

Department of the Interior

FINAL ENVIRONMENTAL STATEMENT

PROPOSED

UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER

NEW YORK—PENNSYLVANIA

Prepared by

Northeast Regional Office

Bureau of Outdoor Recreation

U.S. Department of the Interior

DEPARTMENT OF THE INTERIOR

FINAL
ENVIRONMENTAL STATEMENT

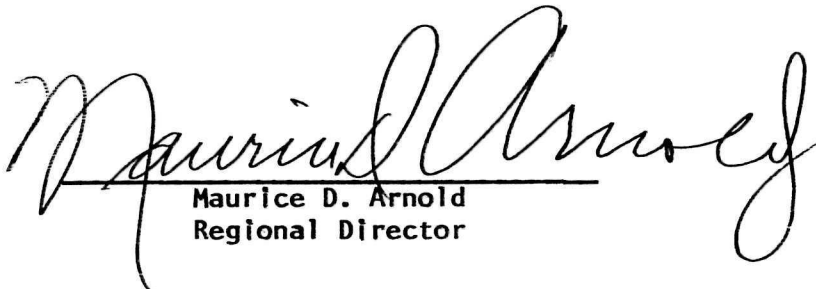
FES 76-41

Proposed

UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER

Prepared by

Northeast Regional Office
Bureau of Outdoor Recreation
U.S. Department of the Interior



Maurice D. Arnold
Regional Director

JUL 28 1976

SUMMARY

() Draft (X) Final Environmental Statement

U.S. Department of the Interior, Bureau of Outdoor Recreation

1. Type of action: () Administrative (X) Legislative

2. Brief description of action:

A study of the Upper Delaware River was conducted pursuant to the Wild and Scenic Rivers Act (P.L. 90-542) and recommends that 75.4 miles of the Upper Delaware, between Hancock, New York and Matamoras, Pennsylvania, be included in the National Wild and Scenic Rivers System when the Secretary of the Interior determines that adequate land protection measures have been undertaken within the river corridor. Land protection would be primarily accomplished through the cooperative efforts of the Governors of the States of New York and Pennsylvania, local governments, and the Delaware River Basin Commission. Recreation management would be the responsibility of the National Park Service. The protection boundaries would extend from ridge to ridge.

3. Summary of environmental impact and adverse environmental effects:

Inclusion of the Upper Delaware River in the National System will have an overall effect of preserving existing scenic, recreational, historic, fish and wildlife, and water quality values of the river. No significant adverse effects are anticipated on ecological systems. The present land use pattern would be stabilized. Some environmental damage to the terrain and vegetation may be expected as a result of visitor use.

4. Alternatives considered:

In addition to the proposed action, other spatial alternatives considered were I. no action, II. information management, III. strip management, IV. control management, and V. different segments. The management options included (1) local management, (2) bi-State management, (3) Delaware River Basin Commission management, and (4) Federal management.

5. Comments have been requested from the following:

Department of the Interior	Department of Transportation
*Fish and Wildlife Service	*Environmental Protection Agency
Geological Survey	*Federal Power Commission
*National Park Service	*Tennessee Valley Authority
*Department of Agriculture	*Delaware River Basin Commission
Department of Commerce	State Clearinghouses:
*Department of Defense	*Pennsylvania
*Department of Housing	*New York
and Urban Development	*New Jersey

6. Date made available to CEQ and the public:

Draft statement: October 29, 1974

Final statement: JUL 23 1976

*comments received and attached.

TABLE OF CONTENTS

	<u>Page</u>
I. DESCRIPTION OF THE PROPOSED ACTION	1
Background	1
Recommended Action	1
Qualification and Classification	2
Purpose	5
Overview	5
Details of the Proposal	7
Protection and Management	7
Acquisition and Development	9
Environmental Quality	10
Interrelationship with Other Projects and Jurisdictions	11
II. DESCRIPTION OF THE ENVIRONMENT	13
Physical Environment	13
Archeology and History	14
Recreation Resources	15
Fish and Wildlife	18
Economy	19
Land Use	20
Land Ownership	22
Water Rights and Use	24
Water Quality	25
River Flow Patterns	27
Water Resources Management and Development	29
Transportation and Access	29
Population	31
Probable Future Environment Without the Proposal	31
III. ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION	34
Impact on Recreation	34
Impact on Land Ownership and Land Use	35
Impact on Transportation	37
Impact on the Local Economy	38
Impact on Water Quality	40
Impact on Fish and Wildlife	41
Impact on Water Resources Management and Development	42
Impact on Scenic Qualities	43
Impact on Soils and Vegetation	43
IV. MITIGATING MEASURES INCLUDED IN THE PROPOSED ACTION	45
V. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS	47

	<u>Page</u>
VI. RELATIONSHIP BETWEEN SHORT-TERM USE OF THE ENVIRONMENT AND LONG-TERM PRODUCTIVITY	48
VII. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION	50
VIII. ALTERNATIVES TO THE PROPOSED ACTION	51
Spatial Alternatives	51
No Action	51
Information Management	51
Strip Management	53
Control Management	54
Different Segments	54
Management Options	55
Local Management	55
Bi-State Management	55
Delaware River Basin Commission Management	56
Federal Management	56
IX. CONSULTATION AND COORDINATION	58
Consultation and Coordination In the Development of the Proposal and Preparation of the Environmental Statement	58
Coordination in Review of the Draft Environmental Statement	59
Summary of Correspondence Received Following Review of the Draft Statement	60
Summary of Changes from Draft Statement	61
List of Correspondence Received	61

TABLES

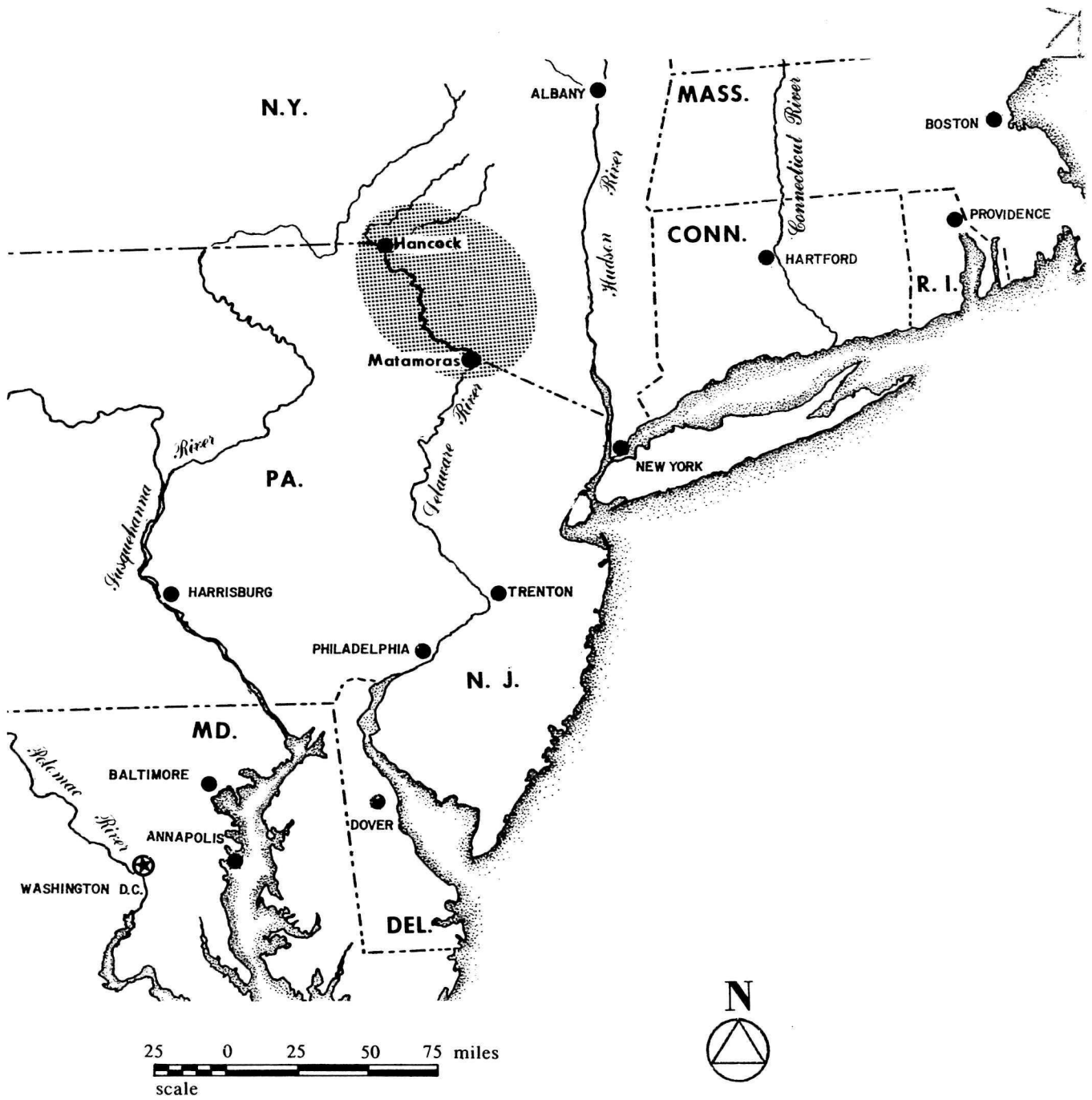
	<u>Page</u>
1. SUMMARY: FACTORS OF THE PROPOSED ACTION	6
2. EXISTING RIVER RECREATION SITES - UPPER DELAWARE RIVER	10
3. CLASSIFIED PUBLIC OUTDOOR RECREATION ACREAGE IN FIVE-COUNTY STUDY AREA	17
4. RIVER TEMPERATURE RANGES	26
5. STUDY AREA POPULATION: CHANGES AND PROJECTIONS, 1950-1990	32
6. COMPARISON SUMMARY: SPATIAL ALTERNATIVES AND MANAGEMENT OPTIONS	52

MAPS

1. LOCATION MAP	vi
2. PROTECTION BOUNDARY AND RIVER RECREATION SITES	3
3. RECREATIONAL AND SCENIC SEGMENTS	4
4. REGIONAL RECREATIONAL RESOURCES	16
5. LAND USE WITHIN THE RIVER CORRIDOR	21
6. GENERALIZED LAND OWNERSHIP	23
7. MAJOR HIGHWAY NETWORK	30

CHARTS

1. RIVER PROFILE	14
2. MEAN MONTHLY FLOW	28



MAP 1

**THE UPPER DELAWARE
LOCATION MAP**

1. DESCRIPTION OF THE PROPOSED ACTION

Background

The Upper Delaware River proposal in New York and Pennsylvania was developed in response to the National Wild and Scenic Rivers Act of 1968, Public Law 90-542. The Act established a National Wild and Scenic Rivers System by designating eight initial rivers. In addition, the Act identified 27 other rivers as potential additions to the system and more recently, 29 others were added to this category. The Upper Delaware River, a 75-mile segment from Hancock, New York to Matamoras, Pennsylvania, is one of the original 27 rivers designated for study.

Recommended Action

It is recommended that Congress designate the segment of the Delaware River from near Hancock, New York, to the upstream corporate limits of Matamoras, Pennsylvania, as the Upper Delaware National Scenic and Recreational River in the National Wild and Scenic River System. The designation to be effective upon publication of notice in the Federal Register by the Secretary of the Interior that adequate land use protection measures have been implemented in the river corridor to preserve the values associated with the river's classification. At that time, the Secretary would authorize the National Park Service to initiate its acquisition program and master planning activities.

It is further recommended that:

- the planning and management of this component of the National Wild and Scenic River System be a cooperative endeavor by Federal, State, Interstate, local and private interests.

- the National Park Service be assigned primary responsibility for management of recreation on the designated segment of the river and leadership in the development, within one year of the effective date of the designation, of a master plan outlining the acquisition, development, and maintenance program for recreation management.

- the river corridor be protected through land use controls of approximately 75,000 acres for ridgeline to ridgeline. Land use controls should take into account legitimate growth needs of the riverfront communities.

- the river be classified as shown on Maps 2 and 3.

- the concept of nodal recreation management be adopted. After the effective date of designation, the initial Federal acquisition will not exceed 450 acres of land with possible fee title acquisition of up to an additional 1,000 acres of land with the concurrence of the advisory council proposed on page 3. The initial acquisition will consist of the 20 existing recreation areas along the river and land for two information centers at the termini. Additional acquisition would be parcels having unique scenic or historical/archeological significance and future recreation needs.

-- the Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, and with the cooperation of local governments, take the lead in developing and implementing necessary land use control measures including adoption of flood plain and other zoning, building codes standards for plant siting, utility rights-of-way, water and sewer line permits, etc., to assure (1) preservation of the existing environmental values in the river corridor, and (2) that permitted development within the corridor is compatible with designation of the river as a scenic and recreational river.

-- an Upper Delaware Citizen's Advisory Council be established to stimulate maximum public involvement in the development of land use controls and recreation management.

-- water pollution abatement efforts be accelerated.

-- releases from upstream reservoirs be scheduled to assist in maintaining water quality, the existing cold water fishery, and adequate boating conditions. A minimum of 1,000 c.f.s. should be maintained at Hancock, New York, in order to provide a satisfactory boating experience.

Qualification and Classification

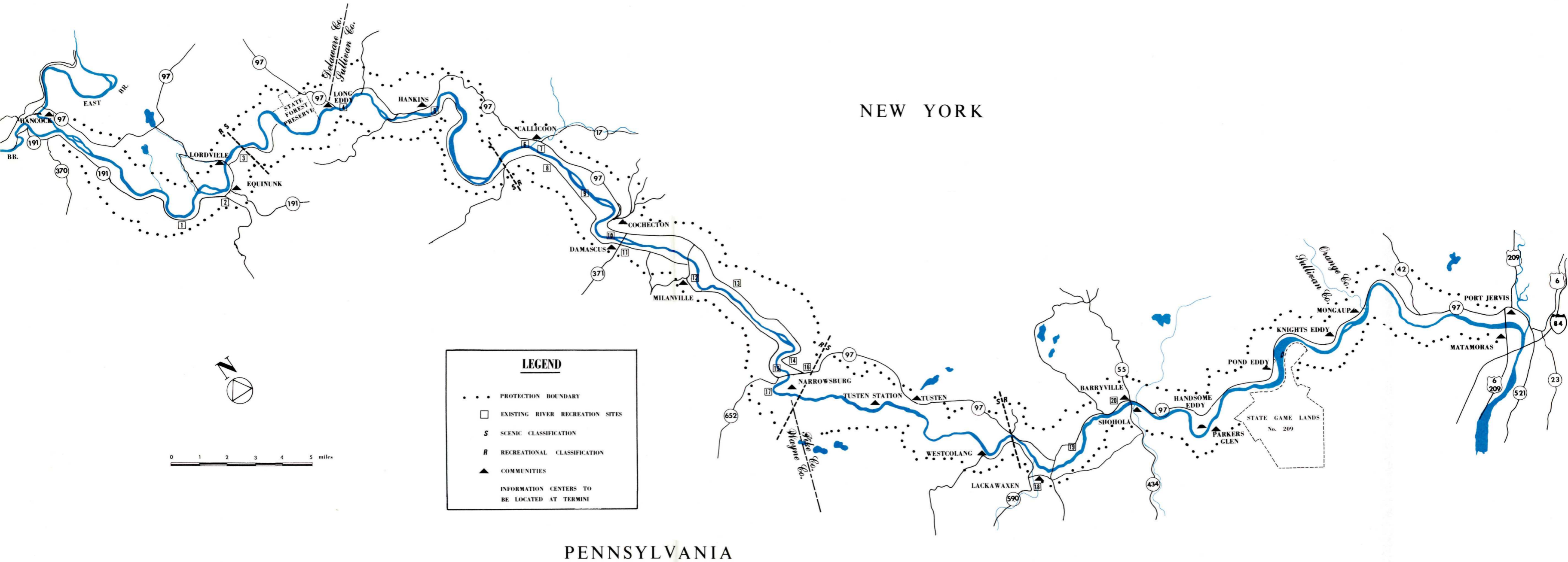
The segment of the Upper Delaware River between Hancock, New York and Matamoras, Pennsylvania has been evaluated to determine its qualification and classification in accordance with the requirements of the Wild and Scenic Rivers Act, Public Law 90-542, and the general criteria contained in the "Guidelines for Evaluating Wild, Scenic, and Recreational River Areas Proposed for Inclusion in the National Wild and Scenic Rivers System...", published jointly by the Department of the Interior and the Department of Agriculture in February 1970.

It has been determined that the 75.4-mile segment of the Upper Delaware River extending from the confluence of the East and West Branches at river mile 330.7 to Matamoras at river mile 255.3 qualifies for inclusion in the National Wild and Scenic Rivers System. This conclusion is based on the following: The study segment and its immediate environment possess outstandingly remarkable scenic, recreational, and cultural values, as required in Sections 1(b) and 2(b) of the Act; the river is free-flowing; the flow rate and water level are generally sufficient to permit full enjoyment of water-related outdoor recreation activities; the water quality is acceptable; and the study segment is long enough to provide a meaningful recreation experience.

It was concluded that the river should be classified as part scenic and part recreational. There are three proposed recreational sections, totaling 50.3 miles. They include the river towns and hamlets having concentrated development visible from the river. These segments are separated by two scenic reaches, totaling 25.1 miles, having little development. None of the river was considered qualified for wild designation because of closely paralleling roads and railroad rights-of-way. The five stretches have been classified as follows:

THE UPPER DELAWARE

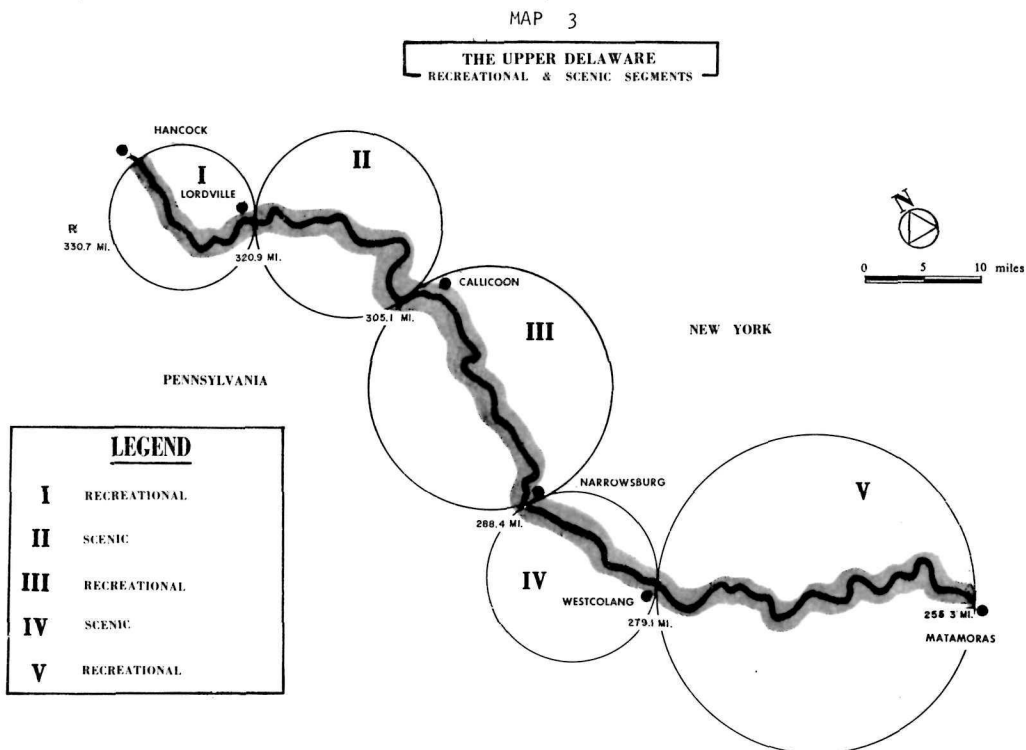
PROTECTION BOUNDARY AND RIVER RECREATION SITES



SECTION

CLASSIFICATION

- | | | |
|-----|---|--------------|
| I | Confluence of East and West Branches to 1/2 mile below Lordville, NY (9.8 miles) | RECREATIONAL |
| II | One half mile below Lordville to 1-1/4 miles above Callicoon, NY (15.8 miles) | SCENIC |
| III | One and one quarter miles above Callicoon to the lower limits of Narrowsburg, NY (16.7 miles) | RECREATIONAL |
| IV | Lower limits of Narrowsburg to 1 mile below Westcolang, Pa. (9.3 miles) | SCENIC |
| V | One mile below Westcolang to Matamoras, Pa. (23.8 miles) | RECREATIONAL |



Purpose

Objectives under which the Upper Delaware River would be managed as a National Scenic and Recreational River are:

1. To preserve the river and its immediate environment in its existing natural setting.
2. To preserve the free-flowing condition of the waters.
3. To prevent degradation of the water quality.
4. To provide high quality recreational opportunities associated with a free-flowing river for present and future generations.
5. To provide recreational use of fish and wildlife resources within the framework of appropriate Federal and State laws.
6. To provide for a level of recreation use that minimizes deterioration of land and water resources.
7. To assure preservation of archeological, historic, and cultural values.

Overview

Boundaries - Lateral boundaries of the 75-mile segment would extend from ridgeline to ridgeline, encompassing approximately 75,000 acres within the protection boundary.

Protection - The Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, and with the cooperation of local governments will take the lead in developing and implementing necessary land use control measures.

Management - The National Park Service would have primary responsibility for recreation management of the designated segment of the river. The Governors of the States, the Delaware River Basin Commission, and local governments would cooperate in the implementation and management of the land use control measures. An Upper Delaware Citizens Advisory Council would be established to encourage maximum public involvement in management of the river corridor.

Acquisition and Development - The National Park Service would acquire 20 existing recreation sites and land for two information centers at the termini, totaling 450 acres by full title purchase and donation. The National Park Service would be authorized to acquire up to an additional 1,000 acres with approval of the Advisory Council as future needs and conditions warrant.

Cost Estimates - Acquisition of existing recreation sites and land for two information centers approximate \$1 million. Acquisition of up to an additional 1,000 acres is estimated at \$2 million. Development costs are estimated at \$1.6 million while costs for operation and maintenance of the facilities for a 5-year period are approximately \$700 thousand. Development of land use control measures is estimated at \$500 thousand.

Designation - Inclusion of the river segment in the National System will be effective upon determination by the Secretary of the Interior that adequate land use protection measures have been implemented. Overall, implementation of this proposal would provide more environmental benefits than it would restrict or curtail.

TABLE 1

SUMMARY: FACTORS OF THE PROPOSED ACTION

Objective	To provide a wide protection zone with little disruption to the area at a low implementation cost
Corridor Protection	Ridgeline to ridgeline
Land Acquisition (acres)	
*Full Title	450
Land Use Controls	74,550
Total Protection Zone	<u>75,000</u>
River Segment Length (miles)	75.4
Facility Sites (number)	20 plus 2 information centers
Five-year Cost Estimates ('75\$)	
*Land Acquisition	\$1,000,000
Development of Facilities	\$1,600,000
Operation and Maintenance	\$ 700,000
**Development of Land Use Control Measures	\$ 500,000
	Total \$3,800,000
Management	National Park Service
Recreation	Governors of Pa. and NY, Delaware
Land Use Control Measures	River Basin Commission, and local governments
Advisory	Upper Delaware Citizens Advisory Council

***The National Park Service is authorized to acquire up to 1,000 additional acres at an estimated cost of \$2 million, which must be approved by the Upper Delaware Citizens Advisory Council.**

****Estimate based on information from Delaware River Basin Commission for two-year period.**

Details of the Proposal

Protection and Management - Boundaries of the river protection zone would extend from ridge to ridge, including all of the river corridor within line-of-sight from the river (see Map 2). All of the main stem islands would be included in the boundary, but lands extending along tributary streams would not be included except where located within the protection boundary. An estimated 75,000 acres would be included within the protection boundary. Inclusion in the National System depends upon the Secretary of the Interior's determination that adequate land use control measures have been undertaken within the river corridor. Protection of the river environment would primarily be the responsibility of the State of New York, the Commonwealth of Pennsylvania, local governments, and the Delaware River Basin Commission. The Department of the Interior, through the National Park Service, would assume recreation management responsibilities. The proposal envisions a phased land management process consisting of: 1) a Delaware River Basin Commission temporary moratorium on development permits, 2) adoption of local zoning, 3) development and implementation of land use control measures, and 4) nodal management by the National Park Service.

The Delaware River Basin Commission should not issue any permits which could lead to further development within the protection boundary until adequate land use control measures are established. These temporary moratoriums would be lifted within each political jurisdiction having the power to zone whenever the governmental unit instituted effective land use controls sufficient to protect the river environment. The Delaware River Basin Commission is currently cooperating with the New York Department of Conservation in helping to develop a comprehensive water-based outdoor recreation plan for the Upper Delaware Basin. The Commission is assisting the Federal Power Commission in their review of the total water resources of the upper Delaware basin and assisted the U.S. Army Corps of Engineers in its restudy of the Tocks Island Dam proposal. The Commission constantly reviews and approves plans for sewage treatment facilities and water withdrawals.

At the local level, the land use management process would begin with the enactment and enforcement of strong zoning ordinances by local governments. The States would encourage and technically assist the counties and other local governments in this endeavor. Many of the local units of government along the study segment are currently in the process of instituting subdivision regulations.

The Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, and with the cooperation of the local governments will take the lead in developing and implementing necessary land use control measures to provide an acceptable level of protection. Such a system would provide a framework within which land use patterns can be evaluated and land use decision-making optimized. This system will help assure that land use practices within the protection boundary do not conflict with scenic and recreational river designation. All

land use management techniques, (such as building codes, flood plain and other zoning, utilities rights-of-way, water and sewer line permits, plant and dwelling sitings, signs, refuse and sanitary landfills, mining, farming, lumbering, etc.) would be integrated so that development and growth patterns can be effectively and efficiently channeled in a manner which conforms with sound land use principles. It may be desirable for local governments to extend land use control measures beyond the river corridor to prevent deterioration of land and lowering of water quality due to undesirable development.

The Delaware River Basin Commission should fully exercise the powers it has with respect to flood plain zoning, control over water flow, water rights, water and sewer lines, plant siting, and related matters. The Commission may also acquire easements where land use control measures have not been implemented or deemed inadequate. The Flood Disaster Protection Act of 1973, Public Law 93-234, can assist in the flood plain zoning effort. It mandates that any insurable facility developed or acquired with Federal financial assistance and located in a flood hazard area in a community eligible for national flood plain insurance must have flood insurance.

Upon finding that adequate land use control measures have been achieved the Secretary of the Interior will direct the National Park Service to assume its recreation management role. The concept of nodal management, with a limited number of small recreation sites, would be adopted for purposes of serving recreation interest on the river. The Department of the Interior, through the National Park Service, would be responsible for acquiring nodal recreation sites, policing of river-oriented recreational uses, development and administration of comprehensive recreation management policies and procedures, and participation in programs which assure the integrity of the visual corridor. The National Park Service in cooperation with local units of governments would develop measures for solid waste management. Full title in a limited acreage of lands would be acquired by the Federal government for access and recreational sites. The National Park Service will prepare a master plan outlining the acquisition, development, and management plan for the recreation sites. The master plan will also determine the optimum "carrying capacity" of the river and its environment.

An Upper Delaware Citizens Advisory Council would be established to encourage maximum public involvement in the land use and recreational management processes and to cooperate in the development of the land use control measures. Its primary purpose should be to advise the Secretary of the Interior and the Governors of New York and Pennsylvania on matters affecting the river environment. The Council's membership should consist of: one representative from Delaware County and one from Orange County; two representatives each from Sullivan, Wayne and Pike Counties (all County representatives should be residents of river-front townships); and two members appointed by the Secretary of the Interior to represent river recreation use groups at large.

Acquisition and Development - Under the nodal management concept, the initial effort of the National Park Service would be to acquire 20 existing river recreational sites including facilities and land for two information centers to be located at the termini either by full title acquisition or through donations. Acquisition would involve approximately 450 acres costing an estimated \$1 million which would include any severance and relocation costs. The existing recreation facilities would be upgraded to utilize them efficiently at a cost of approximately \$1.6 million. It may also be necessary to acquire additional land at these sites for optimum use.

Extreme care would be taken in the location of facilities, with primary emphasis upon retention of the existing environmental setting at the site being altered. Separate environmental assessments would precede any such construction activity.

Commercial recreation developments included in the 20 designated sites which do not conflict with river management objectives would probably be purchased and leased back for continued private operation, subject to appropriate regulations to assure environmental protection. The National Park Service should determine which sites may be eliminated if necessary after acquisition. Some minimal provisions for sanitary facilities should be available every ten miles along the river. If possible, these should be located in areas designated as recreational. The property of the Boy Scouts of America would not be acquired as long as it would remain in their ownership and its use continues to be compatible with the management of the study segment. The existing sites affected are as listed in Table 2.

The National Park Service would be authorized to acquire up to 1,000 additional acres in full title at an estimated \$2 million, as future needs and conditions warrant. This could include future acquisition of parcels having unique scenic or historical/archeological significance. The cost for the operation and maintenance of the proposed sites is estimated at \$700,000 during the first five-year period.

The intent of the proposed recommendation is to protect the river corridor by land use control measures with a minimal amount of acquisition by the Federal Government. In limited cases where land use regulations are not being adequately enforced or have become inoperative, the National Park Service would be authorized to acquire easements, either by negotiation or eminent domain, within the protection zone.

TABLE 2

EXISTING RIVER RECREATION SITES -- UPPER DELAWARE RIVER

<u>Map #</u>	<u>River Mile</u>	<u>Size in Acres</u>	<u>Owners</u>	<u>Facilities</u>	<u>Existing Capacity (persons)</u>
1	325.0	27	PA	L,P	650
2	322.8	2	PA	L	
3	321.2	10	Private	L,P,T	
4	315.4	8	Private	L	
5	310.9	19	Private	L	
6	303.6	1	NY	L	
7	303.3	60	Private	L,P,T,S,R	1200
8	303.2	1	PA	L	
9	302.5	120	Private	L,P,T	600
10	298.7	1	NY	L	
11	298.2	1	PA	L	
12	296.3	55	Private	L,P,T	1000
13	295.2	2	NY	L,P	50
14	290.5	30	Private	L,R	600
15	290.4	2	Private	L,R	
16	290.1	2	NY	L,C	50
17	289.7	1	PA	L	
18	277.5	4	Private	L,T	100
19	275.6	27	Private	L,T	550
20	273.5	2	Private	L	

L - Launch

P - Picnic

C - Canoe Camp

T - Tent/Trailer Camp

S - Swimming

R - Boat/Canoe Rental

PA - Pennsylvania

NY - New York

Environmental Quality - The Delaware River Basin Commission, with the assistance of the States, the U.S. Environmental Protection Agency, and other concerned agencies, should encourage State and local agencies to accelerate their water pollution abatement efforts in order to further improve the water quality of the Upper Delaware.

The State of New York and New York City should adopt and enforce a flow schedule from the Neversink, Pepacton, and Cannonsville Reservoirs at a level which maintains water quality, retains the existing cold water fishery, and retains flow conditions adequate for boating along the Upper Delaware River.

INTERRELATIONSHIP WITH OTHER PROJECTS AND JURISDICTIONS

Statewide Comprehensive Outdoor Recreation Plans (SCORP)

The proposal to designate the Upper Delaware as a unit of the National Wild and Scenic Rivers System is consistent with both New York's and Pennsylvania's SCORP. New York State's SCORP expresses concern over quality waterways, and both States have recently enacted wild and scenic rivers legislation.

Delaware Water Gap National Recreation Area (DWGNRA)

Immediately downstream from the proposal, Congress has authorized the creation of a National Recreation Area. While inclusion of the Upper Delaware River in the DWGNRA might have considerable environmental consequences for the river and its immediate environment (see Section VIII), inclusion of the study segment in the National Wild and Scenic Rivers System would be neither inconsistent with nor seriously affect the DWGNRA.

The Upper Delaware River Basin Regional Water Resources Planning Board

This Board is comprised of local residents, and receives staff services from the New York State Department of Environmental Conservation. The Board's work includes a comprehensive plan for management of water and related land resources is now at the stage of drafting recommendations on major issues. This will include recommendations on the designation of the Upper Delaware as a National Scenic and Recreational River and on the possibility of designation in the State system.

