

Stream Access and Recreation Working Group Meeting

March 9, 2016

AWSMP Office, 3130 State Route 28, Shokan, NY 12481

10:00am to 12:00pm

*In attendance,*

Marc Hollander, KCCNY (Committee Co-chair)

Mark Loete, Trout Unlimited (Committee Co-Chair)

Brent Gotsch, CCEUC

Rob Stanley, Town of Shandaken

David Burns, NYC DEP

Chris Tran, NYC DEP

Maxanne Resnick, Woodstock Land Conservancy

Mary McNamara, Lower Esopus Watershed Partnership

Harry Jameson, Town Tinker Tubes

Mike Flaherty, NYSDEC

Tony Cocozza, Trout Unlimited

Kathy Nolan, Catskill Mountainkeeper

**Welcome and Introductions**

Group members went around the room and introduced themselves.

**State Pollutant Discharge Elimination (SPDES) Permit Meeting Update**

On February 18, a SPDES permit meeting was held in the Shandaken Town Hall where NYC Department of Environmental Protection (NYC DEP) officials gave an update on work being done in and around the Schoharie Reservoir. David B. of NYC DEP gave an update to the group about what went on during that meeting and some of the topics discussed. Of particular interest to working group members was the update on the low level outlet (LLO) that would transfer water to the Lower Schoharie Creek.

NYC DEP plans to install a LLO in the Schoharie Reservoir. This will serve two purposes. Primarily, it will serve as a dam safety mechanism, giving NYC DEP the ability to discharge large quantities of water safely to the Lower Schoharie Creek prior to a large storm event or if the Gilboa Dam becomes compromised. Depending on permit requirements and public input, it may also be used to provide a regular conservation water release to the Lower Schoharie Creek. There is concern among many in the fisheries community that using the LLO as initially proposed would release only cold water to the Lower Schoharie Creek (which is a warm water fishery) and potentially reduce the amount of available cold water to the Upper Esopus Creek Via the Shandaken tunnel (which is a cold water fishery). There are feasibility studies in the works to determine exactly how much water will be necessary for an effective conservation release to the Lower Schoharie Creek.

NYC DEP is working on redesigning the proposed LLO so that it should be able to draw water from different temperature levels in the reservoir and take warmer water for conservation releases to the Lower Schoharie Creek. Currently, there are siphons on the Gilboa Dam that draw water from the surface of the reservoir (usually the warmest layer). There was some discussion on potentially keeping those siphons instead of decommissioning them. NYC DEP intends to eliminate the siphons because they were never designed to be a permanent fixture on the dam, but rather installed to facilitate repairs to the dam. They are near the end of their useful life and even if replacement siphons were installed their utility would be limited to only a few feet from the surface of the water. For all of these reasons, NYC DEP wants to permanently remove the siphons as soon as possible.

In addition to the LLO, there will be work done on the Shandaken Tunnel outlet in the Schoharie Reservoir. NYC DEP plans on building extensions from the outlet into the reservoir to facilitate repairs to the shaft gates. This work will require skilled divers to complete. The divers will install an approximately 6-8 foot pipe. This rehabilitation should allow NYC DEP to draw water from different temperature levels to allow not only access to appropriate water temperatures but also to possibly reduce turbidity from entering into the Tunnel and ultimately the Upper Esopus Creek.

## **Recreational Safety**

### *Allaben Access Site*

Safety along the Esopus Creek has been a prominent topic of discussion since the death of a teenage girl over Labor Day weekend in 2015. Conversation focused around the need to balance safety and potential large woody debris (LWD) removal with the streambank stability and habitat that LWD provides.

Brent G. introduced a document created by Ulster County Soil and Water Conservation District staff illustrating their monitoring efforts at the Allaben Cemetery stream access site. After the removal of the LWD at this site last fall, there has been significant erosion and overall stability

has decreased. This is an example of what can happen if LWD is removed from a location without prior consideration for the fuller geomorphic conditions of a site.

