

Environmental Glasnost: Protecting a Resource You Do Not Own

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What does it mean to protect natural resources without federal land ownership? For the past ten years I have been deeply involved in a new and very controversial approach to land management for governmental agencies, one which requires a personal dedication to convincing those who own the land that it is in the best interest of both the public and private sector to work together to prevent resource degradation without substantial federal control through land acquisition.

The conflict between land acquisition for public use and private property rights has been around a long time. Prior to World War II, federal

parkland acquisition in the western half of the United States was less impacting on private land ownership because most of the newly established parks came out of lands already publicly owned.

Demand for nationally managed public recreation areas in the eastern half of the United States is best illustrated by the development of Shenandoah National Park in Virginia (which includes the scenic Skyline Drive) and the Blue Ridge Parkway, which stretches over 460 miles from northern Virginia to Great Smoky Mountains National Park in North Carolina. Each was set up to provide open space to meet recreational needs for a growing, mobile urban population.

One of the lesser known bits of history related to the development of these two parks is the fact that thousands of rural families who had lived in the picturesque Blue Ridge Mountains for generations were bought out and resettled in the valleys whether they wanted to move or not. Family land and ancestral history meant more to many of these folks than any price the government offered, but the greater need for public recreational opportunities prevailed.

Until very recently, land acquisition for U.S. National Park Service areas and other federal lands was based on a policy that outright ownership by the government was the method of choice to preserve, or conserve, the best of the country's natural resources. Each area had a well-delineated boundary, federal law enforcement jurisdiction, and a ton of written guidelines for every conceivable resource or administrative issue.

Until the late 1950s, land acquisition for public use did not create a very large or well-organized outcry from private land holders. During

the 1960s, many National Recreation Areas were authorized by Congress to provide open space for public use within reasonable distances of major metropolitan areas. Each new area caused a louder and louder controversy over the taking of private land from *either* willing sellers or acquisition through condemnation procedures from *unwilling sellers*.

Places like Assateague Island National Seashore in Maryland and Virginia, Fire Island National Seashore in New York, and Delaware Water Gap National Recreation Area on Pennsylvania's eastern border were established only after thousands of small landholders, who dearly loved their rural hideaways, *were bought out*. Buying out all private land ownership within a defined boundary got tougher and tougher because of the cost and very vocal resistance against the loss of home and *home rule*. Various incentive methods were offered to land owners, such as life tenures and ten- or twenty-five-year continued-use options, but for those who did not want to sell, there was no acceptable method of compensation for their loss.

Long before the Wild and Scenic Rivers Act was passed in 1968, urban dwellers, on a nationwide basis, had been carving up prime riverfront land into quarter-acre plots on which cheap summer homes were built. They often used converted school buses or built shacks because good land management practices, like zoning, did not exist. This quest for a summer place in the country somehow passed right by the Upper Delaware River valley up through the 1960s. Recreational boating activity was minimal, so land in the river valley remained in large parcels.

During the 1970s, recreational canoeing and rafting along the Upper Delaware River increased dramatically. This section of the Delaware is no more than a three-hour drive from twenty-five million people. Annual use at Upper Delaware Scenic and Recreational River rose from 100,000 visitors in 1980 to over 225,000 in 1990. Most want to come for the day to rent canoes or rafts or just spend a day enjoying a drive along the river. However, subdivision signs sprang up along major roads in the mid-'80s, and the race was on to own a piece of land near the Delaware River. Seasonal home development has not been as great in the Upper Delaware as farther downstream, but it is increasing and we are trying to prepare local communities to plan effectively for it.

The legislation which created Upper Delaware Scenic and Recreational River is designed to protect both public use rights on the river and private land rights adjacent to it. It mandates a management structure which requires a maximum of public involvement and a minimum of direct federal control. There is a heavy reliance on the use of citizen advisory groups, the local political structure, and existing agency jurisdictions to mitigate resource issues affecting the river.

To demonstrate how the Upper Delaware management approach differs from traditional methods and why many federal agencies might balk at accepting this approach, I would like you to imagine yourself in the following situation. You are a twenty-year veteran of the USNPS, having worked primarily in parks whose lands are owned by the government. You have just received a job announcement for a vacancy in the position of superintendent of Up-

per Delaware Scenic and Recreational River. It states:

The incumbent will be responsible for recreational use management and resource protection along a 73.4-mile stretch of the Upper Delaware River basin. Congressional legislation for the area has identified approximately 56,000 acres of land as a federal area of interest for developing and maintaining land management practices that will sustain the high water quality in the Delaware River for public recreation, and as a water supply for millions. Resource impacts may involve the jurisdiction of up to nine federal agencies, environmental law for two states, and local zoning in fifteen communities along the river edge.

