

**Upper Delaware Council**  
**SPECIAL PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**June 13, 2023**

Committee Members Present: Chairperson Larry Richardson-Cochecton, Harold Roeder Jr.-Delaware, Andy Boyar-Highland, Jim Greier-Fremont, Ginny Dudko-Deerpark, Al Henry-Berlin, Jeff Dexter-Damascus, Aaron Robinson-Shohola, Fred Peckham-Hancock (Zoom)

Committee Members Absent: None

Staff: Executive Director Laurie Ramie, Resources and Land Use Specialist Kerry Engelhardt

NPS Partners: Lindsey Kurnath-Superintendent, Don Hamilton-Natural Resources Program Manager, Jessica Weinman-Facility Program Manager (Zoom), Ingrid Peterec-Chief of Interpretation (Zoom), Alejandro Garcia-Maldonado-Cultural Resources Program Manager (Zoom)

Guests (note: some Zoom names were incompletely labeled) Roger Saumure-Shohola Township; Bill Dudko-Town of Deerpark, Liam Mayo-River Reporter, Derek Kirk-Sullivan County Democrat (at 7:26 p.m.), Mary Jones-Mellett, Petra Pope, Paul Pietropaolo, Jane Cyphers, Scott Campbell, Judith Khan, Jonathan Von Steenburgh, Justin Onapello, Chelle Von Steenburgh, Anie Stanley, Charlotte Quinn, Mike Edison, Christine Martin, Louise Washer, Ken Sable, Cass Collins, Barbara Arrindell, Alison Rozbruch, Eve Fisher, Tina Greenberger, Scotty Greenberger, Jane Gillian, Richard Malenky (Zoom), Rosie Starr (Zoom), Diane Blackman (Zoom), T. Harbert (Zoom), Tony Ritter (Zoom), Petunia (Zoom), Paula Campbell (Zoom), Patricia Leestotter (Zoom), Ayelet (Zoom), Kristina Hayes (Zoom), Lori T (Zoom), Karen Meneghin (Zoom), Maya van Rossum (Zoom)

A special meeting of the UDC's Project Review Committee, as approved by a motion at the June 1, 2023 Upper Delaware Council meeting, was convened on Tuesday, June 13, 2023 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:33 p.m. He said there is one purpose of this meeting, to hear from the National Park Service to try to understand how the NPS seems to have come to a different conclusion than the UDC did about the special use permit application that has been submitted to the Town of Highland for the Camp FIMFO project. The UDC had requested this briefing from NPS ahead of their issuance of a substantial conformance final determination report. So, this is an informational meeting and after that, we'll see where it goes. This is a public meeting and we do ask for public comments at the end, but please limit it to 3 minutes and try not to repeat what has already been said. He turned it over to Engelhardt first.

**New Business**

**UDC Report: Synopsis of Substantial Conformance Review for Project 2022-03: Town of Highland Class II Special Use Permit Application from Northgate Resorts for Camp FIMFO:** Engelhardt said two questions have often been raised. The first is whether the UDC has received all the information needed to conduct its substantial conformance review and documents since then. The answer is yes, that the UDC "has not been left out of the loop" with any submissions, she said. There were also concerns expressed over the amount of time that we have spent on this review and are we giving it the attention that it deserves. To give everyone an idea of the breadth of this project, she prepared a chronological timeline starting with when the UDC first became aware of this proposal, up to where we are now in the process:

[December 21, 2021](#)

It was announced that Camp FIMFO received a Mid-Hudson Regional Economic Development Council grant of \$1.5 million.

January 4, 2022

Zoom meeting between Ramie, Engelhardt, and FIMFO team where they shared the proposed scope of development, and we explained our submission and review process. They anticipated presenting a concept plan to the Town of Highland Planning Board (PB) in January, and making a full submission in February.

January 26, 2022

Town of Highland PB (TofHPB) – applicant presented a concept plan.

January 31, 2022

Site visit to FIMFO with Engelhardt, Nadia Rajsz (as a Sullivan County legislator) and Rocco Baldassari (GM of Kittatinny). At that time, they anticipated almost 300 park model RVs.

March 11, 2022

Site visit with Baldassari, this time accompanied by Cody Hendrix (Community Planner at NPS UPDE) and Joe Salvatore (Superintendent of NPS UPDE).

March 17, 2022

Received copy of application to Town of Highland Planning Board.

March 23, 2022

TofHPB meeting. Gave overview of project. 342 campsites, open April – October. Wanted the board to declare themselves lead agency but the board declined to do that at that time. Wouldn't be submitting again until May 16 for May 22 meeting.

