

The Upper Delaware

Special Edition

Conference of Upper Delaware Townships

Winter 1988

River Management Plan Goes Into Effect

Upper Delaware Council To Form; Funding Approved By Congress

The river management plan for the Upper Delaware Scenic and Recreational River took effect on January 4, nine years after the river was designated by Congress. Implementation of the plan is expected to begin immediately.

The plan, authorized by Congress in 1978 under the National Wild and Scenic Rivers Act, establishes a management partnership, to be known as the Upper Delaware Council (UDC), to coordinate all aspects of river management. The Council's members will be participating local towns and townships, the National Park Service (NPS), the states of New York and Pennsylvania, and the Delaware River Basin Commission (DRBC), participating as a non-voting member.

Briefly, the 1978 act calls on these agencies to use their existing laws and authorities in a consistent manner to protect the river and its surrounding landscape. The towns will use their land use ordinances, and environmental regulations such as those pertaining to

water quality, will be the responsibilities of the states. Among other responsibilities, the DRBC will be responsible for water quality monitoring, in cooperation with NPS, and permitting authorities governing river crossings and instream developments.

The National Park Service will manage river recreation, some historical sites, the land acquisition program (124 acres), and all aspects of the plan as they relate to towns that choose not to participate in the Council. NPS also will continue to fund trash removal and law enforcement programs in river valley towns.

Council Startup Expected Early in 1988

The Upper Delaware Council is expected to commence operations early this year. A number of housekeeping chores are on its early agenda, including the election of officers, approval of bylaws, and the initial five-year operating program, and the hiring of a

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Scenic Rivers Act Saves Shohola Creek

Ice Booms Prohibited; Zane Grey House Acquisition Funded By Congress

Two dams, a proposal to stretch ice booms across the river, and some difficult pollution problems lost head-to-head confrontations with the Wild and Scenic Rivers Act during the past year. Although the final plan did not become effective until January 4 of this year, the legal protections put into place on the river in 1978 already have made a difference.

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Shohola Creek Hydropower Rejected

A New Jersey developer withdrew two permit applications to construct power dams on Shohola Creek in **Shohola Township**, thanks in large part to a concerted effort by over a dozen government agencies and local groups. Township residents and fish and wildlife organizations posed vigorous opposition to the dams, which would have threatened bald eagle and fish habitat. The permit applications were submitted to the Federal Energy Regulatory Commission (FERC).

The lowermost project was directly prohibited since it would have been located within the designated river

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The Chairman's Perspective

As chairman of the Conference of Upper Delaware Townships this year, I have had the pleasure of seeing the dreams and work of many people in the valley come to fruition. The planning process for our Upper Delaware has set a unique course nationally for protecting rivers by establishing a management partnership that is led by local governments.

The formation of the Upper Delaware Council (UDC), the first step for setting the plan in motion, is well under way. Seven towns have already resolved to participate in the UDC, which will lead the implementation of the plan. I urge all of the river towns to join the Council and to be involved in the ongoing process of protecting our valley, its natural and cultural resources, and a way of life we treasure.

I look forward to the work of protecting our river valley. The need for water outside our region will continue to place heavy demands on the river. Efforts to protect water quality within the Upper Delaware valley itself must be redoubled to ensure the long term health of the river, and the cleanup of the landfill in Tusten and other disposal sites must be addressed immediately. Developing plans and policies to deal with such problems will be more effective with a valleywide Council working to assist town leaders. Coordinated

efforts have already proven themselves in the instance of the recent dam proposal for Shohola Creek. Joint action helped Shohola Township to respond successfully to a threat to its resources.

However, the protection of the Delaware River valley is a formidable task. This area will continue to experience tremendous development pressure, and the problems facing us are many and complex. The river management plan provides a means of ensuring that uncontrolled land development will not degrade the values which make this valley a wonderful place to live, but we must work together to make the plan a success.

I commend the people who have devoted their time and energy to this project. Through them, we have an opportunity to assure our children and future generations that the valley's traditional values will still be here for them, as they were handed down to us by our forebears. Thanks to the dedication of these people, the future is brighter for the glorious Delaware.

Phil Fitzpatrick, Chairman

(Continued from Page 1)

small staff or consulting firm to carry out the program under the Council's supervision.

The UDC's immediate program responsibility is to make recommendations to the National Park Service regarding the conformance of relevant town ordinances with the river management plan. Towns in "substantial conformance" with the plan will be subject to less oversight by the National Park Service. The Council is responsible only for reviews of member towns.