The following management guidelines have been established for the area:

A. Lands actually owned by the federal government are currently 15.2 acres that have been purchased over the past ten years. Land acquisition is very limited and done primarily for administrative offices. The area's river management plan calls for land acquisition to not exceed 130 acres corridor-wide.

B. All land will only be purchased with the consent of the local government where the land is situated and must be approved by a local council which represents all local, state, and federal management interests in the river corridor. All land acquisition will be on a willing-buyer, willing-seller basis.

C. Condemnation authority, although provided for in the enabling legislation, will only be used if a significant resource threat exists which cannot be mitigated or resolved by existing legal authority.

D. Agency jurisdiction will be restricted to the surface of the river and the acreage actually owned by the agency. All river access points managed by the National Park Service are leased from existing state agencies.

E. The incumbent will have full responsibility for public use and safety concerns for a park where public visitation exceeded 200,000 in 1990. Over 30% of the canoe safety patrols are carried out by volunteers from local canoe clubs.

F. The incumbent will present agency objectives as a non-voting advisor to a local council made up of volunteer representatives from the fifteen towns or townships that border the river. The council also has a representative from the states of Pennsylvania and New York, and a representative from an inter-state compact concerned with water quality and quantity throughout the entire Delaware River basin.

G. Every effort will be made to encourage local communities to zone in such a manner so as to be compatible with the intent of a set of land management guidelines established by consensus among all parties to the council. These guidelines are not legally binding.

H. All development by the NPS unit will conform to local zoning, and projects taken on by the unit will be reviewed for approval by the municipality where the development occurs.

I. All land-based law enforcement, emergency rescue response, and trash removal (related to public use on the river) will be subsidized through contracts to local jurisdictions.

The Upper Delaware management approach stimulates communication between governmental factions that have not been really talking with each other for a long time.

Local politicians can now find just who is supposed to deal with their problem and they know how to apply pressure to be heard by a very thinly spread state resource protection organization. Each landowner, local supervisor, county executive, agency bureau head, and agency director has been identified and educated about the concept.

Will this approach work? Well. . .

If your management objectives are to stop development, totally protect the wildlife habitat, and keep the area in a totally natural state, the answer is *probably not!*

On the other hand, if your objective is to allow for well-planned *appropriate* growth, to pool agency personnel and funding to monitor or prevent resource threats from new dams, mining, landfills, toxic spills, soil erosion, etc., and make the private sector more responsive to finding solutions to resource issues, then this concept is definitely working.

There will be lost open space, but with good planning, the impact will be far less than without this approach. With hard work and good communication, we will prevent major pollution to the federal area of interest *and influence the prevention of pollution within the entire Upper Delaware watershed.*

This approach reaches out to all of those affected by a public project. It provides the opportunity for each citizen to understand the environmental impacts that are affecting their community and the delicate balance between economic development and maintaining open space to keep the natural processes functional. It offers land owners a *real* chance to help manage the public use generated by a Scenic River designation, rather than just cussing out the federal gov-

ernment for bringing all those noisy city folk to their peaceful valley.

The fear over federal condemnation ran rampant during the planning stages for this concept. It is still there to some degree because of past and existing governmental land acquisition policies. During the intense public debate, there was a recurrent theme from those land owners who could be affected by this approach: "This is my land and I will do whatever I want with it or to it!"

Unfortunately, the world is too small and environmental problems too complex to assume that land ownership carries no responsibility towards the world's environmental problems. We also can no longer lay the total burden of preventing environmental degradation on public officials and government agencies. Today the cry should be: "This is my land, but I must work to preserve its natural values in order to protect the world's environment for the survival of future generations."

Protecting the Upper Delaware River valley is now the responsibility of a labyrinth of governmental entities, every private land owner, and those who come to use the resource. Minimizing human impacts on the environment starts when each individual becomes concerned about their own impact. That responsibility cannot be delegated because the future of humankind depends on our ability to manage our environment, *which is a resource that we do not own.*

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