May 25, 2022

At the PB again, however the board said it's still not a complete submission. Now expect to have it by June.

May 24, 2022

Zoom/phone meeting between Engelhardt, Hendrix, Baldassari, Caren LoBrutto, and Mary (Northgate) to discuss technical issues. Still needed to be circulated to County Planning at that point.

July 27, 2022

TofHPB. Not a public hearing. Made a presentation. 342 campsites currently, 342 proposed. 234 will have Water/Sewer/Electric, the rest will use the renovated bathhouses. Proposed roadways will be widened to 24' wide. Considered today the beginning of the UDC's clock, since PB Chairman Norm Sutherland **dropped off the plans** yesterday and she got the reports at the meeting.

August 4, 2022

UDC full council meeting. Moment of silence for NPS UPDE Superintendent Joe Salvatore (died on 7/27/22). People from "Know FIMFO" attended and exhorted Engelhardt to not be rushed by the applicant; we explained our required review periods. She encouraged the public to let her know of any possible violations of the Land and Water Use Guidelines.

August 12, 2022

**Submission:** Updated Site Plan Set

- Existing Conditions Plan Set
- Tracking Document
- Map of Structures/Campsites/Amenities
- Images of the Structures/Campsites/Amenities
- Percolation/Deep Pit Testing Results
- Section 3.2.5 of the Full Environmental Assessment Form (FEAF)
- Survey Maps of the Project Boundaries
- Floodway/Flood Plain Maps

August 17, 2022

Applicant received their NY State Historic Preservation Office (SHPO) letter indicating No Effect on historic properties.

August 23, 2022

Project Review Committee meeting. Engelhardt presented a Substantial Conformance review, going through all the checklists. Vote to recommend to full council passed with one opposed (Dexter-Damascus) and one abstention (Boyar-Highland). Lots of public comment at the end of the agenda.

September 1, 2022

Letter of Concern to the UDC from "Know FIMFO" received.

UDC Full council meeting. NPS (Jessica Weinman) indicated they would not be starting their review until they had some more information from the applicant that Engelhardt raised in her review. Motion to recommend substantial conformance passed with 6 ayes (Hancock, Delaware, Cochection, Deerpark, Berlin, Shohola), 4 nays (Tusten, Highland, Lumberland, Damascus), and 1 abstention (Fremont).

September 2, 2022

Sent letter recommending SC to NPS with a letter listing some items that weren't present for her report.

September 6, 2022

Email received from Cody Hendrix at NPS:

"I wanted to let everyone know that after discussing with Acting Superintendent, Keith Winslow, that the National Park Service **cannot** start its official review until the following comments have been addressed:

1. Soil Investigations should be completed at Outfall #21.
2. The site plans need to show proposed limits of disturbance and any clearing limits.
3. The intention with regard to the Delaware & Hudson Canal bed.
4. The plans need to be signed and sealed by a Professional Engineer."

September 15, 2022

**Submission:** 11 copies of the plan set, Stormwater Pollution Prevention Plan (SWPPP), response to comments, and tracking document. In addition, the project received a sign off from the New York State Office of Parks, Recreation, and Historic Preservation (11 copies provided).

Also on September 15, 2022, the Sullivan County Partnership for Economic Development held an informational session about the Northgate/Camp FIMFO project at Cedar Rapids which Ramie attended and reported on.

September 26, 2022

LoBrutto makes a **submission** directed to Cody Hendrix at the NPS to address the items of his email dated 9/6. Norm Sutherland (Chairman of the PB) confirms via email with Hendrix that the National Park Service's 45-day period started 9/26/22 with an end date of 11/10/22.

September 27, 2022

First public hearing, held at Eldred High School. Most public came out against the project. Just heard from public with no response from the applicant (they did have a short presentation at the top of the meeting). Public hearing was adjourned until next month (but not closed).

October 12, 2022

**Submission:** Updated plan:

- Removal of mountain coaster
- Modified mini golf layout in same location
- Relocated mechanical building in aquatic center area
- Updated limit of disturbance from 43.7 to 41.2 acres
- Shifted forcemain for outfalls #22 and #23 to account for modified mini golf layout
- Added electrical details and schedules
- Updated planting plans (to account for removal of mountain coaster)

Revised Environmental Assessment Form:

- Decided not to use blasting, will use a combination of trenching machines, excavators, and hydraulic hammering.
- Traffic - updated to remove vehicular trips related to the Mountain Coaster
- Mentions Barnes Landfill
- Info from NYSDEC re: regulated species and other natural resources potentially effected
- Info from SHPO: No Effect Finding
- Assessment of consistency with Comprehensive Plan

[October 18, 2022](#)

Zoom meeting between Engelhardt, PB engineer Ken Ellsworth, Cody Hendrix, Kara Deutsch (acting superintendent of the NPS UPDE at the time), and Norm Sutherland. Discussed technical issues. Cody Hendrix mostly drove the meeting asking technical questions.