The question of funding for the Council program has also been resolved as Congress has appropriated \$285,000 to initiate UDC operations for FY 1988.

UDC Membership Growing

Seven towns have resolved to participate in the UDC. They are Westfall, Shohola and Lackawaxen Townships (PA), and the Towns of Deerpark, Delaware, Cochection and Hancock (NY). Additional towns are expected to join later this month. Meanwhile, COUP and NPS representatives are working to finalize state participation in the Council. Full state support of the plan is crucial to its success, since many of the management authorities on which the plan is based are vested in the states. Formal action by both states to participate in the plan is expected in the near future.

Conference of Upper Delaware Townships

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The Upper Delaware is the publication of the Conference of Upper Delaware Townships, an association of local governments from New York and Pennsylvania directly affected by the management plan for the Upper Delaware Scenic and Recreational River.

New York Town Members	Representatives
Hancock.....	George Frosch
Delaware.....	Myron Knight, Alternate
Cochection.....	Bill Dirie
Tusten.....	Dick Gutzzeit
Lumberland.....	Charlie Wieland
Deerpark.....	Tom Hill
	Bob Levin

Pennsylvania Township Members	Representatives
Lackawaxen.....	Edward DeFebo
	Ross Rosencrance, Alternate
Shohola.....	Bruce Selneck
Westfall.....	Phil Fitzpatrick

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Office Secretary.....	Kathy Johnson

What the Management Plan Means To You

The river management plan represents a bold new step in the history of this river valley. It calls on the town and township governments, stretched out along nearly 75 miles of river, to act in concert to protect the river and its surrounding landscape.

The river management plan works to achieve a balance between national and local needs by defining in precise detail the ways in which decisions will be made and the management areas for which each member government is responsible.

The plan also works to protect individual residents and property owners by assuring them that their future in the area is secure. These protections and guarantees are founded in the document's fundamental planning goals in the beginning of the plan.

Community-Oriented Planning Goals

- Maintain/enhance the valley's social and economic vitality and its diversity, consistent with efforts to protect the recognized values of the river corridor
- Protect private property rights, and allow for the use and enjoyment of the river corridor by both year-around and seasonal residents
- Foster a public recognition of the Upper Delaware River Valley as a place with its own identity, continuing history, and a destiny to be shaped by its residents

The Future of Your Community

The crux of the plan is a long-term cooperative partnership entered into by the states, towns, the National Park Service and the Delaware River Basin Commission; its purpose is to use existing laws and programs to best guide the future of the river corridor; there is no intent to acquire more property than necessary to furnish necessary facilities to manage of the area. The plan does not alter the traditional roles and responsibilities of local government or of the states.

The management plan identifies key community issues and resolves them in the following ways:

Land Acquisition

- Acquisition is limited to no more than 124 acres on a willing-seller willing-buyer basis only
- National Park Service agrees not to use the power of eminent domain in any town that is substantially conforming with the Land and Water Use Guidelines and Plan
- A voluntary contract between NPS and a property owner to eliminate the potential for federal acquisition (Certificate of Compatibility) is provided for people who do not wish to have their land acquired but who are willing to manage their property according to the Land and Water Use Guidelines

Use of Your Land

- All existing uses of property will continue
- Many new uses will be allowed if they are consistent with local zoning in towns where such zoning is in substantial conformance with the guidelines

Agriculture and Timber Management

- Farming will continue as before, subject to existing state and local laws, the only limitation being that feedlots and cage-type poultry operations must address successfully potential problems of erosion, sedimentation and waste runoff
- Timber management will continue as before; the objective, where possible, is to limit large-scale clear-cuts and provide for selective cutting and to eliminate clear-cutting within 50 feet of the river and other streams

Trespass and Litter Problems

- Funding to local governments for trash removal and law enforcement programs in the river corridor will continue
- National Park Service river patrols will be continued or expanded

Hunting and Fishing

- Consistent with the traditional use of the river corridor, hunting, fishing and trapping are permitted as before and will be regulated by relevant state laws and agencies
- The National Park Service has no jurisdiction over these uses, except on the river and on lands owned or leased by the agency

Land Development

- The plan steers new urban growth to the corridor's existing hamlets; it reserves non-hamlet areas for lower density development and farming/forest uses
- The plan discourages developments on steep hillsides that cause substantial soil erosion and landslide conditions
- The guidelines discourage land developments that result in large-scale land clearing of vegetation and resultant soil erosion (This does not apply to normal agricultural practices)
- The guidelines are designed to limit pollution problems from septic systems located in soils unsuitable for such devices
- The plan discourages heavy industrial development in order to maintain the existing character of the river valley
- The guidelines steer major commercial activities to the hamlets