Mid-Hudson Regional Development Program

The State of New York, Mid-Hudson Pattern for Progress, and the Regional Plan Association have jointly undertaken a program designed to guide future development within the Mid-Hudson region. The Upper Delaware River is within the scope of this program's activity, and a recent guide issued by the concerned organizations strongly urges its protection in open space. Designation of the Upper Delaware as a unit of the National System would be compatible with the goals and program outlined so far by these organizations.

Temporary State Commission to Study the Catskills

The State of New York has established this Commission to recommend "sound economic and social planning measures" for the Catskills region. The Catskills region includes all of Delaware and Sullivan Counties, and thus includes most of the New York lands bordering the Upper Delaware River.

The Commission has completed its final report and developed a number of recommendations. The Commission does have an interest in river preservation.

Catskills Center for Conservation and Development

This private non-profit organization has recently completed reports on the East and West Branches of the Delaware River, Esopus Creek, and Schoharie Creek to provide a basis for their consideration for

designation in the State system of wild, scenic, and recreational rivers. Designation of the Upper Delaware in the National System would be compatible with the goals of this organization.

Regional Railroad Reorganization Act of 1973

In compliance with the Regional Railroad Reorganization Act of 1973 (P.L. 93-236), the Secretary of Transportation has released recommendations on "Rail Service in the Midwest and Northeast Region". Volume I of that report includes a discussion of the Erie-Lackawanna Railroad's trackage along the Upper Delaware River:

East of Binghampton, the Erie-Lackawanna maintains two routes, one via Port Jervis and one via Scranton. Recent changes in traffic patterns make it difficult to determine which should be considered a primary route. Both are listed for consideration, but only one ultimately should be retained. (emphasis added)

As an update to the above mentioned report, the United States Railway Association issues on February 26, 1975 the "Preliminary System Plan" for restructuring railroads in the Northeast and Midwest Region by the formation of the Consolidated Rail Corporation (CONRAIL), pursuant to the Regional Rail Reorganization Act of 1973. This report analyzes light-density lines (questionable lightly used lines) in detail, and either recommends that a line be included in CONRAIL or does not recommend that it be included. This analysis does not include specifying the Erie-Lackawanna line along the Upper Delaware. As the subject line is not considered a light-density line, we assume that it is considered a main line and will be included in CONRAIL. We understand, therefore, that its abandonment is not being considered at this time. It should be noted that the Final Systems Plan was to have been ready for transmittal to Congress by June 20, 1975, and pending Congressional action a decision will be made.

Present freight service provided by the railroad is compatible with this proposal. If passenger service were to be provided, it would institute another mode of transportation to and from the area, and should be evaluated on the anticipated impact such service would have on the river corridor, such as increased accessibility and volume of visitors. If abandonment does occur, any future suggestions for use of the right-of-way which conflict with the protection of the river environment would be discouraged by this proposal. An extensive analysis of proper use of the abandonment would be required to determine its best use and probable impacts upon the environment, including impacts upon the river corridor.

II. DESCRIPTION OF THE ENVIRONMENT

Physical Environment

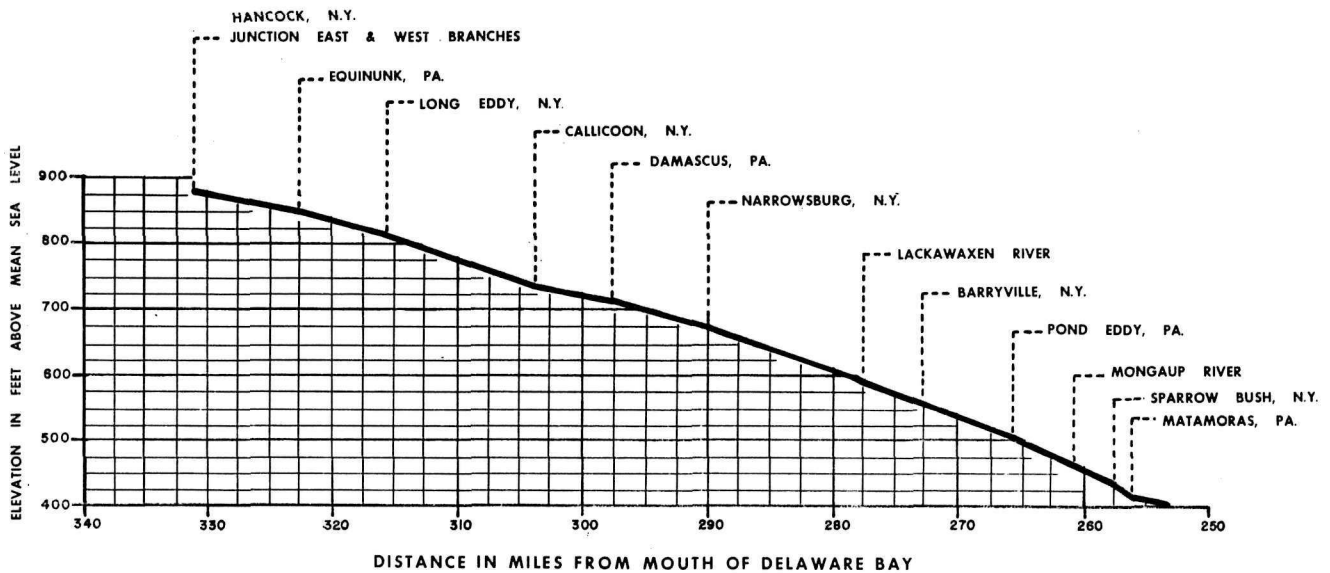
The Upper Delaware River lies within the Appalachian Plateau province of the Appalachian Highlands region. This province consists chiefly of uplands composed of flat-lying to very gently folded beds of sandstone, shale, and conglomerate. The area is characterized by glacial till, valleys filled with thick outwash, and modified drainage patterns. The outwash is an important mineral resource, constituting the only major source of construction sand and gravel in the region. In the flatter sections, marshes and lakes have developed -- a characteristic of post-glaciation -- and the river and its tributaries have carved deep narrow valleys across the plateaus. Ground water is usually plentiful in both the consolidated rocks and unconsolidated glacial deposits and more recent sediments.

The origin of the Delaware River is in the hemlock-forested Catskill Mountains of New York. The East and West Branches flow southwesterly and converge at Point Mountain near Hancock to form the main stem. From Hancock, the Delaware flows generally in a southeasterly direction through a scenic valley between the Catskill Mountains and the Pocono Uplands, and forms the boundary between New York and Pennsylvania. Wayne and Pike Counties in Pennsylvania and the New York counties of Orange, Sullivan, and Delaware border this segment of the river. Principal tributaries include Equinunk Creek, Basket Creek, Callicoon Creek, Lackawaxen River, Shohola Creek, Mongaup River, and the Neversink River. Nearly the entire area is well-forested with deciduous and evergreen type vegetation. Scattered small settlements are interspersed among woodlands and the fields and pastures of small farms. Occasional light industrial development is visible along the banks in the vicinity of the towns and villages.

The area's rolling and sometimes rugged hills have elevations that vary from 500 to 2,000 feet above mean sea level. Local relief exceeds 700 feet in a few locations. River width varies from 150 to 1,500 feet, but is most commonly 300-500 feet wide and from 2-8 feet deep, which is generally too shallow for power boats, but adequate for small boats and canoes. There are a few short stretches with depths from 17-22 feet. At Pond Eddy there is a pool 45 feet deep and at Narrowsburg there is one 113 feet deep. While the average gradient is six feet per mile, there are some two-mile stretches where the drop ranges from 13 to 30 feet per mile, creating white water rapids during periods of medium to high water levels (see Chart 1).

Along the river banks and on the islands, sycamore, soft maples, basswood, elm, ash, cottonwood, and a variety of willows are abundant. Shrubs include alder, spicebush, sumac, buttonbush, and elderberry. At higher elevations, there is a mixture of oak, hickory, beach, birch, sugar maple, tulip tree, locust, hemlock and pine. The evergreen thickets of rhododendron and mountain laurel are conspicuous in the understory along the moist slopes of ravines. Ferns are abundant along the river banks and in rocky outcroppings. The forest floor's

CHART 1
THE UPPER DELAWARE
 RIVER PROFILE



wild flowers include purple loosestrife, day-lily, may-apple, Indian pipe, wild bergamot, monkey flower, pickerelweed, Solomon's seal, rattlesnake plantain, water lily, wild rose, Oswego tea, wood mint, and cardinal flower.

The climate of the area provides "four seasons" of outdoor recreation. The winter is cold enough to retain a snow cover, and in the summer, daytime temperatures are usually in the 70's and low 80's.

Archeology and History

Various cultures are believed to have passed through the area during the past 10,000 years. Before the coming of the Europeans, the Lenni Lenape Indians lived and hunted in the Delaware River region. Evidence of their rock shelters, campsites, villages, and burial places have been identified at scattered locations along both river banks. Important archeological sites are in the vicinity of Hancock, Equinunk, Cohecton, Narrowsburg, and Lackawaxen.

Until the end of the Revolutionary War, the Upper Delaware River area was frontier territory. Friction between Indians and settlers increased and led the pioneers to build log forts similar to the reconstructed Fort Delaware at Narrowsburg, New York. A county park one-half mile east of Minisink Ford has been developed to commemorate the Battle of Minisink which was fought there on July 22, 1779. This was the only major Revolutionary War battle to take place in Sullivan County.

Early settlers recognized the value of the timber on the white pine-covered hills. In 1764, Daniel Skinner rafted the first logs down the Delaware from Skinners Fall to Philadelphia. The loggers found ready markets in the settlements along the lower Delaware and in the development of the ship building industry. Rafting reached its height in the 1840's; by 1885 it began to decline as the supply to white pine was gradually exhausted. An increasing use of hemlock, however, enabled runs to continue until 1907.

The Delaware and Hudson Canal extended 108 miles from Honesdale, Pennsylvania to the Hudson River at Kingston, New York. Commercial use of the Canal began in 1828 with the first boat carrying ten tons of coal. At first the coal was hauled to the canal by horse-drawn wagons and sleds from mines near Carbondale. In 1828, however, a gravity railroad was constructed from the coal fields to the canal. Locomotive use in America began on this gravity line with introduction of the Strourbridge Lion. To improve an unsatisfactory crossing, construction of aqueducts across the Delaware and Lackawaxen Rivers was authorized in 1846. Designed by John A. Roebling, whose later projects included the Brooklyn Bridge, they were the first to use suspension hangers of wire rope. Operation of the canal continued until 1898 when use was suspended due to competitive pressures from the railroads. The aqueduct crossing the Delaware River at Lackawaxen was converted into a highway toll bridge which is still in use today and is listed on the National Register of Historic Places.

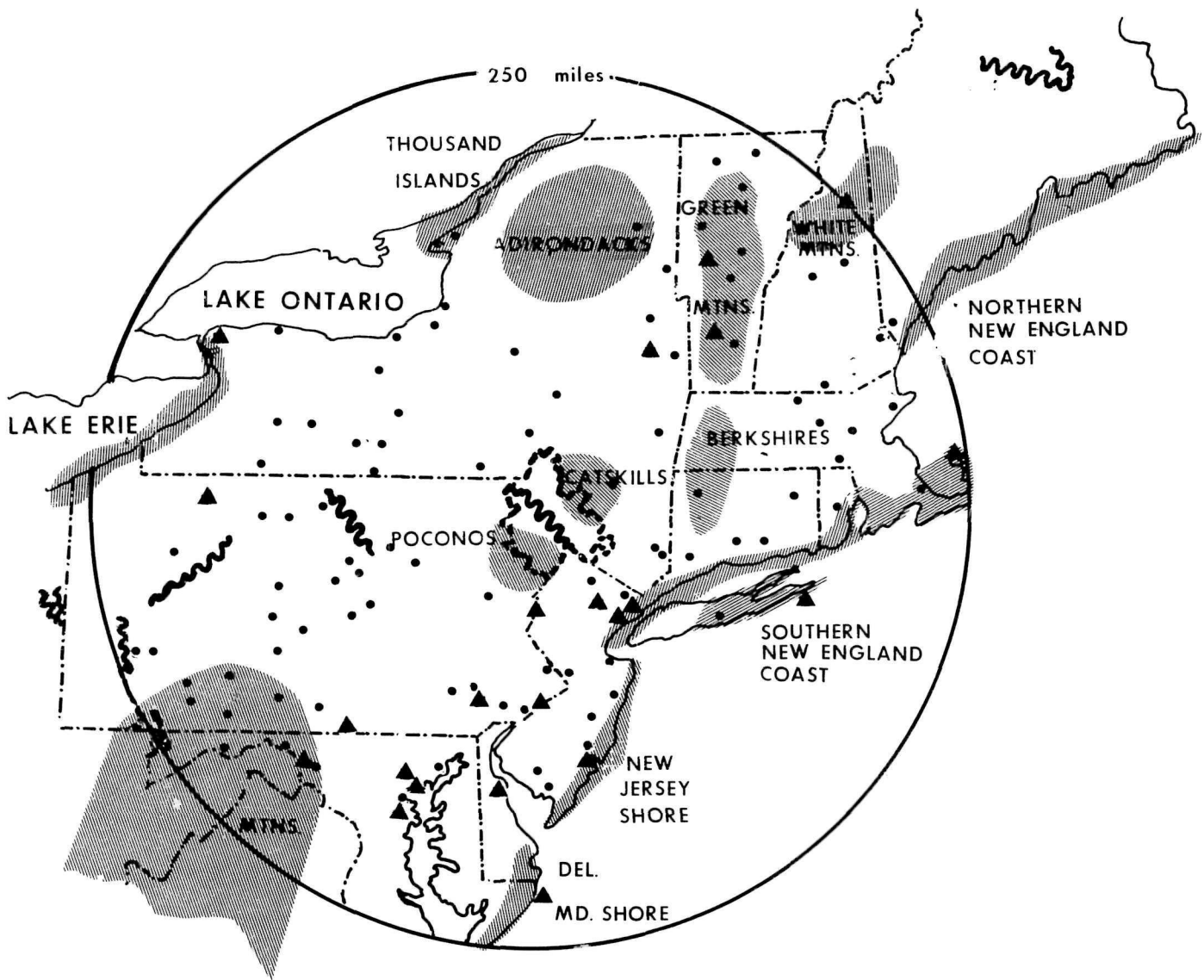
Zane Grey, the well-known American author of western stories, began his writing career here. His home at Lackawaxen, now known as the Zane Grey Inn, has been converted into a museum containing his memorabilia.

Recreation Resources

Map 4 shows the traditional vacation destinations of the Northeast, as well as the major recreation resources. Major federally administered areas include the White Mountain, Green Mountain, and Allegheny National Forests; Cape Cod, Fire Island, the Assateague Island National Seashores; Bombay Hook, Brigantine, and Blackwater National Wildlife Refuges; Gettysburg, Antietam and Manassas National Battlefield Parks, Sites, or Military Parks, the Appalachian National Scenic Trail; the Chesapeake and Ohio Canal National Historical park; and the Independence National Historical Park. The major areas managed by the States include the Adirondack and Catskill Forest Preserves and the Allegany and Letchworth State Parks in New York, the Wharton Tract State Forest in the Pine Barrens of New Jersey, and numerous State Forest, Parks and Game Lands.

The immediate Upper Delaware area possesses considerable private and public recreation resources. The private resort complexes in the Poconos and Catskills are well known to vacationers with youth camps, campgrounds, vacation homes, and private hunting and fishing preserves offering additional recreational opportunities. Public recreation lands include

THE UPPER DELAWARE
REGIONAL RECREATIONAL RESOURCES



0 50 100 miles

LEGEND



TRADITIONAL VACATION DESTINATIONS



FEDERAL PARKS & RECREATION AREAS



STATE PARKS & RECREATION AREAS



RIVERS AUTHORIZED FOR STUDY (PL 90-542)



STUDY AREA

Pennsylvania State Parks, State Forests, and State Game Lands in the Poconos, while New York State ownership is more concentrated within the Catskill Forest Preserve. The Delaware Water Gap National Recreation Area is the major Federal development in the vicinity.

The 1972-73 Bureau of Outdoor Recreation nationwide inventory of public outdoor recreation areas identified more than 181 thousand acres in Federal, State, county, and local control in the five counties surrounding the Upper Delaware. This represents approximately three percent of the land in those counties. Of the total acres classified in this inventory, 65 percent is in the natural environment category which includes activities best carried out in harmony with nature (hiking, fishing, camping, picnicking, canoeing, and sightseeing). Of the remaining classified areas, most were listed as general recreation areas, indicating more intensive development for a wider range of activities, usually dependent upon man-made facilities. Table 3 summarizes the public outdoor recreation acreage in the study area by quantity, county, and use.

TABLE 3
CLASSIFIED PUBLIC OUTDOOR RECREATION ACREAGE IN FIVE-COUNTY STUDY AREA

State and County	High Density Recreation Areas	General Outdoor Recreation Areas	Natural Environment Areas	Unique Natural Areas	Historical and Cultural Sites	TOTAL
New York						
Delaware	---	551	23,641	--	--	24,192
Sullivan	---	3,244	913	--	20	4,177
Orange	20	42,125	50	106	128	42,429
Pennsylvania						
Wayne	5	1,834	20,930	--	--	22,769
Pike	<u>5</u>	<u>5,288</u>	<u>72,288</u>	<u>10,068</u>	<u>--</u>	<u>87,649</u>
Total	30	53,042	117,822	10,174	148	181,216
Pct. of Total	0.0	29.3	65.0	5.6	0.1	100

Water related outdoor recreation opportunities are found at lakes and reservoirs. These resource permit sailing, power boating and water skiing, which complement rather than duplicate the recreational experiences available along a free-flowing river. Approximately 26 thousand acres of water area at 51 public and commercial owned sites are located in the five-county area.

While none of the rivers in the immediate area are Federally protected in their free-flowing state, four rivers in the greater region are being studied for possible designation under the National Wild and Scenic Rivers Act: the Youghiogheny in Pennsylvania and Maryland; Pine Creek in Pennsylvania; the Little Beaver in Pennsylvania and Ohio; the Shepaug in Connecticut; and the Penobscot in Maine. Portions of two additional rivers in Pennsylvania, the Allegheny and Clarion, have been studied under the Act and found not to be eligible for inclusion in the National Wild and Scenic Rivers System. The Commonwealth of Pennsylvania, in its 1975 Statewide Comprehensive Outdoor Recreation Plan, indicates that a State Scenic Study Committee has been established to identify, study, and recommend to the Governor and the Legislature sections of streams which should be included in the Pennsylvania Scenic River System. The State of New York, in its 1972 Statewide Comprehensive Outdoor Recreation Plan, expresses concern over the degradation of quality waterways, and legislative action has led to the State Wild, Scenic, and Recreational Rivers System designating 16 initial components within Adirondack State Park.

The river and the land surrounding it is being used for a variety of recreational activities. On the water itself, the novice canoeists as well as the veteran is attracted to the succession of interspersed pools, riffles, and rapids. The rocky river bottom, the occasional pools and the riffles, together with superior water quality, provide habitat for a number of game fish species, enhancing the sport fishing opportunities. Various modes of fishing are possible including float-fishing from flat-bottomed johnboats, rafts, canoes, or even from low-powered outboards, wading from shore, and bank-fishing. Publicly and privately owned canoe and fishing access areas exist on both banks. Several of these access sites have been developed in recent times by both New York and Pennsylvania. Hunters are attracted to the river and to adjacent land areas by white-tailed deer during the limited hunting season, and by geese and ducks following the river during the fall migration.

Streamflow characteristics data have been prepared for outdoor recreationists' use by the Delaware River Basin Commission. The stretch of river from Long Eddy to Hankins (see Map 2) includes Class III, IV, and V waters, i.e., gentle riffles, moderate riffles, and swift rapids (immediately accessible from recreation facility sites 4 and 5 -- see Table 2). Skinner Falls, accessible from existing sites 12 and 13, includes hazardous rapids (Class VI). From Narrowsburg to Shohola, the Upper Delaware's streamflow is characterized as gentle to moderate riffles with an occasional swift rapids section. Access is gained at facility sites 14 through 19.

Fish and Wildlife

The river provides an outstanding habitat throughout the study segment for smallmouth bass and walleye. Cold water releases from the Cannonsville and Pepacton reservoirs have led to the establishment of an excellent cold water fishing in the northernmost section of the Upper Delaware. Rainbow and brown trout propagate in abundance, and many trout fishermen have come to regard the river as one of the best sport fisheries in the Northeast.

The many riffles of the Upper Delaware are especially valuable for propagation of the anadromous American shad. According to recent studies, shad spawn in the study reach and in the East Branch to Fishes Eddy. They no longer inhabit the West Branch except minimally probably because of temperature variations caused by Cannonsville Reservoir releases, domestic sewage pollution, and stream bank development. Unfortunately, the shad population in the lower river and Delaware Bay is less than it once was mainly because of pollution, but current studies indicate an increasing population.

The study reach supports a variety of native wildlife species which can be observed in their natural habitat and hunted in season. The habitat is favorable to the white-tailed deer. Small numbers of black bear remain in the area. There are moderate populations of gray squirrel, red squirrel, snow-shore hare, cottontail rabbit, raccoon, opossum, porcupine, and similar small mammal species, and an abundance of fur-bearing mammals such as muskrat, mink, otter, and beaver. During the past fifteen years, wild turkey populations have increased considerably. Excellent populations of ruffed grouse and found along both sides of the river.

As a part of the Atlantic Flyway, migrating woodcock utilize the wetlands, and large numbers of waterfowl and waterbirds find suitable resting areas on the open river. The montane wooded riverside habitat provides excellent cover for migrating raptorial and passerine birds. The river and adjacent uplands furnish suitable nesting habitat for the mallard, black duck, wood duck, American merganser, several hawk and owl species, and many passerine species. Uncommonly observed species in the area include the osprey and goshawk, the yellow-throated warbler, and the pine grosbeak.

The usual complement of reptiles and amphibians common the Middle Atlantic States are also present, along with an occasional rare bog turtle. The northern cooperhead and the timber rattlesnake are the only poisonous snakes in the area. The Southern Bald Eagle and the Peregrine Falcon are on the official list of endangered species by the U. S. Department of the Interior.

Economy

The five counties are essentially rural and with such a sparse population base, the local economy has persisted in its agricultural and tourist servicing orientation. In the agricultural field, emphasis is on dairy products in Wayne, Delaware and Orange Counties, while poultry and poultry products provide the bulk of farm income in Sullivan County.

The five-county area's many attractions include the Upper Delaware River, the Pocono and Catskill Mountains, and Lake Wallenpaupack, the second largest water body entirely within Pennsylvania. These counties have traditionally provided recreation and resort facilities for people throughout the Northeast and depend heavily upon tourist revenues. Almost 43% of total earnings in Pike, for example, are attributable to service and wholesale and retail trade operations and Sullivan County's tourist receipts topped \$60 million in 1967.

Until recently, manufacturing has been of limited importance throughout the area. In towns where it has provided significant employment, there has been a reliance on production of apparel and related goods. Traditionally in Orange County, a large component of its manufacturing base has been in textiles and related product lines. In the last decade, this has been supplemented by an influx of technology-oriented industry. This expansion and diversification of Orange County's industrial base is expected to continue into the foreseeable future, and may eventually extend into the other New York counties bordering the Upper Delaware.

Incomes of residents in the Upper Delaware counties lag considerably behind statewide averages, although total personal income for the region exceeds \$1.26 billion annually. Median family income in Pike, Wayne, Delaware and Sullivan Counties is \$1,000 to \$2,000 less than their respective statewide median, according to the 1970 U.S. Census. More than 10% of the families in Wayne, Delaware and Sullivan Counties have annual incomes below the federally-defined poverty level.

These counties historically have not had highly developed economies, however, there are now signs of increased economic activity. Several developments should have a significant impact on the economy of the five county area, including the increasing demand nationally for recreational opportunities resulting in a substantial growth in recreation related services and retail trade employment. In addition, the major economic influence on the region is associated with the expansion of urban development. Industry's search for new plant and office sites has already extended into Orange County, New York, and is expected to expand at varying degrees throughout the region.

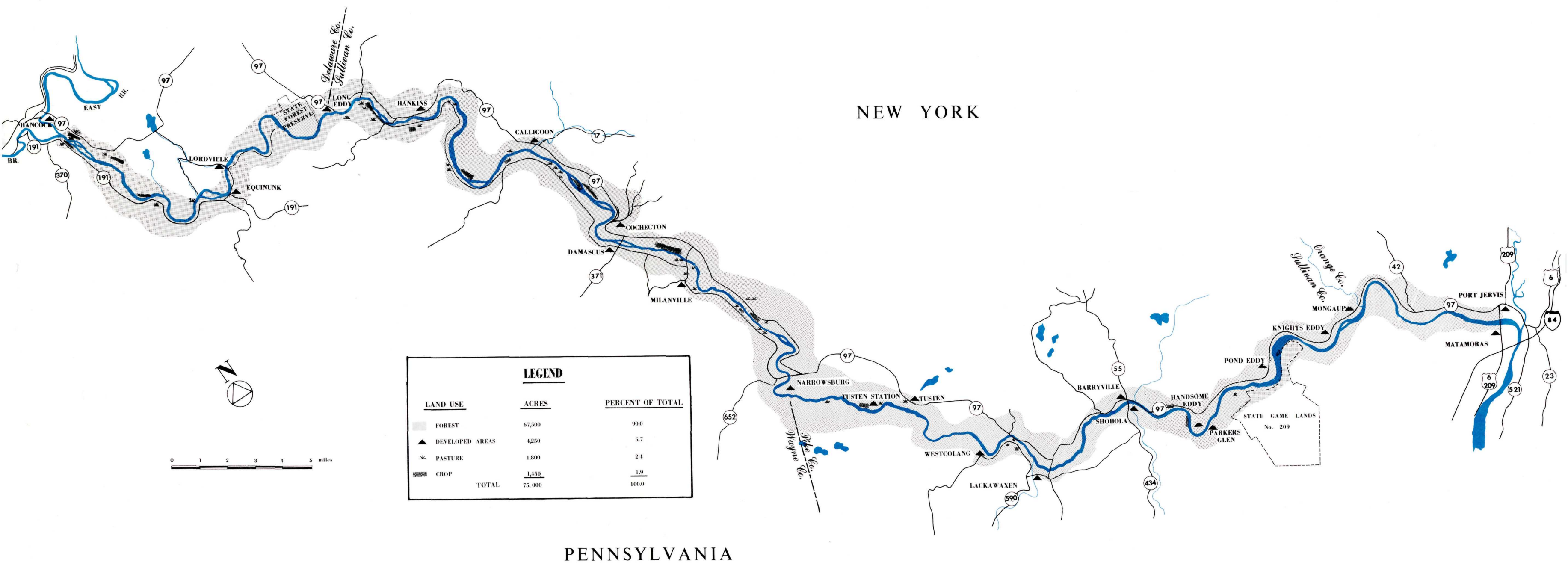
Land Use

Map 5 illustrates land use within the study area. Approximately 90% of the land along the river is well-forested with second and third growth hardwoods, some conifers and shrubs. This forest cover provides watershed protection, wildlife habitat, and some timber. Commercial timber cutting has declined steadily in importance, with only about 22 ½% of the annual growth harvested. Increasingly, the forest is being utilized for recreation activities.

Four percent of the land is devoted to agriculture, with dairy farming, vegetable production, and poultry raising being the major activities. Over 65 percent of the agricultural activity along the river corridor

THE UPPER DELAWARE

LAND USE WITHIN THE RIVER CORRIDOR



occurs between the settlements of Hancock, New York, and Milanville, Pennsylvania. Those river banks which adjoin croplands are stable and no major river bank erosion problem seems to exist. In the few places where livestock come to the river for water, and in the camping and picnic areas on the river-edge, a potential for river bank erosion exists. Careful land management can forestall such problems, however, and some of the communities along the river are initiating various types of land use regulations. In the past, the greatest damage to the river banks has been caused by floods, such as that which occurred on the tributaries during a flood in 1973.

The remaining six percent of the study area has experienced varying types of development including towns and small communities, resorts, organization complexes, group cabins, and farm buildings. Residential areas near towns, seasonal cabins, organization camps, campgrounds, boat and canoe rental areas, and picnic areas, are generally located on former agricultural land. There is little industrial development throughout the study area, except for Orange County; however, this types of activity has increased along the New York side of the river in recent years.

According to the U. S. Mining Enforcement and Safety Administration, there are nine inactive quarries located within five miles of the study segment, one of these lies within the river corridor near Callicoon, New York. The nearest active quarry to the study segment is a sandstone quarry located three miles outside the river corridor along the East Branch of the Delaware River. Sixteen other sandstone and bluestone quarries and sand and gravel pits are located within the drainage basin to the north and east of the study segment within a radius of thirty miles.

Land Ownership

Most of the land along the river is privately held in individual parcels. There are three large private holdings: (1) the extensive acreage of Orange and Rockland Utilities Company in the Mongaup River Basin; (2) the linear route of the Erie-Lackawanna Railroad, which follows the river along the entire reach; and (3) the three separate tracts, belonging to the Upper Delaware Campgrounds, with property in New York below Callicoon, and further downstream in Pennsylvania. Map 6 illustrates general land ownership patterns.

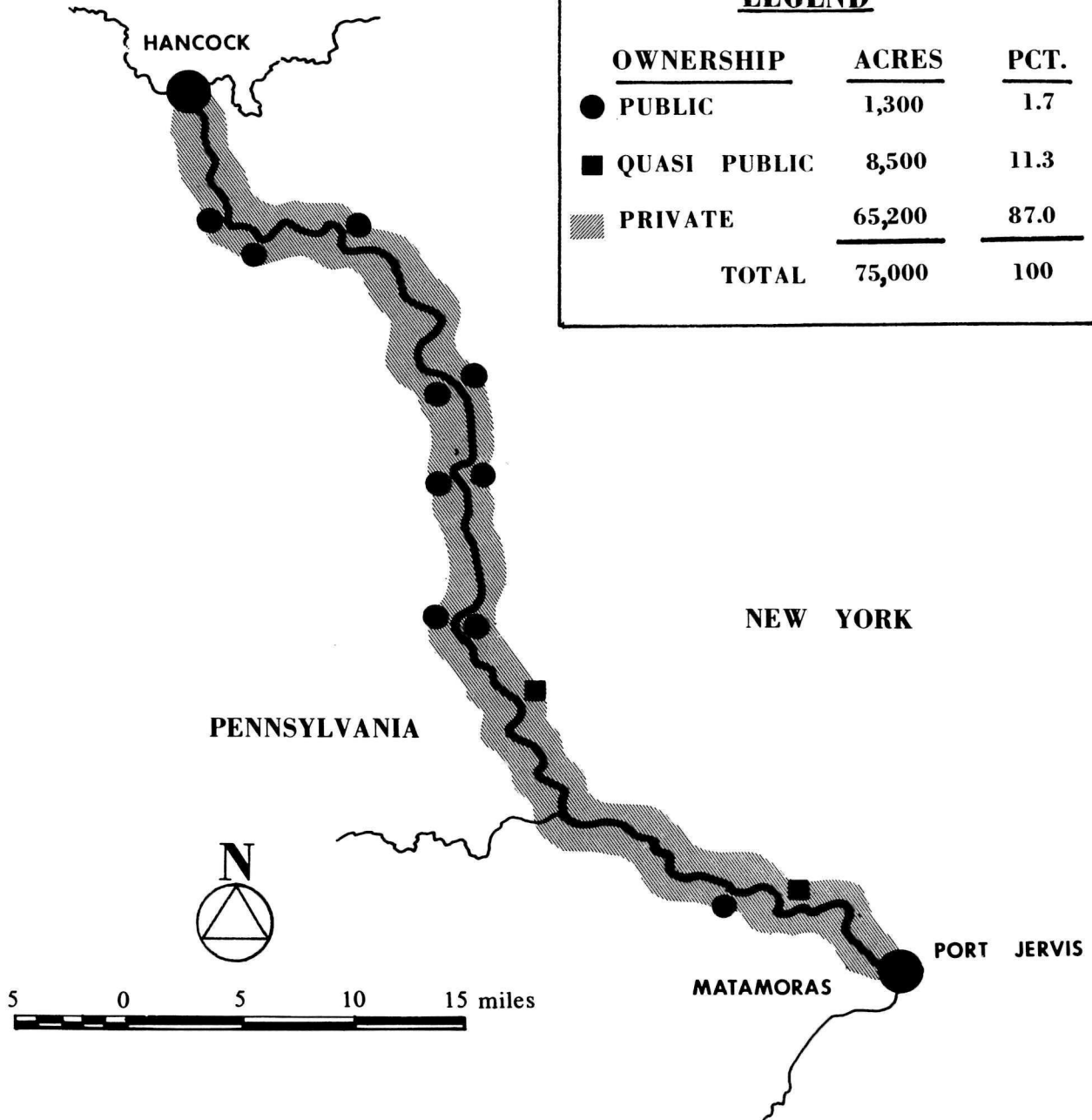
The State of New York and the Commonwealth of Pennsylvania are the primary public owners. Pennsylvania's major holding is State Game Land #209 in Pike County, containing 4,391 acres. The Commonwealth also has five fishing access sites: opposite Narrowsburg, New York; at Damascus, Pennsylvania; opposite Callicoon, New York; and at Equinunk and Buckingham, Pennsylvania. The State of New York has 982 acres of State Forest Preserve land just above Long Eddy -- the largest parcel borders the river for nearly two miles -- as well as three fishing access sites, at Narrowsburg, Callicoon, and Cohecton. New York also owns an access site at Skinner's Falls and has acquired easements for a Bouchoux Trail, four miles of which run parallel to the river near Long Eddy.

