

The Upper Delaware

The quarterly newsletter about the environment and people of the Upper Delaware River

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Summer 1998



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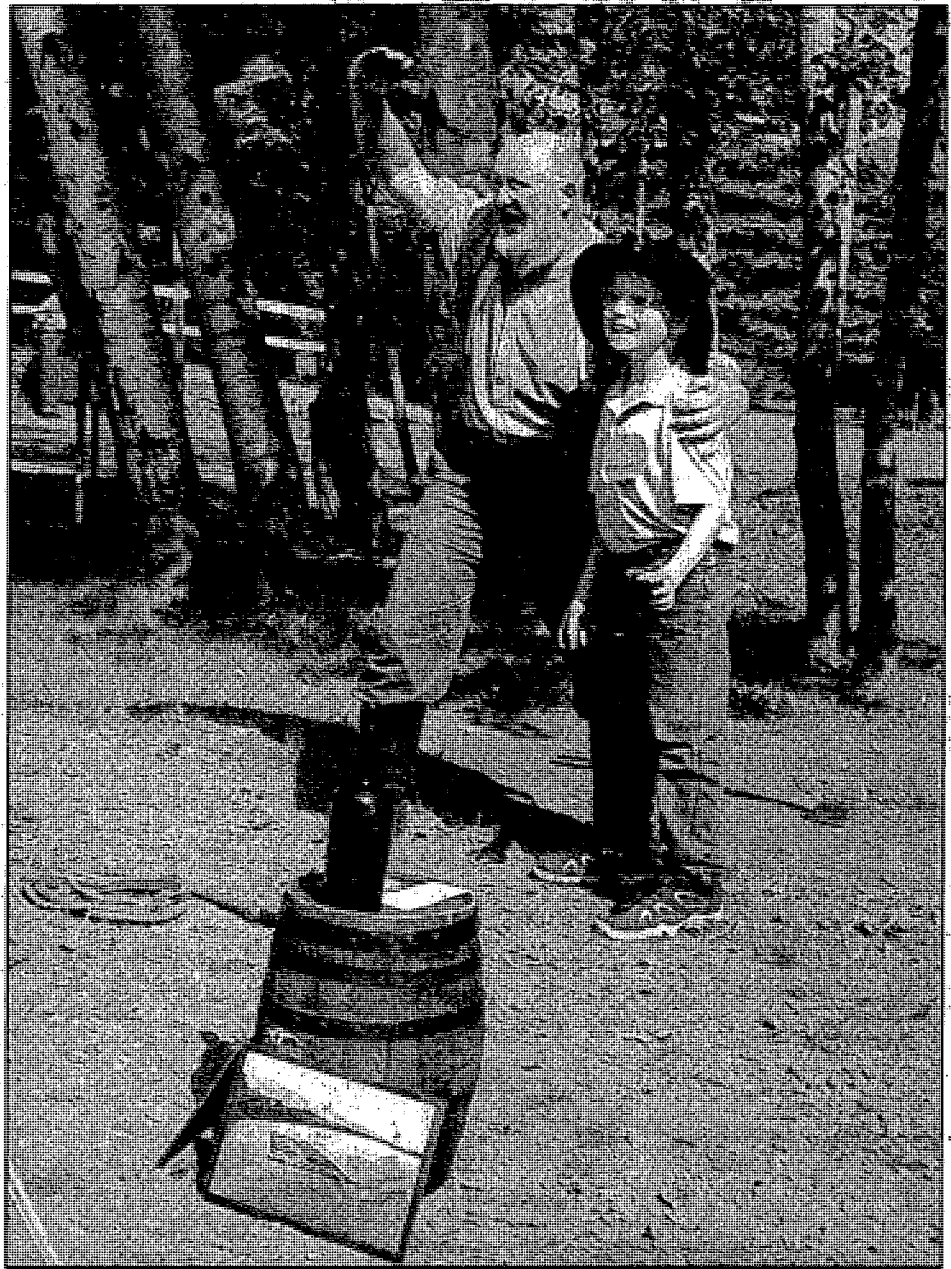
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Interested in submitting
material to *The Upper
Delaware*?

Send items to Newsletter
Editor Laurie Ramie at the
Upper Delaware Council, 211
Bridge Street, P.O. Box 192,
Narrowsburg, N.Y. 12764.