[October 25, 2022 \(approximately\)](#)

Submitted prior to public hearing:

- Letter from NYSDEC dated 10/6/22 to applicant about what various permits they will be required to obtain
- Letter from LaBella to NYS DOH re: onsite wastewater design
- Inspection of existing pedestrian bridge 10/26/22
- Septic design table
- Letter dated 10/25/22 from traffic consultant to Ken Ellsworth re: the EAF Part I report

[October 26, 2022](#)

Part 2 of public hearing, at high school, Engelhardt attended via Zoom.

Sutherland talked about all the research he'd been doing, and our 10/18 meeting. Extensive public comment, mostly against again, though some in favor this time.

Ken Ellsworth said they'd asked the applicant for a traffic study.

Public hearing was recessed to November.

Lots of questions from the board members to the applicant, who will have an opportunity to respond at the November meeting.

[November 9, 2022](#)

NPS (Kara Deutsch) issues letter indicating that they can't complete their review until they receive more information:

The National Park Service (NPS) has also reviewed the Camp FIMFO project plan submitted to date by the November 10, 2022 deadline. While reviewing the project, NPS met with the Town's engineer to consult on questions and comments regarding the plan submittal and found we had similar concerns and comments. The Town of Highland is requesting substantial additional information from the applicant which may change the plans from that submitted, including requirements for hydrologic and hydraulic modeling to determine any changes in base flood elevations for development and fill in the 1%-annual chance floodplain, final locations of structures in relation to water utilities, septic system designs to prevent backflow into waterways when flooded, lighting plans, as well as approvals from State agencies. Due to the significant potential changes in plan information, the NPS cannot presently make a final determination on substantial conformance.

[November 30, 2022](#)

Another public hearing. Sutherland read the letter from the NPS into the record at the top of the meeting. Rocco Baldassari read the response letter from the applicant dated November 29, 2022, responding to the list of public comments that the board had sent to them.

Took a few more public comments, then Sutherland closed the public hearing portion, said he didn't want it to become a debate. Would continue to accept comments in writing. Applicant agreed to waive the 62 day requirement. No meeting in December.

[January 11, 2023](#)

Submission to address NPS comments 11/9/22, Keystone comments 10/29/22, and GTS parking & traffic comments 10/25/22

**Submission:**

- Ground level perspective renderings
- Drive by video mp4
- Lighting cut sheets
- Plan set
- Surface area cut/fill analysis

- Tracking document
- Sound Impact Assessment Report
- Water Level Analysis Letter Report (impact to adjoining wells)

January 25, 2023

PB meeting. NPS Superintendent Lindsey Kurnath newly in charge, Cody Hendrix had subsequently resigned from the NPS. Showed the video representation. Ellsworth said he would probably issue his final letter before the next meeting.

February 15, 2023

**Submission:**

- Revised plans
- Revised EAF

February 17, 2023

Letter from NPS/Kurnath indicating they still can't complete their review because they were missing information:

- Specificity on vegetation disturbance
- Hydrologic and hydraulic modeling, especially regarding cut and fill in the flood plain
- 360-degree renderings or visualizations
- High-water event evacuation plan

February 23, 2023

PB meeting (ahead of UDC's PR meeting this month)

Read the NPS letter into the record. Applicant's attorney said they will get that info, some of it will take time.

Would like the board to make their own decision without waiting for the NPS. The board declined; said they want the NPS's input before making a decision. Lots of questions from the board.

Part II of the EAF was submitted for this meeting; that would be reviewed for next month's meeting.

UDC obtained a letter prepared by Keystone Associates/Ken Ellsworth with a timeline of the SEQRA process.

February 28, 2023

UDC PR committee meeting held by Zoom due to weather. A few members of the public and press were there since Kurnath's 2/17 letter was going to be discussed.

Engelhardt reviewed a timeline (much abbreviated from this one) listing the various submissions that the applicant had made since our initial review.

Public expressed their concerns.

March 14, 2023

Zoom meeting (instigated by Engelhardt) between her, Kurnath, applicant's engineers and planners, and a bevy of lawyers to discuss the technical questions in the NPS letter.

March 22, 2023

PB meeting, attended via Zoom, missed the end because the zoom was cut off after someone hacked the stream.

Was held at Town Hall, not the HS.

Applicant's attorney said they were working on their response to the NPS letter.

They read Part II of SEQRA into the record.