MAP 6

THE UPPER DELAWARE
GENERALIZED LAND OWNERSHIP

LEGEND

<u>OWNERSHIP</u>	<u>ACRES</u>	<u>PCT.</u>
● PUBLIC	1,300	1.7
■ QUASI PUBLIC	8,500	11.3
▨ PRIVATE	65,200	87.0
TOTAL	75,000	100



Quasi-public ownership includes the 7,500 plus acres below Harrowsburg held by the Boy Scouts of America, and the 1,000-plus acre tract adjoining New York State Route 97 north of Knights Eddy held by the Girl Scouts of America, Morris Area Council.

Water Rights and Use

The subject of Delaware River water rights has been a source of controversy and dispute for many years, primarily between New York City needs for municipal water supply and downstream interests within the river basin. New York City was first granted the right to divert water from the Delaware River Basin in 1931. A ruling by the Supreme Court permitted the City to divert 440 million gallons per day (mgd), with the stipulation that the City release a limited quantity from their reservoirs to maintain minimum flows.

In 1954, the Supreme Court amended the 1931 decree, raising the amount of permitted diversion to 490 mgd. To compensate, New York City was required to release enough water from its reservoirs to guarantee a mean daily flow of not less than 1,525 cubic feet per second (cfs) at the Montague, New Jersey gauging station. The Court further decreed that this allocation be increased when the Cannonsville reservoir storage reached 50 billion gallons, about one-half capacity. In March, 1967, this point was reached and the New York City diversion allowance was raised to 800 mgd and the minimum obligated downstream flow to 1,750 cfs. The 1954 amended decree also granted New Jersey the right to divert 100 mgd from the Delaware River Basin without making compensating releases.

The excess release flows in the Delaware River are decreasing. In addition to the basic flow requirements of 1,750 cfs at Montague, the decree stipulated that a greater flow be maintained from June 15 to March 15 each year. Between 1968 and 1970, the excess release flow was at 2,650 cfs. Since 1970, the flow requirement has been reduced to 2,140 cfs. Ultimately, the year around minimum flow requirement will be to 1,750 cfs.

The State of New York has taken steps to meet recent recommendations concerning adoption of a reservoir flow schedule by the State and New York City. Proposals for alternate releases were published in March, 1974 in a report prepared by the Department of Environmental Conservation for the Upper Delaware River Regional Water Resources Planning Board. Discussions are being held between the State and the City.

Determination of riparian rights and river bottom ownership on the Upper Delaware is a complex exercise. The State boundary between New York and Pennsylvania extends down the middle of the river. In New York State, property ownership includes the river bottom and extends to the State line, and any parcel or rights thereto may be subject to sale by the owner. Riparian rights generally rest with the owner of the adjacent land, but they can be, and in certain cases have been, purchased separately from the adjacent land, most notably in New York

City's purchase of riparian rights in New York State downstream from its two water supply reservoirs on the East and West Branches. These particular riparian rights include neither the river bottom nor the sub-surface mineral rights, which presumably remain with the original owner. Either the river bottom or the sub-surface mineral rights may, it is believed, be sold, together or separately.

In Pennsylvania, the Commonwealth owns all river bottom lands from the low water mark, in accord with legislation dating to 1782. The sub-surface mineral rights may, under certain circumstances, be leased out by the Commonwealth.

Water Quality

The present water quality of the Upper Delaware is generally adequate for water contact activities. Dissolved oxygen levels are at or near saturation, ordinarily exceeding established stream criteria for hardness, color, and turbidity. Significant nutrient concentrations have been detected in the upper reaches of the West Branch, though these presently pose no threat of algae bloom to the river reach, despite its high saturation of dissolved oxygen. The Delaware River Basin Commission and both States require a minimum of at least secondary treatment and effective disinfection, as well as limitations for objectional elements or compounds in effluent materials.

Four small communities in New York (Hancock, Callicoon, Narrowsburg, and Barryville) are discharging inadequately treated sewage into the Delaware River and its tributaries. These inadequately treated discharges have created local pollution problems. A comprehensive pollution abatement program of the New York State Department of Environmental Conservation anticipates correction of these conditions as Federal funds for pollution abatement become available. In other areas, sewage is presently disposed of adequately by sub-surface means. Thus, water quality has remained high along most of the Upper Delaware.

The Delaware River Basin Commission temperature criteria permits a two-degree rise above natural temperatures up to 68°F in trout-designated waters and five-degree rise above natural temperatures up to 87°F in non-trout waters. Pennsylvania does not permit the addition of heat in trout waters when the temperature exceeds 58°F. The difference in these criteria is especially relevant during a few weeks each spring and fall when the natural temperatures change rapidly.

The influence of Cannonsville and Pepacton Reservoir releases on downstream water temperatures is significant. From the Geological Survey's Quality of Surface Waters of the United States and Water Resources Data for New York, Part II, Water Quality Records, the following information has been selected to give an idea of temperature in the river, both before and after the creation of these reservoirs on the East and West Branches.

TABLE 4
RIVER TEMPERATURE RANGES (°F)

<u>Year</u>	<u>Location</u>	<u>June</u>		<u>July</u>		<u>August</u>	
		<u>Av.</u>	<u>Range</u>	<u>Av.</u>	<u>Range</u>	<u>Av.</u>	<u>Range</u>
1949	Narrowsburg (River Mile 289.9)	75	64-82	79	74-81	79	71-83
1968	Callicoon (River Mile 303.7)	64	48-79	72	63-84	63	54-74
1969	Callicoon (River Mile 303.7)	71	61-86	66	56-83	73	55-81

It can be seen that the 1968 and 1969 averages tend to be lower than those for 1949. This can be attributed to a release of cold bottom waters from the reservoirs in order to meet minimum flow requirements set by the Supreme Court. The record high of 86°F in June of 1969, for example, was followed by several days of steadily descending temperatures, likely as a result of releases from the reservoirs in order to maintain flow. The river tends to accelerate a warming trend when flow augmentation is withheld to increase reservoir holdings, and to cool once augmentation is made, since the augmentation comes from the cooler waters at the bottom of the reservoirs. The volumes of reservoir releases also have a great deal to do with the river water temperature at any given point in time. While the averages in 1968 and 1969 are lower than those of 1949, the maximum-minimum range is much greater, having been extended considerably beyond that apparent for 1949. This illustrates the "slug effect" of cold-water releases.

Both water depth and water temperature are significantly affected by reservoir releases from the New York City water supply reservoirs on the East and West Branches, the hydroelectric reservoirs in the Mongaup drainage near the lower end of the reach, and Wallenpaupack Reservoir on the Lackawaxen River. On July 23, 1968, for example, the river level at Port Jervis, at the lower end of the reach, was observed to rise nearly a foot in two hours, followed by a descent time of about fifteen hours. Before operation of Cannonsville Reservoir began in 1967, releases from Pepacton Reservoir on the East Branch have caused a 20-degree temperature drop at Hancock, 28 miles downstream. Although cold water releases have produced an excellent cold water fishery in the uppermost stretch, these sudden temperature variances threaten the natural balance of the aquatic ecosystem throughout the study segment. Neither cold nor warm water fish populations can become stabilized if the temperature fluctuations are severe and frequent.

The application of pesticides within or affecting the river corridor, including applications on forest, pasture, and crop land adjacent to the corridor, would comply with the Federal Environmental Pesticide Control Act of 1972 (P.L. 92-516). Consideration should be given to banning, in the above-named areas, the use of all pesticides classified as "restricted" under the act. Aerial spraying of any pesticides should be minimized, restricted to allow adequate buffer zones, or prohibited.

River Flow Patterns

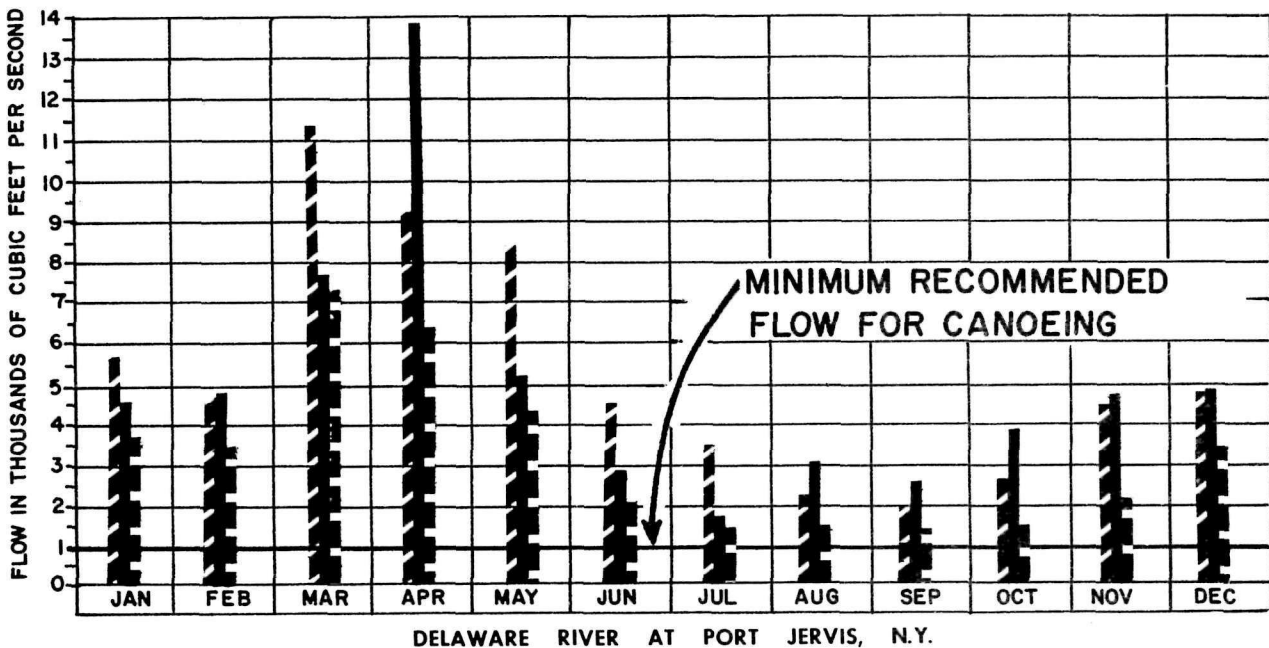
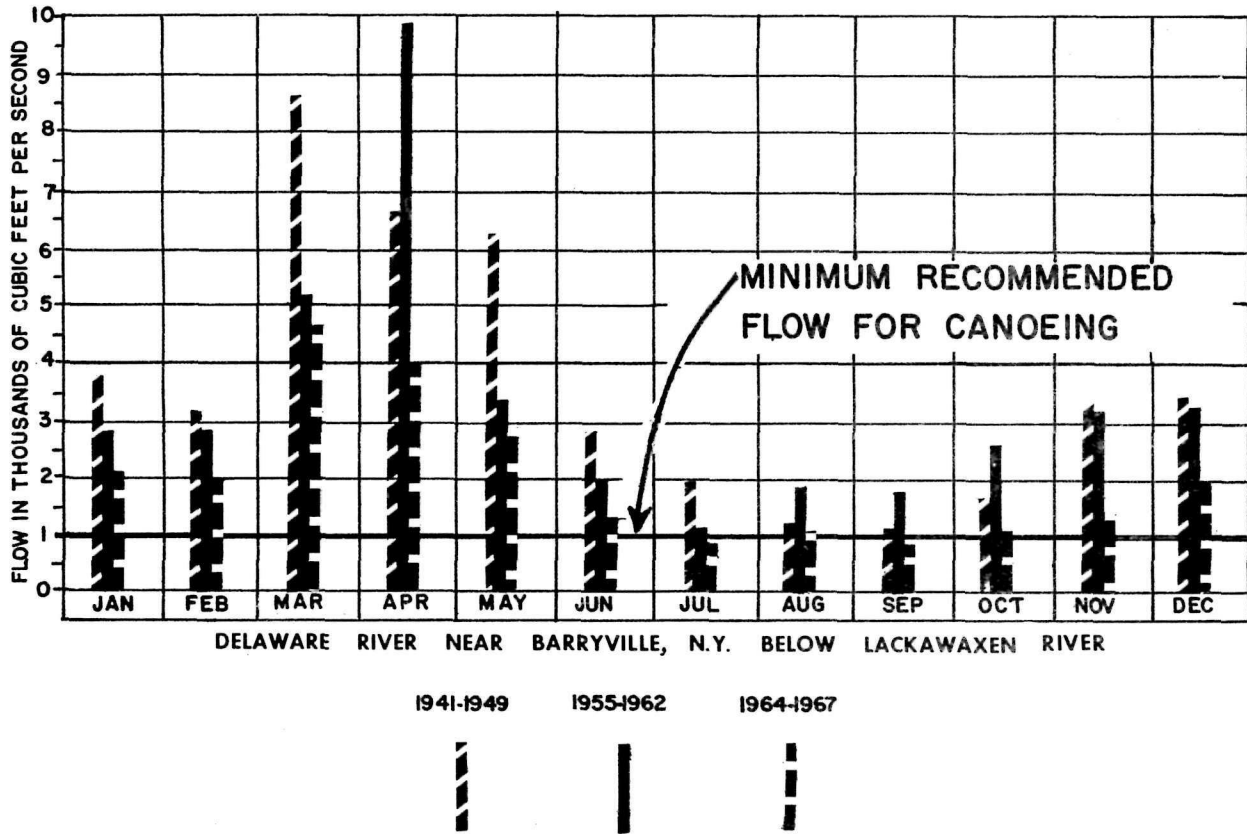
The Upper Delaware's seasonal flow pattern at Port Jervis, New York and near Barryville, New York, above the Lackawaxen River are shown in Chart 2. The period from 1941-49 is before either of the dams on the East and West Branches were constructed. By the 1955-62 period, the Pepacton Reservoir project on the East Branch had been completed, while the Cannonsville Reservoir on the West Branch was completed in the 1964-67 period. As can be seen in the two graphs, the seasonal flow pattern on a mean monthly basis has remained essentially the same since the 1940's. There has, however, been a reduction in the amount of flow, especially during the 1964-67 time period.

The pattern of reservoir releases can affect the quality of water-oriented outdoor recreation activities. For example, canoeing requires a minimum flow of approximately 1,000 cfs for a satisfactory float. When the regulated releases do not reach this level, the quality of the experience is diminished or even precluded. If a great volume of waters is released in a short period of time, the safety of persons in the river can be impaired.

River flows, as they relate to recreational use, provide seasonal variations. During the late winter and spring, the high and medium high flows fill the river to its edges, greatly increase the velocity of the current, and create strong wave patterns. This is the season for adventuresome white water canoeing. Long pools are quickly traversed as the current sweeps the canoe downstream. By the end of May the river has warmed and calmed and is generally at the best level for canoeing. Throughout the summer, ledges, gravel bars and boulders break the water's surface. Care is necessary in maneuvering through these riffles. The late summer and autumnal rains again raise the river level and increase the velocity, providing a further season of canoeing before winter sets in. The river is generally too shallow for high powered motor boats, and there is thus little or no occasion for conflict between canoeists and speedboat enthusiasts.

Floods, which occur most often during the late winter - early spring (melting snow run-off) and late summer (tropical storm season), cause relatively minor damage in the study reach since there is little industrial development and only limited urban development along the river banks. The greatest flood on record occurred in August 1955, when two hurricanes passed through the area in close succession. Along the Delaware River, over 85 percent of the flood damage occurred downstream of the study segment, between the Delaware Water Gap and Trenton. Within the study area, the single largest damage center was Port Jervis, which lies in the flood plain.

CHART 2
THE UPPER DELAWARE
MEAN MONTHLY FLOW



Water Resources Management and Development

There are no proposed water resource developments along the Upper Delaware, although six potential reservoir sites were identified by the Corps of Engineers between Hancock and Sparrow Bush, New York, and a seventh was investigated on the East Branch of the Delaware. The sites are discussed in the Comprehensive Survey of the Water Resources of the Delaware River Basin prepared by the U.S. Army Corps of Engineers in 1960. These potential sites were all subsequently deemed economically infeasible and were therefore dropped from consideration. Five of them were run-of-river developments for hydroelectric power; Hankins Site (river mile 313), Callicoon Site (river mile 303), Skinners Falls Site (river mile 295), Tusten Site (river mile 285), and Hawks Nest Site (river mile 259). The sixth location, Knights Eddy Site (river mile 263), was a multiple-purpose reservoir while a seventh site, Hawk Mountain Site, located 7 to 8 miles upstream from the study segment on the East Branch of the Delaware River, was a dual-purpose project. There is, however, a slight possibility that a channel widening of Mill Brook at Pond Eddy, New York may be initiated to alleviate flooding. This would cover about one mile of the stream starting a short distance from the main stem.

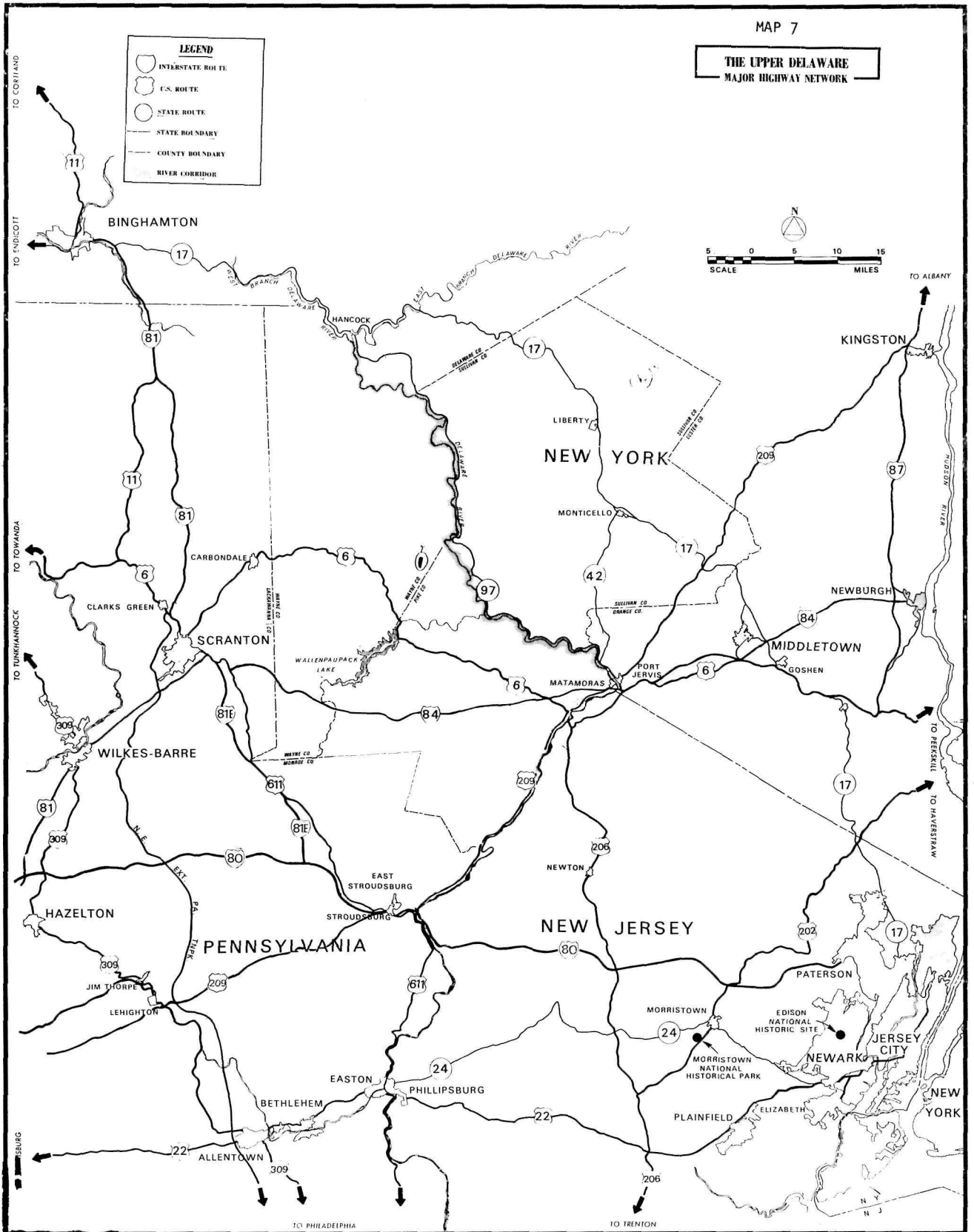
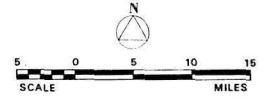
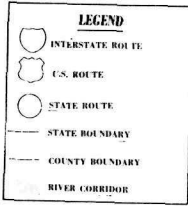
According to the Federal Power Commission, sites on the Delaware River near Barryville and Narrowsburg, New York, could be developed to provide 29,700 and 15,900 kilowatts respectively of conventional hydroelectric capacity. The potential Delaware project on the Mongaup River, with 10,000 kilowatts of conventional capacity would have its powerhouse located on a lower stretch of the Delaware. In addition, a two million kilowatt pumped storage project could be developed on the river at Long Eddy, New York. A natural gas pipeline, owned by the Columbia Gas Transmission Corporation and operated under the jurisdiction of the Federal Power Commission, crosses the river in the lower reach. Also, a small nonjurisdictional natural gas pipeline owned by Pike County Power and Light Company crosses this segment of the Delaware.

Transportation and Access

Long distance roads provide good access to the Upper Delaware River Region, including U.S. Routes 6, 106, 206, and 209, and New York Route 17 which is a major connector with the New York City and northern New Jersey metropolitan area. Local roads provide direct access to the river and access from major long distance routes, such as the Pennsylvania Turnpike and from Interstate Highways 80, 81, and 84, is readily available, as noted by Map 7. Railroad service is provided from the northern New Jersey metropolitan area via the Erie-Lackawanna line which carries passengers from Northern New Jersey northwest as far as Port Jervis, New York. Commercial airports serve Binghamton, New York and the Scranton and Wilkes Barre, Pennsylvania areas. Air service to Monticello, New York is available by way of New York City. Small non-commercial airports are found at several locations.

MAP 7

THE UPPER DELAWARE
MAJOR HIGHWAY NETWORK



Population

The Upper Delaware River borders on the Atlantic Urban Corridor that extends from Boston to Washington, D.C. In 1970, roughly 52 million people or 25 percent of the national population, lived within a 250 mile radius of the river corridor. There are 48 Standard Metropolitan Statistical Areas (a town, city or county or a group of contiguous towns, cities or counties with a single unit containing over 50,000 inhabitants), within this complex, including New York and Philadelphia. The two largest metropolitan areas within a one hour drive are Scranton, Pennsylvania (234,107) and Binghamton, New York (268,328).

As of 1970, none of the five counties bordering the study segment had communities with a population exceeding 50,000. Table 5 provides data for this five-county area, illustrating trends over the past 20 years and projected changes through 1990. Pike County's small population has been slowly increasing for several decades and is expected to continue at a moderate rate. Wayne County has experienced a long-term decline which has only recently been reversed and predictions are that the population will remain relatively stable. The riverfront townships in Wayne County have experienced a noticeable population influx, with a 1960-70 growth rate double that of the county as a whole.

The New York side of the Upper Delaware River historically has been the more densely settled. Delaware County's population has fluctuated within the 40,000 persons range for over 35 years. It is likely to rise slowly throughout the rest of the century. Sullivan and Orange Counties have shown steady population increases. Pressures on Orange County have been particularly intense with its population expected to nearly double before the year 2000. Sullivan County will probably be significantly affected by this same pattern.

Probable Future Environment Without the Proposal

Should the Upper Delaware River area not be included in the National Wild and Scenic River System, it is probable that the area will remain essentially in private ownership. Commercial timber cutting operations will probably decline further in importance, with less than 20% of the annual growth being harvested. Commercial agriculture may decline slightly and then stabilize at 5% of total land use.

In the last decade, light industry and commercial activity has experienced considerable growth in Orange County, New York. This trend is expected to continue and to eventually extend into Sullivan County. Delaware County, New York and Pike and Wayne Counties in Pennsylvania will probably not be affected substantially by this trend in the foreseeable future.

TABLE 5

STUDY AREA POPULATION: CHANGES AND PROJECTIONS, 1950-1990

	<u>% Change 1950-60</u>	<u>% Change 1960-70</u>	<u>1970</u>	<u>% Change 1970-80</u>	<u>% Change 1980-90</u>
<u>Pike County, PA</u>	8.0	22.5	11,818	11.1	1.3
Riverfront townships			5,529		
Lackawaxen			1,363		
Shohola			574		
Westfall			1,348		
Matamoras			2,244		
<u>Wayne County, PA</u>	- 8.0	4.7	29,581	3.6	- 0.6
Riverfront townships			4,791		
Scott			604		
Buckingham			578		
Manchester			494		
Damascus			2,006		
Berlin			1,109		
<u>Delaware County, NY</u>	- 2.0	- 2.7	44,718	7.0	5.6
Riverfront townships			3,604		
Hancock			3,604		
<u>Sullivan County, NY</u>	11.1	16.1	52,580	16.6	17.2
Riverfront townships			7,946		
Fremont			1,047		
Delaware			2,260		
Cochecton			1,181		
Tusten			1,224		
Highland			1,377		
Lumberland			857		
<u>Orange County, NY</u>	20.7	20.6	221,657	26.7	31.9
Riverfront Townships			4,370		
Deerpark			4,370		

SOURCES: U.S. Bureau of the Census
Projections supplied by New York Department of Commerce and
Pennsylvania Office of Planning and Development

Recreation and vacation-oriented land uses are expected to increase in importance throughout the study area. The Upper Delaware River is situated between the Pocono and Catskill Mountains, both of which are traditional recreation/vacation destinations for residents of Philadelphia, New York City, and other East Coast communities. The intensive recreation development found in the mountain regions has begun to penetrate the study area. This trend is expected to continue and possibly accelerate. Vacation and second home development pressures may become substantial.

The increased interest in vacation or second homes is likely to eventually result in extensive small parcel subdivision of land along the Upper Delaware River. Trailer parks and new campground facilities on the flatlands will also probably be established. These development pressures may intensify if energy supply problems force many persons to limit the distance they travel to vacation spots. The Upper Delaware River's proximity to both New York City and Philadelphia make it a prime recreational alternative to more distant (and thus more energy consumptive) locations.

Local land use controls are expected to become more restrictive as the above mentioned development patterns begin to affect riverfront townships. Zoning will probably be instituted on the New York side of the river first, since that area will experience major development pressures earlier than Pennsylvania communities. Zoning efforts are likely to be uncoordinated and of limited effectiveness. In many instances, effective zoning ordinances will probably be instituted only after extensive development along the river has already taken place.

III. ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION

Impact on Recreation

The Upper Delaware River presently provides a high quality recreation experience to an estimated 4,000 to 6,000 persons on weekend days during the prime recreation season. Activities within the river corridor include fishing, boating (especially canoeing), camping, picnicking, sightseeing and hiking. Of these, fishing and canoeing predominate.

The recreation management agency will develop strategies for limiting recreation use to the amounts and types of outdoor recreation consistent with the objective of maintaining the existing environmental conditions. This may involve stabilizing recreational use at existing levels, especially on summer weekends. Moderate, well dispersed, recreation facility development is contemplated so that the quality of recreation opportunities can be maintained. Recreational river areas (segments I, III and V on Map 3) will receive more intensive use than Scenic river areas (segments II and IV).

It is recommended that the National Park Service (NPS) assume a recreation management role along the Upper Delaware and concentrate public access to the river at the 20 sites listed in Table 2. National Park Service would conduct a study to determine the carrying capacity of the resource, and, based on the study's findings, would regulate recreation use so that the capacity is not exceeded. This may require directing some users to other recreation areas or to other access sites within the river corridor. National Park Service would monitor recreation use patterns and devise strategies to avoid overcrowding of facilities and overuse of the resource. The two information centers proposed for location at either end of the study segment will be designed to facilitate this objective.

The overall impact of regulating the number of persons using the resource at any one time should benefit both the environment and recreators. Environmental degradation due to resource overuse and recreation facility overcrowding will be minimized by recreation management policies. A high quality recreation experience will thus be maintained for those gaining access to the river corridor. This long term beneficial impact will be only slightly offset by the short-term disadvantages of those persons who are diverted to other recreation areas on those days when heavy demand requires implementation of visitor use restrictions.

Visitor use could cause environmental damage, both at facility sites and throughout the river corridor through overuse, vandalism, litter, undesirable noise or behavior problems. Some minor disturbance of plant and animal life is also expected. These problems should not become any more intense than they are under current, unregulated

conditions. Adequate funding is recommended so that the National Park Service can fully implement its regulations to provide superior maintenance, adequate surveillance, visitor control and information services to keep environmental abuses attendant to visitor impact at a minimum.

If the Upper Delaware is included in the National Wild and Scenic River System, it will be necessary to devise detailed plans for solid waste management. As a first priority, the recreation management agency should be required to consider methods for disposal of construction debris and the collection and disposal of waste generated by the visiting public. This would replace the present situation at facility sites whereby each owner now disposes of waste as he sees fit, with little coordination among sites.

Impact on Land Ownership and Land Use

The immediate environment of the Upper Delaware River included in the proposal is largely in private control. Within the river corridor, 87% of the land is held by private individuals or organizations (see discussion on p. 23).

Under the proposal, land ownership patterns would not be affected significantly. Initially, only 450 acres would be transferred to Federal control. Approximately 8% of this acreage is already public, in that it is owned by the States of New York and Pennsylvania and is used for general access to the river. While ownership of the remaining acreage would be transferred from private to public control, current uses which are consistent with the purposes of the Wild and Scenic Rivers Act would probably remain. Current owners may be permitted to continue recreation-serving uses as long as their operating procedures do not conflict with river management objectives and do not have a significant adverse effect on the environment. Authorization for an additional 1,000 acres of full title acquisition as future needs and conditions warrant is provided, but purchase is subject to the approval of an Upper Delaware Citizen's Advisory Council. This offers a local check on any future change in land ownership patterns.

Most of the communities bordering the Upper Delaware River have as yet not instituted significant land use regulations. In order to protect the river environment, it is recommended, therefore, that local jurisdictions immediately adopt zoning ordinances. Implementation, at the local level, of land use controls is also recommended. While this should not alter land ownership patterns, it is designed to stabilize the land use situation. Further development within the protection boundaries would be limited to uses compatible with the purposes of the Wild and Scenic Rivers Act. Where zoning becomes the primary land management technique, new construction may occur on large lots. Implementation of land use control measures could lead to denser development by channeling most new construction activity onto land near existing areas of population and business concentration. The control measures would, however, incorporate

considerable environmental safeguards not generally included in traditional zoning ordinances such as the screening of developments with vegetation, structural height restrictions, and more restrictive setback and slope requirements.