"History Alive!" re-enactor Rich Pawling, in the role of a 19th century raftsman and Delaware & Hudson Canaler, explains to Wallenpaupack Area North Elementary student Mike Winer the challenges of his profession during "School Days at the Roebling Bridge," an educational outreach series hosted in May and June by the National Park Service to commemorate the 150th anniversary of Roebling's Delaware Aqueduct in Lackawaxen. Close to 1,000 fourth graders from PA and NY enjoyed half-day programs on-site concerning canal family life, characters and songs of that era, and the aqueduct's engineering, all of which capped off preparatory classroom visits. (Ramie photo)

Most land along the Upper Delaware River is privately owned. Please be considerate and don't litter or trespass. Thanks!

UDC Representative Profile: Phil Chase

For anyone who feels that true comprehension of the intricacies involved in determining New York City reservoir water releases in the Delaware River Watershed requires a scientific mind, we give you Philip D. Chase - environmentalist, sportsman, and, oh yes, retired science teacher.

Chase, this year's Upper Delaware Council vice-chairperson and chair since his 1994 appointment to the UDC of the Water Use/Resource Management (WU/RM) Committee, is known for his diligent pursuit of optimum flows for the Upper Delaware River.

"I've been working on reservoir releases since 1960, which started with the Neversink, and then Pepacton and Cannonsville. With the UDC, I'm seeing a lot of strength working hand-in-hand with the Delaware River Basin Commission. We have an opportunity to get a lot straightened out with the three reservoirs," says the Town of Deerpark representative.

"The \$3-4 million study (to analyze the river's flow needs, as proposed by the DRBC's Flow Management Technical Advisory Committee) is our best chance to get these reservoirs to the proper releases," Chase adds.

Born in Port Jervis, Chase served as an officer in the Army Corps of Engineers after graduating in 1954 from the Cornell University College of Agriculture and Life Sciences, where he met his wife, Merle. The couple has been married for 42 years.

"We're sort of a team in a lot of respects. She's my typist and editor," Chase says.

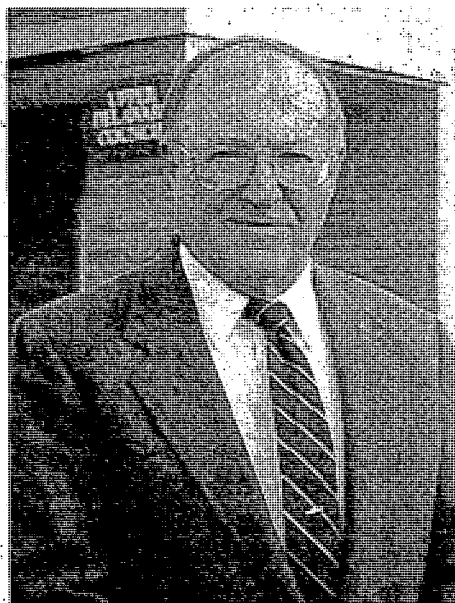
Merle and Phil are the parents of five: Bob, a vice-president with Morgan Trust in New York City; Carol, the family's third generation science teacher at Port Jervis; Al, a licensed surveyor in Monticello; Barry, a CPA in Pittsburgh; and Bruce, deceased in 1988.

Chase was an educator for 34 years with the Port Jervis City School District. While chairing the science department, he taught chemistry, physics, and earth science. Outside the classroom, Chase was equally busy coaching the school's football, baseball, golf, and wrestling teams.

A long-time citizen activist, Chase served as director of the Catskill Waters Coalition, concerned with area reservoir releases; vice-chaired the "Save the Delaware" Coalition, dedicated to stopping the proposed Tocks Island Dam; and developed the curriculum for a "Water Watchers" program through the New York State Department of Environmental Conservation. For 13 years, he authored a popular outdoor column for the *Times Herald Record* daily newspaper.

Chase is also an avid sportsman who enjoys fishing for bass and trout, hunting, golf, and biking. Remaining active in the

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Philip D. Chase, Town of Deerpark, NY
education field, Chase currently serves on the Dean's Advisory Council at Cornell University.

Chase's commitment to his causes and hobbies has been recognized with a slew of impressive awards, among them the National Federation of Fly Fishermen Man of the Year (1970), Hudson River Fishermen's Media Award (1973), Sullivan County Environmentalist of the Year (1974), and Upper Delaware Council Community Service Award (1991). He was named the first Tri-County Sportsman of the Year in 1993 and was honored to be selected in 1984 by the Catskill Fly Fishing Center to guide former First Lady Rosalynn Carter when she and President Jimmy Carter came fishing at Dark Eddy on the Delaware River.

Chase is also a strong supporter of the River Management Plan for the Upper Delaware Scenic & Recreational River, which provides the basis for the UDC's activities.

"The Upper Delaware Council in my eyes is a terrific organization. It's the strongest organization I've worked with," he says.

He gives back to the Council by serving on all three of its standing committees (WU/RM, Operations, Project Review), as well as the Personnel, Building, Mongaup, and Government Officials Liaison Subcommittees.

