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## UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER

A process to Protect a Rural Landscape

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**T**he Upper Delaware National Scenic and Recreational River Management Plan represents an important departure in approaches used to achieve management of a landscape so that land can retain its present character while remaining in largely private ownership and providing some recreational use. Faced with the challenge of protecting the scenic quality of a rural area, the National Park Service has developed a close working relationship with all levels of government. The overall resource management goal of the area is to balance resource protection and meet the needs of the area's recreational users so as to foster creative attempts to safeguard one of the nation's remaining unspoiled landscapes.

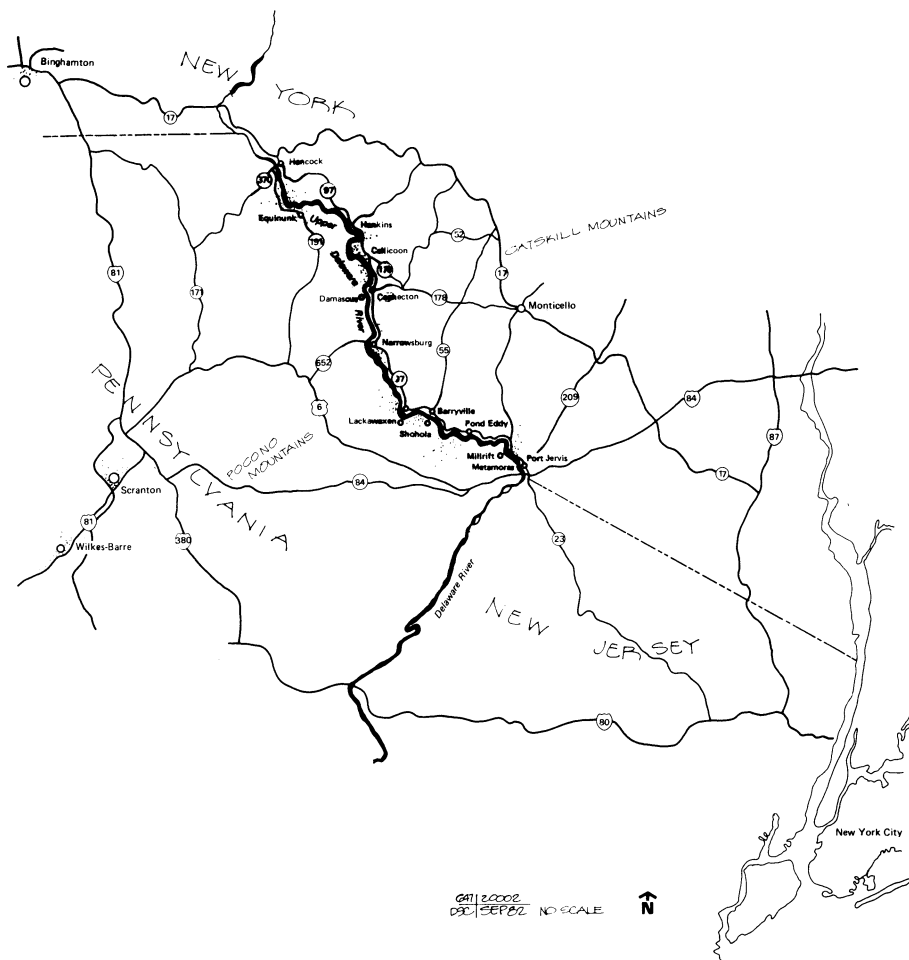
The Upper Delaware National Scenic and Recreational River is a 75-mile long, ridge-to-ridge corridor on the New York/Pennsylvania border between Port Jervis and Hancock, New York. The 79,435-acre corridor is under the jurisdiction of 15 towns and townships, 5 counties, the States of Pennsylvania and New York, the Delaware River Basin Commission (DRBC), and NPS. The river corridor remains primarily in private ownership with some state, county, and local land holdings and has a distinctive, rural character with approximately 10,000 residents. The area is characterized by wooded slopes and hillsides, open fields, rural residences, and clustered residential and commercial areas. Although first settled in the 18th Century, the corridor has been protected from rapid growth by its isolation and has, by and large, been passed over by the residential and resort development in the nearby Catskills and Poconos.

