Waterfront Revitalization Plan river access site design project to look into the history of all the accesses in order to prevent certain issues from recurring. Boyar commented that all the accesses are currently in deplorable shape. Discussion took place about how important public input is for the Local Waterfront Revitalization Plan.

McGuinness spoke about the success of the water safety campaign. He reported that recently a 51-year old male suffered a medical emergency and fell from his boat, but was able to be quickly rescued due to the fact that he was wearing his life jacket. Boyar said those "Wear it" signs are everywhere and very effective. He commended the Park Service for getting the word out.

UDC Executive Director's Report: Ramie thanked DeMara for the information on the upcoming meeting of the William Penn Foundation at Grey Towers. She said she will look into it further.

Ramie said that Edward DeFebo, Sr. died on July 25 at home at the age of 80. He was a former Pennsylvania state trooper, Lackawaxen Township Supervisor/Roadmaster for 12 years, and proprietor with his wife Janice of Jungle Jim's Tavern for 22 years. DeFebo served as a UDC representative or alternate from the inception in 1988 until 1999. He served as the chairperson in 1990, vice-chairperson in 1989 and 1993, secretary-treasurer in 1992, and chaired the Water Use/Resource Management Committee for four years. A memorial to him, along with Jack Niflot, will be included in the Fall/Winter *Upper Delaware* newsletter which comes out on October 1st.

Ramie provided some Project Review meeting updates. She reported that the Town of Delaware did approve their zoning amendments at a special meeting held July 31st. She noted that the UDC had hosted two cell tower related meetings back in 2001 at which discussion included the siting of towers, development of a master plan, and aesthetics and impacts. She added that further discussion about hosting another meeting of this type will take place at the next Project Review meeting on August 27th.

As a follow-up to a WU/RM topic regarding the proposed nomination of the Delaware River to the National Blueways Program, McGuinness passed along information to us on July 17 that Secretary of

the Interior Sally Jewel has ordered a pause on this program, meaning no new designations will be considered, while she briefs herself on the issues. Former Interior Secretary Ken Salazar issued the order setting up the Blueways system in early 2012 which he said was aimed at drawing national attention to watersheds that have been “conserved through diverse stakeholder partnerships”. While the designation explicitly did not impose any new regulations, concerns were raised that it could nevertheless infringe on private property rights and state management of water.

Recent activities included on July 20th a booth at the NPS’s 8th Annual Zane Grey Festival, Ramie attended the Grave of the Unknown Soldier Ceremony in Lackawaxen, and then the Battle of Minisink Historians’ Roundtable and Commemoration of the 234th anniversary of the battle in Minisink Ford; on July 22nd, T. O’Dell represented the UDC at the 24th Annual Kittatinny Canoes On and Under the Delaware Clean-up (Ramie shared a photo of O’Dell participating in the clean-up that was on the front page of the July 25th edition of the *News Eagle*); on July 28th, C. Odell staffed the UDC booth at Narrowsburg RiverFest and Ramie sold t-shirts from outside the Council office; and earlier today, Ramie said she attended a meeting of the Upper DelAWARE River Roundtable which she will report on at the August 20th WU/RM meeting.

Ramie covered upcoming activities which include: 25th Annual Raft Trip on August 4th hosted by Kittatinny Canoes and covering the river from Ten Mile River to Barryville; Ramie will staff a booth at the Ten Mile River Scout Camp’s Civilian Conservation Corps Day on the same day; the contractor will start our three interior office projects the week of August 12th; and the new electric service installation will be scheduled this month, Ramie added. On August 15th from 6 – 9, the UDC conference room will be used by the Local Waterfront Revitalization Committee for the interviews of three consulting firms that have submitted bids for the Sullivan County river access site design project. Ramie said that at the August 20th WU/RM Committee meeting, Andrew Strauss, consultant to the William Penn Foundation, will give a presentation on the Delaware River Regional Trail Study. Ramie reminded members that August 30th is the deadline for submission of applications for FY 2014 Technical Assistance Grants. She reported we have received two so far and have \$30,000 budgeted. Typically, our requests exceed our funding, Ramie added.