All of the working group members were concerned with the retreat of the streambank and asked if it would be possible for stream restoration work to be done either at this site or potential future sites if another debris jam was removed in a similar fashion. Rob S. noted that FEMA pays for in-stream work following declared disasters but that the timeframe for getting that work plan submitted during a disaster declaration is very tight. The Allaben site had LWD before Tropical Storm Irene but that storm increased the accumulation there. In the aftermath of Tropical Storm Irene, it was not a priority for the Town considering all of the other work that needed to be done.

Chris T. spoke about how NYC DEP leveraged federal Emergency Watershed Protection (EWP) funds for major stream restoration work at sites along the Stony Clove in Chichester. However, those sites were already in development long before Tropical Storm Irene and they had a clear water quality benefit. Sites like the one at Allaben have not been a concern for water quality and would likely not be high on any list for treatment by NYC DEP. The Allaben site is located on New York State Forest Preserve land. This significantly limits what type of work can be done on it. The only reason it was removed this past fall was on special orders from the Governor's office in preparation for Hurricane Joaquin.

#### *Recreational Safety Protocol*

The idea of developing a "safety protocol" to determine appropriate actions has been discussed repeatedly during this and previous meetings. The main focus of a potential safety protocol would be to identify areas (specifically access points) along the stream corridor that pose a particular concern for safety. Ideally, the protocol will list criteria that establishes when LWD should be removed (if they pose a hazard for human safety) and when they should remain (if no hazard is present or if their habitat and stability potential is high). The protocol would also layout education tools (increased signage for example) that would notify potential users of the inherent danger of activities on the water and of specific threats posed at specific locations.

Tony C. reiterated his strongly held belief that the Esopus Creek is a wild and natural river and should remain as such. He is concerned that any safety protocol could potentially be abused and used to "sanitize" the river and ultimately remove all LWD even if it is providing habitat and stability.

Marc H. spoke to his belief that there are multiple user groups who utilize the Esopus Creek, among them anglers and the whitewater recreational community (tubers, kayakers, canoers, etc.) and their needs should be balanced with the needs of habitat and stability. He strongly believes that an appropriate balance can be struck that improves safety and is not detrimental to habitat or stability. He too believes that the Esopus Creek is a wild and natural river and keeping LWD in place as much as possible is appropriate to maintaining the river's condition.

Harry J., as proprietor of Town Tinker Tubes, has his own unofficial protocol to remove threats that would be detrimental to his business. Multiple times each season him and his crew map and assess the area of the stream where there is tubing. After he identifies any potentially hazardous

LWD he cuts it up and generally leaves it in place. Only the most obvious and dangerous jams are removed because the process is so labor intensive and because he recognizes the importance that LWD has on stability and habitat. It is his belief that any protocol that this working group develops should be based on a similar management strategy.

Mary M. thought that stream management plans could be used as an education tool for dangerous locations. Marc H. reported that on the Freedcamp website there is a posting that lists all of the access sites along the Esopus Creek corridor. It may be wise to target those areas for increased signage and education regarding LWD and other potential dangers.

Harry J. and Kathy N. informed everyone about Ulster County Resolution Number 79. This resolution calls for the establishment of an Ulster County Waterways Advisory Committee. This committee is looking to craft a maintenance plan for county rivers and streams. The maintenance plan would look to implement flood reduction projects and projects meant to decrease life threatening dangers. There are also plans for allocating up to \$20,000 for chipping of LWD. This resolution has passed all the necessary committees and is waiting on a vote from the full legislature to go into effect. Kathy N. believes that it may be an opportune time to approach the Ulster County legislators to see if they can offer this group any assistance and to collaborate toward a common goal. She further stated that the Ulster County Legislature should look toward the AWSMP Stream Access and Recreation Working Group as a source of expertise on how to improve river safety.

Mark L. drafted a short document that he shared with the group. The document included some basic principles about the sanctity of human life, the importance of safety, and the need to protect habitat. Appropriate actions to uphold those principles are not necessarily full removal of LWD in every instance. A first course of action would likely be additional signage and education. Full removal of LWD would only come if there was an overwhelming interest in removing it and if there was minimal habitat and stability concerns. The majority of the working group believed this would be a good foundation on which to build a safety protocol.

