

Upper Delaware Council
WATER USE/RESOURCE MANAGEMENT COMM. MEETING MINUTES
July 16, 2013

Committee Members Present: Tony Ritter, Al Henry, Pat Jeffer, John McKay (7:12 p.m.), Andy Boyar
Committee Members Absent: None
NPS Partner: Don Hamilton
Staff: Laurie Ramie, Travis O'Dell, Cindy Odell
Guests: Jeff Skelding, Peter Kolesar

The UDC's Water Use/Resource Management Committee held its monthly meeting on Tuesday, July 16, 2013 at the Council office in Narrowsburg, NY. Chairperson Tony Ritter called the meeting to order at 7:05 p.m. A motion by Boyar seconded by Jeffer to approve the June 18 meeting minutes was carried. There was no public comment on the agenda.

Old Business:

Upper Delaware Scenic Byway 6/24 Meeting Update: Ramie started with two new pieces of information before getting back to the June 24th meeting. The first was the vandalism of the Byway sign at the Cochection Overlook discovered on Sunday, July 14th. Gary Maas, the Town of Cochection Supervisor, is reporting the incident to the police and Ramie said she has e-mailed the photo of the sign to manufacturer Fossil Graphics, but has not heard back from them yet. She is hopeful the paint can be removed from the sign with the right product. Henry believes what is painted on the sign reads "Thai". Ramie said the Byway received a note earlier in the day from the chairperson of the Sullivan County Legislature who said that the county has withdrawn its support of the Scenic Byway Visitors Center to be developed at Fort Delaware. His message states, "There are just too many questions regarding the stakeholders, funding, ongoing commitment, etc. to continue the quest for the Visitors Center at Fort Delaware at this time." Boyar asked who the e-mail is signed by. Ramie said Scott Samuelson. Boyar asked that the letter be distributed to members. Ritter asked Ramie to read it aloud. Ramie explained the message was in response to her inquiry about a tentative meeting scheduled for July 18th with the county to discuss the river valley and projects in general that was originally addressed to Legislator Cora Edwards. Ramie read the letter to members. Boyar said he would like to follow up on this decision as he does not recall any county discussion on it and he wants to verify if this is a determination made by Scott Samuelson without benefit of full board action. He would also like to know what the stance of his Legislator is. Boyar is surprised that such a letter would come "out of the blue". Ramie said the Byway had just sent a letter to the county on July 3rd thanking them for their ongoing support for the project and the decision that had been made by the Executive Committee to pursue \$100,000 in funding to produce construction documents. Ritter said this is especially disappointing as he has recently heard that the National Park Service will be closing their bookstore/visitor's center on Main Street in Narrowsburg, which has been operating there for more than 20 years. Ritter said it is unfortunate that we can't come up with a visitor's center and have the backing of the county or other agencies. Boyar said the way to get out of the economic doldrums is by persevering.

At the June 24th meeting, Ramie said that a PowerPoint presentation on NYS Route 97 Signage was given by Heather Jacksy, Associate Planner from Sullivan County Planning. Jacksy presented a slide show from the May 3 tour she had arranged with Dean Smith, assistant Sullivan County resident engineer for the NYS DOT, of the signage along Route 97 in the Towns of Lumberland and Highland. Existing signage was shown as well as a vision of what improvements could be made. Ramie said it was discovered that NYS DOT offers Byway Community Identifications signs that are free to municipalities. Ramie showed an example to committee members and offered details. Ramie said that other types of signs that are more tourist oriented directional signs are available, but they are not free. Businesses typically pay for that type of sign. Ramie said it was discussed how Jacksy's presentation could be used as encouragement to byway communities to offer more effective signage and clean up sign clutter. It was proposed to send a letter to UDSB members stating that the group is working on signage to promote cohesion of design and symbols while preventing clutter, and ask if they are interested in serving as a "model town" for this project.

