2.11 Stakeholders

Schoharie Creek/East Kill Informational meeting, June 3, 2006.

Saturday, June 3, 2006, marked the official start to the stakeholder involvement portion of the Schoharie Creek and East Kill Stream Management Planning Projects. Greene County Soil and Water Conservation District (GCSWCD) and New York City Department of Environmental Protection (DEP) representatives presented information on the two agency's water resource programs and the various components of the stream management plans to the 100 participants. Presentations were followed by a question and answer session that included passionate stream management discussions that should lead to active participation in the planning process.

Results from the June 3rd session reinforced that a critical component of the stream management planning process is public support and input for the project. To this end, the Schoharie/East Kill project team, and a professional consultant from the Consensus Building Institute, completed a survey of potential Project Advisory Committee (PAC) members to start gathering input for the management planning process (full results and recommendations below). Most interviewees described the stream as picturesque and aesthetically pleasing, historic and of great potential value. At the same time, it was also described as "out of control", in need of attention, and unstable.

The survey information was further expanded upon at a facilitated workshop at which the following priority considerations for forming a project advisory committee to assist in the development and implementation of the stream management plans were decided upon: 1) representation of all key stakeholder groups; 2) manageable size (30 is probably about the biggest manageable group for full group discussions) 3) balance among stakeholder interests; 4) PAC membership should stay open through the planning process, so that new players can be added if appropriate. The group also decided the primary goals of the PAC should include: 1) building consensus among the key stakeholders on the goals, process and expected outcomes of the SMP process, based on broad public input; 2) engaging key stakeholders in reviewing information about the current conditions of the Schoharie Creek and East Kill and

its management, and gathering new information if necessary; 3) facilitating joint development of options for improving management, especially options that can contribute to multiple goals (environmental, economic, recreational and social); 4) prioritizing and integrating those options into a balanced management plan that says how resources will be allocated, who will do what and by when, and how to implement the preferred options; 5) mobilizing key stakeholders and the public to work together to generate the resources needed to implement the plan. Following the workshop a PAC was initiated that met several times prior to completion of this stream management plan. In should be noted that "completion" is a relative term. The stream management plans are designed to be updated with new assessments, knowledge or recommendations. Additionally, the PAC will develop annual action plans to prioritize recommendations. Therefore, the management planning process is not a stagnant process that concludes with the development of this stream management plan, but rather begins.

Occurring simultaneously with the Schoharie/East Kill watershed planning process was the Schoharie Turbidity Task Force. This project was designed to develop a turbidity reduction strategy for the Schoharie basin. The project included the surveying of stakeholder interests to better understand the challenges that turbidity poses to various interest groups (i.e. local residents, fishermen, water supply, local officials, highway crews, etc.). In addition, the hosting of a "turbidity summit" to present turbidity concerns within the Schoharie basin, possible best management practices to reduce turbidity and to gather input from ~ 100 attendees. Final turbidity reduction recommendations are scheduled to be completed in late 2007/early 2008.

Schoharie Turbidity summit break-out session (1 of 3), January 27, 2007.

All of the stakeholders listed in Table 2.11.1 have an interest in maintaining the East Kill as a well-functioning natural resource, and many of them have direct management influence over it. With the completion of the plan, the next phase will include review of the plan's recommendations by the community, stakeholders and the Project Advisory

Committee. The plan will then be revised to ensure that it adequately reflect stakeholders' concerns, and then presented to the various municipalities and agencies for formal adoption and implementation.

Table 2.11.1. Stakeholder groups within the Schoharie basin.	
Landowners	Federal Emergency Management Agency
Watershed Towns and Villages	Community Organizations
Greene County Soil and Water Conservation District	NYS Department of Environmental Conservation
Greene County Highway Department	USEPA
Army Corps of Engineers	Private utility companies
NYC Department of Environmental Protection	NYS Department of Transportation, including Region
NY State Emergency Management Office	Local Businesses

Schoharie/East Kill Summary of Stakeholder Interests and Concerns
Final Report and Recommendations from the Consensus Building Institute

Overview

The Consensus Building Institute (CBI) was asked by the DEP Stream Management Program, in cooperation with the GCSWCD, to help develop a Project Advisory Committee to provide public input and decision-making for the Schoharie/East Kill Stream Management Plans.

DEP and GCSWCD believe that in order to provide for maximum protection by multiple entities, developing a stream management plan must be a collaborative process among DEP, the local Soil and Water Conservation District(s), local governments, local nongovernmental agencies, watershed residents, and local business representatives. To promote collaboration, DEP and GCSWCD will create a Project Advisory Committee (PAC) of key stakeholders to help develop, and eventually implement, the Schoharie Stream Management Plan.

In order to develop an effective community engagement process that might result in diverse constituencies with ownership in the final plan, CBI was asked to conduct an impartial assessment of the interests and concerns of a broad range of stakeholders regarding the Schoharie and East Kill Watersheds. This assessment was presented at, and supplemented by, a focus group meeting of stakeholders on November 1, 2006.