Rob S. suggested inviting the Ulster County Sheriff's Department, specifically Joe Steyer who specializes in swift boat rescue, to talk about how he views the situation and any information that he could provide.

There were concerns about how far the protocol would go. Would it be enforceable? How would it be funded? Could it be implemented? Who would implement it? What section of river would be managed by it? All of these questions would need to be answered as part of the safety protocol development process.

Brent G. notified the group that there were two ways that AWSMP could support the creation of a safety protocol. The first way entailed working within the confines of the working group where AWSMP could hire a neutral professional facilitator who will take all sides into consideration, capture their ideas, and then develop the protocol assuring that all parties were given the opportunity to provide input. Another method would involve the submission of a Stream Management Implementation Program (SMIP) grant application to hire a consulting firm to develop the protocol. A non-profit or municipality would have to submit the application. It was

suggested that if this option was selected, that the application be a joint application between Trout Unlimited (TU) and the Kayak and Canoe Club of New York (KCCNY) as they are the largest interest groups represented on the working group.

Rob S. suggested and the group agreed that they should continue to work on the protocol strictly within the working group for a longer period of time prior to engaging an outside facilitator or submitting a SMIP application. Generally, the group believed that it would be best to avoid having to submit a SMIP grant and to work amongst themselves for the foreseeable future before engaging with a facilitator.

Kathy N. suggested that a subcommittee be formed to pursue this matter further. Rob S., Marc H., Mark L., and Harry J. volunteered to work on the subcommittee whose goal would be to advance the idea of the protocol further. Rob S. also suggested that this subcommittee consider reaching out to staff from Ulster County Planning and/or Department of Environment to participate.

Tony C. suggested that additional signage at known dangerous locations should be considered prior to another high water event. Marc H. suggested using the temporary sign he posted at the Allaben site as a model until more permanent signage could be posted.

Kathy N. will write-up a more detailed report on action items that the safety protocol subcommittee will pursue. The subcommittee will reach out to Joe Steyer and report back to the full working group on their findings.

### **Route 28 Signage**

Peter Manning, a private planning consultant, is working on a project for the Route 28 Scenic Byway. He is currently looking to find areas that require wayfinding signs for recreational access points, particularly for areas on back roads and less traveled highways. He will be hosting a public meeting at the Catskill Interpretive Center to look into this situation more and requested the AWSMP Stream Access and Recreation Working Group's assistance in identifying sign deficient areas. He may come to a future working group meeting to talk about his work in more detail.

### **AWSMP Action Plan Update**

Brent G. asked the group if they had any suggestions for changes in the access and recreation section of the AWSMP Action plan. One suggestion was to add language stating that major educational events be created as needed as opposed to once a year. This would relieve some of the burden on AWSMP staff from having to develop a program while still leaving the opportunity open and available if one was requested or needed. Kathy N. suggested that an item be added regarding the group's efforts on the safety protocol. Brent G. asked the working group members to consider any additional changes and let him know.

### **Member Updates**

Kathy N. suggested bringing in Mark Whitmore from Cornell University to speak to this group about emerald ash borer and hemlock wooly adelgid, two invasive insects that are killing ash and

hemlock trees, respectively. He could potentially come to this group to speak about the impact that less hemlock will have on stream stability and health. David B. reported that Mr. Whitmore will be presenting on this very subject at the upcoming Schoharie Watershed Summit on April 2, 2016.

Mark L. told the group that there will be a guest speaker at the next monthly meeting of the Ashokan-Pepacton Chapter of Trout Unlimited. Howard Bartholomew, who is the leading expert on Schoharie Creek watershed issues will be speaking. The meeting will be held at the Boiceville Inn on March 30, 2016. The talk will begin at 8:00pm.

Mike F. reported that New York State Department of Environmental Conservation (NYSDEC) will be working to expand access from the Catskill Interpretive Center to property that it owns on the other side of Route 28 adjoining the Esopus Creek. NYSDEC is looking to find a way to safely access that land from the interpretive center site as pedestrians will likely have to cross Route 28 to get to the streamside property.

### **Next Meeting**

TBA June 2016