A report was offered at the June 24th meeting on the Local Waterfront Revitalization Program (LWRP)'s Sullivan County River Accesses Site Design Project. Plans will be developed for new or improved river accesses in the six county towns. Jacksy reported that each town will be responsible for forming a committee to work on its access project for a specific site: Lumberland-Pond Eddy access; Highland-still deciding; Tusten-Ten Mile River Access; Cohecton-Skinners Falls access; Delaware-still deciding; and Fremont-Long Eddy access. The LWRP Advisory Group will select one consultant so there is a common element vernacular for the designs. The \$100,000 in grant funding may be applied to overlooks as well. Ramie noted she is on this committee and will update members on the progress of this project.

Ramie reported that the Town of Hancock sent a resolution to the New York State Senate requesting that a nine-mile stretch of Rt. 97 from the town's border to the Delaware/Sullivan County line be renamed as "Gold Star Memorial Highway". The Senate passed legislation to that effect on May 20, but the Assembly did not. They did allow as the new name, "Hancock Veterans Memorial Highway". Ramie said she read about this issue in the *Hancock Herald* as the Town of Hancock is not a member of the Scenic Byway.

Ramie reported that the next Byway meeting is scheduled for July 22nd with a tentative secretary interview at 6:30 p.m.

Henry questioned if the River Management Plan (RMP) is being considered in the proposed LWRP access development. Henry hopes that whatever consultant is hired to evaluate the accesses will consult the RMP as there is quite a bit of information and specifications in there concerning them. Ramie said we will make sure they are aware that there is this great resource that should be consulted.

Hamilton asked Ramie what the status is of the window decals for the UDSB. Ramie said a grant was applied for and they have heard verbally that it has been approved, but are awaiting a letter from the Sullivan County Legislature so that they can move forward with ordering them.

Common Waters July 11th Meeting Update: T. O'Dell reported that on July 11th, he and Carla Hahn from NPS attended a Common Waters Partnership meeting at Grey Towers in Milford, PA. An update and summary from the Natural Economies workshop on May 14th was provided. Susan Beecher presented on the Model Forest Policy Program that has been an ongoing plan development project for climate resiliency in the Upper Delaware region. O'Dell said he has been participating in bi-monthly webinars with the team. He noted the presentation was geared primarily toward the connection between water and forest resources and climate change.

O'Dell noted that Will Price from the Pinchot Institute gave a short presentation about the Blueway Proposal for the Delaware River. The designation's goals are to improve water quality, build and sustain a watershed-wide framework for maintaining key ecological functions, increase appreciation for the Delaware, and create a better understanding of the economic value of the river. The application, which will most likely be submitted by The Nature Conservancy, will require letters of support to achieve the designation.

An update on the William Penn Foundation explained that the program has expanded to encompass portions of the Delaware River Basin in the Pocono/Kittatinny regions while meshing with the Common Waters Fund priority areas. There may be \$5-10 million available for acquisitions and easements. The continued availability of the Common Waters Fund will depend on how much funding is provided by the William Penn Foundation. The Fund is also working with down basin water companies to obtain more funding for scientific studies in the upper basin.

O'Dell said a round table sharing between the partners took place. He announced that the UDC recently had Thomas Murphy from the NYC DEP give a presentation on operating the NYC water system at our June 6th meeting and advised them that the meeting was available for viewing on You Tube. He also announced our upcoming raft trip and 5K event.

Other: Ritter noted that he read in the Associated Press today that gas drillers have cancelled leases with Pennsylvania landowners. He sent the link to the article via e-mail earlier in the day to committee members and others. He added the companies were Hess Corporation and Newfield Exploration Company. Ritter read a quote of Peter Wynne, a spokesman for the Northern Wayne Property Owners Alliance, on the Delaware River Basin Commission.

Ritter said he wonders if the Water Use/Resource Management Committee can do anything to help with the Visitor's Center issue. He said it is his opinion that we need a visitor's center for a variety of

different reasons. Boyar said he will share back any information that he can after his follow-up on the issue, adding that it might be an issue the full Council can take up.