Being within 100 miles of New York City and other major urban centers, this attractive river valley has become a popular destination for canoe enthusiasts. Growth in river use has resulted in increasing conflicts between canoeists and area landowners and other recreationists such as fishermen. Area livery operators, on any given day, can provide over 4,000 rental canoes. Issues of increasing river use and associated conflicts have resulted in the desire to manage the river and adjacent lands while protecting the scenic rural character of the Upper Delaware Valley. As the lead agency, NPS has been charged with addressing these issues.

### **Principal Components of Legislation**

The primary objective of the 1978 Legislation which designated the Upper Delaware as part of the National Wild and Scenic River System is to preserve and protect the character and resource qualities of the Upper Delaware River corridor through local land use controls and to minimize federal land acquisition. The legislation specifies the following:

- \* Minimize federal landownership--initially 450 acres, maximum of 1,450 acres.
- \* Cooperate with all levels of government having responsibility for administering the corridor.
- \* Rely on local land use controls to preserve and protect landscape qualities.
- \* Manage river recreation use.



**REGION**  
 UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER  
 UNITED STATES DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE

- \* Establish a Citizens Advisory Council.
- \* Prepare a River Management Plan with direct participation by the affected government.
- \* Develop General Guidelines for Land and Water Use.
- \* Contract with local governments for plan preparation, law enforcement, and trash removal.
- \* Review local plans and ordinances.

### **Legislative Background**

The Wild and Scenic Rivers Act of 1968 identified the Upper Delaware for evaluation. By 1970, an Interagency Task Force determined that the Upper Delaware qualified for inclusion in the National Rivers System and a subsequent Bureau of Outdoor Recreation Study (1973) recommended alternative management methods ranging from no action to substantial federal acquisition.

The threat of major federal acquisition aroused strong local opposition. Despite this opposition, a consensus emerged that some form of federal designation and involvement was needed and local efforts were channeled into drafting legislation that would safeguard local rights and interests. As this process unfolded, an upsurge in canoeing and consequent conflicts with riparian owners may have dampened opposition to possible federal management.

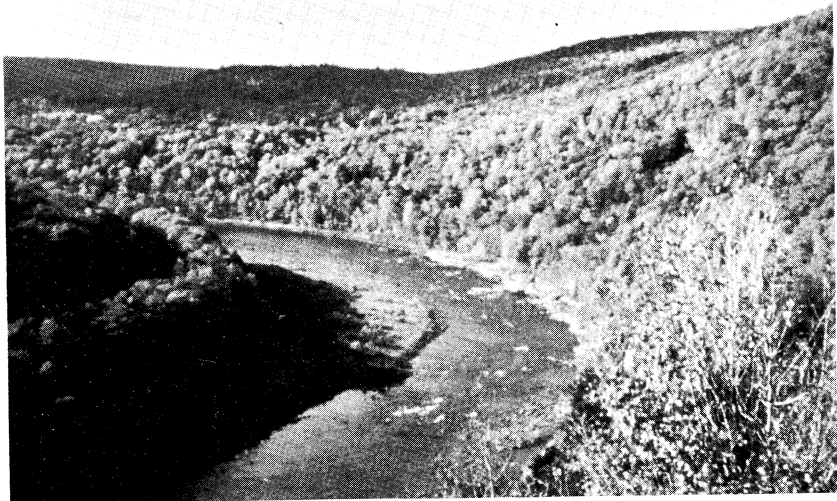
Much local input came from the Upper Delaware Clearing House, an informal organization of county planning staffs, state and DRBC representatives, local officials, and interested citizens. Meeting monthly from 1975 to 1978, this group not only helped shape the legislation but also drafted the General Guidelines for Land and Water Use control measures mandated in the legislation as an alternative to federal acquisition.

One of the factors in developing the legislative concept was the proximity of the Upper Delaware to the Delaware Water Gap National Recreation Area and the many problems related to land acquisition and management of that area. This greatly influenced the limitation on Federal land acquisition and emphasis on local land use controls. It also promoted a mandate of intergovernmental coordination and participation within the legislative design.

The law identified recreation management as another area of concern. Because of its proximity to the New York metropolitan area, the area was subject to a great deal of recreation user pressure. The immediate solution needed to properly manage use of the rivers and its adjacent lands were hard to achieve in an area divided by multiple jurisdictions.

