

**Remarks of George J. Fluhr at the
Upper Delaware Council's River Management Plan Workshop
March 24, 2012**

In 1993 Keith Fletcher, a planner who worked with the Upper Delaware Council, wrote an article for our newsletter. He concluded with the following significant and hopeful statement, "*With the Upper Delaware and the other Wild and Scenic Rivers we've made a promise to our children. We will use these rivers for a while but we won't ruin them. Their condition will not vary in time while there may be development it won't be enough to ruin the River's character. Their condition will not vary in time and one day these rivers and their names will be yours, kids, to take care of for a while.*"

In 1962 a report by the Outdoor Recreation Resources Review Commission stated, "*Certain rivers of unusual scientific aesthetic and recreation values should be allowed to remain in their free-flowing state and natural setting without man-made alterations.*"

Well the Delaware River was free-flowing and had no dams since the one designed for the canal crossing at Lackawaxen before the Roebling Bridge. For a long time the United States had been in an era of dam building for reservoir and hydroelectric purposes throughout the United States. About 1950 engineers were drilling just below Barryville with the long-term goal of building a dam there, creating the lake that would've extended as far north as Lackawaxen. In fact the restaurant where we will have our spring Awards banquet on April 22 would have been under water.

Anyway, eliminating any thought of dams, in 1968 the United States Congress passed the National Wild and Scenic Rivers Act, stating, "*It is hereby declared to be the policy of the United States that certain selected rivers of the nation shall be preserved in their free-flowing condition and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.*" The era of dam building was over: the era of preservation was just beginning; but would the Upper Delaware be included under the Wild and Scenic Rivers act and if so how? There began studies by several agencies headed by the Department of Interior's Bureau of Outdoor Recreation. "*How do you preserve a river?*," was the big question.

Obviously the answer depends on whether you are a property owner, a conservationist, a recreator, a businessperson, or a government official. But the most obvious answer at the time was: to take over the river, you take the land alongside of it and the government is in charge.

With memories of the Tocks Island project on the Middle Delaware, people along the Upper Delaware were very leery of what the government might do.

The quarreling and fighting was long and bitter and sometimes even physical. Politics was involved, politics on the national level, and politics on the local level. Even history played a part, as government action in the Middle Delaware was reviewed, and which government agency would be involved was a major question. The situation attracted national attention and the Wall Street Journal headlined an article: Anger in Paradise. Park Service's Plans to Preserve the Upper Delaware River Spark a Bitter Backlash.

In spite of the confusion and argumentation that was consistent throughout many meetings, the final recommendation in 1978 resulted in Pres. Jimmy Carter signing the bill including the Upper Delaware in the Wild and Scenic Rivers System. The Interior Department, through the National Park Service, would manage it. A year later it was announced that the Roebling Bridge had

been purchased and that \$250,000 would be given to local towns for law-enforcement, trash pickup and river rescue

The question would there be confiscation of land, or would it be confiscation of land indirectly by prohibiting many activities was long and contentious and permeated almost every meeting of local governments and many local organizations from Hancock to Port Jervis.

So from 1968 until 1988 the area was a boiling cauldron of pro-and anti-Wild and Scenic River status, with many different facets to the problem, and on both sides were people who were good people, with many good points. It was questionable whether there would ever be an acceptable solution to the problem.

However the earliest signs that there might be a solution came with the realization that there were serious problems on the river even without government intervention. The era of the 70s was an era of intense recreational use of the river, excessive alcohol and use drug use, nudity, defiant trespassing and break-ins on private property, broken bottles, and dumping of trash. There had been a pervasive attitude of anti-authority in the young hippies of the 1960s. Local residents, especially property owners were becoming concerned. Few local governments had police, and none wanted to patrol the river. There was also concern about landfills and potential eventual degradation of the river through overuse.

After the Upper Delaware River was placed in the Wild and Scenic System in 1978 a Citizens Advisory Council, not a Council of Governments, was formed, and guidelines, without local input, were drawn up by the National Park Service in Denver, Colorado.

That was when the big storm broke. Many thought that the National Park Service was going to take over 3 miles of land on each side of the river, and set up a National Park. The rallying cries included "No Park, No Plan, No Way," and "National Park Service Get out of Town."

It seemed to some Supervisors that the best thing that could happen would be to keep the park as limited as possible in area. But recognition that with a quarter million annual river users the river could never be effectively managed within the limitation of local government budgets. Some local officials were looking for a compromise.

Township supervisors from both sides of the river began to get together regularly. They requested, and obtained, federal funding to hire an independent planner to rewrite the National Park Service's Denver plan for the river, but with input from local governments, organizations and private citizens. It was a long, difficult series of work sessions by many volunteers, private individuals, local governments, and organizations.

Still there was extensive and bitter opposition to the whole concept. The management structure went through 18 drafts that were all reviewed and ultimately approved in public and it went into effect in January 1988.