Henry asked what the rationale is with the Park Service planning to close the bookstore/visitor's center on Main Street in Narrowsburg. Hamilton said one of the reasons is funding and the other is that numbers for that bookstore he believes reflect less than 5% of the visitation. Hamilton said that Eaglefest used to be its busiest time. Henry said that if the Narrowsburg School is purchased, that might be a great site for a visitor's center. Ritter said it is the Sullivan West School District that owns the building.

New Business:

Emergency Thermal Release Request – Jeff Skelding, Friends of the Upper Delaware River: Ritter announced that Jeff Skelding, the Executive Director of Friends of the Upper Delaware River (FUDR), had graciously driven down from Hancock to discuss the issue of thermal stress on the Delaware with the committee. Skelding noted that the mission of his organization is basically a “watchdog, conservation group” for the Upper Delaware River region addressing multiple issues. Skelding said that in the face of the heat wave that we knew was coming and is now upon us and will be continuing, concerns were raised over the impacts that it would have on the fisheries and the cold water system of the Delaware River. He said that FUDR, with assistance from the Delaware Watershed Conservation Coalition, put together a letter which was sent to Pennsylvania and New York on July 15 asking them for a thermal release. He noted we were looking at reservoirs that are more full than normal for this time of year, hot air temperatures and water temperatures that were creeping up to dangerous levels. Skelding said he was surprised that a quicker response to the request to protect a magnificent natural resource was not received, adding that the river deserves to be protected, noting it has economic and ecological value to this area. He reported they received word earlier today that they can expect a 300 cfs reservoir release for a 48 hour period beginning at midnight tonight. Skelding said he did not come to this meeting with a specific request of the Council, but he hopes there is some action that can be explored to look to formalize a thermal release protocol. Boyar commented that history is repeating itself, noting that it was a year ago when the committee sent a letter requesting a thermal release due to extreme temperatures. He would like to have a system in place to be preemptive in advance of any damage rather than reactive. Boyar said that Dr. Peter Kolesar and Jim Serio did lay out a plan on how this could be accomplished. He asked Dr. Kolesar if his plan, the *Lordville Thermal Stress Relief Protocol*, would have been effective in this situation had it been adopted. Kolesar said thermal events happen every summer and the proposal that they made was to avoid what is happening today. He said the Weather Service is very good in predicting heat waves. From 2007 through 2012, there have been eight thermal events and the Weather Service predicted each one of them quite accurately. In every one of the eight events, the river went into thermal stress. Kolesar said they (they formally are the governors of the states of New York, Pennsylvania, New Jersey, and Delaware, and the Mayor of New York, or their appointees who are called the Principals, the most important principal being Paul Rush who is the Deputy Commissioner of the NYC DEP) are not organized to make a decision regarding thermal stress. They have declined to have a formal routine procedure in place that would “nip the problem in the bud”, Kolesar noted. The decision process for answering thermal relief requests is not well defined, and that was at the heart of Kolesar's proposal he said, to formalize that, adding that any formalization would be better. Kolesar estimates that the 300 cfs release is coming a little bit late, but it should knock the river down to 75 degrees, not much below, maintain it for 48 hours, but if they end the release, the river temperature will go back up because the air temperature is going to stay high for many more days. Kolesar said we have exactly the situation that we anticipated that we have a solution for, which they declined to implement without reason. Kolesar said he would like the Upper Delaware Council to reaffirm the position it already took in support of the implementation of the *Lordville Thermal Stress Relief Protocol*. Ritter reflected on the presentation by Thomas Murphy of the NYC Environmental Protection Bureau of Water Supply. He added that the storage in the reservoirs currently is 4% above normal for this time of year. He does not understand why the reservoirs are being kept at this capacity in the middle of July. Kolesar said that the persistence of the people of the Upper Delaware region has had a beneficial impact on the releases since 2005. Henry asked what the goal of the proposed Lordville protocol is. Kolesar said the goal was to keep the maximum daily temperature at Lordville below 75 degrees. After more discussion, Boyar said he feels the current thermal event situation needs to be addressed and he noted we need to identify with certainty the principals. He wants to be sure we are sending our requests to the “right players”. Boyar made a motion that the strongest letter possible be drafted that we are in the midst of a thermal event that has the