In limited cases where land use regulations are not being adequately enforced or have become inoperative, the National Park Service would be authorized to acquire easements, either by negotiation or eminent domain, within the protection zone. Where this authority is exercised, private holdings would be required to remain in open space. Private owners who sold their rights to the National Park Service would retain the right to enjoyment of their lands, but would not be permitted to erect new structures except under variance procedures which would ensure conformance with the aesthetic values associated with management of the river corridor.

The objective of the proposed Upper Delaware National Scenic and Recreational River is to guide future change as it relates to land use along the river. The overall goal is to provide for the continuation of traditional land use patterns in a river area whose shoreline and watershed are largely forested and undeveloped. Basic to these recommendations is the realization that the existing recreation use, vacation home and residential development, and commercial and industrial development, while still at a volume that does not immediately endanger the resource, is nearing a point where significant deterioration will occur unless adequate safeguards are provided.

Whether or not the Upper Delaware receives national designation, development and utilization of the Upper Delaware area is expected to increase, as is the use of the river itself. Without implementation of a comprehensive land management program, properties most desirable for aesthetic, recreational and other reasons will be quickly subdivided and lost. Such activity will eventually result in extensive linear shoreline development, further limiting the general public's opportunities for use and enjoyment of the area. Uncontrolled development can slowly erode the scenic and recreational values of this area for both the landowner and the occasional visitor. By guiding future development onto suitable lands and preserving the forested and rural character of the river corridor, the proposal assures a long-term, high quality environment.

The proposal would have little or no effect on any future mining operations within the visual corridor and current active mines outside of the visual corridor if the operations do not diminish the values while make the river area worthy of inclusion in the National River System. As indicated on page 22, there are no active and only one inactive quarry within the visual corridor. Within the upper drainage basin, there are 17 active sandstone and bluestone quarriers and sand and gravel pits located up to thirty miles from the visual corridor.

Impact on Transportation

The Upper Delaware River area is accessible directly by almost all forms of ground transportation, and is within a short distance of commercial and non-commercial airfields (at Binghamton and Monticello, New York and Scranton-Wilkes-Barre, Pennsylvania). Major highway routes include New York Route 17, the northeast extension of the Pennsylvania Turnpike, and Interstate 84. New York Route 97 which carries most of the traffic along the study segment is a two-lane surfaced road which varies in width from 20 to 24 feet and has an average capacity of 250 vehicles per hour. During peak hours, the number of vehicles range from 130 to 440 vehicles per hour.

Since no large-scale highway realignments or bridge replacements are imminent within the protection boundary, the proposal's impact on the existing highway network would be minimal. If performed with care, normal maintenance of existing roadways would pose no problems. The impact on long-range highway plans could be significant, however, since new highways within the river corridor would be strongly discouraged, especially if located within scenic areas. Reasonable alternate routes would be favored, even if they resulted in increased highway construction costs. Since no new projects within the river corridor are currently being studied, it is not possible to estimate the extent of any such costs.

If national designation of the Upper Delaware River leads to greatly increased public interest in visiting the area, some local highway congestion problems could arise. Congestion would be most likely on weekends during the warm months. The roadways providing direct access to the river are two-lane and are designed to handle local traffic rather than high volumes. By regulating the number of visitors permitted at facility sites at any one time, the recreation managing agency will be able to minimize this problem.

Presently, the Erie-Lackawanna Railroad maintains tracks paralleling the entire study segment. As currently operated, this rail line is compatible with the proposal. As noted in Section I, by reinstituting passenger service from Port Jervis to Hancock, the railroad could be used to increase sightseeing opportunities and be adapted to provide carriage for canoeists and canoes returning up river. Both these service additions would complement the proposal. By offering the recreator an access alternative to automobile use, these services would lessen the possible negative impact of the proposal on local highway congestion.

Recommendations by the Secretary of Transportation regarding the Regional Railroad Reorganization Act of 1973 have raised the possibility for abandonment of the rail line from Port Jervis to Hancock. If abandonment does occur, any future proposal for use of the right-of-way would have to consider the proposed project's impact on the scenic and recreational values of the river corridor. Right-of-way uses which conflict with protection of the river environment (e.g. major public works projects, large-scale industrial development, and expressway construction) would be discouraged.

Impact on the Local Economy

Implementation of the recommended proposal would not result in major economic changes within the five counties bordering the Upper Delaware River. Presently, recreation-oriented businesses, catering to the demand of tourists, vacationers, and sportsmen, predominate in many of the small settlements. It is expected that the proposal would be an impetus to continued growth in the recreation and retail trade sectors.

In order to protect the environmental quality of the river corridor, the proposal recommends strong land and water protection measures. While the recommendations do not affect the operation of existing commercial and industrial enterprises, they would prohibit new development which is incompatible with the purposes of the National Wild and Scenic Rivers Act. Thus, the proposal would not affect current economic standards within the river corridor, although it could limit commercial and industrial growth there. Since high-quality development would be permitted within existing communities, and since the amount of buildable land (i.e., land not excessively sloped and outside the flood plain) within the protection boundary is not large, the proposal's impact on jobs and incomes should be minor.

A small boost to the local economy is expected from the infusion of capital to upgrade, operate, and maintain the river recreation sites and construction of two information centers at the termini. Most of these funds would come from Federal sources and would not be available to the region if the proposal is not implemented.

Certain types of emergency services would continue to be provided by the counties and municipalities. These include hospital services and fire protection. Insofar as the proposal generates greater recreation use along the river, the incidence of personal accidents and fires is expected to increase. The monitoring and policing of river-oriented recreation uses by the recreation management agency should offer some preventive assistance; however, much of the expense of providing emergency services is likely to be borne by local governments and institutions.

Designation of the Upper Delaware as a component of the National System should not have a significant impact on the property tax structure of river municipalities. The primary cost of the counties involved is a loss of an estimated \$66,000 in property tax revenues. Presently, no program exists to provide payments in lieu of taxes by the Federal Government to defray this loss. However, peripheral development just beyond the designated area may follow as it has in other places, offsetting the tax loss due to withdrawal by an increase in tax revenue from new development. Only about 400 acres of the initial full title purchase will result in ownership transfers from private individuals to the public ownership. These purchases will be scattered along the river corridor so that no single municipality will find its tax base substantially affected. Moreover, some of the private lands transferred to public ownership would continue to have privately-run recreation services operating on them. These businesses could be obligated to contribute payments in lieu of taxes for the municipal benefits they receive.

The property tax impact of the authorization for future full title purchases should similarly be insignificant. Possible additional acreage involved (1,000 acres) is small, especially in relationship to the total land area of the protection boundary. Future purchases would be scattered, so that no single municipality would be affected significantly. Moreover, local control over the location of those purchases is provided, since any such purchases would require the approval of the Upper Delaware Citizens Advisory Council.

One potential major impact on the property tax structure does exist. If the proposal is implemented and, at a future date, the Secretary of the Interior finds that local land protection measures have become inadequate, the National Park Service may be directed to acquire easements within the unprotected area. Depending upon the seriousness of the problem and the land area involved, this could result in removing some acreage within a single municipality from all but the minimal assessment category. This impact can be simply avoided, however, by the municipality enacting and vigilantly enforcing adequate land protection ordinances.

Property in the riverfront townships may appreciate, although any such gains are likely to be partially offset by tax reassessments. In rare instances, the increased tax burden may force the discontinuance of marginal economic enterprises (i.e., businesses which are just barely profitable under existing conditions). This should not, however, be a general consequence. Persistent population and economic pressures from Megalopolis are likely to have a far more significant impact on local land use patterns and regional economic trends than the proposed protection measures in the Upper Delaware River corridor.

Most of the communities along the river have not instituted flood plain zoning or other significant measures which would assure that new construction activity would not occur on lands susceptible to flooding. By protecting the flood plain from urban encroachment, the proposal would eliminate the potential for economic disaster resulting from extensive development on the flood plain. River-front townships would not have to be as concerned about serious flooding incidents, since maintaining the flood plain in open space is the best method for insuring against the need for flood disaster relief.

Other economic impacts depend upon the river management strategy ultimately pursued and the ability of local governmental units to integrate and channel private land use decisions in a way that assures optimum results. Long term economic benefits may be realized from insistence upon quality development. Were the Upper Delaware to eventually be strongly influenced by Megalopolitan pressures, marginal enterprises could crowd the river bank and industrial waste discharges badly foul the water. Riverfront communities could suffer the problems of blight, impaired health, and reduced safety, that have been the experience of counties and other towns along the Nation's waterways.

The overall goal is to provide for the continuation of traditional land use patterns in a river area whose shoreline and watershed are largely forested and undeveloped. Basic to these recommendations is the realization that the existing recreation use, vacation home and residential development, and commercial and industrial development, while still at a volume that does not immediately endanger the resource, is nearing a point where significant deterioration will occur unless adequate safeguards are provided.

Whether or not the Upper Delaware receives national designation, development and utilization of the Upper Delaware area is expected to increase, as is the use of the river itself. Without implementation of a comprehensive management program, those properties most desirable for aesthetic, recreational and other reasons will be quickly subdivided and lost. Such activity will eventually result in extensive linear shoreline development, further limiting the general public's opportunities for use and enjoyment of the area. Uncontrolled development can slowly erode the significant intrinsic values of this area for both the landowner and the occasional visitor.

Impact on Water Quality

Water quality along the Upper Delaware River has generally remained good. The inadequately treated sewage discharged into the river and its tributaries by several New York communities (Hancock, Callicoon, Narrowsburg, and Barryville) has created some local pollution problems.

Abatement procedures are being considered, and the proposal recommends that State and local efforts be accelerated in order to further improve water quality.

The proposal recommends a modification in the flow schedule from the Cannonsville, Pepacton, and Neversink reservoirs. If the State of New York and New York City act favorably upon the recommendation, the water quality of the Upper Delaware would be significantly improved. By adopting and enforcing a more consistent flow pattern from the reservoirs, the cold water fishery could be protected. Additionally, recreational opportunities would be enhanced, since flows adequate for boating would be maintained. Water quality would also be slightly improved if a revised flow schedule resulted in more frequent water releases from the Pepacton and Neversink reservoirs, since the general quality of the water behind these impoundments is better than that now discharged from Cannonsville.

Much of the proposal's impact on water quality would be preventive rather than corrective. If the Upper Delaware is added to the National System, land uses incompatible with the purposes of the Wild and Scenic Rivers Act would be discouraged. New commercial or industrial enterprises which are likely to produce large effluent discharges or make major water demands would be excluded. Residential development would be required to proceed cautiously so that siltation problems do not arise. The proposal would not eliminate all possibility of future pollution, since effluent discharges and siltation problems could occur along the tributaries outside the protection boundary. It would, however, contribute significantly to the maintenance of high quality water in the Upper Delaware River.

Recreation use of the river results in water pollution through indiscriminate disposal of human wastes and general littering. The proposal should not substantially aggravate the existing, uncontrolled impact of such carelessness since no large increase in the number of recreators is envisioned. It may be desirable for local communities to extend the land use controls beyond the river corridor to prevent degradation of land and decrease in water quality due to undesirable developments.

Impact on Fish and Wildlife

Of major concern to residents and recreators alike is the schedule of water releases from the Cannonsville, Pepacton, and Neversink reservoirs. Sudden temperature and depth variances threaten the natural balance of the aquatic ecosystem. By recommending an improved flow schedule, the proposal seeks to stabilize fish populations. Insofar as this recommendation is implemented, the impact on the fish population will be major.

The value of the Upper Delaware as a fishery resource is directly dependent upon the effectiveness of land and water protection measures. The west shore of the Upper Delaware in Pennsylvania is a Bureau of Water Quality Management Conservation Area. Effluent discharge and extensive soil erosion resulting from improper building procedures are not expected to become serious problems within the protection boundary if the proposal is implemented. Thus, the main stem of the river would provide a healthy environment for spawning activity and normal growth. Some of the better spawning areas are in tributaries (e.g., East and West Branches, Equinunk Creek, Lackawaxen River) outside the protection boundary, however. Under the proposal these areas would not be protected from further pollution nor would any major pollution abatement measures be instituted. Generally, the proposal is expected to have a beneficial impact on fishery resources.

The proposal should also have a beneficial impact on wildlife resources. Recreation development along the river corridor would be limited to a moderate number of well-dispersed sites. Since most of these facility sites already exist, no wildlife habitats would be disrupted at access points. Through appropriate management practices, recreators would be discouraged from traveling over lands not set aside specifically for their use. Thus, the deterioration or destruction of nesting and feeding areas should be negligible.

The proposal recommends land management procedures which would concentrate future development near existing settlements. Insofar as these procedures are effective, important wildlife habitat would be protected from disruption by random, sprawling development. Large tracts of land within the river corridor would remain in open space, offering adequate shelter and food supplies for native species. Some minor adverse impacts from development cannot be avoided, since the proposal does not prohibit all new construction activity. However, overall impact of the proposal on wildlife would be positive, since it offers a degree of protection not now available within the river corridor.

Impact on Water Resources Management and Development

As was noted in Section II, the U.S. Army Corps of Engineers has examined numerous sites along the Upper Delaware River for water resources development projects. The proposal will have no impact on these Corps of Engineers' investigations, since all of those projects except one have been dropped from consideration for economic reasons. There is the slight possibility of a channel widening of Mill Brook at Pond Eddy, New York to alleviate flooding. It could be within view from the main stem, thus it could be affected by the proposal. The proposal would have an impact on Federal Power Commission hydroelectric sites that could be developed at Barryville and Narrowsburg, New York and a pumped storage site at Long Eddy, New York. A third site on the Mongaup River could have a powerhouse located on the main stem. The proposal would not have any effect on the existing natural gas pipelines.

The proposed designation of the Upper Delaware as a unit of the National Wild and Scenic Rivers System would discourage initiation of any projects designed to alter the river's free flowing condition. Any further diversion of water within or upstream of the proposal area would probably have to be foregone. (For additional information see page 24).

The proposal recommends a modification in the flow schedule from the Cannonsville, Pepacton, and Neversink reservoirs. If the State of New York and New York City act favorably upon the recommendation, the water quality of the Upper Delaware would be significantly improved. By adopting and enforcing a more consistent flow pattern from the reservoirs, the cold water fishery could be protected. Additionally, recreational opportunities would be enhanced, since flows adequate for boating would be maintained. Water quality would also be slightly improved if revised flow schedule resulted in more frequent water releases from the Pepacton and Neversink reservoirs, since the general quality of the water behind these impoundments is better than that now discharged from Cannonsville.

Impact on Scenic Qualities

The proposal is designed to preserve the attractiveness of the river valley, highlighted by the rapids at Skinner's Falls and Mongaup, Hawk's Nest Escarpment, the old hotel at Shohola, Roebling Bridge at Lackawaxen, the Zane Grey House, and Minisink Battlefield. Activities which substantially alter the existing setting, with its pastoral character and forest lands, would be discouraged. Every effort would be made to retain a screen of natural vegetation along the streambank.

Most of the land uses within the river corridor, such as croplands and farm buildings, are compatible with a national scenic and recreational river at their current densities. Recommended land management practices would concentrate new development near existing settlements rather than permit a linear, sprawling pattern to occur. Lot size, setback, and frontage requirements would permit only very low density construction in the undeveloped sections of the corridor.

The proposal would prohibit new construction within hazardous areas, (approximately 30% of the river corridor), i.e., on slopes exceeding 15% and on the 100-year flood plain. This would preserve the scenic quality of the ridges and the land close to the water's edge. Overall, the proposal's impact on the scenic qualities of the Upper Delaware should be substantial and beneficial.

Impact on Soil and Vegetation

Environmental damage due to facility development will be slight, not exceeding 10% of the acreage to be acquired, since all but two of the sites already exist. Some expansion or alternation of existing facilities may be necessary, however. Where this occurs, vegetation losses can be expected due to clearing of underbrush and equipment

movement. Since no large structures or clearing of large expanses of open land are contemplated, this activity should have no significant impact on the environment. It is recommended that care be taken in choosing the exact location for the information centers to minimize their impact on ecological systems.

Soil erosion due to general construction activity on excessively sloped lands would not occur, since building would not be permitted within the river corridor on lands having a greater than 15% slope. Similarly, timber clearcutting would be prohibited, further lessening the possibility for significant soil erosion. Local governments, in cooperation with the National Park Service, will develop measures to decrease the impact on soils and vegetation. Technical assistance from local county conservation districts in Pennsylvania and soil conservation districts in New York is available for the erosion and siltation problems.

IV. MITIGATING MEASURES INCLUDED IN THE PROPOSED ACTION

Minor environmental damage in the form of vegetation loss and potential soil erosion is anticipated at recreation facility sites due to construction activity and visitor use. Careful design of modest, low density facilities should compensate in large measure for these impacts. It is recommended that recreation planning proceed in such a way that the access granted and facilities provided are designed to prevent rather than encourage over-use and environmental deterioration.

Adequate policing, conscientious maintenance, and well-thought-out control policies are also recommended. Control policies would consider general access, use, and possible overuse of facilities. The primary objective is to keep recreation use in balance with the carrying capacity of the affected resources and to prevent air, water, and noise pollution or degradation of the existing environment.

Recreation planning should also take account of fish and wildlife interests and losses or damage to these valuable resources. In addition, fire danger in heavily forested areas may be minimized through careful placement of fire-watch signs, fire control communication link-ups, and such controls and prohibitions as may be essential during high fire-risk periods.

Littering by recreators will be controlled by an anti-littering program that stresses "carry-in, carry-out". Should this prove ineffective, the recreation managing agency would establish more restrictive measures, such as banning certain types of containers (e.g., plastics, and non-returnable bottles).

Adherence to the water quality standards of the Delaware River Basin Commission will assure the continuation of an acceptable level of both water quality and quantity. It is also recommended that flow schedules from the New York reservoirs be adjusted to maintain water quality, retain the cold water fishery, and retain flows adequate for boating and other recreational activities.

The proposal recommends that interim land management be provided by local zoning efforts coordinated by the Governors of both States, jointly or through the Delaware River Basin Commission. This vital protection would be required until more sophisticated protection techniques would become effective with the development of land use control measures and a comprehensive recreation management plan. The land use control measures would be developed by the Governors of both

States, jointly or through the Delaware River Basin Commission in cooperation with local governments, who would then implement the measures. Recreation management plans would be devised by the National Park Service. They would serve as the major instruments for stabilizing land and recreation use within the river corridor.

The value of encouraging maximum public involvement in the management process has been recognized. To that end, it is proposed that an Upper Delaware Citizens Advisory Council be established. The Council would cooperate in the development of the land use control measures and the recreation management plan, contributing their special knowledge of local and regional conditions and needs. It is expected that such informed citizen participation would substantially contribute to the lessening of any anticipated negative social, economic, or environmental impacts.

V. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

Few immediate significant unavoidable adverse environmental impacts would result from maintaining the Upper Delaware River in a free-flowing condition and designating it as a component of the National Wild and Scenic Rivers System. No long-range significant unavoidable adverse environmental impacts are known.

Some minor unavoidable adverse environmental effects resulting from the implementation of this proposal can be expected:

1. Visitor use facility development will undeniably alter the environment in varying degrees. A certain amount of disturbance to plant and animal life must be expected in areas of concentrated use such as visitor contact centers, picnic sites, campgrounds, and parking areas.
2. Problems of sanitation, litter, noise, and fire hazard are most likely to occur at the recreation facility sites where visitor use will be concentrated (especially at River Segments I, III, and V). Programs for controlling these problems will have to be devised by the recreation management agency.
3. Like all recreational resources, the Upper Delaware River will be subjected to occasional misuse and abuse by some individuals. Minimal disturbance to plant and animal life must be anticipated along the river banks and at facility sites due to human impact. Once the National Park Service assumes its recreation management responsibilities, a mechanism for adequate policing of the river environs would come into existence. This may lead to even fewer disruptive incidents along the river than occur presently.
4. Some concern has been expressed that overflow crowds from the Delaware Water Gap National Recreation Area might place severe strains on the Upper Delaware's facilities. If such a pattern does develop, it may become necessary to impose restrictions on river access and facility use. The possibility of overuse and subsequent restrictions should not influence the decision to designate the Upper Delaware as a national river. If anything, such designation will assure the establishment of a recreation managing agency with powers to cope with overflows from surrounding recreational resources. Otherwise, the river will be subject to these same pressures without the benefit of comprehensive planning and control mechanisms.
5. Some reduction in environmental quality may occur as a result of marginal commercial development near the river if vigilant land management is not maintained.
6. Future construction of highway or mass transit routes within the protection boundary would have to be discouraged. While no such projects are now being planned, any future proposals might have to settle for less convenient and perhaps more costly transportation routes.

VI. RELATIONSHIP BETWEEN SHORT-TERM USE OF THE ENVIRONMENT AND LONG-TERM PRODUCTIVITY

Under the proposal, the existing environment of the Upper Delaware River area would be protected by guidelines and regulations governing all land uses. The intent is to preserve the river's scenic qualities and to enhance recreation opportunities for present and future generations. Recreation facilities and services would be designed to distribute recreation use in balance with the capacity of the resource.

Existing short term uses in the river area include vacation home and recreation tract developments, recreation enterprises, and support facilities for recreationists and tourists. These uses offer economic, social, and recreational benefits to permanent residents as well as visitors. Unfortunately, the present situation also risks serious environmental deterioration, since private developers are under no compulsions to construct and maintain quality buildings or to coordinate their projects with public land use goals. The proposal would guide and regulate future development so that short-term uses are compatible with long-term productivity. Uses which would seriously deteriorate the river environment would not be permitted.

The New York counties bordering the Upper Delaware have recently experienced significant commercial and industrial growth. Where riverside locations for new enterprises are proposed, the danger exists that solid and liquid waste discharges may degrade water quality. This could adversely affect aquatic ecosystems and the desirability of the river for water contact recreation. Careful land management practices combined with strict enforcement of water quality standards could guarantee that such development would not impair long-term productivity.

If river bank development became extensive, a high potential for major economic dislocation following a severe flooding incident would exist. Large public expenditures for structural flood control projects might then be demanded, even though such projects would probably not eliminate the threat of major flood damage. Designation of the Upper Delaware as a National Scenic and Recreational River would maintain the flood plain in open space and thus insure against the need for substantial flood disaster relief.

Eighty-six percent of the land within the protection boundary is forested. While "timbering" is no longer a major activity in the area, the possibility exists that these lands will again be subject to heavy commercial harvesting. Without proper management, this

natural resource could be treated as a short-term use with no attention being given to the adverse consequences of overcutting on the ecosystem and on recreational desirability. Long-term productivity can be guaranteed, however, by good forest management which regulates harvesting practices and quantities.

Inherent in the proposal are definite social and environmental benefits, among which are the physical and mental well being associated with various water-oriented outdoor recreation activities. Such opportunities are becoming less readily available in an increasingly urban society. Exposure to the free-flowing river and the forests and farms bordering it could especially increase the urban population's awareness of our natural environment.

To summarize, this proposal would preserve the long-term productivity of the river environment for the enjoyment of residents and visitors. In order to accomplish this objective, some short-term economic development would be foregone.

VII. IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF RESOURCES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION

No major physical changes to the existing environment are planned. Accordingly, the proposal does not require the irreversible or irretrievable commitment of resources. Designation of the Upper Delaware as a component of the National Wild and Scenic Rivers System would result in preservation of the river's free-flowing condition and protection of its natural resources.

The Delaware River has long been attractive as a water supply source for heavily populated areas outside the river basin and downstream from the study segment. If the river is included in the National System, future water supply proposals affecting the free-flowing condition of the river would be more difficult to implement.

The various forms of land control necessary to preserve the river scene and assure a suitable recreation environment would preclude major commercial timbering and mining uses. Although this theoretically assures availability of such resources in the future, their extraction or utilization would not be desirable at a later date whenever such actions would detract from the scenic, recreational, aesthetic, and fish and wildlife values of the area.

Overall, it is concluded that implementation of this proposal would provide more environmental benefit than it would restrict or curtail. Protection of a free-flowing river experience in an area with high recreation use pressures is regarded as a principal contribution of this proposal toward environmental enhancement and improved resource use.

Should Congress determine at some future time that a substantially different use of the Upper Delaware River is in the national interest, the river management objectives associated with national designation could be modified or reversed.

VIII. ALTERNATIVES TO THE PROPOSED ACTION

Spatial Alternatives

Alternatives considered for the proposed Upper Delaware Scenic and Recreational River are listed below. A comparison summary of the various alternatives is presented in Table 6.

1. No Action
2. Information Management
3. Strip Management
4. Control Management
5. Different Segments

Alternative I - No Action - Under this alternative, the Upper Delaware River would not be included in the National Wild and Scenic Rivers System. The land within the protection boundary would remain essentially in private ownership with few land use controls in operation.

There are numerous examples along the eastern seaboard of the consequences of failing to adequately protect a major recreational resource. Although strong local leadership may be temporarily effective in protecting a particular location, adverse uses gradually encroach and intrude, ultimately causing deterioration of the resource as competition for land grows more intense. Continued increases in private and industrial development can be expected, particularly adjacent to and in the river flood plain. Consequently, additional public user restrictions can be expected in the form of increasingly limited access, higher user costs for recreation privileges, or both.

The gradual, nearly irretrievable, long-term resource loss resulting from no action would increase the cost of future generations for quality outdoor recreation opportunities. Increased public expenses would also occur in the form of recurrent flood rehabilitation costs if development within the flood plain is allowed to continue unchecked.

Alternative II - Information Management - The objective of this alternative is to establish a managing/coordinating agency with visitor contact facilities for orientation and information purposes. The managing agency would function primarily as a coordinating agency with little actual responsibility for facility or site management.

In order to maintain as much control as possible, the managing agency would be responsible for coordination and protection along 75 miles of the scenic and recreational river involving approximately 15,000 acres within the boundary zone. An "immediate visual corridor" served as the basis for the rationale in determining the protection zone. Full title acquisition would be limited to a total of approximately 35 acres of ends of the river segment, providing for development of public

TABLE 6
COMPARISON SUMMARY: SPATIAL ALTERNATIVES AND MANAGEMENT OPTIONS

COMPARISON FACTORS \ ALTERNATIVES	ALTERNATIVE I No Action	ALTERNATIVE II Information Management	ALTERNATIVE III Strip Management	ALTERNATIVE IV Control Management	ALTERNATIVE V Different Segments	
Objective	No change of the existing conditions. Development will continue at current pace	Minimum cost and minimum control with coordinative responsibility	Increase in control and management responsibility	Least long range cost with total control and optimum site development	Proposal - type protection boundaries and control. Reduction in segment lengths and site development	
Corridor Protection						
Land Acquisition (acres)						
Full Title	None	35	4,000	6,000	400	400
Scenic Easements		14,965	11,000	9,000	---	---
Land Use Controls		---	---	---	49,600	64,600
Total Protection Zone		15,000	15,000	15,000	50,000	65,000
River Segment Length (miles)	None	75	75	75	51	65
Facility Sites (number)	20	22	22	22	19	20
5-Year Cost Estimates ('75\$)						
Land Acquisition	None	15,600,000	23,700,000	28,000,000	900,000	900,000
Development		1,600,000	1,600,000	1,600,000	1,400,000	1,500,000
Total		17,200,000	25,300,000	29,600,000	2,300,000	2,400,000
Operation and Maintenance		700,000	700,000	600,000	600,000	650,000

MANAGEMENT OPTIONS

1. Local
2. Bi-State
3. Delaware River Basin Commission
4. Federal

contact and information centers. Nearly the entire proposed management component would be placed under scenic easement protection, local zoning or special use agreements. The administering agency would serve as a coordinator of proper land use, and function as retainer of the land protection packages. Private residences and commercial services could retain ownership of the land as it presently exists, but subject to the negotiated protective blanket of easements and/or other land use regulations.

Only a very minor effect on the environment would occur as a result of the fee acquisition of the lands proposed. No significant development is planned for any of the acquired or easement protected lands. Consequently no significant amounts of soil, vegetation or wildlife should be disturbed by this small scale proposal.

1975 cost estimates:

land acquisition	\$15,600,000
development	<u>1,600,000</u>
Total	\$17,200,000
operation and maintenance	\$ 700,000

Alternative III - Strip Management - This alternative increases the managing agency's scope of responsibility. Its primary purpose is to strengthen the protection of the resources and facilities available for outdoor recreation use.

Although the proposed river management boundary would remain the same as Alternative II, (approximately 15,000 acres), the number of acres to be acquired in fee title would be increased to about 4,000. The remaining lands would be placed under scenic, easements, local zoning, or special use agreements for adequate protection. This amount of full title acquisition would allow the managing agency fee control of a 200-foot strip of land along both sides of the river for the entire length of the study segment.

The impact of the proposal on the environmental would be minimal. No significant adverse effects are anticipated on ecological systems, or the general land use pattern as a result of the proposed land acquisition. Because full title land control is increased in this alternative, there would be more protection to the environmental quality.

1975 cost estimates:

land acquisition	\$23,700,000
development	<u>1,600,000</u>
Total	\$25,300,000
operation and maintenance	\$ 700,000

Alternative IV - Control Management - The concept of this alternative is directed toward the goals of preserving and protecting the river environment while providing suitable outdoor recreation facilities for appropriate visitor use and enjoyment of the river at the least long-term cost to the public.

As with other alternatives, the proposed boundary encompasses approximately 15,000 land acres. Under this alternative, it is estimated that approximately 6,000 acres would be purchased in fee. Scenic easements and adequately enforced zoning or use agreements are recommended for the remaining 9,000 acres.

The impact of the proposal on the environment would be minimal. No significant adverse effects are anticipated on ecological systems, or the general land use pattern as a result of the proposed land acquisition. Minor adverse effects are anticipated due to construction of the additional visitor use facilities in the river area.

1975 cost estimates:

land acquisition	\$28,000,000
development	<u>1,600,000</u>
Total	\$29,600,000
operation and maintenance	700,000

Alternative V - Different Segments - Under this alternative, two boundary changes which would reduce the size of the proposed scenic and recreational river have been considered.

1. The Upper Delaware from Hancock, N.Y. to Westcolang, Pa. - Under this alternative, approximately 51 miles would be included in the national system. The protection boundary would contain a total of approximately 50,000 acres, of which 400 acres would be acquired in full title for facility sites and the remainder would come under zoning regulations.

Impacts from this alternative are expected to be substantially the same as those described for the proposal except almost one-third of the river suitable for recreation purposes would be excluded. The stretch below Westcolang contains many of the most important historic sites and some of the most adventurous canoeing waters. Exclusion of this stretch would result in more recreation pressure being exerted upon the scenic segments, making it more difficult to retain those segments as high quality environment. Impacts on resource uses and the environment of the 24-mile segment deleted from the proposal under this alternative would be similar to those described in the "No Action" alternative.

1975 cost estimates:

land acquisition	\$ 900,000
development	<u>1,400,000</u>
Total	\$2,300,000
operation and maintenance	\$ 600,000

2. The Upper Delaware River from Lordville, N.Y. to Matamoras, Pa.-
Under this alternative, approximately 65 miles of the Upper Delaware would be included in the National System. The protection boundary would contain a total of approximately 65,000 acres. As with the other segment, 400 acres would be acquired in fee and the remainder would be regulated by zoning.

This alternative differs from the proposal in that the overall estimated capacity of the river for recreation activities such as canoeing would be reduced by about 10 percent. Approximately 25 percent of the prime trout fishing section would also be excluded. Regulation of the numbers of recreators using the river at any one time would become difficult, if not impossible, without coordinated recreation management along the uppermost section of the main stem. Impacts on resource uses and the environment of the ten mile stretch deleted from the proposal under this alternative would be similar to those described in the "No Action" alternative.

1975 cost estimates:

land acquisition	\$ 900,000
development	1,500,000
Total	<u>\$2,400,000</u>
operation and maintenance	650,000

Management Options

Several alternatives to manage the study segment exist. A discussion of the options listed below follows:

1. Local Management
2. Bi-State Management
3. Delaware River Basin Commission Management
4. Federal Management

Local Management - The Upper Delaware River could be afforded limited protection through the discretionary efforts of local governments. Land within the river corridor would remain in private ownership while uses would be controlled primarily by local zoning ordinances.

Local efforts to stabilize land and recreation use along the river would proceed varying degrees of effectiveness and urgency. Zoning would be the primary land use regulation technique and many ordinances will probably be instituted only after extensive development along the river has already taken place. To offer complete protection to the Upper Delaware, these zoning ordinances would require intensive coordination among at least 17 local governments in two states.