April 12, 2023

**Submission:**

- Response letter to 2/17 NPS letter
- Floodplain Assessment to respond to NPS letter. No change in floodplain due to proposed increase in fill in the floodplain (de minimus).
- Map showing impervious coverage
- Revised plans with table showing total clearing, total site disturbance, total impervious coverage
- Simulations and videos showing views post-construction
- Camp FIMFO Catskills Emergency Action Plan – Flood

May 8, 2023

Site visit with Baldassari and his 2<sup>nd</sup> in command, accompanied by Kurnath & Don Hamilton. Reviewed proposed locations of park model RVs, both along river (where they are already installed) and the proposed locations on the north side of Route 97.

May 10, 2023

Caren LoBrutto/applicant sent over two insets from the plans, showing utility crossings over Beaver Brook (they will be attached to existing bridges, or pass overhead).

May 15, 2023

Boat ride with Kurnath and 2 Law Enforcement officers of the NPS to see the view of FIMFO from the river (as well as the park model RVs of neighboring Indian Head). Photos are taken and shared with the Project Review Committee on the projection screen.

May 16, 2023

Meeting with Kurnath in the Resources and Land Use Specialist's office to discuss Engelhardt's initial review and her questions/concerns with the plans.

May 25, 2023

Kurnath issues a letter:

We have reviewed the updated submission provided on April 12, 2023. This submission is in response to our February 17, 2023 correspondence, asking for additional information necessary to complete our evaluation of the proposal. We appreciate the applicant's response, specifically the H&H analysis and the high-water event evacuation plan.

NPS has conducted a preliminary substantial conformance review based on the information received to date. The review revealed elements of the proposal that fundamentally conflict with the LWUG.

We request UDC organize a meeting to include NPS, UDC, the Town of Highland, and the applicant at the earliest convenience of all parties, during which we will present our determination.

The letter also expresses discomfort with all of the meetings and correspondence between the applicant and the UDC/NPS; the RMP requires that everything go *through* the municipality.

June 1, 2023

Full council meeting, at which Kurnath's letter is discussed. The council is not comfortable with setting up a meeting between the 4 parties (UDC, NPS, applicant, town) without first knowing what the specific concerns of the NPS are. They pass a motion to have NPS present their concerns to the PR Committee first. They then pass a motion to have a special PR meeting so that we don't have to wait 3.5 weeks. Meeting date set for June 13, 2023.

Engelhardt concluded her recitation of the timeline at 6:54 p.m., apologizing for its length but saying that she wanted to be thorough in demonstrating that this has been an ongoing process. She thinks we've done a pretty good job staying on top of this. She reiterated that she did not feel any of the subsequent information received and reviewed after the UDC's 9/1/22 majority approval to recommend substantial conformance changed the outcome of her review.

**National Park Service Report: Status of Camp FIMFO Substantial Conformance Review:** Kurnath introduced herself as superintendent of the NPS Upper Delaware Scenic and Recreational River. She thanked the UDC and Engelhardt, saying we could all hear the work and effort that has gone into this project, and she does not want it to go unnoticed that the applicant has been very responsive as well. As superintendent, she is charged with conducting this review. The Secretary of the Interior makes the final determination and has delegated the authority to the Regional leadership, which has withheld making a final determination so that we could have this meeting along with the request to speak to all of the parties together as described in her May 25 letter. These are preliminary findings based on their analysis. She hopes that this presentation is informative and helps us find a path forward. Everyone's goal is to protect what makes this corridor so special. We want any development that happens here to be balanced.

She doesn't think anyone in this room wants to harm the river and we all want this region and our communities to prosper. We have a unique mission to protect this area together. We do that by agencies, local governments, and private landowners making smart decisions. The Department of the Interior has obligations based on the Wild and Scenic Rivers Act and the Upper Delaware enabling legislation. The Land and Water Use Guidelines (LWUG) outline their responsibility. The UDC makes a recommendation on substantial conformance with the LWUG to the NPS and the Park Service does its own analysis. Kurnath said, "I absolutely understand there are differences between NPS and UDC for the definition of substantial conformance" in terms of whether every listed principle and objective must apply. The NPS perspective is that they look at each one of them. She prefers that we discuss the topic of defining what constitutes 'substantial' conformance separately so as not to delay this project's review.

Kurnath said based on the NPS analysis, she cannot recommend that this project substantially conforms.

The Intent of the Land and Water Use Guidelines (LWUG) is to:

- Protect health, safety and welfare of corridor residents;
- Protect and enhance unique characteristics of the corridor;
- Protect, encourage, promote continuation of existing traditional uses; and
- Identify future land uses which are appropriate, appropriate with conditions, or not appropriate.