Call for Reservoir Flows

The New York City Department of Environmental Protection, working with Trout Unlimited, advises of daily flow rates from the Cannonsville Reservoir:

(914) 295-1006

Upper Delaware
Council, Inc.
P.O. Box 192, 211 Bridge St.
Narrowsburg, NY 12764-0192
Telephone: (914) 252-3022
FAX: (914) 252-3359

The Upper Delaware is a free quarterly publication of the Upper Delaware Council, a 501(c)(3) non-profit organization composed of member governments from New York and Pennsylvania directly affected by the River Management Plan for the Upper Delaware Scenic and Recreational River.

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Volunteers clear brush and weeds along the historic D & H Canal Towpath on the New York side of the Roebling Bridge April 24 in a clean-up program sponsored by the National Park Service with help from partner organizations, the Friends of the Roebling Bridge, Upper Delaware Heritage Alliance, Upper Delaware Council, Town of Highland, and Sullivan County Department of Public Works. The Park Service hopes to open the site as a walking trail. It has been 100 years since the last canal boat carried coal down the D & H Canal. (Soete photo)

Water Snapshot '98, a water sampling program that took place throughout the Delaware River Basin April 17-26, will include readings of water quality in the Upper Delaware Scenic and Recreational River thanks to the efforts of Lori McKean, pictured at right with sixth grade students from Mackenzie Elementary School in Glen Spey, NY, who analyzed samples for temperature, dissolved oxygen, pH, nitrates, phosphates and turbidity. For the first time, lead agency, the Delaware River Basin Commission, also asked volunteer samplers to fill out a visual assessment form to include such conditions as shoreline erosion and habitat in the overall report of the basin's health. (Soete photo)



Technical Assistance Grant Applications Due By July 31

The Upper Delaware Council will accept applications for Technical Assistance Grants (TAG) from its member towns, townships and county governments until 4:30 p.m. on July 31. The available grant pool for the 1998 round is \$20,000.

Since the TAG program began in 1988, the UDC has awarded 74 grants totaling \$387,241.

Planning and study funds are available for projects related to the implementation of the River Management Plan (RMP) for the Upper Delaware Scenic and Recreational River. In general, funding is limited to the preparation or upgrading of a zoning ordinance or other relevant law, plan, or ordinance; publication of such an ordinance; addressing a problem identified in the RMP for resolution; or preparation of educational materials and guides that assist in the Plan's implementation.

To obtain complete guidelines, contact UDC Senior Resource Specialist David B. Soete at (914) 252-3022.

Coming in *The Upper Delaware* fall issue:

1998 Technical Assistance Grant Winners Announced
 Coverage of the 4th Annual Delaware River Sojourn
 UDC Raft Trip & 10th Anniversary Reunion Picnic Held
 Preview of D & H Canal Symposium & Gala on Nov. 7

Upper Delaware Council Honors

As the Upper Delaware Council honored individuals, organizations, communities, and government agencies in 12 categories at its 10th Annual Awards Banquet on April 19, it became evident that the diverse group of recipients shared one common trait: genuine appreciation of the Upper Delaware River Valley.

The ways in which they acted on that feeling justified their selection as the UDC's 1998 award recipients.

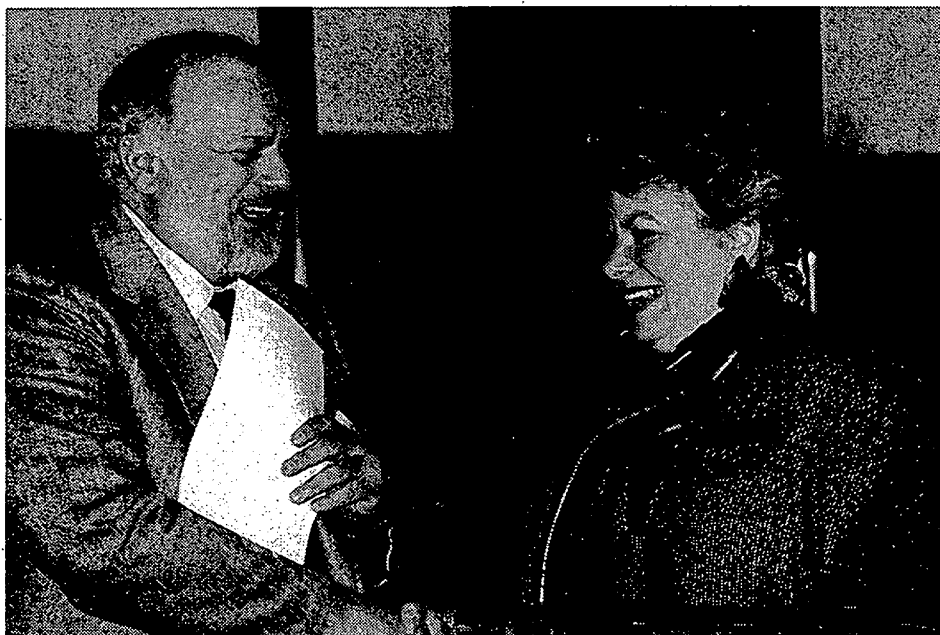
Held at The Club at Villa Roma in Callicoon, NY, the Awards Banquet featured an hors d'oeuvres reception, five-course dinner, keynote address by retiring New York State Senator Charles D. Cook (see Page 8), a special tribute to the late Tom Hill, and the awards ceremony.

