

AWSMP Stream Access and Recreation Working Group

MEETING MINUTES

30 September 2015
10:00am to 12:00pm
AWSMP Office
3130 State Route 28, Shokan, NY 12481

PRESENT:

Mark Loete, Trout Unlimited, Co-Lead
Marc Hollander, ACA/KCCNY/AMC, Co-Lead
Kathy Nolan, Catskill Mountainkeeper
Aaron Bennett, UC Dept. of Environment
Harry Jameson, Town Tinker Tube Rental
Mike Flaherty, NYSDEC Region 3
Brent Gotsch, AWSMP
Danyelle Davis, NYCDEP
Beth Reichheld, NYCDEP
Adam Doan, AWSMP
Leslie Zucker, AWSMP
Mary McNamara, Lower Esopus Watershed Partnership
Martie Gales, Shandaken Parks & Recreation
Tony Coccozza, Trout Unlimited
Ed Ostapczuk, Trout Unlimited
Rob Stanley, Town of Shandaken
Bill Rudge, NYSDEC Region 3

I. Welcome and Introductions –

The committee members and others present introduced themselves.

II. Working Group Leadership –

a. Co-lead acceptance of Mark Loete –

Brent G explained that the co-lead position is “officially” vacant. Mark Loete has expressed interest in serving in this capacity. The members present unanimously approved Mark L. as the co-lead to serve alongside Mark Hollander. Brent G indicated that the chairperson positions are re-visited annually (approximately).

Leslie Z conveyed a big “thank you” to all of the members present for dedicating their time and energy by serving on this committee (or any of the other committees convened by AWSMP). Particular thanks was given to the two chairmen/women that serve on the various committees as they then become a

member on the ASWSMP Stakeholder Council. This distinction results in an additional dedication of time and effort.

III. Recreational Safety

a. Hazards on Esopus Creek & b. Signage and Communications -

Various members of the group present expressed their sentiments, sorrow, and thoughts pertaining to the tragic death of a fourteen year old while tubing on the Esopus Creek less than a month ago (September 5, 2015). The accident occurred at a popular NYSDEC Angler Access location adjacent to the Shandaken Rural Cemetery in Allaben on Forest Preserve land owned by New York State.

Bill R indicated that the NYSDEC would like to assist as needed in coming up with an acceptable solution to this hazard on the State-owned land at this location. Additionally, he indicated that he originally thought the NYSDEC owned a lot of land along the Esopus Creek, however, after looking into it, this proved not to be the case.

Bill R stated that the NYS Constitution (referring to the part which indicates Forest Preserve lands are considered “forever wild”, thus prohibiting the sale, removal, etc. of the timber) is not an obstacle when addressing a public health hazard, as many people perceive it to be. He gave examples of NYSDEC having to remove hazard trees at campgrounds, trailheads, etc.

Mark H spoke regarding the history of access at this location as well as what could be done in the future at this hazardous location, for the benefit of whitewater users on the Esopus Creek. He noted that this committee has talked about in-stream safety, balancing recreational uses / water releases, and erecting better signage. He noted that it is impossible to eliminate all tragedies and recognized that accidents do happen, but stated that we can reduce them - particularly with better signage and better user education about not only the dangers that exist, but also about streams in general.

Mark H expressed the need to find a balance between the environment and recreational use, and spoke about the importance of this unique recreational resource to the local economy and the need to preserve it.

He also indicated that over the course of his three years serving on this committee, there have been discussions about the possibility of designating the portion of the Esopus Creek that draws thousands of whitewater enthusiasts every year as “high use”. Perhaps then the known-to-be hazardous debris locations (“strainers”) could be addressed.

Mark L asked the group if they thought the tragedy was avoidable. He believes it was, and feels it's incumbent upon this group to make sure this never happens again.

Kathy N stated that this is one incident and that there are many other hazards and hazardous areas out there. She advocated for a formal process to identify hazards. She also indicated that whitewater kayaking is one of the most dangerous recreational activities one can choose to do. She asked if we feel the need to advocate for a certain skill level before using the Esopus. She feels the Esopus is a wild river and should remain that way.

A brief discussion followed on the dangers of whitewater kayaking and the "class" of whitewater difficulty of the Esopus Creek.

Ed O brought up the idea of a "bubble release" during recreational release weekends to better accommodate both tubers and kayakers. This release, which has been done in the Adirondacks, is of higher volume at dawn for kayakers and then is cut back later in the day for tubing.

Harry J spoke at length about his experiences over the course of his 36 years in the tubing industry. He has put more than 800,000 users on the Esopus Creek without ever losing a life. Harry noted that he and his crew pro-actively remove hazards annually from the creek with permission from the private landowners. He has never had a problem getting such permission. In extreme situations, some of which he elaborated on, the Town has used its resources for removing hazards (trees). Similarly, when County bridges (Woodland Valley or Bridge Street) get choked with woody debris, Ulster County has assisted with debris removal. Harry J stated that he keeps thorough documentation of all of the work his crew conducts, and has some additional documentation of what the County and Town have done historically.