The Principles of the LWUG are:

- A. Maintain the high water quality found in the Upper Delaware River.
- B. Provide for the protection of the health, safety, and welfare of residents and visitors; and provide for the protection and preservation of natural resources.
- C. Provide for recreational and other public uses while protecting the Upper Delaware River as a natural resource.
- D. Provide for the continuation of agricultural and forestry uses.
- E. Conserve river area resources.
- F. Maintain existing patterns of land use and ownership.

As taken from the LWUG, "Substantial conformance shall be conformance, with respect to the list of compatible, conditional, and incompatible new land uses set out in these guidelines and with the substance of both the River Management Plan and each of the principles and objectives set out in these guidelines and in the River Management Plan. The Secretary of the Interior will consider the Council's recommendations in making the determination of substantial conformance."

Kurnath said in her analysis, she looked at the Schedule of Land Uses for how it defines campgrounds. There are **Recreational Vehicle Campgrounds**, described as a parcel of land, whether leased or sold, providing sites for travel trailers, truck campers, camper trailers or motor homes for transient use. A second definition is for **Recreational Vehicle Parks Intended for Non-transient Use**. That is described as "a site or facility operated in the manner of a campground, where the individual lots, tracts, parcels, or other divisions of land are permanently conveyed, leased on a long-term basis or the recreational vehicles are otherwise permitted to remain permanently or semi-permanently affixed to an individual site for extensive periods of time whether used or not." (She underlined that section to highlight it.) A third definition for **Intensive Use Recreational Facility** is "Boat rentals, canoe or other watercraft liveries, tourist recreational facilities, recreational vehicle campgrounds, golf courses, public recreational facilities, clubhouses and other recreational uses likely to require significant amounts of parking, restaurant facilities, rest room facilities, and other accessory services; not including lands used as access points only, whether publicly or privately operated; and not including major commercial recreational development; nor town open space parks, playgrounds, or ballfields."

Noting that the Camp FIMFO proposal calls for 146 park model RVs, Kurnath said she feels that the RV Parks Intended for Non-transient Use applies. While the park model RVs are cited as being road-worthy and capable of being towed, the expectation is that after they are put in place, they will remain as permanent structures. Therefore, the LWUG would consider this an RV park and not a campground. She thinks it straddles the line of whether it's a major commercial development. It is an Intensive Use Recreational Facility. The schedule states that Intensive Use Recreational Facilities are an appropriate use with a Special Use approval in Recreational segments of the river corridor and a compatible use in Hamlets.

They next looked at Principle C of the LWUG: Provide for recreational and other public uses while protecting the Upper Delaware as a natural resource. Objective 2 states that “Local, State and Federal agencies should adopt standards regarding development, operation and maintenance of recreational facilities to limit adverse impacts on adjacent landowners and the surrounding environment.” Kurnath highlighted under subsection (a) Campgrounds and Recreational Vehicle Parks: “C. Permanent or long-term occupancy of any campsite and permanent structures or appurtenances on any individual campsite other than tent platforms and concrete pads are strictly prohibited. D. Independent onsite sewage disposal or water supply systems should not be permitted for individual recreational vehicle campsites.” She noted in the first part of C., that “permanent or long-term occupancy” is not anticipated as relevant. Kurnath said that while the applicant has indicated that seven of the park model RVs could be moved in the event of high water, the reality is that it appears these units are going to be permanent in terms of there being no intention to move them from day to day and year to year. This is one of the most fundamental problems they see in their analysis. They also see a problem that each site calls for having an individual, on-site sewage disposal and water supply system.

Focusing further on “problematic elements” rather than going through the entire guidelines, Kurnath cited LWUG Principle F: Maintain existing patterns of land use and ownership. Its two objectives are to “1) Limit housing density and intensity of uses with consideration to the existing character of the River corridor”; and “2) Reinforce existing patterns of land use and private ownership by providing for similar allowed uses.” Under Objective 1, the guidelines provide the following measure as a way to limit Intensive Use Recreational Facilities within Scenic segments: “Zoning districts which limit new recreational uses to low intensity activities (i.e. tent campgrounds vs. recreational vehicle parks)”. Kurnath distinguished that while this site is actually in a Recreational segment of the river corridor rather than Scenic, the proposal calls for installing concrete pads for 204 sites between the park model RVs and transient sites. They are talking about changing the land use on every site. These additional impacts could have accumulative negative impacts on the character of the river corridor, the environment, and ecosystem function.