Honorees not only received recognition from the UDC, but also took home certificates signed by Orange County Executive Joseph Rampe, Assemblyman Jake Gunther (98th District), Senator Cook, and U.S. Congressmen Maurice Hinchey (26th-NY) and Ben Gilman (20th-NY).

Tom Hill Tribute

UDC charter member, 1991 chairperson, and 13-year Lumberland Town Supervisor Thomas F. Hill (1951-1997) was remembered for his contributions to the Upper Delaware Scenic and Recreational River Valley's development, protection, promotion, and preservation of its cultural and historical resources.

"Tom Hill was a man of vision and action who could always see a brighter future



Upper Delaware Council Chairperson Alan Bowers accepts a "Certificate of Special Congressional Recognition" to commemorate the UDC's 10th anniversary from Julie Allen, Sullivan County aide to U.S. Congressman Maurice D. Hinchey (26th District-NY). (Soete photo)

and looked for ways to get there," noted a testimonial from the Upper Delaware Heritage Alliance, which established the Tom Hill Award for Excellence in Public Service last year, shortly after his untimely Aug. 25 death from leukemia.

Distinguished Service

The UDC's highest honor, the Distinguished Service Award, was pre-

sented to Malcolm "Angus" Ross, Jr., who had officially retired his post as Chief of Resource Management at the National Park Service (NPS) Upper Delaware Scenic and Recreational River two days before the Council's banquet.

Having spent the last 18 of his 33-year NPS career in the Upper Delaware, Ross commented on the changes he has observed in the complexion of the valley and attitudes toward government.

"Change has always been generated by the eternal tug of war between our need to protect the quality of life we grew up with, and our desire to promote economic growth for a better quality of life for our children's future. That, folks, is not an oxymoron, but rather what threatens our natural heritage in America and every country around the world. The difference along the Upper Delaware River is that we have had the chance to work together to make the inevitability of change not reap havoc with the wonderful natural quality of life that more and more seek to enjoy in this river valley. I will not kid myself, or you, by trying to convince anyone that we have reached a point of total trust between the various governmental and public interests in this concept. We are, however, getting better at solving problems together every year," Ross said.

The Robin M. Daniels Memorial Lifesaving Award went to New York City resident Zbigniew Weresa for breathing life back into a five-year-old boy in peril of



UDC Executive Director Bill Douglass, standing, presents a plaque in appreciative memory of Tom Hill to his family, mother Eleanor, sister and brother-in-law Cheryl and Nick Calabria, during a tribute to the UDC charter member from the Town of Lumberland. (Soete photo)

Contributors to the River Valley

drowning July 7, 1997 in the river while on a camping trip in the Town of Highland.

"I would like to remind you that even the most beautiful river can be dangerous. We can't be afraid of the water but we must show it respect," he said to a standing ovation from the audience.

A **Special Award** was conveyed upon Gerald M. Hansler, who retired this summer after heading the Delaware River Basin Commission for 21 years.

"It was in October of 1977 that I was sworn in as Executive Director in Sullivan County by a New York State judge, so you might say my beginnings are here in the Upper Delaware basin and this is probably my favorite spot. I have a lot of friends here," the NJ resident noted.

The **Community Service Award** was shared by Earl Pardini of Conrail and Narrowsburg resident Helle Henriksen of the Delaware Riverkeeper Network for writing the *Emergency Response Guide*



1998 Distinguished Service Award recipient Angus Ross is seen here in another guise as "Ebenezer," D & H Canal Boat Captain, with his wife "Eliza" (as portrayed by National Park Service Ranger Kitty Womer). Colleagues at Ross's retirement dinner joked affectionately that the "distinguished" characterization rarely pertained to his typically askew NPS uniform. (Ramie photo)



Honorees at the UDC's 10th Annual Awards Banquet included, seated from left: Martin Borko, Malcolm "Angus" Ross, Marian Schweighofer for the Damascus Manor Community Center, Helle Henriksen, and Elaine Giguere. Standing in back: Cal Hite for the National Park Service Upper Delaware Scenic and Recreational River, Peter Duncan for the New York State Department of Environmental Conservation, Charles Wieland, Zbigniew Weresa, keynote speaker Senator Charles Cook, Earl Pardini, and Gerald Hansler. Absent from the photo was Sullivan County Manager Jonathan Drapkin on behalf of Sullivan First. (Soete photo)

for the Upper Delaware River Valley.