Bi-State Management - The Upper Delaware River serves as a border between the State of New York and the Commonwealth of Pennsylvania. Under this alternative, a bi-State agreement, such as the establishment of a Bi-State Park Commission, would provide for cooperative management

of the river corridor. For such a commission to function properly, the States would have to be in essential agreement on the philosophy guiding scenic and recreational river designation and the strategy directing land use control and recreation facility development.

The States would administer the area as a component of their respective Wild and Scenic Rivers System and, upon application to the Secretary of the Interior, could have the river and its immediate environment added to the National System. The river would be permanently administered as a scenic and recreational river area, without cost to the Federal government. Neither State's Wild and Scenic Rivers Act currently provides funds for land acquisition, or operation and maintenance costs. Such funding would be necessary to properly manage the Upper Delaware River. The environmental impacts of bi-State administration are expected to be similar to those under the proposal.

Delaware River Basin Commission Management - The Upper Delaware River is currently subject to various controls and coordination by the Delaware River Basin Commission. The Commission's Charter permits it to operate and manage land and resource facilities. Under this proposal, most of the land within the river corridor would remain in private ownership, subject to those controls imposed upon it by the Commission.

The major advantages of selecting the Delaware River Basin Commission as the managing agency are its current existence and its notable record as a coordinating body. Additionally, it has a broad base of representation and possesses the managing expertise, and associated administrative machinery, to effectively expand into a resource management role.

It is difficult to determine the precise impacts that implementation of this alternative would have. Probably the outcome would be similar to the proposal, except that adequate protection of the river corridor would depend on the creative implementation of the Delaware River Basin Commission's powers which have historically been used sparingly. Additional authority to regulate land use might also become necessary. This approach would require a considerable expansion of the Commission's traditional role, which has been oriented more toward water resources development than toward protection of the river corridor and provision of recreation opportunities.

Federal Management - Under this option, two feasible possibilities include to Federally manage the river in the National System or incorporate it in the Delaware Water Gap National Recreation Area. Under legislative direction, the Secretary of the Interior could designate administration of the Upper Delaware River to the National Park Service. The area could then be managed as a Federal component of the National Wild and Scenic Rivers System, with all responsibilities for planning, acquisition, development, and management of the river area assigned to the National Park Service.

The primary advantages of this management alternative include the Park Service's record for effective coordination, the added emphasis of recognized national significance of the resource, and the inherent ability of a single agency to expedite the preservation and protection of the river's outstanding values.

Impacts of the Federal management option would be similar to the proposal. Under Federal management, the role of the National Park Service would be extended to include primary responsibility for land protection. This would result in a substantially larger Federal financial commitment, since full title and development right acquisitions would be greater than envisioned in the proposal. Recreation management and environmental protection objectives would probably not be significantly altered.

Rather than designate the Upper Delaware River as a component of the National System it could be incorporated into the Delaware Water Gap National Recreation Area. This would result in a considerable addition to current and projected Federal land holdings in the area. The Delaware Water Gap National Recreation Area is designed for intensive, high-density recreation use, while the Upper Delaware is a resource which can best accommodate extensive low density recreation use. Insofar as the carrying capacity of typical Delaware Water Gap National Recreation Area lands exceeds that of the Upper Delaware, the potential for environmental damage to the river resulting from overuse is increased.

Environmental impacts of this option are considerable. Most of the land within the protection boundary would be acquired in full title by the Federal government. The potential for unsuitable commercial, industrial, or residential development would be eliminated. The managing agency could exercise strict control over land and water use. The social and economic impact would also be considerable. Substantial disruption would occur since thousands of residents and numerous businesses would be required to relocate. Acquisition and relocation costs of the Federal government would be high.

IX. CONSULTATION AND COORDINATION

Consultation and Coordination in the Development of the Proposal and Preparation of the Environmental Statement

The study of the Upper Delaware River for potential addition to the National Wild and Scenic Rivers System was a cooperative effort under the leadership of the Bureau of Outdoor Recreation.

On-site inspections and data collection were accomplished by an Interagency Field Task Force composed of the following representation:

U. S. Department of Agriculture
Forest Service

U. S. Department of Defense
Army Corps of Engineers

U. S. Department of the Interior
Bureau of Outdoor Recreation
Fish and Wildlife Service
National Park Service

U. S. Environmental Protection Agency
Water Quality Office

Commonwealth of Pennsylvania
Department of Environmental Resources

State of New York
Department of Environmental Conservation

Delaware River Basin Commission

The following were invited to participate as observers:

State of New Jersey
Department of Environmental Protection

Tocks Island Regional Advisory Council

Water Resources Association of the Delaware River Basin

There has been informal consultation with county and local governmental officials and planners, conservation groups, and private individuals residing in the study region.

Public information meetings were held in Matamoras, Pennsylvania and Callicoon, New York on May 20-21, 1970 and again on July 24-25, 1973. Throughout the latter part of 1973 and early 1974, Bureau of Outdoor Recreation personnel met on numerous occasions with private organizations and individuals who indicated an interest in the study. Information presented at both formal and informal meetings was given careful consideration by the Bureau in the preparation of this proposal.

Coordination in Review of the Draft Environmental Statement

Copies of the draft and final environmental impact statement have been submitted to the following and to various interested organizations and individuals:

Department of Agriculture
Environmental Quality Activities

Department of Commerce
Office of Environmental Affairs

Department of Defense
Army Corps of Engineers

Department of Housing and Urban Development
Office of Community and Environmental Standards

Department of the Interior
Bureau of Mines
Fish and Wildlife Service
National Park Service

Department of Transportation
Office of Environmental Quality

Environmental Protection Agency
Office of Federal Activities
Region II (New York)
Region III (Pennsylvania)

Federal Power Commission
Commissioner's Advisor on Environmental Quality

Tennessee Valley Authority

Water Resources Council

Advisory Council on Historic Preservation
Office of Architectural and Environmental Preservation

Delaware River Basin Commission

State Clearinghouses:

Governor's Budget Office, Pennsylvania
Office of Planning Services, New York
Department of Community Affairs, New Jersey

Area Clearinghouses:

Economic Development Council of Northeast Pennsylvania
Southern Tier East Regional Planning and Development Board (NY)
Tri-State Regional Planning Commission (NY)

Delaware County Planning Commission
Orange County Planning Commission
Pike County Planning Commission
Sullivan County Planning Commission
Wayne County Planning Commission
American Conservation Association
American Forestry Association
American River Conservation Council
Boy Scouts of America
Delaware County Conservation Association
Delaware Valley Conservation Association, Inc.
Equinunk-Lordville Upper Delaware Association
Izaak Walton League of America
National Parks and Conservation Association
Save the Delaware Coalition
Sierra Club
Temporary State Commission to Study the Catskills
The Free Flowing River Committee
The Wilderness Society
Upper Delaware River Regional Water Resources Planning Board
Upper Delaware River Association
Water Resources Association of the Delaware River Basin

Summary of Correspondence Received Following Review of the Draft Statement

The draft environmental statement was available for review from November 7, 1974 to March 1, 1975. A total of 31 letters were received on the draft environmental statement. Comments were received from 12 Federal agencies, 8 State agencies, 3 other government agencies, 6 organizations, and 2 individuals. Of the 164 comments on the draft environmental impact statement which required a reply, most were concerned with recreational use and development of the area, land use, protection and management, and zoning ordinances; flow releases, water quality, and pollution; fish and wildlife; the local economy; and railroad passenger service. All letters were analyzed and included in this section.

The draft environmental statement was circulated for review of the data presented and comment on the adequacy of the environmental analysis. Many comments went beyond this and voiced support or rejection of the proposal itself. Those persons who desire to voice a position on the proposal will have every opportunity to make their interests known through legislative channels as Congress considers the proposed legislation.

Correspondence which provided additional data or raised questions concerning the adequacy of the draft statement are followed by a response page or pages. Comments which raise questions requiring response are numbered in consecutive order for each of the letters only; the responses similarly numbered immediately follow each letter. To facilitate this referral system, the letters are organized alphabetically in the following categories: Federal agencies, State agencies, Federal-State agency, local governments, organizations, and individuals.

Summary of Changes from Draft Statement

A number of minor editorial and factual changes have been made from the draft environmental statement in response to numerous suggestions offered by Federal and State agencies as well as many private organizations or individuals. In addition, both Federal and State agencies have supplied additional data, some of it developed since the release of the draft statement. This data was incorporated wherever it contributed to better evaluation of impacts or alternatives to the proposal.

List of Correspondence Received

Federal Agencies:

Department of Agriculture	
Forest Service	63
Soil Conservation Service	67
Department of Defense	
Corps of Engineers	69
Department of Housing and Urban Development	72
Department of the Interior	
Bureau of Mines	74
Fish and Wildlife Service	77
National Park Service	84
Environmental Protection Agency	87
Federal Power Commission	92
Polaris Material Office	95
Tennessee Valley Authority	97

State Agencies:	
Commonwealth of Pennsylvania	
Department of Environmental Resources	99
Pennsylvania Fish Commission	105
Pennsylvania Historical and Museum Commission	107
State of New Jersey	
Department of Community Affairs	108
State of New York	
Department of Environmental Conservation	109
Department of Transportation	123
New York State College of Agriculture and Life Sciences	125
Office of Parks and Recreation	128
Joint Agency:	
Delaware River Basin Commission	130
Local Government Agencies:	
Sullivan County Planning Board	135
Wayne County Planning Commission	140
Organizations:	
Advisory Council on Historic Preservation	148
Delaware County Conservation Association	150
The Free-Flowing River Committee	153
National Parks and Conservation Association	156
Upper Delaware River Association	162
Water Resources Association of the Delaware River Basin	171
Individuals:	
Thomas E. Horobik	174
Steven Petshaft	175



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

8420

Mr. Maurice D. Arnold
U. S. Department of the Interior
Bureau of Outdoor Recreation
Northeast Regional Office
600 Arch Street
Philadelphia, Pennsylvania 19106

JAN 13 1975

Dear Mr. Arnold:

We have had the Draft Environmental Statement on the Upper Delaware National Scenic and Recreational River reviewed by the Soil Conservation Service and the Forest Service and their individual comments are enclosed.

Thank you for the opportunity of having this environmental statement reviewed in the Department of Agriculture.

Sincerely,

A handwritten signature in cursive script that reads "David J. Ward".

DAVID J. WARD
Acting Coordinator
of Environmental Quality Activities

Enclosures

1/REST SERVICE

Re: UPPER DELAWARE WILD AND SCENIC RIVER DRAFT
ENVIRONMENTAL STATEMENT

We have no adverse comments about the adequacy of the EIS, save one. There is no effort to quantify the use expected on the River, deferring this fact by stating NPS will at some future time determine carrying capacity.

This brings us to consider the proposal itself as inadequately supported or considered. While we might accept, as a given, the desirability for protecting esthetics of a stream corridor, we cannot endorse a "desirable at any price" philosophy. Dissecting the proposal we find:

1. The States have the extremely difficult job of controlling land use from bluff to bluff.

2. The National Park Service, once it is assured the States of number 1 above, takes on the "glamour" role of managing the recreation use.

The local jurisdictions are offered heavily veiled threats of possible Federal step-in to acquire their taxable property base if they do not enforce rigid zoning controls (para. 2 on page 36).

Most of the discussion hints at "controlling" or "limiting" the recreation use rather than expanding opportunities. If this is the case, the alternative for States management could gain stature over that stated. This alternative is dismissed by the EIS because neither State receives appropriations (at this time) to either acquire access or manage recreation on State wild rivers. If NPS is going to "limit" use, this objective could be served by a fundless State recreation program.

4. The unit, by the mechanism of having the States control land uses, seeks to avoid the standards established by the Wild Rivers Act which permits 320 acres per mile in total, of which no more than 100 acres per mile may be acquired in fee. The primary reason USDI recommended that Congress not handle the Buffalo River in Arkansas under Wild Rivers legislation was that in that instance 725 acres per mile (95,000 acres for 130 miles of river) were needed. This proposal is for 1,000 acres per mile.

In conclusion, we do not question there is value in protecting this stream corridor. We do question whether the standards of the Wild Rivers Act should be altered to the degree this proposal seems to suggest: 1,000 acres per mile; States land control with NPS recreation administration; no quantified benefits in user numbers, etc, to offset impacts. Possibly the best alternative would be for States administration and management.

6

RESPONSE TO COMMENTS BY THE
U. S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

1. In order to prevent overuse of the environment, the optimum carrying capacity for the area will be developed by the National Park Service during the master planning stage. Such planning will be accomplished within one year of designation. An environmental assessment will be completed by the National Park Service in conjunction with the development of the master plan.
2. Land use will be controlled through the cooperation of not only State but local agencies and the Delaware River Basin Commission as a part of the land use control measures.
3. The National Park Service has the expertise to manage the recreation use.
4. Local governments are generally in favor of protecting the river by means of zoning controls. However, in limited cases where land use regulations are not being adequately enforced or have become inoperative, the National Park Service would be authorized to acquire easements, either by negotiation or eminent domain, within the protection zone.
5. Recreational use of the river can be expanded, particularly in the recreational segments as the master planning phase is reached. However, the intent of the Act is to preserve and protect rivers in the national system and the expansion of facilities in scenic areas should be carefully considered.
6. The Act restricts fee title acquisition to 100 acres per mile average by the Federal managing agency. The 320 acres per mile restriction on fee and easement acquisition by a Federal agency applies to those rivers authorized under Section 3 of the Act; however, this restriction does not apply to the Delaware River, which is under Section 5(a). The proposal is not in conflict with the intent of the Act (Section 6), since there are no restrictions on easement and zoning controls. Additionally, this proposal recommends very limited fee acquisition with the remaining area under zoning regulations.

The States have indicated that they do not wish to manage the river area.

SOIL CONSERVATION SERVICE

Re: UPPER DELAWARE WILD AND SCENIC RIVER DRAFT ENVIRONMENTAL
STATEMENT

The statement evaluates the environmental aspects of including a 75-mile segment of the Upper Delaware River in the National Wild and Scenic Rivers System.

The environmental statement relies heavily on value judgments. The statement would be greatly improved if it were more objective and included more quantification especially concerning impacts on agriculture.

There is a lack of information concerning the impact on agricultural land use and income.

Although erosion and siltation were mentioned as problems, technical assistance presently available from local County Conservation Districts in Pennsylvania and Soil Conservation Districts in New York are not mentioned.

RESPONSE TO COMMENTS BY THE
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

1. Some agricultural land may be converted to other land uses as a result of this proposal. This may occur (1) due to restrictions placed on land within the designated river corridor through various land use management techniques, and (2) increase in recreation use trends that may involve development of recreation facilities in the immediate area. These developments are not expected to significantly affect the reduction of agricultural land in the immediate area.

The fact that technical assistance from the county conservation districts is available for the erosion and siltation problems is mentioned on page 44.



DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
CUSTOM HOUSE-2 D & CHESTNUT STREETS
PHILADELPHIA, PENNSYLVANIA 19106

IN REPLY REFER TO
NAPEN-E

3 DEC 1974

Mr. Anthony M. Corbisiero
Deputy Regional Director
United States Department of the Interior
Bureau of Outdoor Recreation
600 Arch Street
Philadelphia, Pa. 19106

Dear Mr. Corbisiero:

The Office of the Chief of Engineers has asked us to reply to your 7 November 1974 letter regarding review of the draft environmental impact statement on the Upper Delaware Wild and Scenic River Study. While this District has only a minimal direct functional responsibility in the study area, we welcome the opportunity to continue our contribution to the study as a member of the Interagency Field Task Force.

Following are general comments addressing broad discussion categories in the draft EIS.

1. Recreation - Statements made on pages 15, 16, 31 and 37 seem to conflict by suggesting, (a) long distance access to recreational sites is readily available but minimal present recreational use is not expected to be greatly increased and, (b) that appropriate managerial controls could be instituted in the event of excessive user pressure while no attempt at estimating numbers of users is offered. It is suggested that the cited discussions include a stronger justification for recreational facilities and an estimate of potential numbers of users. 1

2. Fish and Wildlife Resources - Discussion on page 24 should include a reference to the relationship of the study area to the Atlantic Flyway. The statement regarding pollution in Delaware Bay acting as a deterrent to shad migration is questionable. 2

NAPEN-E

Mr. Anthony M. Corbisiero

3. Water Quality - The text on page 18, and other related passages, could be strengthened by including water quality and bottom sampling data. Also on page 18, the last sentence - Is water suitable for water contact recreation according to DRBC or other officially established criteria? 3

On page 21, 1st paragraph, a statement is made that neither cold nor warm water fish populations can become stabilized if temperature fluctuations are severe and frequent. It is implied that such a condition exists due to reservoir releases upstream. Pages 23 and 24 indicate that excellent fishing and an abundance of species exist in the area. This is a contradiction and no data is provided to back either position. 4

On page 37, 2nd paragraph, the statement that modification of the flow schedule from the Cannonsville, Pepacton and Neversink reservoirs would significantly improve the quality of the Upper Delaware is not supported by any data or documentation. In addition, it contradicts previous statements that water quality is generally high and that excellent fisheries exist in some areas of the river. 5

4. General - Throughout the text and in various tables (pp. 28, 30 etc.) strong factual discussion is presented without citing the source of the data. It is suggested that the text be supplemented with appropriately placed source footnotes and/or letters which will strengthen factual documentation. 6

It is agreed that the proposed action will have no detrimental impacts and that the impact on water quality will be more preventive rather than corrective. The Corps endorses the proposed action but cautions that water use and development upstream of the proposed stretch and land use in general in the Upper Basin will have a significant effect on the proposed uses of the Upper Delaware as a Wild and Scenic River. For these reasons, we are encouraged by the attempts shown in the Environmental Statement to elicit the cooperation of the various governmental bodies involved in the Upper Basin.

We hope the comments above will be constructive and helpful in developing the final EIS. If we can be of further assistance contact Mr. J. Radley (215-597-4834) in our Environmental Resources Branch.

Sincerely yours,

Worth D. Phillips

WORTH D. PHILLIPS
Chief, Engineering Division

RESPONSE TO COMMENTS BY THE
U. S. ARMY CORPS OF ENGINEERS

1. Recreation use is expected to increase. The National Park Service will develop a master plan including the "carrying capacity", that will determine type, location and extent of use of facilities, to protect the environment from overuse and misuse.
2. Mention of the Atlantic Flyway in its relation to the study area has been added to the description of the environment on page 19.

The shad population in the lower river and Delaware Bay is less than it once was mainly because of pollution, but current studies indicate an increasing population.

3. Additional water quality data has been incorporated into the report. The water is generally suitable for primary contact recreation according to established water criteria of the Delaware River Basin Commission, except at those locations where there are sewage discharges from industrial septic tank systems.
4. The statement on page 26 has been modified to indicate that great fluctuation in water temperature threaten fish populations.
5. A modification of the flow schedules from upstream reservoirs would improve the water quality by providing less fluctuation in water levels. Releases of surface waters of the impoundments would eliminate the cold water "slugs" which threaten the stability of fishery. These views are in accord with those recommended by the New York Department of Environmental Conservation report of March 1974 entitled, Proposed Alternative Releases from New York City Reservoirs in the Upper Delaware River Basin.
6. Sources of information have been referenced in the report as appropriate.



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PHILADELPHIA AREA OFFICE
CURTIS BUILDING, 625 WALNUT STREET
PHILADELPHIA, PENNSYLVANIA 19106

REGION III
Curtis Building
6th. and Walnut Streets
Philadelphia, Pennsylvania 19106

December 20, 1974

IN REPLY REFER TO:
3.4SE

Mr. Maurice D. Arnold
Regional Director, Bureau of Outdoor
Recreation-Northeast Regional Office
Department of the Interior
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Arnold:

Subject: Preliminary Draft Environmental Impact Statement (EIS)
Proposed Upper Delaware National Scenic and Recreational
River, Hancock, New York and Matamoras, Pa., DES 74-101

We have reviewed the subject Draft EIS and have the following questions with regard to your proposal:

1. On page 33 it is stated that "considerable environmental safeguards not generally included in traditional zoning ordinances" would be incorporated into the zoning ordinances. What are these safeguards and how will they be implemented? 1
2. Is it possible to be more specific with regard to types of proposed recreational development at this time? 2
3. Is it possible to expand the discussion of the pollution sources identified on page 18? Does a septic system exist or is discharge to occur directly into the waterway systems? This expanded discussion should relate the problem in both qualitative and quantitative terms and discuss the solutions currently being applied or proposed. Further, on page 18, it is indicated that these conditions will be corrected as Federal funds for pollution abatement become available. What funds are being sought? Are they considered adequate for the correction of the problem? 3

We appreciate the opportunity to comment on this Draft EIS. If you have any questions, please do not hesitate to contact me or members of our staff. We can be reached at 597-2603.

Sincerely,

James R. Treadwell
James R. Treadwell
Environmental Clearance Officer

RESPONSE TO COMMENTS BY THE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. These will be developed when the land use control measures are proposed, such as the protection measures discussed on page 8, i.e., screening development with vegetation, structural height restrictions, etc.
2. Details of the proposed recreation development will be prepared during the master planning by the National Park Service. Access and egress sites, camping, picnicking and sight-seeing facilities are envisioned at this time.
3. The discussion on pollution sources has been expanded in the section on water quality. Four small communities in New York (Hancock, Callicoon, Narrowsburg, and Barryville) are discharging inadequately treated sewage into the Delaware River and its tributaries. Funds to assess and to abate these pollution problems will need to be sought by State and local authorities.



United States Department of the Interior

BUREAU OF MINES
WASHINGTON, D.C. 20240

December 19, 1974

DES 74-101

Memorandum

To: Deputy Regional Director, Bureau of Outdoor Recreation,
Philadelphia, Pennsylvania

Through ~~Deputy~~ Assistant Secretary--Energy and Minerals

Deputy
DEC 27 1974

From: Director, Bureau of Mines

Subject: Draft environmental statement, Bureau of Outdoor
Recreation, proposed Upper Delaware National Scenic
and Recreational River


Our Eastern Field Operation Center, Pittsburgh, has reviewed the draft environmental statement for the proposed Upper Delaware National Scenic and Recreational River in Orange and Sullivan Counties, New York, and Pike and Wayne Counties, Pennsylvania. The proposal recommends that 75.4 miles of the Delaware River be included in the National Wild and Scenic Rivers System. The protected boundaries would be from ridge to ridge along the river valley to include approximately 75,000 acres.

The statement briefly discusses the geology of the project area, but there is no discussion of mineral resources nor existing and future production. A preliminary survey indicates that numerous sandstone quarries, over 20 both active and inactive, and sand and gravel pits are within the proposed area of designation. Several others are close by, within the drainage. The statement does not mention any of these. The statement does say (III, p. 35) that "... the recommendations do not affect the operation of existing... enterprises..." but it does not discuss the effect of the proposal on such probable situations as when an ongoing mining operation must extend its operation areally to remain in production, or when a currently inactive operation becomes active. Further, it does not discuss the restrictions that might be placed on operations that are adjacent to the project boundaries and within the drainage.

In view of the rather vague comment (VII, p. 47) that the project "... would preclude major... mining uses," and in view

Memo. to Deputy Regional Director, Bureau of Outdoor Recreation, Philadelphia, Pa., Subj: proposed Upper Delaware National Scenic and Recreational River

of the failure to discuss mineral resources and operations, we believe the statement is inadequate. It should be broadened (Section II) to discuss mineral resources and operations within and adjacent to the proposed project area. Sections III, V, and VII should be expanded to include discussion of the impact on mineral resources and operations.


Thomas V. Finkle
Director

RESPONSE TO COMMENTS BY THE
BUREAU OF MINES

1. This document has been expanded on pages 22 and 36 to include information on the mineral resources of the area. The Bureau of Mines furnished a map which indicates possible sites of active and inactive quarries. They then referred us to the U.S. Mining Enforcement and Safety Administration (MESA) for more recent information. Map and data furnished by MESA indicate that there are nine inactive quarries located within five miles of the study segment, one of these lies within the river corridor a few miles upstream from Callicoon, New York. The nearest active quarry to the study segment is a sandstone quarry located three miles away and outside of the river corridor along the East Branch of the Delaware River. Sixteen other sandstone and bluestone quarries and sand and gravel pits are located within the drainage basin and lie to the north and east of the study segment in New York within a radius of thirty miles. There is no indication that any of the inactive quarries or sand and gravel pits will be activated or that current mining activities will be expanded.

The proposal would have little or no effect on any future mining operations within the visual corridor, or current active mining operations outside the visual corridor, if they do not unreasonably diminish the values which make the river corridor worthy of preservation in the National Wild and Scenic Rivers System. Section 9 of P.L. 90-542 indicates that nothing in the Act shall affect the applicability of the U.S. mining and mineral leasing laws within components of the national wild and scenic rivers system except that (1) all prospecting, mining and other activities claims not perfected prior to inclusion of a river in the national system will be subject to the Secretary of the Interior's regulations; and (2) the issuance of a patent to lands within the system shall convey mineral and reasonable surface rights only and operations must be consistent with the Secretary of the Interior's regulations. Regulations issued pursuant to the above shall, among other things, provide safeguards against pollution of the river and unnecessary impairment of the scenery within the component. Furthermore, a recent New York State law requires that a mine operator file a rehabilitation plan each year when a thousand tons or more of material is removed by a mining operation.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

WASHINGTON, D.C. 20240

In Reply Refer To:
FWS/OBS/EA

JAN 23 1975

Memorandum

To: Regional Director, Northeast Region, Bureau of Outdoor Recreation
Acting Associate
From: Director, Fish and Wildlife Service
Subject: Upper Delaware (Pennsylvania and New York) Wild and Scenic
River Study -- Review and Comment on Draft Environmental
Statement (DES 74-101)

We have reviewed the subject environmental statement and offer the following comments in response to your request of November 12, 1974. For convenience, some of the comments are attached. The attachments include several comments, excerpted from our recent memorandums on the Upper Delaware and other Wild and Scenic River reports, which we also consider important in preparing the subject EIS.

1. Water Quality, pages 18 and 21. In the first paragraph (p.18), other pollution sources not mentioned include coal mine seepages and runoff and domestic sewage from residential development along the West Branch, downstream from the Cannonsville Reservoir. (Applicable also to paragraph one, page 37.)

Concerning the first paragraph (third sentence) on page 21, it is our understanding that both the Pepacton and the Cannonsville Reservoirs maintain a conservation release during periods of low flows (June - October). Before operation of Cannonsville Reservoir began in 1967, low-flow augmentation releases came from Pepacton causing the 20 degree temperature drop mentioned. Thereafter, low-flow augmentation releases have emanated almost exclusively from Cannonsville. We suggest that you qualify the sentence by indicating it was mainly true prior to 1967 and by indicating the effect of Cannonsville Reservoir releases since 1967.

The section on water quality should include a brief discussion, appropriately between the last paragraph on page 18 and the first paragraph on page 21, which provides assurance that maintenance and upgrading of



water quality standards by all concerned agencies is and will continue to be consistent with the tenets of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). The use of chemical pesticides within or adjacent to the study area should also be discussed briefly at this point in the text. Attachment I on these topics contains more detailed views which are excerpted from those provided in our recent memorandums of comment on wild and scenic river study reports, including the Upper Delaware.

2. Fish and Wildlife Resources, page 24. To better reflect the status of the American shad, we recommend substitution of our proposed text in Attachment II for the last two sentences, paragraph two, on page 24.

In sentence four, paragraph three, page 24, "moderate populations" would be better than "moderate amounts."

While the last paragraph on page 24 contains important statements on the species mentioned, we recommend substituting the paragraph in Attachment II. This will, we believe, improve the substance of the existing paragraph and make some necessary corrections, including elimination of "animal migrations see" in sentence one.

The Fish and Wildlife Resources section should contain a discussion of endangered and threatened species in the study area. An appropriate place for this discussion would appear to be at the end of the present text, page 24. Our memorandum to your Washington Office of June 26, 1974, providing material on these species, which revised our comments in an earlier memorandum of comment (5/24/74) on the proposed Secretarial report for the Upper Delaware, contains the information which should be included in the EIS, as well as the report draft. Attachment III is a copy of the June 26, 1974 memorandum. The substance of item one, and of item two of that memorandum except for the last two sentences, is the pertinent information. The excepted sentences apply to the Endangered Species Act of 1973, which is discussed in the recently-issued Secretarial memorandum mentioned.

3. On pages 53 and 54, "Bureau of Sport Fisheries and Wildlife" should be changed to "Fish and Wildlife Service" in accordance with a name change authorized by an Act of Congress last year.



Attachments

Water Quality

Water quality standards for the river must be consistent with the tenets of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500). Section 101(a) states that the objective of this Act is to restore and maintain the chemical, physical and biological integrity of the Nation's waters. Section 402 of the Act establishes a National Pollutant Discharge Elimination System under which discharges are controlled primarily through either technology-banned effluent limitations (Section 301) or water quality-related effluent limitations (Section 302). The technology-based effluent limitations guidelines for many industries have already been promulgated by the Environmental Protection Agency, as required in Section 306 of the Act. Guidelines for water quality criteria, as required in Section 304, have been issued in draft for review but have not yet been approved by EPA. These criteria will set standards of water quality believed adequate for the protection and propagation of fish, shellfish, and wildlife, and for recreation in the nation's waters. The more stringent of the two types of limitation will apply in any specific case.

Existing water quality standards for the river should be reviewed to assure that they provide for the highest level of water quality protection, consistent with these limitations, and upgraded if necessary. We believe the report should be strengthened by including a discussion of the water quality of the river in relation to the above mentioned provisions of P.L. 92-500.

* * *

Chemical Pesticides

If no data on use of chemical pesticides were found, a brief comment to that effect would be appropriate. If data were found, a summary of known facts and views about past and/or planned future use of chemical pesticides, including an assessment of effects on study area waters, lands, vegetation and fish and wildlife, and on the wild and scenic river proposal, is needed.

Concerning use of pesticides in the river area, if included in the national system, the text should state that:

The application of pesticides within or affecting the river corridor, including applications on forest, pasture, and cropland adjacent to the corridor, should comply with the Federal Environmental Pesticide Control Act of 1972 (P.L. 92-516). Consideration should be given to banning, in the above-named areas, the use of all pesticides classified as "restricted" under the act. Aerial spraying of any pesticide should be minimized, restricted to allow adequate buffer zones, or prohibited.

Substitute Language

For last two sentences, paragraph two, page 24:

The many riffles of the Upper Delaware are especially valuable for propagation of the anadromous American shad. According to recent studies, shad spawn in the study reach and in the East Branch to Fishes Eddy. They no longer inhabit the West Branch except minimally probably because of temperature variations caused by Cannonsville Reservoir releases, domestic sewage pollution, and stream bank development. Unfortunately, the shad population in the lower river and Delaware Bay is less than it once was mainly because of pollution, but current studies indicate an increasing population.

For the last paragraph, page 24:

Migrating woodcock utilize the wetlands, and large numbers of waterfowl and waterbirds find suitable resting areas on the open river. The montane wooded riverside habitat provides excellent cover for migrating raptorial and passerine birds. The river and adjacent uplands furnish suitable nesting habitat for the mallard, black duck, wood duck, American merganser, several hawk and owl species, and many passerine species. Uncommonly observed species in the area include the osprey and goshawk, the yellow-throated warbler, and the pine grosbeak. The usual complement of reptiles and amphibians common to the Middle Atlantic States and an occasional individual of the rare bog turtle species are also present.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
WASHINGTON, D.C. 20219

In Reply Refer To:
BSF/EA

JUN 25 1974

Memorandum

To: Director, Bureau of Outdoor Recreation

From: Director, Bureau of Sport Fisheries and Wildlife

Subject: Additional Comment on Delaware River (Pennsylvania and New York) Wild and Scenic River Study Report (our memorandum of May 24, 1974)

Some revisions should be made in item 2 (Wildlife) of our memorandum of May 24.