MATTHEW F. MCHUGH
28TH DISTRICT NEW YORK

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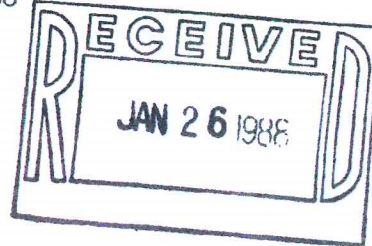
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Congress of the United States
House of Representatives
Washington, DC 20515

January 11, 1988

Mr. Phil Fitzpatrick
Chair
Conference of Upper
Delaware Townships
P.O. Box 217
Narrowsburg, New York 12764



Dear Phil:

We are pleased to inform you that the management plan for the Upper Delaware River has completed its final review period successfully and now is in effect. We congratulate the members of COUP and the dozens of others who worked selflessly to craft the plan for their dedication, perseverance and innovation in making this plan possible.

This plan continues the tradition of the Wild and Scenic Rivers Act by embracing a solid plan for river recreation management under the leadership of the National Park Service. It encompasses a careful strategy for safeguarding the water quality, fish and wildlife populations, hills and forests of the valley.

As you know, the legislation which the plan implements breaks new ground by assuring the future of the valley's residents. It replaces federal land acquisition with a management framework based on local zoning and state laws. With your commitment to see that the legislation and the plan work, you have chosen an ambitious path for your communities that, if adhered to, will improve the vitality of the region's economy and maintain the independence and leadership of your local institutions.

We urge you to work hard to make this plan work. Most communities in this country are watching their natural resources slip away to the ceaseless expansion of our cities. Few communities have the opportunity our valley has. This plan enables you to plan for that growth to protect our way of life and the river environment which makes our communities such attractive places to live.

You also have taken on the responsibility of protecting a nationally important river. Less than one percent of our nation's streams are protected by the National Wild and Scenic Rivers System. The Upper Delaware is recognized nationwide for its excellent water quality, its sport-fishing and boating opportunities, and the abundant wildlife populations it supports. The Upper Delaware is unique in the eastern United States, and that is why Congress acted to protect it before it was lost.

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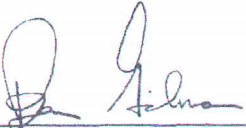
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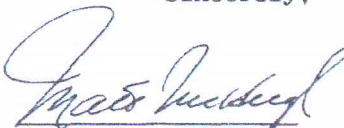
Mr. Phil Fitzpatrick
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January 11, 1988

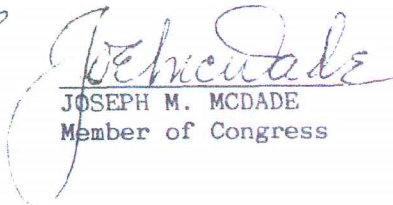
We urge you to take this conservation plan seriously and make the most of it. If you do, fifty years from now when the Upper Delaware is still a quality river, your children and their children will thank you for the steps you are taking today.

We look forward to working with the members of the upper Delaware Council to conserve the irreplaceable resources of the Delaware River valley. Feel free to contact our offices if we may assist your work in any way.