potential to degrade the resource here and we would like the principals to release as much water as necessary to ameliorate the situation. Ritter referenced the letter sent June 20th, 2012 by Soete which stated, "After this emergency at your convenience, we would like to know the procedure for which such decisions are made." A second to Boyar's motion was made by Jeffer. Henry suggested using specific language and details in the letter. Ritter read from Soete's 2012 letter to which he said we did not get a response. Hamilton asked to whom Soete's June 20, 2012 letter was sent. Ramie said it was sent to Paul Rush and Gary Paulachok as well as copied to a number of people. Kolesar said he believes the letter should go to the principals. He does not feel the burden of requesting a certain number of cfs should be on the WU/RM committee. Boyar suggested getting a list of the principals, drafting a letter, distributing it to the committee members for their input, and sending it out. Ramie said it is not accurate to say we did not get a response to Soete's June 20, 2012 letter. We did receive a letter back from Marie Stewart, the Deputy Delaware River Master, dated July 17, 2012. The letter was distributed to members at the time. In response to our question of what is the proper protocol to request emergency reservoir releases, Stewart wrote: "The requester should contact the Decree Party that has jurisdiction for the geographic area of interest and make your request to that Decree Party. The Decree Party will evaluate the request and bring it to the other Decree Parties for consideration as appropriate". Henry asked if a copy of FUDR's July 15, 2013 letter was available. Skelding said he could provide a copy by morning. He said it did not contain a specific cfs, but did mention the water temperature at Lordville. Boyar asked if some of the language he used in his letter addressed to the UDC dated July 15th could be used in the UDC's letter to be drafted to request a thermal release. Boyar's letter was included in members' packets. Boyar suggested that this requested release could be an opportunity to use some of the stored water in the reservoirs and alleviate flood concerns as well. Ritter asked Kolesar if there is any kind of historical data as to how much water was left in the reservoirs by September 15. Kolesar said that he has actual New York City reservoir data from 1981 to date by day. He also has a constructive database that goes back 76 years. He said all this data is what they've used to argue that there is enough water to support the relief program that they've proposed. A copy of FUDR's letter was located and Skelding read it to members. He said it was sent to the New York and Pennsylvania principals and related staff. The letter states that "this situation clearly illustrates the need for a formalized thermal release protocol that provides for cold water releases and the protection of valuable cold water habitat BEFORE emergency situations arise as the threat to the cold water habitat of the Upper Delaware River may quickly reach critical conditions this week". Boyar said he would like to set a target of noon on Wednesday, July 17th to have a letter sent out. Henry asked who will be drafting the letter. Ramie said she will collaborate with T. O'Dell. Discussion took place about to whom the letter would be sent and copied. T. O'Dell asked for clarification if the letter is for a thermal release or are we advocating for a protocol for thermal release. Boyar said the protocol will be addressed at a later date at which time we can let them know that their case by case approach to this issue is not working and that having a protocol in place would be better. Right now we want them to address the thermal event that we are having, Boyar added. Kolesar suggested including in our letter that the river is already in thermal stress and that according to the Weather Bureau forecast, which is known to be accurate, this is going to persist for another four days and we urge you to maintain thermal relief as needed throughout this event. Ritter reported river temperatures as of 2:00 this afternoon which included Callicoon at 81 degrees and Lordville at 74 degrees. A vote on Boyar's motion to send a letter requesting a thermal request was taken. The motion carried unanimously. Henry hopes that someone will monitor gages to see if the request is answered. Boyar said the WU/RM Committee should be thinking about making a recommendation to the full Council asking the Decree Parties to re-visit the Lordville Thermal Stress Relief Protocol. Henry asked if anyone has heard of any true thermal kills on any fish at all. Ritter said no and Skelding said FUDR did put that question out to many guides. Boyar said what happens is the river becomes devoid of the fishing interest because people will not typically fish when the water temperature goes over 70 or 72 degrees.