1. Paragraph two (pp. 3-4) should read: "The report should include a statement that in the area there are no known endangered or threatened species of fish and wildlife contained on the official lists of Worldwide Endangered Fauna and Worldwide Threatened Fauna, which are published by the Secretary of the Interior in accordance with the provisions of the Endangered Species Act of 1973. However, the study river segment constitutes part of the Delaware River habitat of a mollusk, Alasmodonta heterodon (the crossed-teeth clam). This species is a good candidate for inclusion on the official list of Worldwide Threatened Fauna, now being compiled for publication by the Secretary."
2. A paragraph should be added (either as a third paragraph at this point in the text, a paragraph on page 72 following the Vegetation section, or elsewhere if appropriate) which treats the following generalized thoughts on endangered and threatened animal and plant species: If the Delaware River is designated as a component of the National Wild and Scenic Rivers System, it should be administered with due attention to conserving the above-named threatened species candidate, as well as any other species, animal or plant, which thereafter may be officially listed as threatened or endangered, in accordance with the Endangered Species Act of 1973. Section 7 (copy enclosed) of that act generally illustrates the requirement of pursuing such activities by the Secretary and all other Federal agencies which may be involved. The act also provides for State participation in such activities.



(A Secretarial memorandum to all offices and agencies of the Department describing the responsibilities of those organizations in implementing the Endangered Species Act of 1973 will soon be issued.)

We regret the need to revise the comments in our memorandum of May 24.

Enclosure

cc:

Region 5 (ES)

FW

Directorate Reading File

Jerry J. Stigman

RESPONSE TO COMMENTS BY THE
FISH AND WILDLIFE SERVICE

1. The description of the water quality has been expanded to include information on domestic sewerage from residential development. There are no coal mines located in the study area and no mine drainage reaches the river corridor.
2. The statement concerning the 20-degree temperature drop at Hancock, New York has been modified to reflect the influence of releases from Cannonsville Reservoir on page 26.
3. The statement on pesticides furnished by the Fish and Wildlife Service in compliance with P.L. 92-516 has been included in the water quality section of this report. The use of pesticides in the river corridor will follow existing State and Federal regulations and would be included in the development of the land use control measures.
4. The information provided in Attachment II on shad has been incorporated into the descriptive section on page 19.
5. The correction has been made on page 19.
6. The information in Attachment II on waterfowl has been incorporated into the descriptive section on page 19.
7. A discussion of endangered and threatened species in the study area has been incorporated into the description section on page 19.
8. The necessary corrections have been made as appropriate.



United States Department of the Interior

NATIONAL PARK SERVICE

MID-ATLANTIC REGION
143 SOUTH THIRD STREET
PHILADELPHIA, PA. 19106

IN REPLY REFER TO:

L7619
(MAR)PFS

JAN 27 1975

Memorandum

To: Regional Director, Northeast Region, Bureau of Outdoor Recreation

From: *Acting* Regional Director, Mid-Atlantic Region, National Park Service

Subject: Review of Draft Environmental Statement - Delaware Wild and Scenic River

Our comments are as follows:

1. Description of the Environment

The discussion under the heading "Archeology and History" on pages 16 and 17, makes no reference to the National Register of Historic Places, and does not evidence compliance with the Historic Preservation Act of 1966. At least on property within the proposal, the Roebling Bridge, is listed on the National Register. The final statement should evidence consultation with the National Register and the State Historic Preservation offices of New York and Pennsylvania, and the application of the Advisory Council on Historic Preservation's Criteria for effect to any historical resources present in the proposal.

2. Environmental Impact of the Proposed Action

Under the heading, Impact on the Local Economy, on page 35, the land sentence notes that businessmen conducting recreation services under lease-back could be obligated to contribute payments in lieu of taxes for the municipal benefits they receive. It is our understanding that, unless state law prohibits the practice, the value of such a lease-back is subject to local property taxes.



Also, under the heading Impact on Water Resource Development on page 38, we note the statement that the proposal will have no impact on Corps of Engineers investigations since projects within the study area have been dropped from consideration for economic reasons. With a Congressionally-directed restudy of the Tocks Island Project now in progress, we suggest that the Corps of Engineers be asked to reaffirm the accuracy of this statement.

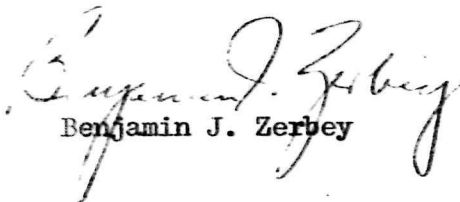
3. General Comments

In view of the key role to be played by the Delaware River Basin Commission in carrying out the recommended action, we feel that the final statement should contain evidence of the willingness of the Commission to carry out the functions assigned it in the proposal.

Finally, we note that under the recommended action, the National Park Service would be responsible for keeping recreation use in balance with the carrying capacity of the recreation resource. This agency would have authority to acquire some 450 acres of land initially, authority to acquire up to 1,000 acres of land as future needs and conditions warrant and subject to approval of an Upper Delaware Citizens Advisory Council, and authority to acquire easements within the protection boundary whenever it was found that land use regulations were not being adequately enforced or had become inoperative.

Recreational use of the river can be controlled only by controlling access points. The recommended action would give the managing agency authority to acquire control of existing access points. It would provide control over use of other riparian lands through local zoning or through acquisition of easements where zoning has become inoperative or is not enforced.

Since recreation, including boat or canoe launching and primitive camping, is widely regarded as a desirable use of flood plains; we wonder whether zoning or other land use control methods precluding such use would be upheld by the courts. If not, would the managing agency still retain authority to limit new accesses by acquiring easements. We feel that this question should also be addressed in the final statement.


Benjamin J. Zerby

RESPONSE TO COMMENTS BY THE
NATIONAL PARK SERVICE

1. Mention of the National Register of Historic Places has been added to the archeology and history section on page 15. The State Historic Preservation offices of New York and Pennsylvania have been contacted and their comments are included in this report. The Roebling Bridge has been identified on page 15, as listed on the National Register.
2. According to officials in Pennsylvania, State law prohibits or does not provide for leasebacks, being subject to local property taxes. In New York, Section 401 of the State Real Property Tax Law, indicates that such property would be exempt from taxation.
3. The Corps of Engineers has conducted a restudy of the Tocks Island Lake Project. If implemented, its backwater would extend upstream to the vicinity of Port Jervis. During flood stage, its water could extend up the main stem an additional mile to the vicinity of the downstream terminus of the study segment and three to three and one half miles up Neversink River. Some flood protection projects could be instituted in the vicinity of Port Jervis by the Corps, if the Tocks Island proposal is implemented.
4. The role that the Delaware River Basin Commission will have in the development and implementation of the land use control measures will be determined by the Governors of New York and Pennsylvania.
5. Future court rulings regarding use of flood plains can not be anticipated at this time. The Federal managing agency has authority to acquire land through easements where land use control measures are not being adequately enforced or have become inoperative. This would include authority to limit new access areas by acquiring easements.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

24 DEC 1974

Mr. Anthony M. Corbisiero
Deputy Regional Director
United States Department of the Interior
Bureau of Outdoor Recreation
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Corbisiero:

This responds to your letter, dated November 7, 1974, requesting our comments and views on the draft Environmental Impact Statement for the proposed Upper Delaware National Scenic and Recreational River.

We have no objections to the proposed action as described in the draft impact statement. We offer the following comments for consideration when preparing the final Environmental Impact Statement.

1. The draft Environmental Impact Statement (EIS) recommends a modification in the flow schedule from the Cannonsville, Pepacton and Neversink reservoirs to improve the water quality of the Upper Delaware. Since the quality of water supplied by the Pepacton and Neversink reservoirs to New York City is generally better than that available from the Cannonsville reservoir, the EIS should cover alternatives for improving the water quality in the Cannonsville reservoir. The State of New York and New York City might be more inclined to support the recommendation of a modification in the flow schedule if the quality of water available to the City would be comparable to that which it now receives. 1

2. The water quality of the study area may be seriously endangered by unregulated use of the tributaries to the study area. The final EIS should cover this situation and present the available alternatives. 2

3. The draft EIS states that facilities for the disposal of solid waste would be provided in the study area. The final EIS should also consider the disposal of liquid wastes as resultant water quality degradation could impair recreational opportunities. 3

4. Lastly, should the section of the Erie-Lackawana Railroad that parallels the proposed scenic and recreational stretch of the Upper Delaware be abandoned, it is recommended that right of way acquisition and use of the rail-bed as a bicycle and/or hike trailway be evaluated. 4

We have rated this draft EIS as LO-1 (see attached description of ratings) and hope that our comments will be helpful to you in preparing the final EIS.

Sincerely yours,

A handwritten signature in cursive script that reads "Sheldon Meyers".

Sheldon Meyers
Director
Office of Federal Activities

Attachment

Environmental Impact of the Action

LO--Lack of Objections

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER--Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU--Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1--Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2--Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3--Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft impact statement is assigned a Category 3, no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

RESPONSE TO COMMENTS BY THE
U. S. ENVIRONMENTAL PROTECTION AGENCY

1. It is agreed that the quality of the water of Cannonsville Reservoir should be upgraded. We also support the recommendations of the New York Department of Environmental Conservation's March 1974 report on the Proposed Alternative Releases for New York City Reservoirs.
2. The water quality criteria established by the States and the Delaware River Basin Commission will be utilized to assure adequate water quality of the tributaries, thus protecting the study area.
3. It is recommended that all methods of pollution abatement be utilized to assure a high standard of water quality, as noted above. Water quality criteria established by the States and the Delaware River Basin Commission will be utilized by the local communities and land owners in treating both solid and liquid wastes.
4. Additional information on possible abandonment of the Erie-Lackawanna line along the Upper Delaware has been added to the report on page 12. The most recent analysis by the United States Railway Association (February 26, 1975), discusses light density lines (questionable, lightly used) and either recommends that a line be included in CONRAIL or does not recommend that it be included. This analysis does not specify the Erie-Lackawanna line, thus it is assumed that the subject line is a main line and will be included in CONRAIL. We understand, therefore, that abandonment of the line is not being considered at this time. If abandonment does occur, any future suggestions for use of the right-of-way which conflict with the protection of the river environment would be discouraged by the proposed scenic and recreational river. An extensive analysis of proper use of the abandonment would be required to determine its best use and probable impacts upon the environment, including impacts upon the river corridor.

FEDERAL POWER COMMISSION
WASHINGTON, D.C. 20426

IN REPLY REFER TO:

DEC 19 1974

Mr. Maurice D. Arnold
Regional Director, Northeast Region
Bureau of Outdoor Recreation
Department of the Interior
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Arnold:

This is in reply to the letter from the Deputy Regional Director, dated November 7, 1974, addressed to the Commission's Advisor on Environmental Quality, inviting comments on the draft environmental statement for the proposed Upper Delaware National Scenic and Recreational River. The proposed Federal action is the designation of 75.4 miles of the Upper Delaware River, between Hancock, New York, and Matamoras, Pennsylvania, as a component of the National Wild and Scenic Rivers System.

These comments of the Federal Power Commission's Bureau of Power are made in accordance with the National Environmental Policy Act of 1969 and the August 1, 1973, Guidelines of the Council on Environmental Quality. Our principal concern with proposals affecting land and water resources is the possible effect of such proposals on bulk electric power facilities, including potential hydroelectric developments, and on natural gas pipeline facilities.

The Commission has previously reviewed the proposed report on the Upper Delaware River wild and scenic river study. In its letter to the Secretary of the Interior, dated April 22, 1974, (copy enclosed) the Commission noted that, in the river segment proposed for recreational or scenic designation, there are a number of known sites for the potential development of conventional and pumped storage

hydroelectric power. The Commission also noted that there are two existing natural gas pipelines which cross this river segment.

The draft environmental statement discusses the river's conventional hydroelectric power potential but concludes that all projects have been dropped from consideration for economic reasons. The discussion should also mention the river's pumped storage hydroelectric power potential. The statement does not discuss the existing natural gas pipelines. Apparently, the proposed action would not affect the continued operation and maintenance of the existing pipeline facilities.

Very truly yours,


T. A. Phillips
Chief, Bureau of Power

Enclosure: Copy of letter to
the Secretary of the
Interior, dated 4/22/74

RESPONSE TO COMMENTS BY THE
FEDERAL POWER COMMISSION

1. Additional information on conventional hydroelectric power potential has been included on page 29 in the section entitled Water Resources Management and Development and on page 42 in the section entitled Impact on Water Resource Management and Development of Chapter III. Development of the discussed power facilities would be foregone if the proposed action is approved by the Congress.

Continued operation and maintenance of the existing natural gas pipeline will continue as long as it does not adversely affect the river corridor.

18 DECEMBER 1974

REGIONAL DIRECTOR
BUREAU OF OUTDOOR RECREATION
600 ARCH STREET
PHILADELPHIA, PENNSYLVANIA 19106

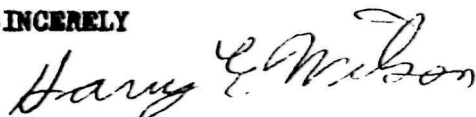
DEAR SIR

REF: DRAFT ENVIRONMENTAL STATEMENT-PROPOSED UPPER
DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER
INT DES 74-101

I AGREE WITH THE STATEMENT AS WRITTEN AND AGREE THAT
THE UPPER DELAWARE RIVER SHOULD BE DESIGNATED AS PART
OF THE NATIONAL SCENIC AND RECREATIONAL RIVERS SYSTEM.

THE MAP ON PAGE V SHOULD SHOW THE LOCATION OF THE DELAWARE
WATER GAP NATIONAL RECREATION AREA IN RELATION TO THE
PROPOSAL. | 1

SINCERELY



HARRY E. WILSON
POLARIS MATERIAL OFFICE
CHARLESTON, SOUTH CAROLINA 29408

RESPONSE TO COMMENT BY THE
POLARIS MATERIAL OFFICE

1. The location of the downstream end of the Delaware Water Gap National Recreation Area is some 50 miles downstream from Matamoras, Pennsylvania. The upstream end would extend to the vicinity of Matamoras.



TENNESSEE VALLEY AUTHORITY

CHATTANOOGA, TENNESSEE 37401

December 13, 1974

Mr. Anthony M. Corbisiero
Deputy Regional Director
Bureau of Outdoor Recreation
Federal Building, Room 9310
Philadelphia, Pennsylvania 19106


Dear Mr. Corbisiero:

We have reviewed the draft environmental impact statement on the Upper Delaware Wild and Scenic River Study accompanying your November 7, 1974, letter.

We are very much interested in this concept and in how it is to be implemented. Our principal observation is that water quality in the main river will be partially dependent upon tributary area water and land use management as was recognized on page 37 of the draft environmental impact statement.

We appreciate the opportunity to review this draft environmental impact statement.

Sincerely yours,


Peter A. Krenkel, Ph.D., P.E.
Director of Environmental
Planning

DEPARTMENT OF ENVIRONMENTAL RESOURCES
SUMMARY OF REVIEW AND EVALUATION

PSCH No.: 74-11-3-002

TITLE: A proposal - Upper Delaware
National Scenic & Recreation
River

DATE: January 6, 1975

LOCATION: Upper Delaware River - between
Hancock, N.Y. and Matamoras, PA.

The following comments are made based on the review and evaluation of the submitted project.

1. We have reviewed the proposed project, "A Proposal - Upper Delaware National Scenic and Recreational River by the U.S. Department of the Interior" and have the following comments.

2. The Department of the Interior proposal recommends that 75.4 miles of the Upper Delaware River between Hancock, New York and Matamoras, Pennsylvania be included in the National Wild and Scenic Rivers System. The proposed project would preserve the existing scenic, recreational, and historic values; fish and wildlife; and water quality of the area. The river also is "free-flowing". We believe the Pennsylvania portion of the Upper Delaware River from the Pennsylvania - New York border to Matamoras, Pennsylvania meets the National Wild and Scenic Rivers System criteria. The proposed project will be generally equivalent to a very large carefully managed park. The proposed project is separate and upstream of the proposed Tocks Island project.

3. There will have to be considerable close coordination between our Department, Department of the Interior, Delaware River Basin Commission, New York and other agencies, and local people since the Department of the Interior's proposal contains many environmental, technical, administrative, socio-economic and other items which need discussion, clarification and/or possible revisions to avoid conflicts with Pennsylvania's environmental laws, rules, regulations and on-going programs. The Department of the Interior proposal also partially envisions phased land management; temporary moratorium on further subdivision and development; adoption of local zoning ordinances; local implementation of land use guidance systems; Bi-State Agreement between Pennsylvania and New York for management of a river corridor, as well as other important items. Pennsylvania's Comprehensive Water Quality Management Program (COWAMP) and Pennsylvania's Scenic Rivers System will be considering many of the same items which are outlined in the Department of the Interior proposal. Pennsylvania has established and adopted a conservation stream use designation for tributaries to the Upper Delaware River Basin between the Pennsylvania New York border to Matamoras in Pennsylvania. A change in water quality in a conservation area, which could be produced by the development, is only permitted after social and economic justification can be clearly shown. Pennsylvania does not have a specific land use policy at this time, but land use will be considered as part of COWAMP and the Pennsylvania Scenic Rivers System.

4. The draft environmental statement of the Upper Delaware is quite comprehensive and detailed, however, we would like to offer the following comments for consideration.

- A. Page 8: should be a map of the river segment from Parker's Glen to Matamoras. | 1
- B. The number and location of information center(s) that will be needed to properly and effectively disseminate information to users of this 75.4 mile segment of the Delaware River should be determined. | 2
- C. Current Pennsylvania policy is oriented toward the Federal Management alternative with all responsibilities for planning, acquisition, development and management of the river area assigned to the National Park Service. | 3
- D. Brief mention is made of the Pennsylvania Statewide Recreation Plan on Page 11. However, we believe that for a project of this size and significance, direct and substantial coordination must be effectuated with Pennsylvania's recreation planning process to insure its viability within Pennsylvania's recreation picture. | 4
- E. Page 34: The third paragraph should include not only canoeists and Canoes but also bicycles and bicycle enthusiasts. | 5
- F. Page 36, Paragraph 3: The local tax authority should also recognize the possible affects of property appreciation on the local poor to insure that they are not pushed out by increases in local taxes due to property appreciation. | 6
- G. Page 38: In reference to the land and water protection measures, no mention is made that the west shore of the Upper Delaware in Pennsylvania is a Bureau of Water Quality Management Conservation Area. | 7
- H. Page 39, Paragraph 2: Why should any construction even low density be allowed in the undeveloped sections of the corridors, unless it is predetermined to have no adverse impact on the land and its scenic quality. | 8
- I. Some of the impacts (Nos. 3, 5 & 6) listed in Section V on Pages 43 & 44, could be considered a favorable impact of the proposal and should be listed as such rather than listing under unavoidable adverse environmental impacts. | 9
- J. Page 43, No. 4: This must be a stronger statement, i.e., delete word "probably" in third sentence. | 10
- K. Page 44, No. 8: It would seem a deficiency to recognize potentially disastrous upstream situations which could destroy the very amenities that this proposal is trying to protect and not offer probable solutions. The Delaware River Basin Commission is probably the only interstate organization that could help coordinate upstream protection responsibilities, in order to insure the protection of the Upper Delaware. A mechanism to ensure upstream protection should be a part of this proposal. | 11
- L. The section on Topography and Geology notes the existence of "valleys filled with thick outwash" in the subject area. However, it fails to mention that this thick outwash is an important mineral resource, constituting the only major source of construction sand and gravel in the region. Any | 12

11. Protection of the upstream area is important in protecting the river corridor. This will be considered in the development of the land use control measures by the Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, in cooperation with local governments. The Delaware River Basin Commission is currently cooperating with the New York Department of Conservation in helping to develop a comprehensive water-based outdoor recreation plan for the Upper Delaware River Basin.
12. It is anticipated that mining operations for sand and gravel would not occur in areas or by methods that would adversely affect the river corridor.



PENNSYLVANIA FISH COMMISSION
HARRISBURG
DECEMBER 11, 1974

December 5, 1974

Mr. Richard A. Heiss
State Clearinghouse Coordinator
624 Capitol Building
Harrisburg, Pennsylvania 17120

Re: 74-11-3-002; DES 74-101
A Proposal, Upper Delaware
National Scenic and
Recreational River

Dear Mr. Heiss:

The proposal for designating the upper section of the Delaware River as a national scenic and recreational river has been reviewed by the Pennsylvania Fish Commission.

We enthusiastically endorse this proposal and hope that this valuable 75 mile section of river becomes part of the National Wild and Scenic Rivers System. This beautiful river should be protected and its inclusion in the system will certainly be an important step in insuring that it will be protected.

The statement regarding Lake Wallenpaupack at the top of page 14 is no longer correct as Raystown Dam in Huntingdon County is larger than Wallenpaupack and will have a recreational pool of 8300 acres when full, hopefully next spring.

We believe Pennsylvania should endorse this proposal and work towards it becoming a reality.

Sincerely,

A handwritten signature in cursive script, reading "Jack G. Miller".

Jack G. Miller, Chief
Fisheries Environmental Services

JGM:dms

cc: Wilbert Hobbs
Delano Graff
Robert Hesser
Richard Marshall

11. Protection of the upstream area is important in protecting the river corridor. This will be considered in the development of the land use control measures by the Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, in cooperation with local governments. The Delaware River Basin Commission is currently cooperating with the New York Department of Conservation in helping to develop a comprehensive water-based outdoor recreation plan for the Upper Delaware River Basin.
12. It is anticipated that mining operations for sand and gravel would not occur in areas or by methods that would adversely affect the river corridor.



PENNSYLVANIA FISH COMMISSION
HARRISBURG
DECEMBER 5, 1974

December 5, 1974

Mr. Richard A. Heiss
State Clearinghouse Coordinator
624 Capitol Building
Harrisburg, Pennsylvania 17120

Re: 74-11-3-002; DES 74-101
A Proposal, Upper Delaware
National Scenic and
Recreational River

Dear Mr. Heiss:

The proposal for designating the upper section of the Delaware River as a national scenic and recreational river has been reviewed by the Pennsylvania Fish Commission.

We enthusiastically endorse this proposal and hope that this valuable 75 mile section of river becomes part of the National Wild and Scenic Rivers System. This beautiful river should be protected and its inclusion in the system will certainly be an important step in insuring that it will be protected.

The statement regarding Lake Wallenpaupack at the top of page 14 is no longer correct as Raystown Dam in Huntingdon County is larger than Wallenpaupack and will have a recreational pool of 8300 acres when full, hopefully next spring.

We believe Pennsylvania should endorse this proposal and work towards it becoming a reality.

Sincerely,

A handwritten signature in cursive script that reads "Jack G. Miller".

Jack G. Miller, Chief
Fisheries Environmental Services

JGM:dms

cc: Wilbert Hobbs
Delano Graff
Robert Hesser
Richard Marshall

RESPONSE TO COMMENTS BY THE
PENNSYLVANIA FISH COMMISSION

1. Lake Wallenpaupack is now the second largest body of water entirely within Pennsylvania.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
P. O. Box 1026, HARRISBURG, PENNSYLVANIA 17120

EXECUTIVE DIRECTOR

December 3, 1974

Mr. Anthony M. Corbisiero
Deputy Regional Director
United States Department of the Interior
Bureau of Outdoor Recreation
Northeast Regional Office
Federal Building - Room 9310
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Corbisiero:

We have reviewed the Draft Environmental Impact Statement for the Upper Delaware Wild and Scenic River Study prepared by the Bureau of Outdoor Recreation. We do not believe that the inclusion of that section of the Delaware in the Wild and Scenic program will have any appreciable effect on any site included on or eligible to be on the National Register of Historic Places within our jurisdiction. Thank you for consulting us on this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "W. J. Wewer".

WILLIAM J. WEWER



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

PATRICIA Q. SHEEHAN
COMMISSIONER

December 6, 1974

363 WEST STATE STREET
POST OFFICE BOX 2768
TRENTON, N.J. 08625

Mr. Anthony M. Calisiero
Deputy Regional Director
US Dept. of the Interior
Bureau of Outdoor Recreation
Northeast Regional Office
Room 9310
600 Arch Street
Philadelphia, Pennsylvania 19106

RE: Our File #OSRC-FY-75-309

Dear Mr. Calisiero:

In accordance with the U. S. Office of Management and Budget Circular A-95 Revised, your Environmental Impact Statement for the Upper Delaware National Scenic and Recreational River designated OSRC-FY-75-309 has met the State of New Jersey Clearinghouse requirements.

We have circulated this Project Notification to the appropriate State agencies, none of which have voiced any objections.

Very truly yours,

Sidney L. Willis
State Review Coordinator
Division of State and
Regional Planning

SLW:1f



~~NEW YORK STATE~~
Commissioner
Ogden Reid

New York State Department of Environmental Conservation

6 Wolf Road, Albany, New York ~~12201~~ 12233

February 10, 1975

Mr. Maurice D. Arnold
Regional Director
Northeast Regional Office
Bureau of Outdoor Recreation
U.S. Department of the Interior
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Arnold:

The New York State Department of Environmental Conservation (DEC) has completed review of the Draft Environmental Statement for the proposed Upper Delaware National Scenic and Recreational River.

Although we support the designation of the Upper Delaware as a National Scenic and Recreational River, we believe that the Draft Environmental Statement provides insufficient information on environmental considerations. Incorporation of studies by this Department and the Upper Delaware Water Resources Planning Board on proposed alternative releases from New York City reservoirs as well as, the investigations that DEC's Division of Fish and Wildlife has been pursuing since 1973, would provide considerably more information on environmental aspects.

The attached comments contain general recommendations for modifying the proposal followed by specific comments on the text of the statement.

Sincerely,

Terence P. Curran
Director of Environmental Analysis

cc: T. Eichler
A. Baskous
H. Doig
J. Shafer

DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PROPOSED
UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER

General Comments

While there is strong support for the designation of the Upper Delaware as a National Scenic and Recreational River, in five alternating scenic and recreational segments as proposed in the Bureau of Outdoor Recreation's study report, it has been recommended by the State of New York that the details of this proposal be modified as follows:

Comprehensive Management Plan

Following designation, the National Park Service should be charged by the Secretary of Interior with the administration of the Upper Delaware and, as the lead agency, should prepare a comprehensive management and development plan. As prescribed by P.L. 90-542, this plan will be prepared in accord with the approved classification scheme for the river segment. It will include recommendations for boundaries for the area.

Detailed recommendations regarding the need for and the extent of land acquisition -- whether in full fee or partial interest -- facilities development, and the specific requirements of a land use guidance system are all contingent upon development of this detailed plan which, by law, must be prepared within one year after designation. These are facets of management which are interrelated and necessarily must flow from the plan.

Administration

The National Park Service, as the administering agency, should have a major role, working in cooperation with the States and the local governments, in all aspects of planning and management for the area, including development of a land use guidance system for the Upper Delaware corridor. It is not practical to separate so-called "recreation management" of the corridor from an overall coordinated program of land management as recommended in the proposal.

As an agent of State governments and the Federal government, the Delaware River Basin Commission should assist in these matters as necessary and desirable. It is not appropriate that DREC assume a lead role in either planning or management of the river corridor for this purpose.

A Citizen's Advisory Council should be established. Its purpose should be to advise the Secretary of the Interior, the States, and the local governments. Therefore, the proposal should be modified to allow for a more representative citizen body, with more citizen members and elimination of agency representatives.

Land Management

We support the concept of ridge to ridge protection throughout the river corridor and agree that a land use guidance system should be developed and implemented to help accomplish this. However, as stated, this should be done by the NPS. Selective full fee acquisition for river-related facilities and acquisition by easement of strategic parcels for purposes of corridor protection should proceed within this framework. 6

The Secretary of the Interior, through the National Park Service, should move expeditiously in a cooperative effort with State and local governments and assisted by the Delaware River Basin Commission, to develop and implement the land use guidance system. 7

The development of the land use guidance system should be an integral part of the comprehensive planning to be undertaken by the National Park Service. The proposal should be more specific, however, about what is meant by a "land use guidance system." 8

The proposal in the study report for a moratorium on subdivision development should be revised to state that in the interim period governmental agencies at all levels should exercise their respective authority to regulate various public and private proposals for development, with appropriate consideration for their impact on the integrity of the designated area. 9

Acquisition and Development

As proposed, the general concept of nodal management is valid. Development of access points and acquisition of easements on key tracts, to effect control, can be accommodated under this concept. However, the recommendations in the study report on acquisition should be revised to provide that the Secretary of the Interior should be authorized to acquire land in full fee or in partial interest in accord with the recommendations of the National Park Service's comprehensive management plan, but in no case to exceed the limits set by P.L. 90-542.

Considering that acquisition and development plans necessarily must flow from a comprehensive plan for the corridor, yet to be prepared, the recommendation for 450 acres of full fee acquisition initially and up to 1,000 acres in the future, plus acquisition of easements as appropriate, seems premature. The 1,000 acre restriction seems particularly inadvisable. More or less full fee acquisition may be needed depending on the results of a more detailed analysis of property ownership and land use conditions as well as on the final plan and the recommended mix of land use controls, easements and full fee acquisition. While initial development should be limited to improvements at existing sites and the establishment of two information centers, one at each end of the study segment, some additional acquisition may be necessary at existing sites to accommodate improvements or to provide for sanitary facilities every 10 miles as recommended. The Congressional authorization for the Secretary of the Interior's administration of the area should be broad enough to encompass these needs, as well as to allow for provision of additional access points if it is determined that they are needed, and for acquisition of easement as strategic parcels as determined in the course of comprehensive planning. 10

Land in the corridor is now 96 percent in private ownership. Insofar as it is compatible with the comprehensive management plan, land should be retained in private ownership wherever possible. This should be stated clearly as policy throughout the planning and management phases. Any contemplated purchases by the National Park Service, in full fee or partial interest, and any proposal for development of facilities, should be reviewed by the States, the affected local governments, and the Citizens Advisory Committee. This review should not be limited to full fee acquisition proposals.

Specific Comments

p. 2 This is the first reference we have noted to the effect that there is an estimated 75,000 acres within the proposed ridge-to-ridge protection boundary. We would question the accuracy of this figure.

pp. 9 - Previous comments on the study proposal apply. In addition we wish to
11 emphasize again that it is not an appropriate role for the DRBC to "promulgate zoning guidelines.... acquire easements," as stated on p. 9. The proper role for DRBC is that of an agent of the States and the Federal government and in that role it should assist NPS and the States and local governments in developing a land use guidance system. Moreover, easements should not be looked upon as an alternative to zoning, as implied in this sentence. These land use controls complement each other and should be used conjunctively.

Similarly, at the bottom of page 9, the DRBC role should be to assist NPS and the States and local governments in the implementation of the system.

On page 10, we believe that the designation by Congress of the Upper Delaware carries with it a responsibility for the Federal government to begin detailed planning for management of the river corridor more directly, not merely to wait until the Secretary of the Interior finds that a "process for adequate land protection has been achieved" - whatever that vague phrase may mean - and then have the Secretary direct NPS to assume "recreation management responsibilities." This lack of precision in defining leadership responsibility could delay real action on the Upper Delaware indefinitely.

On page 11, the statement about "probably" purchasing private commercial facilities and leasing them back was not in the study proposal. We find this to be highly conjectural and unnecessarily inflammatory of local public opinion.

Also on page 11, please note again our previous remark to the effect that the use of easements and land use regulations are not mutually exclusive, but rather are mutually reinforcing. The easement device should be used wherever definitive long-term scenic protection is critically needed, regardless of whether or not zoning is in force.

16

- 11 - More specific mention, other than in relation to the SCORP, should be
12 made of the fact that both New York and Pennsylvania have State Wild, Scenic and Recreational River Systems. In New York, the Upper Delaware and the East and West Branches are mandated for study by law and the State Department of Environmental Conservation is required to make recommendations on this to the Governor and the Legislature this year.

17

Under the DWGNRA discussion it also would be useful to point out that designation of the Upper Delaware as a National Scenic and Recreational River would complement the DWGNRA.

18

Under the paragraph on the Temporary Commission for the Catskills, it would be important to point out that the Catskill Center for Conservation and Development, a private organization, has recently completed reports on the East and West Branch of the Delaware to provide a basis for their consideration for designation in the State system of wild, scenic, and recreational rivers. Also, speculative conclusion about inclusion of the Upper Delaware not being consistent with the Commission's objectives should be deleted. The Commission is concerned with all aspects of land use and development in their area.

19

There also should be a paragraph here on the Upper Delaware River Basin Regional Water Resources Planning Board. This Board, like others in the State, is comprised of local residents, and receives staff services from the State Department of Environmental Conservation. The Board's work on a comprehensive plan for management of water and related land resources is now at the stage of drafting recommendations on major issues. This will include recommendations on the designation of the Upper Delaware as a national Recreational and Scenic River and on the possibility of designation in the State system. References should be made to the Board's proposed Alternative Releases Report.