### **The Planning Process**

One of the ways the NPS addressed the legislative intent focused on establishing an interdisciplinary team (community planner, landscape architect, historian, economist), and also to enlist the direct participation of planners from the 5 counties, 2



*Fall color on the Scenic Upper Delaware River.*



*Peak Summer Use on the Upper Delaware River.*

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states, and the DRBC as full team members. Funded by the NPS, this participation involved more than the usual review functions. Planning team members assumed responsibility for the various subject areas of the plan, including management alternatives, park development, regional land use, legal and institutional alternatives, carrying capacity, cultural resources, and public information.

The planning process consisted of data collection and resources inventory, identification of key issues, development and assessment of alternatives and impacts, and selection of the preferred plan. Data collection and resources inventory included a cultural resource survey, user and area business survey, analysis of the economy, and identification of land use and vegetation based on color infrared photography. Planning issues were identified from scoping sessions, input from the Citizens Advisory Council (CAC), and a series of introductory public meetings in each of the 5 counties. Based on this input, the planning team developed alternatives to address these issues and assessed environmental, social, cultural and economic impacts. The major issues that the plan addresses are boundaries, overall management, river recreation, facility development, land acquisition, cultural resources, and general land use.

To ensure that the alternatives and their impacts were comprehensive and accurate, the team prepared a special newsletter and held a series of public meetings to discuss the alternatives. The alternatives that best resolved problems from the perspective of implementation, funding, and comprehensiveness were selected as the recommended plan.

### **Plan Summary**

The River Management Plan will guide management actions for the next 10 years. The plan recommends a cooperative management model in which all affected governments participate and share responsibility: an Intergovernmental Coordinating Council (ICC). The existing CAC will help implement the River Management Plan and recommend improvements; the ICC will help coordinate planning, development, and management actions within the corridor; and a new Technical Assistance Group will provide professional expertise to local governments. Under the proposed action, the NPS will acquire approximately 160 acres through fee or easement purchase for recreation and administrative purposes. It is recommended that state and local governments acquire approximately 1,230 acres through fee or easement purchase for protection of scenic areas, natural habitat, and additional recreational facilities.

The proposed plan also recommends establishment of an Upper Delaware recreation impact fund to ensure that nonresident recreationists share the cost of providing services from which they primarily benefit. Fees could be levied by each town or township through local ordinances and collected on a corridorwide basis. Both renters and owners of canoes and other watercraft would be subject to such fees, as would users of public and private

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campgrounds. The revenues would be used to maintain public recreation sites, provide emergency medical care, and ensure proper road maintenance.

River recreation will continue to build upon the river recreation management program instituted by the NPS in 1980. The program focuses on orienting visitors to the corridor, educating them about river use and safety, monitoring use, and enforcing use regulations. Town and township governments participate directly in law enforcement, emergencies, and cleanup of the area.

A second phase of river use management will be the development of recreational facilities to meet visitor needs and to direct use. As part of this phase, the proposed plan recommends that commercial livery operators obtain a permit, contract, or other written agreement to do business within the corridor. In addition, commercial canoe liveries will be encouraged to voluntarily adopt operating standards and procedures.

Effectiveness of these efforts will determine whether more restrictive programs will be needed to ensure visitor safety and compliance by commercial liveries with river operating standards and procedures. Future management options include the adoption of a permit system to limit all river use. This would only be undertaken after long-term monitoring of river use, analysis of visitor perceptions and preferences, and input from river residents, landowners, New York and Pennsylvania, the CAC, and the ICC.

### **Controls for Land and Water Use**

In accordance with the Upper Delaware Legislation, the NPS has coordinated the preparation of General Guidelines for Land and Water Use Controls that apply to all lands within the designated boundary of the Upper Delaware National Scenic and Recreational River. The guidelines were developed with the participation of all levels of government as well as concerned private individuals and organizations, and with assistance from the CAC. They were adopted by the Secretary of the Interior on 13 October 1981, and are to be adhered to by federal, state, and local governments, as well as by the DRBC.

The guidelines include specific management objectives, and recommended land uses for scenic and recreational river segments. They are intended to provide a framework for municipalities to use in developing or revising comprehensive plans, zoning ordinances, and land use regulations to implement the River Management Plan to comply with the intent and purpose of the Upper Delaware legislation.