"As a locomotive engineer, I get to see the Delaware Valley in a way that few people do and I really love it," said Pardini. "I'm grateful to do a little something to see that it stays that way and that we protect it the best way we can."

Elaine Giguere, executive director of the Delaware Valley Arts Alliance and recipient of the **Cultural Achievement Award**, noted, "The contemporary living artists are the cultural heritage of tomorrow and I feel proud to be putting a little bit of a mark on the Upper Delaware Valley."

The NYS Department of Environmental Conservation picked up the **Partnership Award** for efficiently developing the new DEC Highland Fishing Access Site last April in cooperation with the UDC, town, county, and federal interests.

DEC Deputy Commissioner for Natural Resources Peter Duncan gave thanks "to the fishermen and the users of the resource, who cajole and prod us on a continual basis to get out of our bureaucratic lethargy and get the job done."

The UDC's **Outstanding Community Achievement Award** went to the Sullivan First grassroots clean-up campaign. As

Sullivan County Manager Jonathan Drapkin gratefully accepted the award, he noted, "There should be at least 400-500 people standing up here with me."

So too was the case with the **Volunteer Award** given to the Damascus Manor Community Center. President Marian Schweighofer pointed out, "Even though our community is very small, we're rich in all kinds of resources. Together, we have been making wonderful things happen."

Martin Borko received an **Award of Recognition** for his 1991-97 chairmanship of the Upper Delaware Citizens Advisory Council, while 1997 UDC Chair Charles Wieland, Town of Tusten, collected the **Oaken Gavel Award**.

The staff of the National Park Service Upper Delaware Scenic and Recreational River was honored with the **Recreation Achievement Award** for 18 years of public service. Superintendent Cal Hite attributed their success to their management partners' "willingness to sit down and listen, share ideas, and together, collectively try to resolve some of the resource management issues that are of mutual concern and also to promote programs which are mutually beneficial."

Celebrate '98 Fun Continues Into Fall Season

Enjoy the rich history and culture of the Delaware River Valley at these community events. Contact numbers are provided where available to find out details:

July 11 - Upper Delaware Council Raft Trip & 10th Anniversary Reunion Picnic

July 16-19 - Americana Festival & Rodeo: "A Celebration of Roots to Branches" at Monticello Raceway (Catskills' IDEA, 914-796-4332)

July 16-19 - Lumberjack Festival at Deposit, NY.

July 18 - Waymart Heritage Day (Sandy Boguski, 717-488-6479)

July 18, Aug. 15 - Historic Walking Tour of Damascus, Pa. (Helen Dexter, 717-729-8676)

July 19 - Irish Dance & Fiddle Music by Steve Jacobi, Calder House Museum (Equinunk Historical Society, 717-224-6722)

July 22 - Commemoration of Minisink Battle (at Lackawaxen Cemetery, George Fluhr, 717-559-7444; and at Minisink Battleground, Pat Burns, 914-434-8044)

July 23-26 - Lackawaxen Bicentennial Celebration, Firemen's Field (Ed DeFebo, 717-685-7288)

July 25 - Mohican Lake Boat Parade & Lumberland Fire Dept. BBQ (Lumberland 200th Anniversary Committee, 914-856-6372)

July 25 - Wild Herb Walk and Early Home Remedies (Equinunk Historical Society, 717-224-6722)

July 26 - 8th Annual Riverfest in Narrowsburg (Delaware Valley Arts Alliance, 914-252-7576)

Aug. 1-2 - Hancock Bluestone Festival (Chamber of Commerce, 607-637-2969)

Aug. 7-15 - Wayne County Fair, Honesdale, Pa.