Sincerely,


BENJAMIN A. GILMAN
Member of Congress


MATTHEW F. MCHUGH
Member of Congress

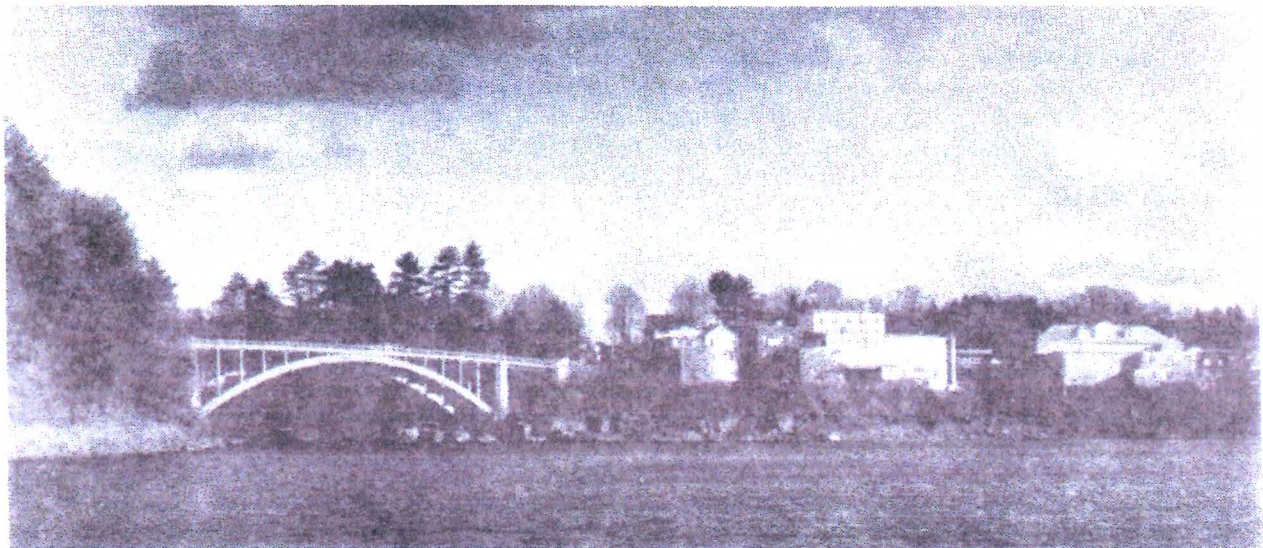

JOSEPH M. MCDANE
Member of Congress

What the Plan Means To Local Government

The fifteen towns and townships directly affected by the Upper Delaware plan will benefit substantially by participating in the Upper Delaware Council, the organization established to carry out the plan in the cooperative manner envisioned by the 1978 Act of Congress.

Perhaps the essential question town officials face is that of how town government can exert maximum control over its own future, now that the river plan has gone into effect. The seven towns that already have voted to participate in the Council generally have come to a common conclusion on this point. They believe that by participating in Council functions, they will have maximum influence over the important resource management questions that affect the river valley.

- Direct involvement in decisionmaking will help to assure that those decisions are sensitive to the legitimate needs of the community
- The plan guarantees that local control over local ordinances will continue
- The plan provides for coordinated and concerted response by the members of the Council to significant environmental hazards, such as leaking landfills and destructive water projects, that are normally beyond the reach of local government authority
- Funding for law enforcement and trash removal in the river corridor is included in the plan and NPS appropriation requests
- A plan to provide reimbursements to local



Looking across the Delaware to Narrowsburg, New York

(Photo by David Hulse)

The plan contains a package of financial and policy benefits for towns that choose to participate in the Upper Delaware Council. Some of these items originate in the 1978 legislation designating the Upper Delaware, but others were included based upon town government and citizen involvement in drafting the plan. The most important benefits in this package are the following:

- Perhaps most important, the plan gives town members of the Upper Delaware Council direct involvement in decisions made under the authority of the river management plan; this opportunity will not be offered by the National Park Service to local governments choosing not to participate

governments for expenses pertaining to river-related emergency services is included in the management plan

- Funding may be allocated to local governments for river-related planning assistance, such as ordinance drafting and printing, and comprehensive planning; this funding may come either from the National Park Service or the Upper Delaware Council
- The plan proposes only minimal land acquisition
- Local government will have additional clout when negotiating with federal and state agencies over issues pertaining to natural resources; the Council will give member governments better access to the key decision-makers in the statehouses and Washington

How the Plan Will Protect the River

The primary purpose of the river management plan is to protect the physical and biological integrity of the river and its surrounding landscape. Three sections of the plan--the Land and Water Use Guidelines, the Water Resource Management section, and the Water Use Management section--contain all the key provisions for protecting the Upper Delaware River.

The Land and Water Use Guidelines are oriented toward the quality of the river and the quality of life in the river valley. Among the provisions included in the guidelines are the following objectives:

- Limit soil erosion and sedimentation on steep slopes
- Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control
- Protect special erosion hazard areas along river banks
- Protect special erosion hazard areas along ridge lines
- Limit pollution problems from septic systems
- Reduce pollution threats from solid and toxic waste disposal sites
- Prohibits certain major uses which, if permitted, would cause major negative impacts on land resources in the river corridor. These uses include heavy industrial uses, junkyards, subsurface mining operations, major surface mining operations, major airports, new paved four-lane roads and bridges, marinas, power generating stations, major electric transmission lines, ice-breaking structures, major commercial recreational development, and major oil and gas transmission lines.

Prohibitions on New Water Projects

The Wild and Scenic Rivers Act stipulates that no water projects may be constructed on rivers protected by the Act that would have an adverse effect on the values for which the river was designated. Since "free-flowing" is a primary requirement for designation, no

dams, diversions, channel modifications or other such constructions are permitted on the Upper Delaware itself or any streams in the river corridor. Moreover, the Secretary of the Interior has the authority to block hydroelectric projects outside the river corridor that would have a clear and adverse impact on the values for which the river was designated by Congress.

