

Ashokan Watershed Stream Management Program

Stream Access and Recreation Committee

September 5, 2012

In attendance:

Brent Gotsch, CCE Ulster County
Gretchen Rae, CCE Ulster County
Marc Hollander, Interested individual/Esopus Creek recreationalist
David Hollander, Interested individual/Esopus Creek recreationalist
Russell Yess, Trout Unlimited
Bryan Roberts, Woodstock Land Conservancy
Kevin Smith, Woodstock Land Conservancy
Harry Jameson, Town Tinker Tube Rental/Catskill Mountain Railroad
Charles Laing, DEP
Mary McNamera, Lower Esopus Working Group
Aaron Bennett, Ulster County Department of the Environment
Mark Loete, Trout Unlimited
Kathy Nolan, Catskill Mountainkeeper
David Gilmour, Gilmour Planning
Martie Gales, Town of Shandaken Parks and Rec Committee
Danny Davis, DEP

Welcome and Introductions

AWSMP Stakeholder's Council Representation

Aaron Bennett will for the time being be the designated representative from the Stream Access and Recreation Committee to the AWSMP Stakeholder's Council. Other members of the group have voiced interest in the position and we can revisit who is the representative at a future date.

Whitewater Recreation Concerns

DEBRIS REMOVAL

Harry Jameson reported that there was a lot of large woody debris (LWD) in the Esopus Creek following Tropical Storms Irene and Lee as well as other debris (e.g. household waste, etc.). Catskill Mountain Railroad (CMRR) made an application to the Catskill Watershed Corporation (CWC) for debris removal. This grant money would be used to remove debris including train tracks in 4 locations on the Esopus including removal of the trestles in Boiceville and Big Indian (CMRR would ultimately like to replace the Boiceville trestle). Ulster County (who owns the rail road corridor) did not sign the indemnification clause because of liability concerns which resulted in no CWC money being used for debris removal. Ultimately, Ulster County removed some railroad tracks without use of the CWC money which resulted in some LWD becoming

displaced and inadvertently moving into the designated courses for tubers and other white water recreationalists and created a safety hazard.

This has been an ongoing safety concern (debris and debris removal) that has been talked about since the beginning to the Stream Management Program (and even prior to that) but no solutions have been identified. It has been recommended previously that the Upper Esopus Creek (from approximately the Shandaken Tunnel to the Ashokan Reservoir) be designated a “high-use” area which would allow for streamlined permitting for debris removal. This has not been done because of concern over liability and maintenance.

The question becomes: Who is liable for debris? Who is responsible for maintaining the streams and keeping hazardous debris out of the way?

It was suggested that concerned committee members work with state, and county officials to determine the extent of the problem and to see if they can create any sort of solutions from a policy perspective. It was also suggested that the committee reach out to Jeremy Magliaro, who was a former Program Coordinator for AWSMP and is currently working for the NYS Attorney General’s Office. He had done research in the past into liability issues related to debris and debris removal. AWSMP may also be able to use program funds to research this issue. Program funds would not be allowed for maintenance and on-going debris removal as this is not a stream maintenance program.

Also suggested that we look into how things are done on the Pepacton/East Branch of the Delaware which has a similar situation.

It was mentioned that the Adirondack State Park has a high-use designation for canoes and whitewater related recreation from some of their popular heavily-used streams. We may be able to use that as a model for any sort of high-use designation on the Esopus Creek.

RECREATION RELEASES FROM THE SHANDAKEN TUNNEL

This year and for the past five years recreational water releases from the Shandaken Tunnel during the summer has been canceled due concerns that there will not be enough cold water for fisheries in the fall months. This has created many difficulties for the whitewater community who depend on the releases for higher flows during their peak months of the year.

It had been suggested that money from our program could be used to hire a consultant who would develop an independent report which would show how much economic impact whitewater recreation, fishing, and associated releases from the tunnel impacted the local community. It would also investigate ways that recreational releases could be done without harming fisheries. It was stated that this may pose a conflict of interest in that AWSMP is funded by NYC DEP (who operates the Shandaken Tunnel and controls releases) and that any study would have to be done with other outside money and limited AWSMP funds if any.

It was also suggested that we look at places such as the Leigh River in Jim Thorpe, PA which has similar recreational releases which benefit whitewater enthusiasts and fisheries. Marc Hollander

volunteered to help research this issue and to understand the technical aspects of recreational releases for the group.

It was highly suggested (since whitewater topics have come up quite often in these and other forums) that we schedule a day sometime this winter to have a workshop with appropriate agency officials to discuss these issues.

Long-Term Project Updates

MOUNT TREMPER BRIDGE

The closed bridge in Mount Tremper near Riseley Road that was once used for vehicular traffic has been suggested by committee members that it be used for foot/bike traffic, perhaps as a sort of loop with stream access (perhaps even handicap fishing access). Ulster County owns the bridge and it has been slated for removal, however, it is not high on the priority list for removal. Committee will continue to investigate the feasibility of keeping this bridge for pedestrian traffic and stream access.