Aug. 8 - Stourbridge Lion Day Open House, Honesdale (Wayne County Historical Society, 717-253-3240)

Aug. 13-16 - Little World's Fair in Grahamsville (Sullivan County, NY)

Aug. 22 - Open House at Joel Hill Sawmill (Equinunk Historical Society, 717-224-6722)

Aug. 23 - 150th Anniversary of Cold Springs Presbyterian Church, Pa. (717-253-3250)

Aug. 23 - Deerpark Literary Sunday (Bicentennial Commission, 914-754-8070)

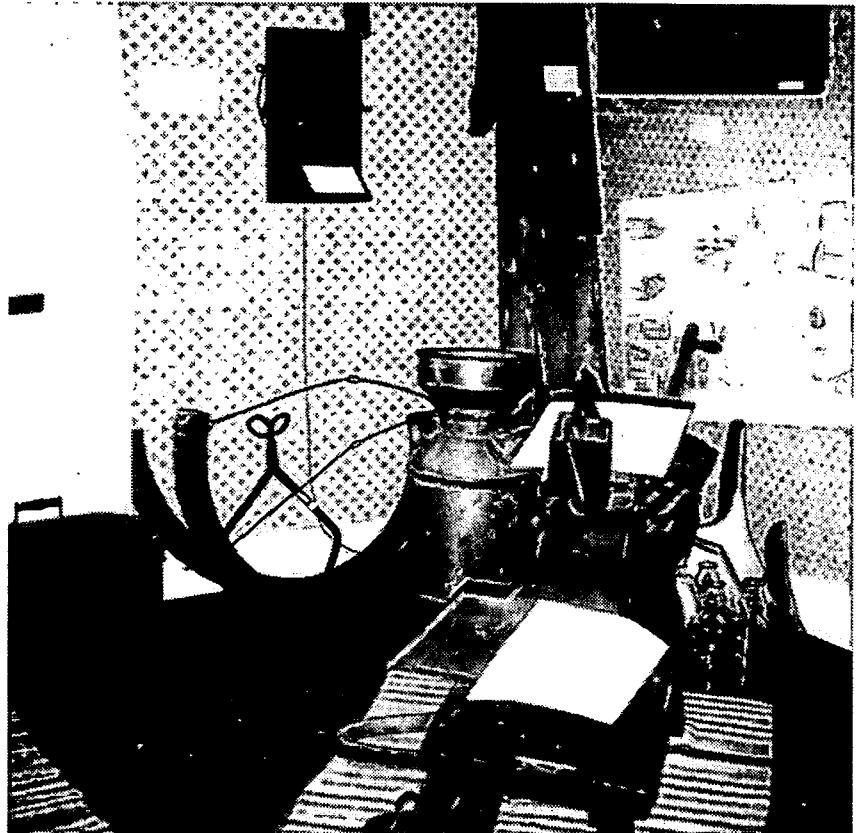
Aug. 29 - Cracker Barrel Session on Early Settlers of the Upper Delaware (Equinunk Historical, 717-224-6722)

Sept. 4-7 - "A Honesdale Girl Makes Good: The Jennie Brownscombe Story," Way Off Broadway performance at The Little Theatre, Grace Episcopal Church, Honesdale (Gail White, 717-251-8251)

Sept. 5 - Lumberland's Bicentennial Field Day & Parade (914-856-6372)

Sept. 12-20 - Bicentennial Week in Wayne County (Historical Society, 717-253-3240)

Sept. 12-13 - Leni-Lenape Indian Program at the D & H Canal Park in Cuddebackville (Neversink Valley Area Museum, 914-754-8870)



"Early Settlers of the Upper Delaware" is the 1998 theme of the Equinunk Historical Society, proudly participating in Wayne County's Bicentennial. On display at the Calder House Museum in Equinunk, Pa. are records, photographs and artifacts from days gone by, like this circa 1850 hemlock shingle maker in the middle of the "Farm Room." Pay a visit! (Ramie photo)

Sept. 13 - 150th Anniversary Program at Roebling's Delaware Aqueduct (National Park Service, 717-685-4871)

Sept. 13 - "A Sunday Dinner at a Boarding House in Wayne County, Pa.," meal and program, Settlers Inn, Hawley (717-226-2993)

Sept. 14 - Historic Fashion Show and High Tea, Women's Club of Honesdale (Sally Harrison, 717-253-0652)

Sept. 15 - Northeastern Barbershop Chorus, Honesdale (717-253-3240)

Sept. 17 - Early Trial Re-enactment by the Ritz Company Players, 7:30 p.m., Wayne Co. Courthouse, Honesdale

Sept. 18 - Steve Jacobi and the Old Time Fiddlers, Presbyterian Chapel,

Honesdale (Historical Society, 253-3240)

Sept. 27 - Upper Delaware Heritage Alliance Annual Awards Dinner (Mary Curtis, 717-729-7842)

Sept. 29, 30, Oct. 1 - Living History Programs with Rich Pawling on "Canaling on the D & H", local schools (Wayne County Historical Society, 717-253-3240)

Oct. 9-12 - D & H Canal Corridor Trek from Carbondale, Pa. to Kingston, NY (Lori McKean, 914-557-6152)

Oct. 10-11 - Annual Fall Foliage Festival in Port Jervis, (914-856-5485)

Oct. 10 - 143rd NY Volunteer Infantry Encampment, Honesdale Central Park, (Wayne Co. Historical, 717-253-3240)

List compiled by Upper Delaware Heritage Alliance

Exemption Benefits Boaters

Biannual registration of non-motorized pleasure boats using Pennsylvania Fish and Boat Commission (PFBC) accesses in the Delaware River is no longer required following a regulation change that took effect January 1 of this year.