Next after looking at all the principles and objectives of the LWUG, the NPS review went through the 1986 River Management Plan Goals. She circled two of them: “5. Provide for planned growth, consistent with local ordinances, to ensure optimum use of existing public services, while maintaining and conserving the essential character of the river valley” and “8. Provide for the continued public use and enjoyment of a full range of recreational activities, as is compatible with the other goals.” (pgs. 13-14) Kurnath remarked that she really keyed in on #5 as having some questions marks there. With #8, the increased intensity of a type of camping represents a lack of balance to her due to all the potential impacts.

Kurnath lastly quoted an excerpt from the RMP’s Water Use Program section which states, “...to provide facilities which meet basic needs and which are, for the most part, informal, relatively small, and in keeping with the natural, scenic, and rural character of the area. It is not the intent to provide large, highly developed recreational support facilities.” (pg. 91) She said this clause gets at how we are using this river recreationally and this proposal calls for a really intense form of camping.

All this information is publicly available. Kurnath said it’s unfortunate that after all this time and effort that has been put into this project, she can’t recommend that this project substantially conforms to the Land and Water Use Guidelines as currently proposed. We need to maintain and enhance all the qualities that make this river special. She anticipates that the Regional Director will accept her recommendation. She is standing by, awaiting the proposed meeting. Citing the Project Review Workbook’s Process for the Review of Significant Projects, she highlighted “Step 5: Full Council Vote and Recommendation to NPS: The UDC Full Council votes on the project, either in a formal or special meeting or by proxy/email vote, and informs both the NPS Superintendent and the municipality of its final recommendation. The UDC provides an explanation of its final recommendation with supporting documentation.” This action occurred within the UDC’s 45-day time period, which then triggered the NPS to conduct their review. “Step 6: Final Determination: The Superintendent confers with the NPS Regional Director, who makes a final determination within 45 days.” Kurnath said that NPS is “extremely delinquent on our 45-day final determination decision” but that step is all that is left of this process. If nothing else happens, her only action can be to issue a letter along with their full review stating that NPS is not taking the UDC’s recommendation of substantial conformance, which she does not look forward to doing.

However, there are options to get back to the top of this process table. The Town of Highland could withdraw its submission or Northgate Resorts could choose to withdraw its application. We could start again and try to fix some



of these elements that NPS found to be non-conforming that would be fully outlined in the determination letter and full review. The applicant can absolutely come back with a new application, as many times as they want. Hopefully they could come back with a project that supports the RMP and conforms with the guidelines.

Richardson said his question is, if the “final” determination has not been finalized, is there not room for negotiation on some of these issues of concern? Kurnath said that is not where we are today on this table as she sees it. Project Review Workbook Step 4 states, “Negotiate a Resolution: If necessary, the UDC staff and Project Review Committee make follow-up efforts to come to an agreement with the affected municipality, submitting agency and/or permitting agency prior to making a recommendation to the Full Council. A record of the Project Review Committee’s recommendation is documented and provided to NPS.” Kurnath said that NPS is far beyond its clock to issue a decision. A new review would enable them to “correct our procedures” that we have talked about at UDC meetings in terms of getting “a little lax in how we were communicating and documents we were accepting” from the applicant. Richardson asked Kurnath if she was just taking up our time this evening or is there room for further discussion? Kurnath said she hopes she’s not taking up anyone’s time. The goal by agreeing to participate in this briefing that the UDC Project Review Committee requested was to share these concerns and not hide behind them. There is no step between 5 and 6 to talk about it further. It would be “cleaner” to issue this final determination. The meeting she had requested the UDC to arrange between the four parties was to explain the NPS findings and ask the town and applicant whether anyone is willing to pull back this application, knowing what their concerns are. Kurnath agrees this all should have happened before but she has only been here since January. While acknowledging that the NPS Community Planner position was vacant for a long part of this process, Richardson said he is disappointed that if the Park Service had an issue with these definitions from the beginning, nobody told the UDC. Nothing has changed in the Plan. While many of these points being brought to light may be legitimate concerns, they were not raised until now. He has been in public service a long time. The goal is always to try to talk things out; once the determination is made, you stop talking. Isn’t that part of the NPS review though? He can’t recall a time when NPS at the end of the review process didn’t agree with the UDC’s findings. Doesn’t it seem like there should be an option before “you slam the hammer”? Kurnath said the NPS Solicitor reviewed all this. The crafters of the River Management Plan didn’t lay out a procedure for what happens if the UDC and NPS don’t agree. She shares that disappointment. “The reality is, we’re acting on what we have,” she said. As far as she can tell, there is no way to re-set the timeline. The Regional Director wanted us to hash this out. Here we have a defined process. NPS had completed its review following the most recent April 12 submission of the additional documentation it had requested. She feels the “most fair” option is to start over. She said she truly hopes that the applicant will resubmit and we can work on it together. “To remain in this limbo territory feels dangerous for everybody,” Kurnath said.