Bill Douglass who was our executive director for 22 years wrote the following:

"Government planners had once regarded public participation as a matter of holding a series of meetings and talking with local officials; now they realize that formal committees, citizen involvement in management decisions, and years of effort are required and that the agency staff involved must have the right attitude." Bill's article continued, *"When you stop and think about it what this legislation has done here is to allow the people who live on and near this great river to continue to keep their land, run their businesses, and protect the river themselves, through local controls and oversight of land use and water quality, just as generations before them have*

done. The difference is that now the Upper Delaware River has national recognition and federal monies coming in to assist with law-enforcement, trash removal, and for planning and technical assistance."

Not only for local people, but also for Park Service personnel, the new concept was difficult. In a book prepared by Gary Wiener of the Park Service is the comment, "*Federal agency personnel, normally technically oriented people, need to be trained to operate in the political world of local communities... They must be sensitive to local values, views, and levels of knowledge and experience... Trust is easier to destroy than to build*".

The Park Service was limited to ownership of 124 acres of property and jurisdiction on those 124 acres, and jurisdiction on the surface of the river. And although plainly stated in the Management Plan, it took a while to get across the message "*The Upper Delaware is not a national park, although it is a unit of the National Park System.*"

Marie Rust, Regional Director of the Park Service, speaking at an Upper Delaware Council dinner expressed concern for Park Service personnel, fearing that they would be extremely uncomfortable here in a nontraditional form. Meanwhile the officials of the towns and the townships, some with tremendous opposition, had to adapt their zoning in manners that would protect the river. Some actually lost elections as a result of their efforts. And some who didn't lose elections, lost friends.

But eventually at a conference sponsored by the Upper Delaware Council, Stuart Udall who had served as Secretary of the Interior under Presidents Kennedy and Johnson made some comments well worth recalling today. Talking about the Upper Delaware experience he said, "*I like what you are doing. I like why you are here. You have to reconcile different points of view. That's what your organization is all about. This is an important work that you're doing, and I've been wondering whether this doesn't represent a model for the country. What you are working on is a story the whole nation needs to hear, and to understand.*"

When we speak of the Upper Delaware Council, we speak almost unbelievably of an organization composed of representatives of thirteen towns and townships with thirty-nine thousand people in them, two states with their agencies, the five-member Delaware River Basin Commission, and the federal Department of Interior including the National Park Service. And as you know there is a very large and vocal constituency in not only the 39,000 local residents but also over a quarter million annual visitors.

But for almost a quarter century the Council and its members have dealt successfully with many and varied concerns. With more time we could review many, many achievements which now run into the hundreds.

But to give you a brief idea, I will read a little from an article written for the *Sullivan County Democrat* by Ed Sykes in 1993 in which he summarized only the first five years of the UDC. "*The following,*" he wrote "*is a list of some but not all of the achievements and assistance the Council has contributed. Technical assistance grants to local town governments. (As an aside, as of now we have funded over 675 thousand dollars in township and town grants), (continuing Ed Sykes 1993 list) preventing a plan to introduce salmonids into the Delaware, help in the effort to have the Lordville Bridge rebuilt, and now working on the problem at the Pond Eddy Bridge (this is 1993), successfully caused changes in the Tailwaters Fisheries Plan, successfully raised strong opposition to proposed land acquisition, participated in a time travel dispersion rate study with the DRBC, completed a study on the transportation of hazardous materials in the river corridor, received a grant to identify toxic waste dumpsites in the watershed, involvement in*

water quality monitoring programs, and production of several publications.” That was only the first five years.

Let me add a few things. The Council has been involved in: River Cleanup, the Zane Grey House, Roebling and other Bridges, Law enforcement and trash removal programs, water quality testing, drought planning, river flows, cleanup of landfills, river access planning, studies of river use and related problems, forestry concerns, sewage plant development, protection of eagle habitat, reservoir watershed rules, invasive species, historic preservation, bicycle routes, review of planning and zoning, maps, brochures, directories, and websites, waterfront revitalization, school programs, tourism, archeology, well protection, and many many more.

Because the Council has dealt with so many varied concerns over so many years, with so many constituencies it is no wonder that so many of our achievements have been compromises. Fortunately, thanks to those who make appointments of Council representatives, the Council has been blessed with representatives who, while speaking for the positions of people in their constituency, have also been willing and able to objectively listen to, and understand, the positions of the others on the Council.

Today the Council continues to face challenges in its two primary goals:
One, the protection of the river, and two, the protection of private property rights.

The challenge to all the members of the Council today is to find compromises which will protect both.

Many years ago I can recall a landowner making a comment, *“My family has protected this land and this river for 100 years. I can protect it better than any government.”*

Today as technical knowledge and business opportunities expand activities within the river corridor, the need for listening and compromising to protect the rights of both sides becomes more urgent. But based on the history of the Council, we know that compromise may be difficult but it has never been impossible.