The river management plan includes a program to maintain or improve river flow characteristics to protect fish and wildlife, water quality and to enhance recreational uses.

Federal agencies are required to be "consistent" with the plan in regard to water development permits, funding, and licensing. This provision legally prevents the federal government from approving actions that would prove detrimental to the river. This consistency is an effective deterrent to water projects that would divert or diminish flows from the river, or, as in the case of instream projects such as bank stabilization or channel dredging, would alter the natural characteristics of the river and its shorelines.

Water Quality and Recreation Plans

The plan calls on the UDC to develop and implement an interim plan for the protection of public health and safety due to the toxic landfill located in the Town of Tusten and to advocate the prompt cleanup and removal of its contents. The plan also gives increased priority for clean-up to other disposal sites in the river corridor. No new landfills are permitted within the river corridor under the guidelines.

The recreational aspect of the plan contains several provisions to protect the river from damage due to recreational use. Among them are a program to combat riverbank erosion problems and a program to monitor the effect of recreational use on the river environment. The goal of the program is to provide for effective management of existing recreational uses, not to encourage the expansion of recreational uses.

Change of Address or Ownership?

If your address has changed or you no longer own property in the Upper Delaware River valley, please help us to maintain the accuracy of our records. Fill in your new address or the name and address of the new owner of your property and return this part of the page to COUP, P. O. Box 217, Narrowsburg, NY 12764. Thank you for your assistance.

Old Address

Name _____
Address1 _____
Address2 _____
City _____ State _____ Zip _____

New Address

Name _____
Address1 _____
Address2 _____
City _____ State _____ Zip _____

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area. The second dam was stopped due to its potential impact on the Wild and Scenic River. The third project, upstream of the other two, may be stopped due to its impact on state forest lands used for bald eagle habitat and trout spawning areas.

Ice Booms Prohibited

The National Park Service succeeded in removing the placement of ice booms across the Upper Delaware from alternatives proposed by the Army Corps of Engineers to alleviate ice buildup conditions downstream. Residents and environmentalists opposed the use of ice booms since the booms could cause floods and ice buildup on the protected segment of the river. Ice booms are cables strung across the river to prevent the passage of ice floes downstream.

COUP members worked with local organizations to include the prohibition on ice booms in the final river management plan. The National Park Service was able to block this alternative by using its authority under the Wild and Scenic Rivers Act to prevent the construction of water projects on designated rivers.

Congress Protects Zane Grey House

The National Park Service, working with COUP, Lackawaxen Township, the Upper Delaware Heritage Alliance, the Citizens Advisory Council and Rep. Joseph M. McDade, have obtained federal funding for

the purchase of the historic Zane Grey House in **Lackawaxen Township**.

The funds will permit the acquisition of the property, and its rehabilitation and future interpretation. The Zane Grey House, named after its author-owner and the place where he wrote many of his novels, is already on the National Register of Historic Places. It currently is operated as a museum of the author's memorabilia.

Water Quality Work Progresses

The National Park Service has interceded on behalf of the **Town of Delaware** to help the town in its effort to obtain a grant for the construction of a sewage treatment plant for the hamlet of Callicoon. The town has been bogged down in difficult negotiations with the state of New York over the plant. The move by the National Park Service may help to reverse an earlier state decision against the grant award.

Residents and groups in the **Town of Highland**, COUP, and the National Park Service have banded together to seek remedial action from the NY Department of Environmental Conservation (DEC) for a landfill in that community suspected to be leaking toxic chemicals.

DEC had disallowed as insufficient earlier evidence of the problem presented by the Town and local residents, but samples taken by the National Park Service now are being analyzed by DEC. The agency recently began testing at the site, and the operator has agreed to take interim measures to capture polluted runoff.

The National Park Service was also able to get NY Department of Health aid in halting the discharge of raw sewage from a campground area in the **Town of Delaware**.

Local residents in **Lackawaxen Township** notified the National Park Service of an oil spill in Masthope Creek. Tracing the discharge upstream, NPS personnel found the source to be a leaking fuel oil line. The owner, unaware of the spill, then shut off the leak. Clean-up operations, tedious in winter, have begun.

Need Information About the River Plan?

The COUP office in Narrowsburg (next door to the fire department) can answer questions you may have about the plan and its effects on you and your town or township. The office is open from 8 AM - 4:30 PM. Call us at (914) 252-3022 or write to: COUP, P. O. Box 217, Narrowsburg, NY 12764.

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