20

- 18 The paragraph on Water Quality should be corrected to read (3rd line, p.18) "... there are inadequately treated discharges of sewage into the Delaware River and its tributaries."

21

- 21 Upper Stream Flow: This should be revised based on information developed in the proposed Alternative Releases Report and the work undertaken by the Division of Fish and Wildlife and canoeist organizations.

22

- 22 The section on Water Rights should be amended to note that the State of New York has taken steps to meet recent recommendations concerning adoption of a reservoir flow schedule by the State and New York City. Proposals for alternative releases were published in March, 1974, in a report prepared by the Department of Environmental Conservation for the Upper Delaware River Regional Water Resources Planning Board. Discussions are being held between the State and the City.

23

- 23 Under Water Resources Development: Change this to Water Resources Management and Development and include the proposed Alternative Releases Report.

24

Under Fish and Wildlife: The latest work of our Fish and Wildlife people should be included

p. 28

The use of the 363.9 acre/mile figure for the land use analysis does not relate very well to the figure of 75,000 acres (1,800 a./mile) used on page 2 of the draft EIS.

p. 32

The focus on the solid waste problem should be broadened to include attention to the problem of litter control all along the river. (This is mentioned on page 41.) Also, an additional paragraph should be included in this section on the subject of sanitary facilities along the river inbetween access points. This is an even more serious problem than the litter. It also should be discussed on p. 37 under Water Quality.

p. 33

The first paragraph should be expanded to give more insight into what is meant by "environmental safeguards not generally included in traditional zoning ordinances." What would these do beyond the many environmental controls already established by the State of New York?

The last sentence in the second paragraph should be modified to read "... but would not be permitted to erect new structures except under variance procedures which would insure conformance with the aesthetic values associated with management of the river corridor. (Example: If a dwelling burns, NPS would allow its replacement in conformance with certain general principles. Anything short of this would amount to an illegal taking.)

p. 34

Mention of the abandonment possibilities for the rail line between Port Jervis and Hancock should include some reference to the possibility for a recreation trail.

p. 35

The use of the word "eroded" (4th line from bottom of page) seems a bit heavy. Use "affected" instead.

p. 36

The second paragraph, on development rights, is much too strong. The taking of a "conservation easement," which is a more palatable term than "acquisition of development rights," does not remove acreage from "all but the minimal assessment category." Rather it insures that the land will be taxed at its current use rather than at the so-called "highest and best" use (speculative market value). Further, this current use value will appreciate, as you point out in the next paragraph, probably more rapidly under the terms of the proposal because inclusion in a national riverway will make the land more unique and desirable. Moreover, again we point out that acquisition of easements is not an alternative to zoning but a complementary tool to be used sparingly on key parcels where full fee acquisition is not needed. Finally, the cost of buying easements on thousands of acres, as the report suggests, would be prohibitive. Most of this land would cost about 75% of the full fee acquisition value.

The fourth paragraph seems to disregard the passage of the Flood Disaster Protection Act of 1973 and the New York State law which requires the Department of Environmental Conservation to prepare and administer local flood plain ordinances in the event that municipalities do not meet Federal requirements.

- p. 37 2nd paragraph; see our previous comments re Delaware reservoir releases, p. 22. Also modifications to the flow schedule for Cannonsville, Pepacton and Neversink Reservoirs should not be under Water Quality. Should be under the impact on Water Resources Management and Development on page 38. Increased releases would also have a significant impact on fish and wildlife and canoeing in the area. 33
- p. 41 5th paragraph; same comment re reservoir releases, p. 37 and p. 22. 34
- 6th paragraph; the land use guidance system should be developed by NPS, with the cooperation of the States, local governments, and DRBC. Also, this paragraph seems to be the first place in the EIS where it is stated that NPS will develop a recreation "plan," as contrasted with management policies and procedures to be developed after the Secretary is satisfied with that there is an adequate land protection process. Further, this is the first time it is mentioned that the guidance system and the recreation planning would be done simultaneously and that they will take two years to complete. The Federal law seems to require that the plan be done in one year. 35
- p. 43 Items 1 and 2 should be modified to reflect the fact that the damage from controlled visitor use may be less than that from the presently uncontrolled visitor use. 36
- Items 4 and 5 do not belong here, but rather should be under Section VII on Irreversible Commitments of Resources. 37
- p. 44 Item 8 is not on adverse impact which may result from implementation of the proposal. It is a problem which will have to be resolved with or without implementation of the proposal. 38
- p. 45 4th paragraph; see previous comment regarding Flood Disaster Protection Act of 1973, p. 36. 39
- p. 49 - Statement that DRBC should operate and manage land and resources facilities is questionable. Also, under Impacts on page 50, we disagree that any additional authority should be given to the DRBC to regulate land use. 40
- p. 50 In the third paragraph it is stated that Federal management would result in a substantially larger Federal financial commitment. It should be understood that this does not necessarily follow. Federal management of the corridor implies leadership in planning and management by whatever means, including full use of State and local zoning and other regulatory authority. It does not mean more acquisition. 41

REGIONAL COMMENTS

Much of what is covered in the report is a factual picture of what the area is and the expected changes over the next several decades, however, this proposal has prompted several specific comments.

Within this Upper Delaware River corridor lies the Lordville deer wintering complex from Hancock east to the Sullivan County line. This is a wooded wintering area with a deer carrying capacity that can be maintained and even increased by commercial and non-commercial forest cutting. There is also 982 acres of state owned land situated partially within this corridor which should be managed in the future. These forest management practices are somewhat contrary to the declared intent of this scenic and recreational river proposal, but a policy of selective harvesting within the perimeter area under the jurisdiction of Department of Environmental Conservation would insure proper forest management without greatly compromising this proposal for designation as a component of the National Wild and Scenic Rivers System. 42

The discussion of the impact of Cannonsville Reservoir on the Delaware River flows (page 21, 2nd paragraph) is not clear. Perhaps a comparison of mean monthly flows before and after Cannonsville Reservoir construction would serve to clarify this paragraph. The section on water rights (pages 22 and 23) should consider and discuss the fact that excess release flows in the Delaware River are decreasing. In addition to the basic flow requirements of 1750 cfs at Montague, the Decree stipulated that a greater flow be maintained from June 15 to March 15 each year. Between 1968 and 1970, this so called excess release flow was at 2,650 cfs. Since 1970 the flow requirement has been reduced to 2140 cfs. Ultimately the year around minimum flow requirement will be reduced to 1750 cfs. 43

Conversely, is the possible situation that New York City would draw even more from the Delaware River Watershed, accentuating further the flow problem downstream in the area encompassed by this proposal.

Of interest is the stated need for strict zoning and land use control. This will undoubtedly cause much furor at the local government level. It is stated that control will not be established on the tributary streams but later on states that uses inconsistent with the Wild and Scenic Rivers Act would be excluded. 44

It should be noted that this proposal recommends that the National Park Service administer fishing access sites currently under the jurisdiction of D.E.C. 45

RESPONSE TO COMMENTS BY THE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. The Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, and with the cooperation of local governments should take the lead in developing and implementing necessary land use control measures in order to assure preservation of existing environmental values and permit the type of development that would be compatible with its designation as a scenic and recreational river.
2. After the Secretary of the Interior determines that adequate land use protection measures have been implemented in the river corridor to preserve the values associated with the river's classification, the National Park Service should be assigned primary responsibility for management of recreation on the designated segment of the river and leadership in the development within one year of the effective date of designation of a master plan outlining the acquisition, development, and maintenance program for recreation management.
3. The National Park Service would have primary responsibility for recreation management of the designated river segment, development of a master plan for the river corridor, and in charge of the acquisition program.
4. The Delaware River Basin Commission will be involved in the protection of the river corridor along with State and local governments. The DRBC should place a temporary moratorium on development permits until adequate land use control measures are developed by the Governors of the States, jointly or through DRBC, and with the cooperation of local units of government.
5. An Upper Delaware Citizens Advisory Council would be established to encourage maximum public involvement in the land use and recreational management processes and to cooperate in the development of land use control measures. Its primary purpose should be to advise the Secretary of the Interior and the Governors of the States on matters affecting the river environment. The Council's membership should consist of: one representative from Delaware County and one from Orange County; two representatives each from Sullivan, Wayne and Pike Counties, (all county representatives should be residents of riverfront townships); and two members appointed by the Secretary of the Interior to represent river recreation use groups at large.

6. Land use control measures will be developed by the Governors of the States, jointly or through the DRBC, and with the cooperation of local governments within the ridgeline to ridgeline protection zone. The National Park Service would acquire 20 existing recreation sites and land for two information centers at the termini, totaling 400 acres by full title purchase and donation. The National Park Service would be authorized to acquire up to an additional 1,000 acres with approval of the Citizen's Advisory Council as future needs and conditions warrant.
7. Land use control measures will be developed by the Governors of the States, jointly or through the DRBC, and with the cooperation of local governments after a temporary moratorium is placed on development permits by DRBC and after the enactment and enforcement of strong zoning ordinances by local governments.
8. The term "land use guidance system" has been replaced by "land use control measures", which is in common usage. The land use control measures will include such land use management techniques as building codes, flood plain and other zoning, utilities rights-of way, water and sewage line permits, plant and dwelling sightings, signs, refuse and sanitary landfills, mining, farming, lumbering, etc.
9. The DRBC would lift the temporary moratorium on development permits within each political jurisdiction having the power to zone whenever the governmental unit instituted effective land use controls sufficient to protect the river environment. Many of the local governments along the study segment area, in fact, are currently in the process of instituting subdivision regulations.
10. The National Park Service would acquire 20 existing recreation sites and land for two information centers at the termini, totaling 450 acres in full title purchase and donation. The National Park Service would be authorized to acquire up to an additional 1,000 acres with proposal of the Advisory Council as future needs and conditions warrant.

Extreme care would be taken in the location of facilities, with primary emphasis upon retention of the existing environmental setting at the site being altered. Separate environmental assessments would precede any such construction activity.

The intent of the proposed recommendation is to protect the river corridor by land use control measures with a minimal amount of acquisition by the Federal government. In limited cases where land use regulations are not being adequately enforced or have become inoperative, the National Park Service would be authorized to acquire easements, either by negotiation or eminent domain, within the protection zone.

11. The amount of acreage in the ridge to ridge protection zone has been estimated. The exact amount of acreage will be determined upon completion of the master plan.
12. The report has been revised to indicate that the zoning guidelines would be developed by a cooperative State, the Delaware River Basin Commission, local governments, and the National Park Service effort. National Park Service would be authorized to acquire easements in cases where the land use control measures are not being adequately enforced or have become inoperative.
13. Delaware River Basin Commission's primary role would be to not issue any permits which could lead to further development within the protection boundary and to cooperate with States and local governments in developing land use control measures.
14. As a part of the development of the land use control measures, guidelines would be provided to assist in the development of said measures, leading toward the determination by the Secretary as to whether adequate land protection measures have been made. Once the land use control measures have been approved by the Secretary, he will direct the National Park Service to begin preparation of the master plan to be completed in one year.
15. The statement, that commercial recreation developments which do not conflict with river management objectives may be purchased and leased back for continued private operation, is now included in the final report.
16. This proposal limits the National Park Service in utilizing acquisition by easement to areas where land use regulations are not being adequately enforced or have become inoperative. For areas of critical importance to protect scenic, historic, archeologic and other values, the National Park Service is authorized to acquire up to an additional 1,000 acres in fee title with approval of the Citizens Advisory Council.
17. Mention of the Pennsylvania and New York State Wild and Scenic River Systems, including the fact that the East and West Branches are mandated for study by law by the New York State Department of Environmental Conservation has been incorporated in the report.

18. Designation of the Upper Delaware in the national system would complement existing recreational areas in the vicinity of the study area.
19. Mention is made of the Catskill Center for Conservation and Development on page 11.
20. Mention is made of the Upper Delaware River Basin Regional Water Resources Planning Board and its policies and recommendations concerning the Upper Delaware River on page 11.
21. The correction on page 25 has been made concerning inadequately treated discharges of sewage into the Delaware River and its tributaries.
22. We have taken the comment on upper stream flow into consideration and feel the information contained in the report is more pertinent.
23. The section on water rights has been revised to reflect the recent New York State recommendation concerning reservoir flow releases to New York City.
24. The subchapter heading "Water Resources Development" has been revised to read "Water Resources Management and Development" in accordance with the comment.

The Fish and Wildlife section has been revised to incorporate these comments.

25. The change has been made to reflect an average of 1,000 acres per mile.
26. The solid waste problem, which includes litter control and sanitary facilities along the river, will be covered during the master planning stage by the National Park Service.
27. Examples of environmental safeguards not generally included in traditional zoning ordinances have been included on page 8.
28. The statement on the restrictions on the building on new structures has been modified in accord with the comment.

29. Additional information on possible abandonment of the Erie-Lackawanna line along the Upper Delaware has been added to the report on page 12. The most recent analysis by the United States Railway Association (February 26, 1975), discusses light density lines (questionable, lightly used) and either recommends that a line be included in CONRAIL or does not recommend that it be included. This analysis does not specify the Erie-Lackawanna line, thus it is assumed that the subject line is a main line and will be included in CONRAIL. We understand therefore, that abandonment of the line is not being considered at this time. If abandonment does occur, any future suggestions for use of the right-of-way which conflict with the protection of the river environment would be discouraged by the proposed scenic and recreational river. An extensive analysis of proper use of the abandonment would be required to determine its best use and probable impacts upon the environment, including impacts upon the river corridor.
30. The sentence referring to tax base on page 39 has been modified as suggested.
31. The second paragraph regarding development rights has been modified, stating that, in limited cases where land use regulations are not being adequately enforced or have become inoperative, the National Park Service would have the authority to acquire easements within the protection zone. It is not anticipated that acquisition through easement of several thousand acres in a single municipality, previously mentioned in the draft report, will occur. Thus the impact on the local tax structure and costs to the Federal managing agency will be reduced.
32. Mention of the Flood Disaster Protection Act of 1973 has been incorporated into the report on page 8.
33. This information concerning reservoir releases which effect fish and wildlife, water quality, etc. is covered under water quality.
34. This comment referring to reservoir releases has been changed to reflect agreement with comments numbered 24 and 43.
35. The development of the land use control measures will be accomplished by the Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, in cooperation with the local governments. Although National Park Service will be involved to some degree in the development of the land use control measures, its primary function will be to act as the recreation management agency. Upon the approval of the land use control measures by the Secretary of the Interior, the Secretary will designate the river as the national system and direct the National Park Service to prepare a master plan (recreation management plan) to be completed one year following designation.

36. It is anticipated that damage from controlled visitor use will be less than that from the presently uncontrolled visitor use.
37. Item 4, relating that further diversion of water within or upstream from the proposal area will probably have to be foregone, has been removed from Chapter V.
38. It is agreed that Item 8 is not an adverse impact which may result from implementation of the proposal and therefore this paragraph has been removed from Chapter V.
39. Mention of the Flood Disaster Protection Act of 1973 has been made on page 8.
40. The Delaware River Basin Commission does not have the authority to operate and manage land and resources as authorized by the Commission charter. This proposal does not recommend that the Delaware River Basin Commission receive additional authority, only that they should utilize existing authority.
41. If the alternative for full Federal management were to be pursued, the role of the National Park Service would be extended to land protection and larger amount of land would be acquired, thus substantially increasing Federal costs.
42. Agreements on forest management for deer in relationship to the requirement of the designated area in the National Rivers System will be worked out during the master planning stage.
43. The discussion of reservoir releases has been clarified on page 27. The fact that excess release flows are decreasing is covered on page 24.
44. Zoning regulations are currently being passed by the local governments bordering the river. Protection of tributaries may be considered in the development and implementation of the land use control measures.
45. An agreement on the management of the New York Department of Environmental Conservation area would be worked out during the master planning stage.

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

COMMENTS

The following comments reflect this Department's review of the Draft Environmental Statement for the Proposed Upper Delaware National Scenic and Recreational River prepared by the Bureau of Outdoor Recreation of the U.S. Department of the Interior (DES 74-101).

1. The Delaware River from Hancock to Port Jervis is roughly paralleled by N.Y. Route 97, which is functionally classed as a major collector. Intersecting Route 97 and crossing the Delaware River in this area are N.Y. Routes 42, 55, and 52A, each of which is functionally classified as a minor arterial. Additionally, there are seven crossings of the Delaware River in this area by highways which are not on the State highway system.
2. No major highway improvements or bridge replacements are anticipated on these facilities in the foreseeable future. However, in the normal course of events, preventive maintenance and rehabilitative repair will be required on all facilities. This problem is touched upon in the Environmental Impact Statement (pg. 34).
3. In sum, we find no conflict with State transportation plans, policies or programs in this proposal. We thus have no objection to its implementation provided that normal highway and bridge maintenance, repair or replacement are not precluded.

**RESPONSE TO COMMENTS BY THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

1. The report has been expanded to include present capacity of New York Route 97 on page 37. A further assessment on highway needs will be possible during the master planning stage by the National Park Service.

NEW YORK STATE COLLEGE OF AGRICULTURE AND LIFE SCIENCES
A STATUTORY COLLEGE OF THE STATE UNIVERSITY
CORNELL UNIVERSITY
ITHACA, NEW YORK 14850



DEPARTMENT OF
AGRICULTURAL ECONOMICS
WARREN HALL

November 20, 1974

Mr. William Bock
United States Department of the Interior
Bureau of Outdoor Recreation
Federal Building - Room 9310
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Bock:

Thank you for sending me a copy of the draft environmental impact statement on the Upper Delaware Study.

I would like to make a few points regarding this report. I would appreciate you referring these comments to the appropriate sources.

Though it does not use much of the total land area in the five county Upper Delaware River region, agriculture does play a major role in the area. Farm receipts from these five counties exceed \$125 million annually. The multiplier effects of this farm production adds another \$325 million to local economies, making agriculture a \$450 million industry in the region. Furthermore, farming has been a very important part of many rural communities in this area.

In noting the probable impacts on the local economy of including the Delaware River in the National Wild and Scenic Rivers System, your report stated that such inclusion "would be an impetus to continued growth in the recreation and retail trade sectors." You failed to mention, however, the probable impact on the local economy that would result because of agriculture being affected by the inclusion of the Delaware River.

A probable result of providing an impetus to an already fast growing recreational industry would be a further decline in farming in this area. Many who come to enjoy the Upper Delaware will decide to build seasonal homes in the area. More often than not, there is a preference to locate seasonal homes on farmland because of the attractiveness of a farm setting. Certain types of development activity, such as trailer and camping parks, if restricted from locating on the river banks, will also locate on farmland in from the river. A decrease in farming activity translates to a decrease in local economic activity.

I will agree that the future of agriculture in the Upper Delaware region is somewhat debatable. Since this area is increasingly becoming the playground of the northeast, it may indeed be nonsensical to worry about possible effects of a proposal on farming. If this is your position, however, I think you should present it.

November 20, 1974

One of the reasons why the Upper Delaware is still such an unspoiled area is because of the rural character of the surrounding countryside. I question whether the Upper Delaware River itself can be preserved in its present state while the character of the whole area is changing as a result of seasonal home development and an increase in recreational land uses.

I hope you find these comments worthwhile. I am hoping to be more helpful than critical.

Sincerely yours,

William R. Bryant

William R. Bryant
Research Specialist
Land Economics

WRB:w

xc: Tom Shepstone
H. E. Conklin

RESPONSE TO COMMENTS BY THE
NEW YORK STATE COLLEGE OF AGRICULTURAL AND LIFE SCIENCES

1. It is recognized that some agricultural land may be converted to other land uses as a result of this proposal. This may occur due to (1) restrictions placed on land within the designated river corridor through various land use management techniques, and (2) increase in recreation use trends that may involve development of recreation facilities in the immediate area, such as trailer parks, campgrounds, etc., and vacation home sites. The above developments are not expected to significantly affect the reduction of agricultural land in the immediate area, especially in considering that land used for agricultural purposes within the designated river corridor for the most part will remain for that purpose.



STATE OF NEW YORK
PARKS AND RECREATION
ALBANY

ALEXANDER ALDRICH
COMMISSIONER

December 12, 1974

Dear Tony:

Thank you for the copy of the draft environmental impact statement on the Upper Delaware Wild and Scenic River Study prepared by the Bureau of Outdoor Recreation. Because of the strong emphasis placed upon the preservation of historic and scenic values of the area, it is my determination that the program proposed in this preliminary plan would in fact have a beneficial effect upon the historic sites in the Delaware River valley.

Since this is an region very rich in historic resources, I would like to request that when more specific plans for developing recreational facilities in the area are formulated, my staff be given the opportunity to review them. At that time, we would need to have more detailed information on the historic resources for our review.

I would also like to take this opportunity to express our interest in cooperating with the Department of the Interior in the future in interpreting to the public the historic importance of this area.

Sincerely,

Sam

Mr. Tony Corbisiero
Deputy Regional Director
United States Department of the Interior
Bureau of Outdoor Recreation
Northeast Regional Office
Federal Building - Room 9310
600 Arch Street
Philadelphia, Pennsylvania 19106

RESPONSE TO COMMENT BY THE
NEW YORK STATE OFFICE OF PARKS AND RECREATION

1. Future cooperation of the New York State Office of Parks and Recreation with the U. S. Department of the Interior concerning the historic importance of the area will be welcomed.



JAMES F. WRIGHT
EXECUTIVE DIRECTOR

DELAWARE RIVER BASIN COMMISSION

P. O. BOX 360

TRENTON, NEW JERSEY 08603

(609) 883 9500

HEADQUARTERS LOCATION

25 STATE POLICE DRIVE

WEST TRENTON, N. J.

January 7, 1975

Mr. Maurice D. Arnold
Regional Director
Department of the Interior
Bureau of Outdoor Recreation
Federal Building - Room 9310
600 Arch Street
Philadelphia, Pennsylvania 19106

Re: Draft Environmental Impact
Statement on the Upper Delaware
Wild and Scenic River Study

Dear Mr. Arnold:

This letter is in response to your request for comments on the draft environmental impact statement for the Upper Delaware Wild and Scenic River Study prepared by your Bureau. We appreciate your indulgence regarding our delay in forwarding these comments.

Before offering specific comments on the draft I wish to reiterate several important points previously made in my correspondence with Mr. Earl Nichols, Acting Regional Director for the Bureau of Outdoor Recreation dated December 17, 1973. These points are still relevant.

- a. No official Commission action has been taken regarding the subject proposal.
- b. The general consensus of the Commission is not in accord with the proposed action which includes nodal management, de-emphasis on fee acquisition and greater reliance on zoning and easements.
- c. New York and Pennsylvania have officially endorsed Alternative II, the concept of total management with administration by the National Park Service.
- d. DRBC has the capability to assume the planning and management role but does not have the funding or staff.
- e. The initial phase of work recommended by the proposed study, should DRBC undertake it, would require \$400,000 to \$500,000 over a minimum two year period.

f. Extension of the boundaries to the ridge line would have the effect of imposing a development constraint on significant portions of the local municipalities and would certainly endanger its political viability.

2

You are also aware that in July, 1974 a review by four affected Pennsylvania counties, although supporting attempts to protect and manage the Upper Delaware, noted serious questions remained. They called for regional planning by DRBC, studies of transportation and police protection and more study on overall feasibility due to limited local financial resources.

Specific comments on the draft statement are referenced to pages and include the following:

page 9. The report is inadequate in its present form. The statement should include detailed descriptions on how DRBC could "promulgate" land use zoning guidelines at a local level. The statement needs to expand on "appropriate measures" DRBC could use to achieve land use stabilization. A "land use guidance system" is mentioned but not explained. The report mentions "carrying capacity" of the area but does not describe the kind of studies or methodologies to be employed in determining this criteria.

3

page 10. Some discussion should be included in the statement describing the criteria the Secretary of the Interior will use in determining whether adequate land protection has been achieved for the area in question.

4

page 11. The statement refers to the need for upgrading existing recreation facilities and more efficient use but does not define "upgrading" nor describe what is meant by "efficient" use. The impact of "upgrading" should be assessed in terms of possible increased visitor use in the area.

5

page 13. The statement needs more detailed description of the "growth" occurring in the riverfront communities. The description should include analysis of the existing industries within the proposed area with special emphasis upon their present and projected water uses and wastewater characteristics.

6

page 18. The implications to the proposal of placing needed sewage treatment plants along the river's edge should be discussed.

7

page 23. The statement should include a detailed analysis of those projected water resource projects above and below the designated river segment that may adversely impact the area.

8

page 31. An analysis of the kinds of "strategies" possible for avoiding overcrowding of facilities and the area should be included. The analysis should discuss how overloads may be restrained, where visitor overloads may be directed and the secondary impacts thereof.

The assumption that environmental damage to the designated area will not exceed that which can occur during present unregulated conditions is over optimistic. Sunfish Pond, New Jersey is a prime example of how an area, once popularized, becomes heavily damaged from overuse. The designation of scenic and wild rivers alone will generate increased popularity.

page 32. The statement should include a detailed analysis of the present land use regulations, state, county and municipal, affecting the area. The question of how the proposed action will affect federal, state and local land use plans and policies is not answered.

page 33. The statement does not include any assessment of development that would occur outside the controlled area.

page 34. The problem of visitor traffic on presently inadequate roads is insufficiently covered.

page 35. The local communities are generally very strong for economic development yet the proposed action will impose stringent limitations. The statement should include an economic analysis of the region and each community affected.

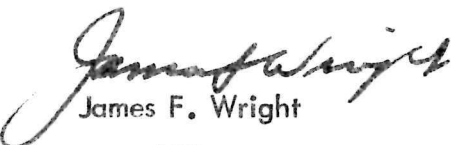
page 38. The statement should include an analysis of impacts on the tributary fish spawning areas. Development prohibited in the designated area would tend to find adjoining lands where they could seriously impact the spawning areas in the tributaries.

page 39. The criteria to be used in judging compatibility of proposed construction with the scenic quality of the region needs to be detailed in the statement.

In conclusion, since the two States directly involved in the proposed action have officially endorsed Alternative II, the environmental statement should be an exhaustive comparison of the proposed action and Alternative II. Without appropriate State endorsement the proposed action is comparable to the no action alternative.

The Commission continues to have a strong interest in the scenic and wild rivers segment designation and hopes these comments will be of assistance to your staff.

Sincerely,


James F. Wright

RESPONSE TO COMMENTS BY THE
DELAWARE RIVER BASIN COMMISSION

1. The Governors of the States of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, and with the cooperation of local governments, will take the lead in developing and implementing necessary land use control measures.

A sum of \$500,000 has been included in the cost estimate of the proposal for the development of land use control measures.

2. Development and use of the river corridor from ridgeline to ridgeline will be compatible with the river designation. Protection of the view from the river can be accomplished without deterring all development.
3. The statement that the Delaware River Basin Commission will promulgate zoning guidelines has been deleted. The responsibility of developing land use control measures is that of the Governors of New York and Pennsylvania (note item 1 above).

Appropriate measures the Delaware River Basin Commission could use to achieve land use stabilization include flood plain zoning, control over water flow, water rights, water and sewer lines, plant siting, and related matters.

The term "land use guidance system" has been replaced with "land use control measures" and includes all land use management techniques such as building codes, flood plain and other zoning, utility rights-of-way, water and sewer line permits, plant and dwelling sitings, signs, refuse and sanitary landfills, mining, farming, lumbering, etc.

The carrying capacity will be developed as a part of the National Park Service master plan.

4. The zoning guidelines and criteria will be developed jointly by the Governors of New York and Pennsylvania, the Delaware River Basin Commission, and local governments. The Department of the Interior will cooperate in this effort through the future managing agency.
5. The Federal managing agency will prepare a master plan that will determine areas to be developed and/or improved. The carrying capacity of each area will be determined as a part of this plan.

6. Detailed information on present and projected uses and waste water characteristics by and of industries is not available at this time but will be considered during the master planning stage.
7. The need for sewage treatment facilities will be determined by local governments with placement of such facilities to be determined by the land use control measures.
8. All proposed water resources projects that might have an effect on the river corridor have been considered. (see pages 42 and 43).
9. An analysis of the kinds of strategies to be followed in avoiding overcrowding of facilities will be included in the carrying capacity section of the National Park Service master plan. In developing the carrying capacity careful consideration will be given to minimizing potential impacts upon the environment due to increased use of the areas.
10. A detailed analysis of past land use regulations, State, county, municipal, affecting the area will be concluded as a part of the development of the land use control measures.
11. It is anticipated that development restricted from the river corridor by the land use control measures will take place adjacent to or in the vicinity of the restricted area. Development of industrial facilities, recreation areas, dwellings, etc. outside of the river corridor, will cause a reduction in agricultural land.
12. The statement has been expanded to include an indication of the carrying capacity of local highways. The State's authorities are aware of this proposal and will take this factor into consideration when the master planning stage is reached.
13. The selected proposed action will be much less limiting to economic development than other feasible alternatives considered during the course of the study, and this is one of the reasons for its selection.
14. The water quality criteria of the States and the Delaware River Basin Commission would govern the quality of the water of the tributary streams, in effect protect the fish spawning areas.
15. This will be determined in the development of the land use control measures in accordance with criteria of Public Law 90-542.



December 9, 1974

Mr. Anthony M. Corbisiero
Deputy Regional Director
Northeast Regional Office
Bureau of Outdoor Recreation
United States Department
of the Interior
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Corbisiero:

The staff of the Sullivan County Planning Board has reviewed the draft environmental statement on the Upper Delaware Wild and Scenic River Study. As requested by your November 6 letter to me, I am enclosing comments based on this review.

Since inclusion of the Upper Delaware in the National Wild and Scenic River System would have serious consequences for Sullivan County, especially for those towns along the Delaware, the County is very concerned that the proposal receive a careful and critical evaluation. The draft environmental statement does not permit such an evaluation because it contains statements which are vague and which are not supported by any evidence. It is not at all certain that inclusion of the River in the National System will "...have an overall effect of preserving existing scenic, recreational, historic, fish and wildlife, and water qualities of the river..." as stated in the SUMMARY on page i. "No significant adverse effects are anticipated on ecological systems..." is clearly open to question based on the recent experiences of overusage of the River and its immediate surroundings.

The general impression given by the draft environmental statement is that a thorough analysis of the inclusion of the River in the National System has not been conducted; that the consequences of inclusion, especially the adverse impacts, have not been properly evaluated; and that many statements citing favorable effects have been put forth without adequate substantiation. Based upon our review, I feel that there are serious deficiencies in the draft environmental statement; deficiencies which must be eliminated before a proper evaluation of the proposal can be made.

Mr. Anthony M. Corbisiero
Deputy Regional Director
Bureau of Outdoor Recreation

-2-

December 9, 1974

I hope the enclosed comments are useful to you. If I can provide further assistance in this matter, please let me know.

Very truly yours,

David R. Seibert

DAVID R. SEIBERT
Commissioner of Planning

DRS/nsc

Enclosure

COMMENTS ON THE DRAFT ENVIRONMENTAL STATEMENT ON THE PROPOSED UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER

The National Environmental Policy Act mandates that federal agencies undertake a vigorous and comprehensive review of the environmental impacts of "any major federal action significantly affecting the environment." The draft environmental statement prepared by the Bureau of Outdoor Recreation on the proposed Upper Delaware National Scenic and Recreational River has serious deficiencies in its analysis of these impacts. If the merits of this proposal are to be properly evaluated by policymakers and if legislators are to be asked to act on the designation of the Upper Delaware River as a wild and scenic river under the federal Wild and Scenic Rivers Act of 1968, it is essential that such deficiencies, outlined below, be corrected in the preparation of the final environmental statement on this project.

Impact of Visitors/Recreators on the Environment

On page 31, the draft environmental statement asserts that "The recreation management agency will develop strategies for limiting recreation use to the amounts and types of outdoor recreation consistent with the objective of maintaining the existing environmental conditions. This may involve stabilizing recreational use at existing levels, especially on summer weekends." Unless a very complete program of monitoring and policing usage of the Upper Delaware is undertaken, a program which the National Park Service has admitted it would find very difficult, if not impossible, to administer, this statement can not be implemented. If anything, designation of the Upper Delaware as a Wild and Scenic River and the establishment of additional public access sites would tend to attract even more recreators.