The Upper Delaware Council had actively supported a waiver for Delaware River boaters to PA Code 58, Chapter 53, since its June 1991 adoption. The exemption request emphasized the practical and enforcement difficulties for a border river in which only one of the two states required boaters to register to use their accesses.

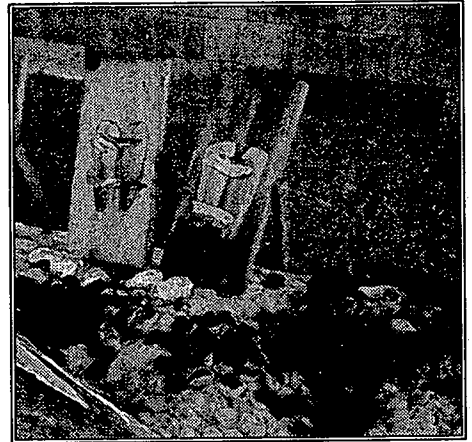
Commercial and power boats must still purchase PFBC registration decals for their craft by mail or through an issuing agent. For more information, call the PA Fish and Boat Commission's Northeast Region office at (717) 477-5717.

Fishing for the Facts

Are you aware that:

- ✓ A new public fishing access site on the Upper Delaware River, located adjacent to and downstream from the Village of Hancock Treatment Plant, recently opened. The site is co-managed by the New York State Department of Environmental Conservation, the National Park Service, and the Village of Hancock.
- ✓ The Pennsylvania Department of Environmental Protection expects to lift in 1999 its consumption advisory for American Eels caught between Little Equinunk Creek and the Damascus Bridge following three years of Chlordane-free samplings.
- ✓ Fishing from a boat or from either shore on the Upper Delaware requires a valid New York or Pennsylvania fishing license for all anglers 16 and older.

(Pictured at right: Shad fillets bake on oak planks over a charcoal pit, as in Colonial times, at the Sixth Annual Early American Shad Festival held May 23-24 in Lackawaxen, Pa.)



"Senator," continued from Page 8

Upper Delaware Council.

Everyone in the region, including myself, was very concerned about the impact of the National Park Service entry into the Delaware Valley.

The Upper Delaware Council has been an effective liaison between the interests of local residents, and the greater mission of the Park Service to both preserve the scenic beauty of the corridor, and open up the economic potential of the river as a tourist destination.

Within that mission itself, there are also tensions. Business people obviously have an interest in promoting greater traffic into the area and greater use of the river.

Other landowners have legitimate concerns over incursions on their property by people using the river; and simply by the interruption of the tranquility of their homes and interference with other recreational activities such as fishing.

On the other hand, there are common concerns on which all parties can be united. Stream flows, for example, are a concern to canoeists, fishermen and landowners. Again the Council is an effective focal point for those efforts.

Through the years, the Council and the Park Service have succeeded in creating a unique relationship in which they are both partners and adversaries. The fact that the members of the Council are

directly related to the elected governing bodies of the towns gives them a credibility that might otherwise be lacking. The fact that changes in the attitude of the Park Service during the past decade have made them more sensitive to the impact of their activities on local people has also made them less suspect.

The United States is a dynamic and growing nation. Unlike western European countries where the population tends to be both stable and homogenous, we are still experiencing both population growth and population shifts. The demographic makeup of communities along the Delaware will be much different in the next century than in the past. The resident population may not dramatically expand, but our nearness to eastern population centers will continue to put pressures on us for increased use of our land by non-residents. Regulations can be both a curse and a protection, depending on the circumstances.

On one hand, the economic changes from a farm and hotel-based economy to a more transient recreational base portend the need for the flexibility of local people to do those things with their property which will build a viable local economy. At the same time, the quality of life of local residents depends in many respects upon the limitation of traffic and the protection of their private property.

The partnership of the Council and the Park Service can continue to serve those dual needs.