The Consensus Building Institute is a not-for-profit [501 c(3)] organization based in

Cambridge, Massachusetts. CBI provides facilitation and mediation services to help public, private, and non-governmental organizations throughout the United States and internationally reach agreement on complex public policy matters.

Background

In response to damage of private property and public infrastructure caused by flood events, as well as ongoing water quality and fish habitat concerns, the GCSWCD, in cooperation with the DEP Stream Management Program, initiated the development of stream management plans for the Schoharie Creek and the East Kill.

The Schoharie–East Kill Watershed project is a continuation of a 10-year collaborative effort between the GCSWCD and DEP to promote sound stream management in the Catskills. The project involves conducting a thorough assessment of both streams, followed by the development of a detailed stream management plan for both waterways. While the project involves a significant number of activities, there are three main objectives: Complete a detailed assessment of the stream corridor to develop a reasonable, science based, understanding of the status and condition of the stream systems, including identification of stability problems; use data collected, in conjunction with watershed stakeholder discussions, to develop a detailed stream management plan for the watershed; conduct a demonstration project that will present a "hands-on" opportunity to restore stability at a selected site. Once completed, the Stream Management Plans (SMP) will provide an effective tool for government, citizens and other interested parties to manage the streams in a manner that will protect water quality, private & public property as well as the fisheries resource.

The Schoharie Creek main stem watershed drains large sections of Prattsville, Lexington, Jewett, Hunter, and the Villages of Hunter and Tannersville, and smaller sections of Ashland in Greene County. The East Kill watershed drains primarily the town of Jewett. Both the Schoharie Creek and East Kill are very "active" streams, noted for their tendency to quickly change from gentle waterways to raging streams under flood conditions. Damage from floods has been a way of life along these waterways for as long as humans have inhabited the watershed.

Methodology

The Consensus Building Institute conducted confidential, voluntary interviews with 9 individuals between August and October, 2006. In the interviews, CBI asked stakeholders questions about: perceptions and uses of Schoharie Creek and East Kill; interests, needs, and concerns associated with the Stream Management Plan, and; how and in what ways they would like to be involved in the watershed planning process. Interviews were done with individuals who fit into key stakeholder categories, including local government officials, local administrators, landowners, recreation groups, and federal agencies.

CBI staff used an established interview protocol as a general guide for conducting the interviews. The interviewer followed the general structure of the protocol, while allowing each conversation to follow the interests and comments of each interviewee. This summary is based on the views and opinions of interviewees. In addition, draft findings from these interviews were shared at a focus group meeting on November 1, 2006, with 25 attendees. Participants were asked to respond and add to these findings – these responses and additions are integrated into this summary.

Please note that the CBI's role is to provide accurate, impartial analysis of the situation in order to assist the DEP and GCSWCD in making recommendations on how to best proceed with a process able to engage the community in appropriate participation in the Stream Management Plan process and implementation. We are not an advocate for any particular outcomes or interests and are bound to conduct our work in a fair, deliberate, and non-partisan fashion. CBI staff is bound by the Association for Conflict Resolution (ACR) Code of Ethics: "The neutral must maintain impartiality toward all parties, maintain freedom from favoritism or bias either by word or by action, and commit to serve all parties as opposed to a single party". Please also note that the assessment is not a legal document, technical report or planning study, nor an exhaustive study of all the concerns of individuals and organizations with a stake in the Schoharie/East Kill Stream Management Plan. This final report is limited by the information gathered in the interviews and focus groups conducted and our interpretation of that information. Any errors or omissions are the sole responsibility of CBI.

Findings

Perceptions and Uses of Schoharie/East Kill Creek

Most interviewees described the stream as picturesque and aesthetically pleasing, historic and of great potential value. At the same time, it was also described as out of control, in need of attention, and unstable. They told stories of historic uses for the creek including swimming, boating, tubing, and fishing, but most said that these activities are quite curtailed in current times, due to the shallowness of the water. Others raised questions about the accuracy of the memory of a historically deeper stream, and questioned whether kayaking or tubing were ever popular on the stream. It was referred to as a great fishing stream, with consistent fishing and good retention of the stocked fish. It was also mentioned that there has been a reduction in insect and minnow life over the years. In addition to its beauty, the creek's value was described as an economic resource, an aquatic habitat, a source of water for the local ski area, conveyance for regulated water discharge from treatment plants, and a site for fishing.

Interests, Needs, and Concerns associated with the Stream Management Plan

Interviewees named a number of concerns they had about the stream. These included flooding, erosion, turbidity, backfill, invasive plants, storm water overflow, impacts of rapid development (especially potential future development), public access, landowner stewardship, and aquatic preservation.