Draft Letter of Support for Wayne Conservation District Grant Application: T. O'Dell said that Watershed Specialist Jamie Knecht of the Wayne Conservation District advised him that they were applying to the PA Department of Community and Economic Development for a grant to establish baseline water quality data as vital to the health, safety, and future growth of Wayne County and asked for a letter of support from the UDC. A copy of the letter was provided in members' packets. A motion by Boyar to send the letter as drafted was seconded by Henry and carried unanimously.

Congressman Chris Gibson's Watershed Advisory Group: For the first time since the formation of the NYC Watershed, the entire West of Hudson River portion of the Watershed is encompassed in one Congressional District – the newly formed 19th District represented by Rep. Chris Gibson. The Watershed Advisory Group will bring together interested parties – residents, state and local officials, farmers, small business owners and others to facilitate communication between interested/affected individuals and organizations in order to help identify and remedy issues facing residents in the Watershed region. Boyar feels it is essential that the UDC, as the managing body for the Delaware River as determined by Congress, should have a seat on this Watershed Advisory Group. Boyar covered some of the issues proposed to be discussed by this group. Boyar said it is his opinion that the UDC should be represented by the Executive Director and/or the UDC Chairperson. The application form for this group was provided in members' packets. Boyar made a motion that the application for this group be completed and submitted. He noted that the advisory group is still being formed. Ritter asked how many people they are going to have in the group. Boyar does not know. Boyar reiterated his motion to submit the form and request that the UDC be included in the group. The motion was seconded by Henry. Questions were raised about where and how often the group will meet. Ramie said she got the impression that it was more of a consulting group. Ramie asked members if they thought this issue should be brought to the full Council for approval. Boyar said it could go to the full Council as a recommendation from the WU/RM Committee. Skelding noted that FUDR is going to complete and submit the form from that organization as well. Boyar said it is going to be an interesting committee and he thinks it is essential that the UDC is at the table. Henry recommended contacting Congressman Gibson's office for more information before the full Council meeting so maybe we could have some answers to the questions that were raised. A motion by Boyar to recommend to the full Council completing and submitting the required documentation for a seat on the Watershed Advisory Group was seconded by Henry and carried.

Delaware River Flow and Storage Data Report: Ritter reported that Cannonsville is at 96.9%, Pepacton is at 97%. Total storage is about 4% higher than normal for this time of year.

Japanese Knotweed Presentation Discussion: Ritter said a presentation on Managing Japanese Knotweed will take place on July 20th at 10 a.m. at the Hortonville Firemen's Pavilion. Boyar is sorry he can not make the presentation. He wondered if it could be videotaped. Ritter said he will reach out to Isaac Diebboll via e-mail to see if this is something he may be interested in videotaping. Boyar spoke of the Town of Highland's successful eradication of knotweed in their town. Ritter asked what their technique was. Boyar said they started at the beginning of the season and continuously mowed it down. It was mowed once a week for three years. Discussion about eating knotweed took place. Ramie asked members if they would like staff to see if Jamie Myers would be available to give a presentation on Knotweed at a WU/RM Committee meeting. Boyar said that would be a tremendous program noting that Myers is very knowledgeable and gives a great presentation. Ramie said we will see if she would be available for the August WU/RM meeting.

Other: Henry questioned if any speakers are lined up for future meetings. He was told that Jerre Mohler, Coordinator of the Delaware River Office of the U.S. Fish and Wildlife Service, will offer a presentation on the health of the Delaware River fisheries at the August 1 full Council meeting. T. O'Dell commented that Susan Beecher has expressed interest in presenting on the Climate Solutions University project at some point. Henry thinks it would be great to have Dr. Peter Kolesar and Thomas Murphy in the same room for discussion. Ritter asked Kolesar if he would be willing to do that. Kolesar said he would.

Public Comment: None

Adjournment: A motion by Boyar seconded by Jeffer to adjourn the meeting at 8:46 p.m. was carried.

Minutes prepared by Cindy Odell, 7/23/13