It was suggested that the county be contacted to see if there is an engineer's report to determine structural deficiency. We should also work with other groups and trail associations to see if there is an opportunity to join this up with other trail networks which would make the project more likely to be pursued.

CATSKILL MOUNTAIN RAILROAD RAIL TRAIL PROPOSAL

Harry Jameson reported that CMRR has invested over \$1 million in improvements and maintenance for the railroad corridor. They are in negotiations with Ulster County to renew their lease of the railroad corridor as it expires in 2016. The major goal for CMRR is that they want to have continuous uninterrupted service from Kingston to Phoenicia. This is their priority and they will be investing money into improving track and rail grade between those two locations.

The rail corridor between Phoenicia and Highmount has been heavily damaged in past floods and would cost over \$10 million to restore. CMRR has stated that they would be amenable to opening up this portion of the track to rail trail conversion. CMRR has always been open to multi-use recreation on the railroad corridor as long as it meets federal safety standards (which they need to abide by). If a trail is to be constructed near an active track an appropriate setback is required.

In order for CMRR to allow use of the railroad corridor west of Phoenicia they require:

1. Need any trail on the corridor to rehabilitate that corridor to RR grade quality.
2. Need to involve NYS Department of Transportation who have explicitly said that they do not want the tracks themselves to be removed.

Considering that there are some portions that may not be able to be rehabilitated to railroad grade quality there may be opportunities to transform those sections into hiking/biking quality trails that would be cheaper to build/maintain.

Harry Jameson will return to the CMRR Board of Directors and discuss with them the possibility of transferring use of the tracks west of Phoenicia to multi-use recreation. If they are in agreement on this then CMRR, Ulster County Industrial Development Association (IDA) and other stakeholders (Town officials, NYSDOT, DEC, DEP, non-profits, etc.) will have to meet to see what the next steps will be in converting the trail to multiuse.

WARNER CREEK TRAIL

Brent Gotsch met with Charles Laing of NYCDEP (who was also in attendance at the meeting) to discuss feasibility of creating a trail. The DEP property is in an excellent location and adjacent to NYS Forest Preserve which contains a trail that it could link to. However, there is a large ravine that separates the city property from the state property and would be expensive and difficult to build a trail through.

There is a parcel which is in private hands just south of the DEP property which has an old town road on it that is in excellent shape and would serve as an ideal trail that could access the DEP property and also the state land. However, there would need to be landowner permission to use that road for recreational purposes.

If the landowner agrees then the city would require liability insurance prior to allowing trail construction.

Kisok Updates

AWSMP is working with Dave Channon, a local artist, to update panels on a kiosk located on the Woodland Valley side of the Woodland Valley bridge. We are also working with him to create a new kiosk panel for the Phoenicia Main street bridge educating others on the project that went in there last fall.

AWSMP Website Redesign

AWSMP is working with Stephanie Blackman of Blackman Design to overhaul and redesign our website. Hopefully the website will be live sometime this winter. There will be at least one page on the website devoted to recreation.

It was suggested that we also include on our webpage a link to the USGS stream gages as well as our facebook page and other social networks. Also suggested that we include current conditions of the stream if possible.

Other Agency/Group Programs

Check out the Leaping Trout art project sponsored by the Ashokan-Pepacton Chapter of Trout Unlimited <http://www.theleapingtrout.com/>

Ulster County Creek Week will be September 15-23. For a complete list of events/activities please visit their website: <http://ucenvironment.org/ulster-county-creek-week/>

There will be a tour of the tidal portion of the (Lower) Esopus Creek on September 22 from 9:30-1:00 (visit the link from the Creek Week page for more details).

Future Actions/Assignments

Harry Jameson will go to his board to discuss the possibility of allowing multi-use recreation access to the rail corridor west of Phoenicia. He will report back and if this is a possibility we will pursue it further with the appropriate stakeholders.

Charlie Laing will forward AWSMP the contact information for the landowner south of the DEP Warner Creek property. AWSMP will work with the Woodstock Land Conservancy to determine the best course of action on how to approach this landowner.

Aaron Bennett will contact the appropriate official in the Ulster County DPW to determine if there is an engineering study done on the Mount Tremper bridge to see if its conversion to a pedestrian bridge is a possibility.

Marc Hollander will reach out to appropriate DEP Operations staff with assistance from AWSMP and DEP to determine the technical workings of releases from the Shandaken Tunnel. He will also research recreational releases in other states (such as Jim Thorpe, PA) and report his findings back to the group.

Brent Gotsch (AWSMP) will contact Jeremy Magliaro concerning his research into debris removal liability.

AWSMP staff will work with Stream Access and Recreation Committee members and other agency officials to develop a workshop this winter on whitewater recreational concerns including recreational releases and debris removal.

A doodle poll will be sent out to determine the next scheduled meeting. It is anticipated that the next meeting will be held around December 2012/January 2013.