Some comments from stakeholders include:

- Single biggest concern is that it needs to be controlled within its banks
- Flooding is getting worse. Extensive damage to town roads and personal property
- Within the town of Hunter, the community could use enhanced access
- Concerned about the potential impacts of new development, especially unplanned
- Need to enhance landowner stewardship and local commitment
- Additional development –especially unplanned – could increase storm water run off, sediment and turbidity
- Erosion has to be curtailed where clay banks are becoming exposed
- Turbidity exists, but the stream is one of the quickest in the area to clear up after

rain events

In speaking about their interests for the stream, stakeholders mentioned stream bank stabilization, studies of the stream beyond turbidity, including aquatics, restrictions on development, greater investment in structural improvements and preservation efforts, and a desire to see it restored back to a depth that would be useful for fishing, kayaking, tubing and swimming. There was also a call to avoid channelization of the stream, plan for and document the more-than-occasional flooding, and to identify and implement aquatic habitat improvement projects. Conversation arose about the history of gravel mining in the stream by local landowners, which is now prohibited, and is seen by many to have caused longer term instability. The group raised the question of how to meet objectives of flood mitigation & fish habitat improvement without gravel mining.

Interviewees had some ideas about how to bring about improvements in the stream, which could be included as part of the Stream Management Plan recommendations. These included requests to dig out the stream, eradicate non-native plants and educate people not to plant them, protect the natural features that help confine the flooding, and allow landowners to do work in the stream. Interviewees were also interested in strategies to prevent filling of banks, erosion, and flooding, improving the shading of the stream to reduce high August water temperatures that harm aquatic life, and a desire for new construction of berms and bridges to redirect the flow when it gets high. There were suggestions that the plan ensure that all initiatives were first the work of the local users, and that it raise awareness and interest of stakeholders, making the creek something important to them that they want to improve. This could be done through an offer of incentives and resources to towns and/or landowners to improve the stream. The idea was also raised of setting up volunteer opportunities – cleaning up streams, plantings, monitoring, pulling out Japanese Knotweed – for groups that might be willing/able to participate.

A focus group participant also mentioned that it would be wise to reduce the acreage requirement for disturbances that require stormwater management plans from the current requirement of over 1 acre because smaller disturbances may still impact water quality. Another attendee offered that reducing this limit would be too cumbersome on landowners and mentioned landowners could sue the water quality/quantity offender instead.

<u>Recommendations for Local Involvement in the SMP process</u>

Based on input from interviews and the focus group, as well as interests from DEP and GCSWCD in ensuring collective buy-in and ownership of the SMP recommendations, convening parties should establish a Project Advisory Committee. The most important considerations in deciding PAC membership should be 1) representation of all key stakeholder groups; 2) manageable size (30 is probably about the biggest manageable group for full group discussions); 3) balance among stakeholder interests (e.g. if there are 8 people from the Town of Hunter who want to participate, but only 1-2 people from other affected areas, the Hunter group should probably be asked to talk together to figure out which 2 or 3 can best represent their shared interests at any given meeting). PAC membership should stay open through the planning process, so that new players can be added if appropriate.

Given this, PAC members should include:

- Representatives of all Towns/Villages in these watersheds including: town supervisors, planning board members, highway superintendents and code enforcement officers;
- Any and all interested streamside landowners, with special efforts made to reach out to non-resident landowners because they do not elect Town officials and may not be represented by them;
- Any and all interested local businesses with a stake in the streams;
- Representatives from state and federal government agencies;
- Representatives from non-governmental organizations and recreation groups.

The primary goals and tasks for the group should include:

- Building consensus among the key stakeholders on the goals, process and expected outcomes of the SMP process, based on broad public input;
- Engaging key stakeholders in reviewing information about the current conditions of the Schoharie Creek and East Kill and its management, and gathering new information if necessary;
- Facilitating joint development of options for improving the management of the Schoharie and East Kill, especially options that can contribute to multiple goals (environmental, economic, recreational and social);

- Prioritizing and integrating those options into a balanced management plan which says how resources will be allocated, who will do what, by when and how to implement the preferred management options;
- Mobilizing key stakeholders and the public to work together to generate the resources needed to implement the plan.

The PAC should ensure inclusion, participation, and a real voice of members in decision making, and should seek to hold participants accountable for collecting and offering perspectives from those they represent. Given time constraints, the PAC should meet at least 2-3 times before April, 2007, and should then commit to working together to adopt and implement the recommendations of the SMP.

The PAC meetings should include a 2-way exchange of information. They are an opportunity for the project team to share their progress and current thinking about the SMP and its recommendations, to explore outstanding questions or disagreements among the group (such as "how deep is the stream? How deep did it used to be?") and also for the PAC members to build consensus on SMP recommendations and priorities for funding.

In addition to the PAC, GCSWCD should offer other opportunities for the participation of the public at large. Those opportunities might include:

- Hosting 1-2 public meetings together with the PAC, to share information about progress so far and draft ideas on recommendations and priorities, to provide an opportunity for community input;
- Creating a website and/or regular electronic and print updates which the public can use to follow the progress of the SMP;
- Involving them in data gathering activities, e.g. putting monitoring devices on their property or responding to questionnaires;
- Providing input to members of the PAC, and/or attending meetings of the PAC as observers.

By creating opportunities like these, NYC DEP and GCSWCD can broaden and deepen stakeholder engagement in the SMP process.