Harry J indicated that between the Portal and Shandaken Rural Cemetery in Allaben is the most dangerous stretch of the river. There have been several deaths over the years. Harry J has not used this "cemetery put-in" since the flood of 2005, at which point the "strainer" initially formed and has been accumulating woody debris ever since. He believes that a coordinated effort among many parties is what is needed to solve the problems that persist.

A question was raised about whether or not the recreational releases made from the Portal are too high for tubers. Harry J indicated that the higher releases cater to different consumers, and there are many that seek the higher flows. He stated that he routinely turns away people based upon the river conditions and their ability. He stated that he has the experience to be able to gauge ability levels based upon how potential customers answer certain questions and their physical appearance.

Kathy N mentioned the idea of labeling certain locations as “high hazard areas”, and perhaps also having a way of matching users’ ability levels to that of the current flow conditions.

Mark H passed around a sample sign he recently developed for posting at access points. He believes that posting signage is a worthwhile endeavor which will provide a multitude of benefits, including educating the public about general safety, hazard areas, wildlife, local offerings, etc. He felt that websites, and forums on social media are simply not enough.

Mark H indicated that he has already reached out to the Boy and Girls Scouts to help install signs and /or kiosks (if needed) as an Eagle Scout project.

Leslie Z asked about NYSDEC’s policy regarding signage and mentioned that the National Seashore has permanent signage (whiteboards/kiosks) that post information about hazards in addition to other information at public access points.

Bill R stated that NYSDEC currently has kiosks at numerous locations on State land which do in fact post information about hazards. He offered that the NYSDEC would be willing and able to install temporary signage at the Shandaken Rural Cemetery in Allaben access point before the coming weekend. The upcoming weekend is a pending recreational release event for a whitewater slalom race. The NYSDEC already has the temporary sign produced.

A question was raised about the NYSDEC conducting “landowner maintenance” at this location as well as throughout the stretch of the Esopus that receives the most intense use. Bill R indicated that he had recently reached out to other State colleagues to determine what is done elsewhere in the state with respect to this issue of “maintenance”. DEC doesn’t maintain the Esopus Creek as a recreational waterway. It is common, particularly in the Adirondacks, for the user group(s) to maintain the resource. Bill R indicated that the NYSDEC may not need to issue stream disturbance (or other) permits for this maintenance. It will depend on the work being performed. He advised that it would be much more likely that the NYSDEC would give permission for someone to do the work as opposed to expecting the NYSDEC to conduct the work themselves.

Tony C pointed out the value of trees along a stream (shade, habitat, stabilization, etc). He is worried that if trees are removed for recreation it could lead to riparian landowners wanting all the trees taken out of the creek on their property.

Rob S stated that a lot of Town residents and first responders assisted on the day of the tragedy. He believes that the volume of water is/was not the problem – the “strainer” is the problem. He expressed support for posting signage at the location. Rob S went on to say that he feels this is an ongoing issue that requires a programmatic approach. A long-term and systematic resolution is needed to annually (or perhaps both spring and fall), address the hazards in the creek. Can

the process of removing strainers be simplified? Perhaps a sub-group of this committee could meet to identify hazards, establish a funding source(s), and work on removal or appropriate signage.

Beth R asked if anyone has approached NYSDEC about removing the “strainer”, or for permission to remove it. Bill R indicated that the easiest path forward would be for the NYSDEC to review a proposal to remove the “strainer” as opposed to requesting that NYSDEC remove it – which would be precedent-setting. NYSDEC has no precedent for “maintaining” a wild river.

It was noted that access to the “strainer” for heavy equipment will be tough. Harry J asked if NYSDEC can remove hazard trees at campgrounds and at other recreational facilities why should this site be any different. Bill R stated that the NYSDEC does not recognize the Esopus Creek as a recreational facility. He also re-stated that the usual approach is for a user group to come to NYSDEC with a plan to conduct the work, and if approved, a permit (if needed) from the NYSDEC would be issued.

The group discussed formally petitioning the NYSDEC to remove the strainer. Leslie Z noted that the AWSMP Stakeholder Council might not be able to issue blanket statements, endorsements, or advocate one way or another for or against something as there are many different representatives each with different beliefs and interests. But member organizations do conduct advocacy activities.

Danyelle D stated that the “strainer” is likely preventing bank erosion in this location. If it were to be removed, there should be a plan in place to address that area as it could cause several other trees just downstream to fall into the stream and encourage bank erosion.

Mary M asked the group if there have been any anglers that have lost their life on the Esopus Creek. There were two deaths on the Lower Esopus in 2011, making the point that users are not always aware of changing river conditions, the streambed, and other site conditions. Human-made conditions are also a factor, such as the Shandaken Portal or the Release Channel (for the Lower Esopus). She stated that there are a lot of hazards out there, and signage is great, but cautioned that it not only be tailored to one user group.