Ramie said we’ve requested sponsors, service donations, and raffle prizes by September 1st for our “Strides Across the Delaware” 5K. Early registrations at the \$15 rate are due by September 15th, and after that the fee will be \$20. The event takes place on September 28th starting at the Equinunk Methodist Church. Our sponsors making various contributions to date include: Joe Hunt & Associates; Wayne Bank; Café Devine; Sneaker King; Scranton/Wilkes-Barre RailRiders; and Bethel Woods Center for the Arts.

Old Business: Rajsž questioned Rudge if there were any updates on the Mongaup Management Plan. Rudge said no, staff is not available to work on it at this time.

Rajsž asked Ramie if there is any update from PennDOT on the Pond Eddy Bridge Design Advisory Committee meeting. Ramie said no, nothing has been scheduled.

New Business:

Draft Letter re: Balloon Test Request for Proposed Communication Towers, Damascus Twp: T. O’Dell stated the letter is fairly straight forward, noting the UDC requested a balloon test on June 25th and this letter simply asks that someone from the UDC or Park Service be present for the test. A motion to approve the letter was made by Henry and seconded by Rajsž. Boyar noted he has heard many comments regarding the lack of cell phone coverage in the area and he is not sure you can have it both ways; cell towers and no impact on the vista. O’Dell said there are many areas that do have it both ways, and he believes that there are ways to have shorter towers, closer together with less of an impact on the vistas. McGuinness said we all agree that everyone wants to have service available, but the issue is addressing it comprehensively for the whole valley. He asked if we can sit down, industry, government, towns, and landowners and address the issue. He said currently, we are dealing with one tower at a time. A brief discussion about co-location took place. Sullivan questioned if O’Dell would be present for the test. O’Dell said the letter requests that someone from either the Park Service or UDC be present during testing. Sullivan asked if results would be reported back to the Council. O’Dell said they would. After more discussion about the proposed tower locations and having a meeting of all the different interests, a vote was taken and the motion carried unanimously.

PennDOT Section 106 Consulting Party Invitation for Skinners Falls, NY-Milanville, PA Bridge: The UDC received an invitation to serve as a Consulting Party for PennDOT's consideration of "improvements" to the Skinners Falls-Milanville Bridge. There is an August 31st deadline to respond. Ramie said the application to apply to be a consulting party was received on July 31st. PennDOT has not said what they are doing yet, but they are investigating options to improve that bridge. A motion to proceed with the application was made by Henry and seconded by Rajs. After a brief discussion about other potential consulting parties, a vote was taken and the motion carried.

Draft Application for UDC to Join Rep. Gibson's Watershed Advisory Council: A motion to submit the form for inclusion in Congressman Gibson's Watershed Advisory Council was made by Boyar, seconded by Rajs and carried.

Draft Letter to Reps. Gibson, Maloney and Marino re: Water Resources Development Act of 2013: A motion to approve the letter was made by Boyar and seconded by Rajs. Dean asked for clarification of the letter. Rajs said it is a letter supporting the restoration of the federal funding for the Delaware River Basin Commission. After a brief discussion, a vote was taken and the motion carried with Peckham abstaining.

Other: Ramie noted that questions by members of the WU/RM Committee concerning Gibson's Watershed Advisory Council have been asked and she awaits the answers.

Peckham spoke of a comment made by Josh Fox on his Facebook page that he feels is irresponsible. He would like the comment addressed. Richardson said that every piece of literature that we have published, we state about private property along the Delaware River. McGuinness said he intends to advise Mr. Fox that the river is for all, but the property along the river is privately owned. A brief discussion about the different interpretations of Fox's message took place.

Public Comment: None

Adjournment: A motion by Peckham, seconded by Rajs to adjourn the meeting at 9:56 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 8/14/13