Saumure asked, what if the applicant agreed to extend the process? Would that meet NPS needs? A government or a township has a certain amount of time to act. Forty-five days is not long to go through a project of this size. It puts you between a rock and a hard place. If you want to keep negotiating, either issue a formal denial and they can resubmit or get an extension of another 45 days to discuss it. The pressure is on, but you can’t drag it out. Everything must be nailed down. Kurnath said that may be worth pursuing. Boyar said in considering how did we get here, this was never submitted as a “fully fledged application.” Just consider the number of times that Engelhardt referred to revisions being made month by month in her timeline. He puts a lot of blame on the applicant for the delays. Boyar suggested that not since the 1980s when the RMP was being hashed out had there been a larger turnout than the public hearing about Camp FIMFO held at the Eldred School gym. There is so much concern about changing the character of the community. A vastly overwhelming number of people were opposed. Only a handful of people spoke in favor of the project, and they were past employees, industry people, and the former owner. “It’s not passing the smell test locally. That should be a red flag,” Boyar said. He has an issue with the density of these campsites in which the RV units are parked side by side by side with firepits between them. He is troubled over the safety implications without emergency services enabled. In terms of long-term occupancy, those RV park model units are “as permanent as they can be” after being put in place around 18 months ago, but that topic wasn’t covered in the UDC’s review. He does not believe that this project substantially conforms to the guidelines and thinks if we held a re-vote, the vote would be different. Each board member should imagine bringing 2,500 people to this site on any given weekend. How would you feel about it in your town, Boyar asked. Richardson said that the issues Boyar is bringing up are typically handled by the town planning board which can set certain conditions. G. Dudko clarified that there is no permanent occupancy anticipated for these sites. They are not living there; it’s still seasonal rentals. Kurnath said that is correct, but NPS regards the structures as permanent. That’s the problem. Roeder clarified, the NPS concern is primarily with the RV park model units? Kurnath said it’s about the overall intensity of the use. Roeder replied that it’s too bad this whole sequence happened with the NPS. [Former NPS Planner] Cody [Hendrix]

left, [former Superintendent] Joe [Salvatore] died; which left everybody in the lurch and they're still not fully staffed yet NPS seems to want to close the door on this. He thinks it would behoove us all to try to work it out. Hamilton said there are options to consider. The town or applicant could withdraw the proposal and provide a revised plan. Roeder asked again why we can't work on this further? Kurnath said NPS was supposed to rule within 45 days of receiving the UDC recommendation. After they do issue their determination, that clock would stop and they could review a whole new proposal. Peckham said, "I'm just surprised it took this long for NPS to show their true colors." Basically, they are cutting the UDC out of it, he said. If Highland says they will allow this anyway, NPS could use eminent domain if they regarded this as a threat to the river corridor. These are drastic measures. This should have been hammered out a long time ago but it wasn't. Henry said the Project Review Workbook isn't a legal document. This is going overboard. If the Superintendent can confer with the Regional Director, then she should be able to confer with the Council. His recommendation is that we sit down, use some common sense, and let's negotiate. Don't start over. Greier said the application that the UDC received is almost a year old. Everything was vague then. The whole plan wasn't stamped by an engineer at the beginning. Was it ever? Engelhardt said yes, that was one of the first requests by NPS. Greier said they will be constructing 16 on-site septic systems. Who oversees that? Here we are trying to find ways to hide cell towers but putting 200 of these vehicles in full view of the river is okay. Asked by Richardson whether he had seen the visibility test photos of the RV units taken from the river at the Kittatinny Campground that Engelhardt had shown to the Project Review Committee, Greier said no. Roeder said he finds it really disturbing that in order to move ahead, this application must be withdrawn. This is not the way partners work together. NPS has identified the situation that bothers them but they don't want to fix that situation. They didn't appear to be concerned about exceeding the 45 days before. They could have asked for some help to be sent. "It's a slap in the face to the UDC and also not quite fair to [the applicant], whether you're for or against this," Roeder said. He fears we are heading in the wrong direction and asked, what if they removed the park model RVs? If that's a reasonable option, the applicant should be notified. Robinson said he would like time to review these definitions that NPS presented us with tonight. In all honesty, he can't say whether that is accurate. He'd like to learn more about how state law defines permanent structures. Wouldn't state law prevail? That could be open to interpretation. It's our job to look at this objectively. He gets the sense that this has been a haphazard process. This is probably one of the most talked about projects we've ever encountered. He doesn't like to operate with surprises being thrown at us. Boyar cited from the RMP, "The Council must be the driving force behind this plan; it must maintain an active presence in the river valley, and it must be the primary entity through which local, state, and federal agencies resolve their differences and agree upon joint actions affecting the river valley." (pg. 19) That's our mandate right there, he said, and why the offer to find a solution is justified.