Harry J mentioned that the same locations continue to catch/accumulate woody debris. Whether it is a “hazard” or not – and whether to remove it or not - is the question he must ask himself each year. He explained that if there is wood in the stream and the main current of the water is flowing against it, he considers it a hazard, and he will then instruct his crew to remove it.

Mark L stated that he loves the wilderness aspect of the Esopus Creek and feels it is the basis for the economy – as it is an attraction.

A discussion of immediate “next steps” ensued. All agreed that putting up the signage ASAP would be the next logical step. Another idea is to get a group together to explore designating the creek as a “high use area” or “water trail”. This could potentially allow active maintenance of hazard locations.

Tony C re-iterated that cutting trees in/along a stream and removing strainers is much different than along a hiking trail.

Rob S expressed interest in identifying hazards along/in the stream and the need to develop some common language as to what defines a hazard that all parties can agree upon. This protocol, once in place, can then be moved along to the user-group so the hazards can be addressed. He also asked if perhaps the Catskill Watershed Corporation could be a potential funding source – possibly with economic development funds or stream debris removal money.

Beth R indicated that the CWC’s stream debris removal funds can only be used post-flood. Harry J mentioned that the CWC’s post-flood funding was applied for at several locations after TS Irene where the county-owned railroad tracks were washed into the Esopus Creek. Ultimately Ulster County decided not to follow through due to insurance and/or liability reasons and the tracks were removed, but not with the CWC funding.

Aaron B encouraged the Town to approach CWC with the idea and frame it as an economic development initiative.

Harry J indicated he has a list of people who are willing to help when it comes to removing strainers from the creek as well as being part of any more formal process that might come to be.

Bill R re-iterated that the approach of designating the Esopus Creek as a “high use” river / waterway, or similar is probably not the most effective approach. This would have implications on riparian landowners up and downstream. Private residents own far more of the Esopus Creek throughout this popular whitewater section than does the State of New York.

The question of working on NYSDEC Forest Preserve “forever wild” lands came up again. Bill R indicated that NYSDEC has the ability to allow the use of heavy equipment on either Wilderness or Wild Forest lands. The Esopus Creek acts as the division between the Slide Mountain Wilderness and the Shandaken Wild Forest at this location.

A question was then asked about what in-stream or bank-armoring types of structures NYSDEC would allow at this site. An example of a recent streambank restoration site in Chichester was discussed for comparison. The project site in Chichester had multiple benefits – water quality, flood reduction, habitat enhancement, etc.

Beth R talked about NYCDEP-funded projects (like the Chichester project) which have secondary benefits, like recreation. She indicated that such benefits may bump up a site on the priority list; however this location, the Shandaken Rural Cemetery at Allaben, is currently not listed as a turbidity source.

Harry J categorized this location as one where ongoing maintenance will be needed. Danyelle D stated that the meander bend at this location is one of tightest bends on all of the Esopus Creek – confirming that debris will continue to accumulate there. Aaron B mentioned that through the Unit Management Plan process for that parcel of Forest Preserve, perhaps a window for routine maintenance could be authorized and conducted by NYSDEC.

A brief discussion ensued about the history of recreational releases and deaths on the Esopus Creek. Recreational releases began around 1975-76 according to Ed O. Harry J indicated that there have probably been 7 or 8 deaths since that time. There seemed to be agreement among many present that the recent flooding events have ripped the river apart and left it in a very unstable condition.

Action Items:

At this point in the meeting, the group decided to summarize next steps. Bill R indicated that the NYSDEC would erect temporary signage at the NYSDEC access points, including the Shandaken Rural Cemetery in Allaben. This would be done in the next day or two so as to be in place before the approaching (and pending NYSDEC approval) recreational release weekend (10/3-10/4). A note was also made about placing similar signage at the tubing and whitewater rental companies and the Catskill Interpretive Center.

Additionally, this group, or perhaps subset of it, would like to continue to work to mitigate recreational hazards, and recognized the need to further explore the establishment of a fund for performing hazard removal work. Rob S agreed to call Alan Rosa at the CWC to explore the funding possibility.

Mark H agreed to establish a “FreedCamp.com” online forum to further dialog and discussion regarding this issue in between the quarterly meetings. Mark H will initially share a link with Brent G.

IV. NYCDEP Update on Schoharie Reservoir Low-Level Outlet –

Beth R reported that NYCDEP is in the process of doing a change order to the contract that was in place to design the Low-Level Outlet (LLO) at the Gilboa Dam on the Schoharie Reservoir. The change order will request that the consultant team look not only at additional designs for the LLO (as opposed to only withdrawing water from the reservoir bottom) but also evaluate the alternatives (the water supply implications) for each of the additional designs.

Beth R indicated that the design and evaluation of alternatives work will not begin for several months. The consultant cannot start on work outside the current contract until the change order is approved. The NYCDEP's internal process for authorizing something like this is complex and time-consuming. It was noted that the completion date for the LLO is not until 2020.

V. Adjourn -

The meeting was adjourned shortly after 12:00pm with no next meeting date set.