The guidelines were developed to help maintain the character of the Upper Delaware and to protect and enhance the valley's scenic beauty. Consequently, guideline provisions define suitable land uses and densities permitting low to moderate residential development in scenic and recreational river segments respectively and directing higher density residential, as well as commercial development, to the corridor's 13 settlement areas. Specific provi-

sions of the guidelines deal with allowable land uses within each river segment, and use standards such as building setbacks, building height, maximum allowable slopes for development sites, and sign restrictions. A companion plan section that builds upon specific guideline provisions includes location and design standards, development criteria and suitability, and proposes corridorwide sign and scenic highway programs.

### **Review of Local Plans, Laws and Ordinances**

The legislation directs the Secretary of the Interior to review all relevant local plans, laws, and ordinances to determine whether they conform to the approved management plan and the general guidelines. In addition, the Secretary will determine the adequacy of enforcement of local plans, laws, and ordinances including the review of building permits and zoning variances and zoning amendments. If the Secretary finds, after a reasonable time has elapsed, that laws, plans, and ordinances are nonexistent, not in conformance with the plan and guidelines, or not being enforced, the Secretary may acquire lands in excess of the 1,450 acres stipulated in the legislation.

### **Proposed Land Acquisition and Facility Development**

New recreational facilities proposed for the Upper Delaware River will serve both residents and visitors. Proposed facilities range from picnic and rest areas to historic sites and scenic highway overlooks. Approximately 225 acres of the 1,385 acres recommended for purchase by various governments are slated for recreational facility development. All of the proposed public facilities will be patrolled and maintained by the NPS or state and local governments. Facilities include information kiosks, information/orientation centers, public river access sites, river rest areas, picnic areas, walking/hiking interpretive trails, scenic highway overlooks, canoe-in campgrounds and supervised swimming areas.

To alleviate conflicts between river users and landowners, 9 river rest areas will be developed at 6- to 7-mile intervals along the river. These public use areas should minimize problems of trespassing, littering, vandalism, and invasion of personal privacy. Two public campgrounds, with river access only, will be developed to provide a primitive camping experience in a natural setting. These campgrounds are intended to complement rather than compete with existing private campgrounds. Proposed interpretive facilities will better acquaint residents and visitors alike with the valley's diverse natural and cultural resources. Interpretive wayside exhibits, walking trails, information/orientation facilities and kiosks will be provided throughout the corridor.

The river management plan recommends that about 1,385 acres (less than 2 percent of the 79,435 acres in the designated corridor) be acquired for public benefit--primarily for resource protection. These lands will be acquired through fee or less-than-fee means by various local, state, and federal governmental agencies and by private trusts. A total of about 160 acres of the acquired land will be allocated for resource protection.

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The NPS will purchase approximately 160 acres for resource protection, facility development, recreational use, and administration. This is considerably less than the 1,450 acres that Congress authorized for acquisition. Because federal acquisition is minimal, local land use controls will be the principal means of protecting the area's values.

State agencies, counties, municipalities, and private land trusts will acquire about 1,230 acres. The largest of these purchases will be the island in the Delaware River and an addition to the Pennsylvania State Forest system. At least 200 acres of easements will be acquired by private trusts to protect other resources.

### **Conclusion**

The Upper Delaware River Management Plan represents an initial step toward protection of the river corridor. The most difficult tasks are now beginning. Each municipality must assume responsibility for regulating land use to ensure the protection of the corridor's environmental, scenic, and cultural values. The use of sound design practices re-enforced by adoption of complementary local land use controls provides the key to protecting the valley's rural character. Because of the nature of reviewing and granting permits for proposed developments at the local level, some resource values may be lost. In addition, because of the reliance on many agencies and governments to implement the plan, some recommendations may not be carried out. Overall, the Upper Delaware River Management Plan provides protection of a scenic valley corridor while maintaining private landownership and property rights as well as encouraging recreational opportunities.

The degree of success of the Upper Delaware River Management Plan will likely be an important barometer in determining whether or not the NPS, and indeed the federal government, has a future role in the administration of similar areas and if the cooperative local, state, federal approach can achieve the desired protection of many of the nation's significant scenic, rural landscapes.

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