Richardson reminded everyone that Kurnath's request in her May 25 letter was for the UDC to arrange a meeting between the four parties so that NPS could explain to the town and applicant its concerns and see if there is any proposed resolution. Greier asked, where does the town stand on this? Richardson replied his understanding is that they are waiting for NPS to act. Greier said the Highland Town Board could still deny this. They have the last word because New York is a home rule state. Boyar said the town board is relying on the planning board, which has been circumspect. Weinman said she doesn't know if allowing negotiations at this point in the review process would set a precedent for future projects. Richardson said that NPS has suggested that we set up a meeting of the four parties. A Motion by Henry, seconded by Boyar, for the UDC to proceed with arranging a workshop between the National Park Service, Upper Delaware Council, Town of Highland, and Northgate Resorts (applicant) carried, with one abstention by Peckham.

**Old Business:** None.

**Public Comment:** Richardson opened up the floor for public comment, asking speakers to identify themselves and please limit their time to three minutes each. A synopsis of remarks follows:

- Jane Cyphers – The members of the Damascus Citizens for Sustainability (DCS) believe that this development on the Delaware River is an inappropriate site. The river is a treasure and that must be honored. Reject anything that would compromise it.
- Barbara Arrindell – As director of DCS, I would like to read a statement from Josh Fox, Oscar-nominated filmmaker and activist: "A development like FIMFO has no place in the Upper Delaware river watershed. Our area is a wildlife sanctuary, an important source of clean water for 16 million people and one of the last pristine rivers and forests in the world. We don't need massive new commercial developments, water slides, chlorine pools and other trappings of the kind of tourism that doesn't suit the character of our area."

At very minimum an extensive environmental impact study is required. We also need to have stakeholders from the entire region consulted in this process as it will impact us all around the area. This project faces considerable opposition from a very active base of environmentalists, hunters, fishers, wildlife lovers and community members and our voices are far more important than the greed of developers that don't understand or care for the character of our region and the sanctity of our water and forest."

- Anie Stanley – I am surprised that the UDC is surprised by the NPS's determination. You overlooked the things that she pointed out. It's very clear. That was your job and you need to revisit this. The majority just didn't want to hear it. You did not listen to our concerns. Why bust on NPS for a late determination when the plans have changed so many times? You made a hasty decision. They could not have made a determination in 45 days. You're supposed to protect the river and the character of it, and should be following this River Management Plan. I read your mission statement. [Robinson replied that he resents the accusation that the UDC board members are not well-versed in the RMP and LWUG. He has read it inside and out. This application satisfied the checklist of the Project Review Workbook. This is a difference of interpretation over definitions of what it a permanent structure vs. an RV.]
- Paul Pietropaolo – First, thank you to the UDC for hosting this meeting and having us. It would be better to have NPS reject the application and start over with new negotiations. That will shut the door on a lot of legal problems. You'll end up in the same position. This is a pretty big developer. I don't think it will be a problem for them to start over.
- Jane Gillian – Why are you so hell bent on approving this? Our environment is suffering. We just had smoke everywhere a couple days ago. It's all absolutely stupid and getting nowhere. I've been here since I was a child and I love this area. This whole thing should have been stopped. [Richardson commented that he believes we all love this area and many of us have been here for generations. He keeps hearing people talk about this project like it's proposed for virgin woods and empty fields, yet he noted that Kittatinny Campground has been a large, active campground in that spot since 1941.]
- Maya van Rossum – I am the Delaware Riverkeeper with the Delaware Riverkeeper Network and my family owns property in Highland township. This was a very detailed and solid analysis by the NPS of why FIMFO should be rejected. That determination should be issued then a new, fully formed application could be filed for reconsideration. It is concerning that we have this decision and there would be a meeting to negotiate away those concerns. That would be a highly inappropriate and problematic process. It feels cleaner and in line with the law to let NPS issue this determination. Since the vote was already taken though, she is interested to know, will this meeting among the four parties be open to the public?
- Mike Edison – We are all afraid of the potential risk to our river, our rural life, and our property values. The town has been waiting for the NPS to take action and they've got it ready. NPS is not asking for negotiation; they asked for coordination of a meeting. That is being a partner. Also, mocking the public is not a good look for the UDC.

**Adjournment:** A Motion by Henry, seconded by Roeder, to adjourn the meeting at 8:05 p.m. carried.