New York Law still vests in local town governments the power to impose and enforce land use regulations. State government can regulate certain activities to the degree that those activities might impact the environment, or the transportation system. However, without dramatic changes in law, neither the state nor federal government is empowered to impose basic land use regulations on our residents. This is the safety valve that must be preserved. Town government must always be the ultimate point of authority in imposing and enforcing regulations.

But the Council can continue to be a forum by which to build common understandings among the towns, as well as between the towns and other levels of government.

The role you have carved out for yourself can, I think, be a model for others to follow.

Preservation of private property must always be a concern of a free society.

At the same time, the potential for one property owner to do things which adversely affect another property owner is a legitimate concern of government; as is the concern that the heritage we have received from earlier generations will be passed on to the generations that follow.

Do We Have Your Correct Address?

If your address has changed, or you no longer own land in the Upper Delaware River area, please help us to update our records. Fill in your new address, or the name and address of the new owner of your property, and return this notice to The Upper Delaware Council, P.O. Box 192, Narrowsburg, NY 12764-0192.

New Address:

Name _____
 Address _____
 Box, Apt. # _____
 City/State _____
 ZIP+4 _____

Old Address:

Name _____
 Address _____
 Address _____
 City/State _____
 ZIP _____

Check here to be removed from our mailing list.

Senator: UDC Preserves Property Rights

The following keynote address was delivered by New York State Senator Charles D. Cook (40th District) at the Upper Delaware Council's 10th Annual Awards Banquet held April 19, 1998.

Property rights have been a source of contention since the earliest days of our nation.

When Thomas Jefferson wrote the Declaration of Independence, he originally borrowed from the writings of John Locke the phrase "life, liberty and property." Given the historic meaning in England of property as an identification with the privileges of the landed gentry, he changed the word "property" to "pursuit of happiness."

The United States Constitution, in guaranteeing that private property may not be seized without just compensation, implies on the reverse side that private property may be seized for public purposes, so long as the owner is justly compensated.

Therefore, property ownership is not an inherent "right" in the same sense as freedom of speech, for example.

New York law on public domain has always contained a provision that there must be a finding of "public need." This has always been a source of contention when you come to the question of park land or open space. Obviously, a public highway that serves the general population is a public need, which overrides the property rights of the owner. It is a much different question when you come to park land or open space. There may be a public interest in acquiring a particular piece of land, but is there a public need?

In recent years, court decisions have tended to support the position that the two words are synonymous.

The broader question of public ownership of land is a political but not necessar-



Senator Charles D. Cook

ily a legal question.

Since the earliest days of the country, the United States government has claimed ownership of all new lands added to the territory of the United States. The Homestead Act, by which the government made grants of land to new settlers, was the means of settling the area which we now know as the industrial midwest. Some of the most contentious issues to this day are over the public grazing lands in the western states, and the permits for cutting trees in national forests.

More than a hundred years ago, the New York State Constitution established the Adirondack and Catskill Parks. While that did not include any provision for condemnation of private land; there was an assumption that the state would acquire land as it became available. After the tanning industry denuded the slopes, large amounts of basically useless land came on the market and constitutes the bulk of what is now the state land within the blue line.

Land use regulation, which is perhaps the most contentious aspect of the whole issue, really did not come into play until the 20th Century.

It started in urban areas as an effort to control the development of communities, primarily to protect residential sections from the incursion of commercial and industrial construction. More recently, environmental laws of various types have been instituted, generally supported by the courts on the grounds that there is a public need to be served in protecting against pollution.

Within the past decade, courts have started to recognize that these laws can have an impact on the value of property. The standard thus far is that a property needs to be totally deprived of its economic value by a given regulation.

In the Delaware Valley, we are accustomed to the purchase by the City of New York of riparian rights prior to construction of the city reservoirs which implicitly recognized that the withholding of stream flow affected the value of property below the dams. It would not surprise me if courts would increasingly recognize the impact of environmental regulations on the value of private property.

Indeed, it was a major source of contention during the recent New York Watershed controversy that the new regulations would depreciate the value of private property by outlawing certain enterprises within the watershed. Industrial SPDES permits will be almost impossible to acquire, severely limiting the options for new manufacturing investment.

It remains to be seen whether this might bring about litigation by present property owners.

All of this points to the importance of the

Please see "Senator," Page 7

The Upper Delaware Council, Inc. meets on the first Thursday of every month at 7:30 p.m. at the Tusten Town Hall, Narrowsburg, NY. Three standing committees, Operations, Water Use/Resource Management, and Project Review, meet on the third and fourth Tuesdays of every month at the UDC office, 211 Bridge Street, Narrowsburg, across from the Town Hall. All meetings are open to the public. Call (914) 252-3022 for specific meeting dates and agendas.

Upper Delaware Council
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