While there is passing mention of the carrying capacity of the river itself, this is to be left for future determination. If the merits of this proposal are to be evaluated properly, it is essential that the issue of the ecological carrying capacity of the river and its environment and the expected demand on the river's recreational facilities be investigated and facts on both subjects be presented in the final environmental statement. Without more specific data on the river's carrying capacity, recreational demand, and the ability of the National Park Service to administer the designated area, an accurate evaluation of the proposal on its merits will be impossible.

Land Use Guidance System

A critical element in the preservation of the scenic setting of the Upper Delaware River is a land use control system. Yet neither the study proposal nor the environmental statement gives anything but the barest hints of what controls would be established or how they might be administered. Further detailing of this aspect is essential to an evaluation of the environmental impact.

Impact on Local Services

Since much of the riverfront would remain under private ownership, responsibility for the provision of public services would remain a local function. There is no estimate of the capacity of the towns to do this, nor of the costs of providing these services. It should be noted that local health services are already severely overtaxed and the influx of recreators during summer months creates additional burdens which may lead to a critical situation for both local residents and visitors.

Delay in Implementation

As described in the study proposal, there would be substantial lag times between designation of the Upper Delaware as part of the Wild and Scenic Rivers System, imposition of a land use guidance system and, finally, takeover of the area's administration by the National Park Service. It is quite possible that the delays built into this process may have serious impacts on the river and its environs during the intervening periods should the proposal be enacted. What these impacts might be in terms of land use and environmental degradation needs to be explored and, if necessary, mitigating measures incorporated in the proposal. Two years after the passage of legislation may be too long before the development of a land use guidance system and a comprehensive recreational management plan; by that time the objectives sought in the legislation may have been destroyed.

Limited Internal Highway Access

Although there is fairly good highway access to at least the southern end of the proposed Scenic and Recreational Area, along the river itself, there is really only one two-lane State road, Route 97. For a distance of about 1 and 1/2 miles between Sparrowbush and Mongaup, the windy nature of the roadway, while quite scenic, can be rather hazardous. Traffic management is a critical safety point. An evaluation of the capacity of the road needs to be made and incorporated into the final environmental statement.

Need for a Regional Recreation Area at this Location

It must be asked whether alternatives to the proposed action have been fully explored. It is questionable whether there is a need for additional regional recreational facilities in the area, especially with the development of the Delaware Water Gap National Recreational Area. It appears that analyses by the New York State Office of Parks and Recreation seriously dispute the need for such facilities. Considering the above-mentioned failure to quantify recreational demands and available resources, the aims of the Wild and Scenic Rivers Act might be best served by protective management, a policy which would be compatible with both the region's recreational needs and environmental protection. But to evaluate such a policy, more data are needed on regional recreational needs and resources.

RESPONSE TO COMMENTS BY THE
SULLIVAN COUNTY PLANNING BOARD

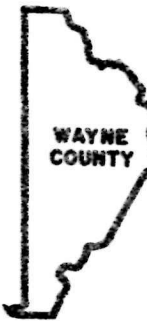
1. As noted on page 1 under Recommended Action, we believe that implementation of the proposal will provide protection to the river environment by preserving existing outstandingly remarkable values. Further, we feel that our analysis of the preliminary concept plan showed that there would be no significant adverse effects overall. No significant adverse effects are anticipated on ecological systems and only minor environmental damage to the terrain and vegetation may be expected as a result of visitor use. The development of proper land use control measures and the acquisition, development and management plan, will provide adequate and desirable measures to protect this valuable resource. The final statement has been expanded to provide a greater insight into the effects inclusion or non-inclusion of the river segment in the National System will have on the environment.
2. The ecological carrying capacity of the river will be developed by the National Park Service during the master plan stage, to avoid overuse of the environment. An environmental assessment will be completed by the National Park Service in conjunction with the development of the master plan. The National Park Service has the expertise to manage and control recreational use of the proposal area.
3. Additional information on the land use control measures has been added to the report on page 8. Most of the measures, however, will be developed as well as implemented and managed by the Governor's of New York and Pennsylvania, jointly through the Delaware River Basin Commission, and with the cooperation of local governments.
4. Impacts on local services will be covered during the master planning stage.
5. The study process and actions on the proposal are determined by the Wild and Scenic Rivers Act. However, early local implementation of zoning ordinances and utilization of existing regulations of the Delaware River Basin Commission will help to protect the objectives sought in the legislation.
6. The capacity of New York Route 97, the major paralleling route, has been incorporated into the report on page 37. A further discussion on highway needs will be possible during the master planning stage by the National Park Service.
7. The purpose of the Wild and Scenic Rivers Act is to preserve and protect worthy rivers in the National System and at the same time provide recreational use of the resource. Since the Upper Delaware qualifies for inclusion in the National System, and because it provides a unique recreational experience near the largest population concentration in the National, we recommend that it become a component of the National Rivers System.

Wayne County Planning Commission

COURT HOUSE

BOX 566, HONESDALE, PA. 18431

PHONE (717) 253-4700



TOM SHEPSTONE
DIRECTOR

W. ROBERT BENNETT - MELVIN SWENDSEN - GEORGE HOCKER - KENNETH BAILEY
S. ELMORE HAAG - ARTHUR DAVIS - WILLARD VARCOE - ROBERT GILCHRIST - WM. THEOBALD

December 13, 1974

Maurice D. Arnold
Regional Director
Bureau of Outdoor Recreation
Northeast Regional Office
Federal Building, Room 9310
600 Arch Street
Philadelphia, Pa. 19106

Dear Red,

We have reviewed the Draft Environmental Statement on the Proposed Upper Delaware National Scenic and Recreational River and have also secured the comments of officials from Buckingham, Manchester and Damascus Townships on its contents. Overall, we would have to say the report is informative and we appreciate the opportunity to review it. Naturally, we still have concerns over the impact this proposal will have on our valley and how we can avoid some of the potential problems which recreational use has already brought. Many of the concerns we expressed in our earlier review of the study itself have been answered too, but many also remain crucial questions. We hope this review will again stress what we believe to be the most pressing needs of the river as they pertain to management and protection.

Comments

Under Purpose, one of the objectives of managing the river in the Scenic River System is stated to be maintaining a level of recreation use which does not result in environmental deterioration. We do not believe under any circumstances it is possible to encourage any human use whatsoever of a natural area without sustaining at least some degradation of natural resources. Recognizing that sound land use management policies involve a balance between tradeoffs of environmental quality and the benefits of developments, we do not believe that such a statement will have much utility to solving the real problems. The objective should rather be to minimize the degree of environmental degradation and associated social and economic costs while maximizing the recreational gain to potential users. Such an objective reflects true costs. benefit principles in arriving at determinations of the proper level in number of recreators. Neither does it obscure the fact that there will always be some losses in the natural values whatever level of use is determined, and that there are in fact now already significant environmental problems under present use.

Under Administration and Management it is stated that DRBC would promulgate zoning guidelines to help municipalities in developing an effective land use guidance system. It should be mentioned that the need for such guidelines is immediate. Proper zoning takes time in preparation and gaining public support. Time is an all important element in protecting the river before it is too late. Without guidelines efforts to enact local zoning are stalled. It should be stated that lack of action by DRBC in developing guidelines very soon will seriously impair efforts to develop an effective land use guidance system.

In detailing of an existing and proposed facilities it should be noted that Bob Landers is planning another canoe rental facility in the Skinners Falls area. Also, with respect to Skinners Falls the acquisition needs should be spelled out more clearly. Use of the 1000 acres of allowed additional purchase is only vaguely described and could perhaps be tied to areas where evidence of incapacity at present facilities is present, such as the above. Without such general documentation of need, purposes in maintaining the 1000 acres option are left to suspicion.

With regards to the structuring of the UDCAC we have had several suggestions as to how this might be restructured to give maximum local oversight in management. The advisory element of the body should be more clearly defined. We believe, the group should be more than advisory and that its veto power should be detailed to prevent misconceptions as to its true role. We also wish to reiterate our earlier recommendation that all agency representatives be dropped from the proposed membership, in favor of local officials and representatives of river associations and recreation groups. A related question is whether the UDCAC could sponsor regional planning efforts so vitally needed, perhaps gaining financial help from the states.

Several items in the Statement identify the importance of the E-L Railroad to the valley, and we wholeheartedly agree. We would further like to see BOR push actively for passenger service over the line and help to insure that all RR service is maintained in the region. The RR is not only an environmentally sound means of transportation for the region, but it also offers a buffer to the encroachment of development on the river.

In projecting populations for the region, it is stated that populations are expected to remain relatively stable. Estimates by the Bureau of the Census, numbers of property transactions and recently completed municipal surveys indicate otherwise. Wayne County is presently according to the former growing at the 3rd highest rate (10%) in Pennsylvania. This is for only a three year period so that growth over the next decade could well exceed 30%.

Under Archeology and History, we believe there could be more complete detail as to specific sites. With respect to former human occupation, the record goes much farther back than the Leni-Lenape. This group was comparatively recent along with the white man. Other cultures were present as far back as 8000 B.C. and most relics found today in rock shelters, etc. were left by these earlier occupations. Historical sites are many more than those listed and include a stagecoach station, a gravity railroad and cross river ferries.

Steam flow and temperature is a vital issue locally and it has been mentioned several times in the Statement. We believe even stronger medicine must be doled out to correct this problem. There are no arguments with the need to achieve a better balance in flow scheduling and water temperatures, but how can we assume they will come forth and not be struck down by another Supreme Court decree? How can we effectively deal with the New York State and N.Y.C.? We believe the Delaware should be returned to its natural state of being a warm water fishery and that the DRBC and BOR should examine means of tempering outflows from the upstream reservoirs.

Flooding does not presently involve great damage, but this will grow as development of the River floodplains increases, and thus is an incentive for early development of land use controls. Use of the Flood Insurance program as a tool to regulate floodplain development should be part of the recommendations. This program is extremely effective and will eventually be necessary for all the effected municipalities along the river in Wayne County. Expediting their enrollment in the program would serve to institute a skeleton land use guidance system early in the game.

The Fish and Wildlife Section seems to be complete except with respect to reptiles. It would be worth mentioning that large number of the Eastern Timber Rattlesnake and the Copperhead exist along the riverbanks and among the precipices which overlook the valley. There have been numerous instances of snakebite along the river and these species do in fact constitute a hazard to canoers who may stop to cling a bank, etc.

Under Probable Future Environment Without the Proposal some disagreement has surfaced with the statement that commercial timbering is on the decline. Relatively it may be, but absolutely both the acreage in timber and the amount harvested appear to be growing. Location of a large mill in the area would also change the picture overnight.

Page 30 of the Statement deals with the potential impact of a "laissez-faire" land use guidance system and several individuals have indicated total agreement with this assessment and believe it should be even more strongly played up as a selling point for the proposal. In other areas of the report this danger could be further dramatized such as under discussion of development rights. Explanation of development and their positive aspects in this light would help to explain many misconceptions about the reasons why their inclusion as a vehicle in the land use guidance system is so important.

Under Impact on Recreation we have several questions which are relatively simple but will obviously require some complex answers. The most crucial question on everyone's mind is how will the number of recreators be stabilized, as proposed. Will a licensing system for canoers be established similar to fish licenses? Will potential users be turned back at access points? or what? The means of control affects the types of environmental and social impact which would be felt. Visitors use restrictions imply a need for policing which is an issue in itself which we will deal with. If people are turned away, where will they be turned? The licensing idea would seem to be most appealing, making those who use facilities pay for them through what are, in effect, user charges. The specifics of controlling recreators must be spelled out.

We feel that visitor use is already causing environmental damage through overuse, vandalism, litter, health and sewage problems, etc., so the question is not just what needs to be prevented, but also what needs to be provided to eliminate already existing abuses. This is why more specifics on funding for the NPS, more acknowledgement of the need for regional planning and more financial means of help in local planning are necessary. Solid waste management (about which we have some of our own ideas) and other planning for community facilities requires regional coordination and we have yet to see by other than informal means. Yet it is imperative, as we have pointed out to deal with existing problems of visitors use. Even if we control use at its present numbers, these problems will not go away.

A minor point is the fact that all of the Wayne County communities bordering the Delaware River do have subdivision regulations which might be called significant land use regulations, although they are by no means sufficient.

In instituting a land use guidance system, there are several questions to be considered. Does the NPS have the financial ability to acquire development rights if and

when necessary? Will stiff zoning requirements such as 5 acre minimums be legally sound and capable of standing the test of the courts? If zoning officials allowed a major variance could NPS respond quickly with an injunction or somehow otherwise forestall development until developments could be purchased? In developing innovative environmental standards, will help come from DRBC? Will local communities be assured in high priority in receiving necessary planning funds to institute and develop such controls? What standards will be used to determine "adequacy" of local zoning? We agree completely with the summary of the situation given on the bottom of page 33, but some of these specific questions of how to find the resources to put planning into effect are still unanswered.

Under Transportation, the highway reconstruction needs are not studied. One such project within the study area recommended by the Wayne County Planning Commission would cost \$3,000,000 plus. Also we believe it is wise to again emphasize the value of rail passenger service.

Policing is one of the most important of unanswered questions in this statement. Already, a problem, it is forcing local communities to face possibly huge expenses. The extent to which the NPS or some other agency will attempt to handle this problem will determine local needs. The how and when of policing have not been spelled out well at all in the report. Once again our question is who will do the planning and who will pay for it? Specifically what agency will be responsible for park policing and what will be the scope of their protection? How will coordination across State lines be handled? State police have been known to argue several days over who has the authority to retrieve the body of a drowning victim.

There seems to be some ambiguity in the statements on Impact on the Local Economy. If river use is not to increase, then how will revenues be increased to offer an "impetus to continued growth in the recreation and retail trade sectors?" Will economic standards be raised or would there be no "major economic change?" Also there should be more emphasis on the cost to the local community in providing the necessary facilities. We agree with the concept of business making payments in lieu of taxes.

Impact on water quality raises several questions. If special sewerage treatment is mandated in the Delaware Valley, the costs be exorbitant even with federal help. Who will help further? Appalachia possibly? We agree totally with the conclusion reached in #8 on page 44. Water quality is contingent upon practices through the watersheds and thus the land use guidance system should extend far beyond the protection boundary. What basis is there for assuming "no large increase in the number of recreators". It multiplies every year. What is to keep added use of the Delaware from spreading up into its tributaries? Won't such heavy use result in soil compaction which causes increased runoff thus reducing further water quality?

Under Impact on Fish and Wildlife no mention is made of the impact on those maintaining eel traps-a small but significant occupation.

Impacts on Scenic Qualities and Soils and Vegetation are more injurious than described. How will the NPS keep recreators from traveling over lands not specifically set aside for their use? Will stripping of wood for campfires result in significant degradation? Won't compaction of soils and overuse prevent new growth of shrubs and ground cover? In controlling litter more emphasis is needed on demands for garbage containers, etc. and how such demands will be met through the implementation of local plans such as the Wayne County Solid Waste Management Plan.

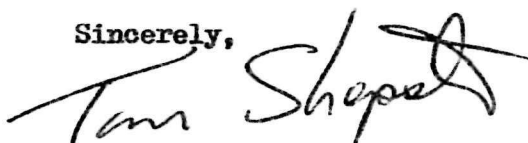
Discussions on page 45 raise some additional questions. The use of the river valley's resource does provide a yearly amount of degradation as we mentioned earlier. Without some mechanism for regeneration, we could assume the valley would have only a

finite existence as a quality preserve. A possible consideration would be to allow the river valley or portions to lie "fallow" for a certain period every so many years. Limiting the use of the river by canoeists and campers for a short time would allow the river's immediate environment to somewhat recuperate from its constant degradation. Other questions are who will handle forest management and how can we prevent a re-occurrence of the Bear Mountain - Lake Welsh situation?

Under alternatives for management, there was indication for one reason or another by different groups that each suggested alternative was infeasible. No one agreed with #1 or #6. One township did not believe #2 or #3 would work either and another objected strongly to #4 and #5. Thus, the feeling locally is generally in support of the present management proposal, although it needs far more specifics than have been offered to date.

We hope these comments will be useful to you in evaluating the Statement, and again express our appreciation for involving us in your planning effort.

Sincerely,



Tom Shepstone

TS:mmmb

cc: Upper Delaware Scenic River Assoc.
Equinunk-Lordville Upper Dela. River Assoc.
Joe Staley
David Fonseca
Dell Tradinick
Congressman McDade
Peter Garrison
Wayne County Commissioners
Bob Bennett
George Hocker
Bob Gilchrist
Joe Maculaitis
LaRue Elmore
Dave Seibert
Fred Albers
Virgil Teeple
Elvin Swendsen
Bernard Shaffer
Merle Roney
Bill Bryant
Carl Abbe
George Langgans
Cornelius Offringer
Edward Dix
Earl Shuman
Lee Harrison
Tom Griffith

RESPONSE TO COMMENTS BY THE
WAYNE COUNTY PLANNING COMMISSION

1. Under purpose, objective number 6 has been modified to recognize that recreation minimizes the deterioration of land and water resources.
2. Zoning guidelines will be prepared in conjunction with the development of the land use control measures.
3. The National Park Service would be authorized to acquire up to an additional 1,000 acres in full title acquisition, only if there is a need to expand the existing recreation facility sites, or if additional access is required or to protect parcels having unique scenic or historical/archeological significance, and if approved by the Upper Delaware Citizens Advisory Council.
4. The membership of the Advisory Council has been modified to include only representation from the local governments: one representative from Delaware County and one from Orange County; two representatives each from Sullivan, Wayne and Pike Counties (with all county representation from residents of riverfront townships); and two members appointed by the Secretary of the Interior to represent river recreation use groups at large.
5. The most recent analysis by the United States Railway Association (February 26, 1975) discusses light density lines (questionable, lightly used) and either recommends that a line be included in CONRAIL or does not recommend that it be included. This analysis does not specify the Erie-Lackawanna line, thus it is assumed that the subject line is a main line and will be included in CONRAIL. We understand therefore, that abandonment of the line is not being considered at this time. If abandonment does occur, any future suggestions for use of the right-of-way which conflict with the protection of the river environment would be discouraged by the proposed wild and scenic river. It is recognized that certain types of use of the abandonment would be detrimental to the river corridor, and for this reason an extensive analysis of proper use of the abandonment, if this occurs, would be required to determine its best use and probable impacts upon the environment.

Present freight service provided by the railroad is compatible with this proposal. It has been suggested that passenger service be reinstated, thus providing another mode of transportation to and from the area for residents and recreators.

6. The population projects for the counties were supplied by the New York Department of Commerce and the Pennsylvania Office of Planning and Development.
7. The historical section has been expanded to include mention of earlier cultures. The State Historical Preservation Officers for New York and Pennsylvania have been consulted regarding this proposal. Additional information regarding significant sites will be reviewed during the development of the master plan by the federal managing agency.
8. The need for more regulations on water flows and temperatures range is discussed in detail on pages 2, 24, 25, 26, and 27. Further consideration of these factors will be undertaken during development of the master plan.
9. Mention of the Flood Insurance programs as a tool to regulate flood plain development is included in the report on page 8.
10. Recognition of the presence of the Eastern Timber Rattlesnake and the Copperhead has been made in this report.
11. At the present time, there is no evidence that a lumber mill will be built.
12. This proposal calls for the protection of the river corridor through a very limited amount of full title acquisition and the implementation of land use control measures which eliminates the need for extensive full title acquisition and lessens the impact upon the local economy and residents. In limited cases where land use controls are inoperative, the National Park Service would be authorized to acquire easements, either by negotiation or eminent domain, within the protection zone.
13. A major section of the master plan to be prepared by the National Park Service will involve the development of a carrying capacity and techniques to limit the number of visitors.
14. As noted in item number 13 above, the National Park Service will carefully consider present and anticipated use, and how it relates to the environment, in developing the carrying capacity.
15. It has been noted on page 7 that many of the local governmental units along the river have or are planning to implement zoning regulations.

16. It is recognized that these factors involving the implementation of and use controls are of primary importance. A truly cooperative effort will be accomplished at all levels of government in the development of the subject measures, which will be undertaken by the Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, and in cooperation with local governments. The referenced factors will be carefully considered at the time the land use control measures are developed.
17. An update of the railroad issue has been provided on page 12. The appropriate state highway departments have been consulted regarding transportation plans and needs.
18. Much of the expense of providing emergency services is likely to be borne by local governments and institutions, however, the monitoring and policing of river-oriented recreation uses by the recreation management agency should offer some preventive assistance. This important factor will be considered during the development of the master plan by the Federal managing agency.
19. Major economic changes within the five counties bordering the Upper Delaware River are not expected to occur as a result of this proposal. Although not considered major changes, the present recreation-oriented businesses, serving tourists, vacationers and sportsmen will receive an impetus to continued growth as a result of this proposal. In addition a small boost to the local economy is expected from the infusion of capital to upgrade, operate, and maintain the river recreation sites and construction of two information centers.
20. It may be desirable for local communities to extend the land use controls beyond the river corridor to prevent deterioration of land and downgrading of the water quality due to undesirable development. An increase in use of the tributaries may occur, however, it is anticipated that the increase in use will not be major.
21. The Fish and Wildlife Service did not discuss the maintenance of eel traps in their input on the fishery; however, it is recognized that eel trapping is an occupation in the area.
22. Local units of government in cooperation with the National Park Service will develop measures to decrease the degradation that may arise.
23. It is very unlikely that, the river valley would be allowed to be "fallow" if the proposal is implemented; however, portions of the river valley may be considered for restricted use during the master planning.
24. Much more specific information will be gathered during the master planning stage, since this plan is conceptual in nature. Nevertheless, more specifics have been incorporated into this report.

Advisory Council
On Historic Preservation
1122 F Street N.W. Suite 110
Washington D.C. 20005

January 3, 1975

Mr. Maurice R. Arnold:
Northeast Regional Director
U.S. Department of the Interior
Bureau of Outdoor Recreation
Federal Building, Room 9310
600 Arch Street
Philadelphia, Pa. 19106

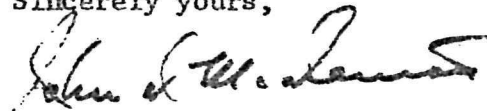
Dear Mr. Arnold:

This is in response to your request of November 6, 1974, for comments on the environmental statement for the Upper Delaware Wild & Scenic River Study. Pursuant to its responsibilities under Section 102(2)(C) of the National Environmental Policy Act of 1969, the Advisory Council on Historic Preservation has determined that while you have discussed the historical, architectural, and archeological aspects related to the undertaking, the Advisory Council needs additional information to adequately evaluate the effects on these cultural resources. Please furnish a copy of the proposed master plan.

To insure a comprehensive review of historical, cultural, archeological, and architectural resources, the Advisory Council suggests that the environmental statement contain evidence of contact with the appropriate State Historic Preservation Officer and that a copy of his comments concerning the effects of the undertaking upon these resources be included in the environmental statement. The State Historic Preservation Officer for New York is Mr. Alexander Aldrich, Commissioner, Office of Parks and Recreation, Room 303, South Swan Street Building, Albany, New York 12223.

Should you have any questions or require any additional assistance, please contact Stephen Cochran of the Advisory Council staff, at 202-254-3974.

Sincerely yours,



John D. McDermott
Director, Office of Review and
Compliance

RESPONSE TO COMMENTS BY THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION

1. Increased awareness and use of historic sites along the river corridor is anticipated. The National Historic Preservation Act of 1966 and Executive Order 11593 require determination of any properties listed or eligible to be listed in the National Register of Historic Places. As provided for in the above Act and Executive Order, the State Historic Preservation Officers for Pennsylvania and New York have been consulted on this matter. Pennsylvania has advised that inclusion of the identified river corridor in the Wild and Scenic Rivers program will not have any appreciable effect on any site included on or eligible to be included on the National Register. New York has reported that the proposal will have a beneficial effect upon the historic sites in the Delaware River Valley, and would like to review more specific plans on the development of recreational facilities. Detailed plans will be available upon completion of the master plan by the managing agency, and will be provided to the above officials for further review as desired.

JOHN C. BAYLES
Woodmere
RD 1 - Lordville, Box 212
Hancock, N. Y. 13783
717/224-4821

December 7, 1974

Mr. Maurice D. Arnold, Regional Director
Bureau of Outdoor Recreation
600 Arch Street
Philadelphia, Pa. 19106

Dear Mr. Arnold:

I have reviewed the draft of the Environmental Statement on the Upper Delaware Wild and Scenic River Study as suggested in your letter of November 6, 1974.

I think the statement is well-prepared and, in general, I am in agreement with the proposal for including the Upper Delaware in the US Wild and Scenic Rivers System. I do wish to make a few comments, however.

I notice in the statement, for the first time, that the proposed river corridor would extend from ridge to ridge as seen from the "opposite side" of the river. It had been my understanding that the center of the river would be used in determining the width of the corridor. I do not believe this would materially effect the width, however.

In the table on page 10, the area for the facility site #3 is listed as 4 acres. I understand that this site has less than one acre. Perhaps the area should be 0.4 acres. Because this site is in the center of the small residential area, I would hate to see this site expanded, particularly since site #2 is only a few feet up-stream. Also, I do not see any reference to Camp Delawew, which is at about "River Mile" 321, just a few hundred feet down stream from the Lordville bridge. Although this camp site was not in operation last summer, it was operated in 1973 and I understand that it is being sold and will be in operation next year. It is a nice layout, and has electricity and water at about 40 locations for tents or trailers. I told members of your staff about this facility at the first meeting in Gallicoon, and was told that it would be included in the listing.

I note from page 12 that the work of the Temporary State Commission to Study the Catskills is at an early stage. It is my understanding that the report is now being prepared for submission in March, but that the commission would like to be authorized to make additional studies.

I wish your statement could have been more specific and definitive on the zoning ordinances which should be put into effect. I feel that the New York and Pennsylvania communities on either side of the River near Hancock are not making much progress in establishing the proper ordinances.

In connection with the Erie-Lackawanna Railroad, I feel the statement should be expanded to cover the possibility of the railroad being discontinued. If the service is discontinued and the tracks abandoned, I would expect that an effort would be made to establish a highway along the river. This would completely destroy the scenic portions of the Upper Delaware and make the entire area almost into a Coney Island, upsetting even the recreational area plans as now proposed. Perhaps the right-of-way should be taken over by the Federal Government so that some of the area could be considered as a "Wild Area".

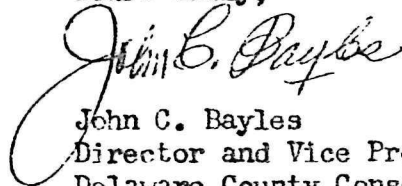
On page 25, reference is made to "may-lilly" and "map-apple". I know of no may-lily and none is listed in WILD FLOWERS OF THE U.S. published by the New Botanical Garden. Also, I expect that reference should be made to the May-apple or Mandrake of the Podophyllum family instead of map-apple.

Referring to the map on page 8, the US Route south of Metamoras should be 6 and 209.

Page 45 is missing from my copy of the statement, but I doubt that there is any controversial subject on the page after referring to the Table of Contents.

I am not happy to see the last paragraph on page 47. I would like to see the Upper Delaware a part of the Wild and Scenic Rivers System and that it remain much as proposed by your environmental statement.

Yours truly,


John C. Bayles
Director and Vice President—
Delaware County Conservation Association.

RESPONSE TO COMMENTS BY THE
DELAWARE COUNTY CONSERVATION ASSOCIATION

1. Line of sight is determined by the river user viewing the scene from the opposite side of the river where the most distant objects can be detected.
2. Recreation facility site number 3 has been relocated from river mile 322.5 to river mile 321.2 upon reassessment of the sites involved (see map 2).
3. The information on the Temporary State Commission to Study the Catskills has been updated on page 11.
4. The zoning ordinances will be developed as a part of the land use control measures by the various levels of government as discussed on page 7. Some progress is now being made by local governments in the development of zoning ordinances.
5. Additional information on possible abandonment of the Erie-Lackawanna line along the Upper Delaware has been added to the report on page 12. The most recent analysis by the United States Railway Association (February 26, 1975), discusses light density lines (questionable, lightly used) and either recommends that a line be included in CONRAIL or does not recommend that it be included. This analysis does not specify the Erie-Lackawanna line, thus it is assumed that the subject line is a main line and will be included in CONRAIL. We understand therefore, that abandonment of the line is not being considered at this time. If abandonment does occur any future suggestions for use of the right of way which conflict with the protection of the river environment would be discouraged by the proposed scenic and recreational river. An extensive analysis of proper use of the abandonment would be required to determine its best use and probable impacts upon the environment, including impacts upon the river corridor.
6. The report has been corrected to read, day-lily and may-apple on page 14.
7. Correction of highway identification has been made on appropriate maps.
8. Congress has the authority to modify or reverse previous commitments.

THE FREE-FLOWING RIVER COMMITTEE

BOX 18, RD 2
Stroudsburg, Pa.

DEC 17 1974

December 10, 1974

Maurice D. Arnold, Regional Director
Northeast Regional Office
Bureau of Outdoor Recreation
U.S. Dept. of the Interior
Curtis Bldg., Philadelphia, Pa.

Dear Mr. Arnold:

In response to your press release of Monday, November 11, 1974, calling for public comments within 45 days, regarding the proposal to designate a segment of the Delaware River that borders on New York and Pennsylvania as a Wild and Scenic River, we submit the following comments.

The Free-Flowing River Committee formally request that a public hearing be conducted to evaluate the Department of the Interior Draft Environmental Statement on the proposed Upper Delaware National Scenic and Recreation River--DES 74-101; prepared by your office.

The public hearing, which is a requirement of the National Environmental Policy Act, we believe, should be held in the city of Port Jervis, New York, which is the main population center and seat of local government along the affected area of the upper Delaware River.

It should be pointed out, perhaps, that the so-called informational meetings or press conferences held at two locations along the river in the summer of 1973 pertaining to the 'wild and scenic river study plan' for the upper Delaware cannot be construed as fulfilling the requirement to hold formal public hearings.

A perusal of DES 74-101 (which we briefly borrowed) indicates that there are a few major discrepancies that must be brought to the attention of your bureau--and the Congress.

We can also assure you that a number of citizen organizations will welcome the opportunity to testify on their own behalf in the public interest at a public hearing, provided there is adequate public notice in the news media.

The Free-Flowing River Committee endorses many of the concepts contained in DES 74-101, but reserves the right to object to any environmentally unsound portion of this proposal now pending before Congress.

Therefore, we would appreciate obtaining four copies of DES 74-101, at the earliest convenience, in order to prepare testimony for the public hearings. Our rather large staff of volunteer environmental specialists and consultants come from a wide geographic area, thus the request for several copies.

In addition, we will need one set of the Proposed Facility Site Development Maps, numbers 1 thru 38, for each of the Alternatives, in order to properly appraise the overall plan.

We earnestly hope that your bureau will honor our timely requests and also comply with all appropriate state and federal environmental guidelines regarding public hearings, citizen participation, and freedom of information laws.

If for some reason, public hearings are not contemplated, we wish to be notified immediately of such a course of action, in order that we may petition the courts and seek injunctive relief.

Kindly send the documents requested to our Committee associate coordinator, Dr. Larry Rymon, Professor of Biology, East Stroudsburg State College, East Stroudsburg, Pa. 18301

Yours truly

Thomas J. Halligan
Correspondent

cc: Dir. CEQ
Dir. EPA
Congressman Roy A. Taylor
Senators - N.Y. & Pa.

RESPONSE TO COMMENTS BY THE
FREE-FLOWING RIVER COMMITTEE

1. The National Environmental Policy Act does not require public hearings to be held on environmental impact statements. According to the Act and the Council on Environmental Quality "Guidelines" for implementation of the Act, public hearings are to be conducted only if the issues involved warrant such a hearing. Public hearings are not always held for all environmental statements, however, they would be held for the master plan. Considerable effort has been expended to promote an understanding of the study effort and to obtain public assistance in developing recommendations. Various methods were utilized to accomplish this goal, including press releases, information brochures, and speaking engagements. In addition, public information meetings were held in Matamoras, Pennsylvania and Callisoon, New York on May 20-21, 1970 and again on July 24-25, 1973.



December 3, 1974

Mr. Maurice D. Arnold
Regional Director
Northeast Region, BOR
W. J. Green, Jr. Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Mr. Arnold:

Attached you will find the comments of the National Parks and Conservation Association on the DEIS for the proposed Upper Delaware National Scenic and Recreational River, prepared by your Office.

We request that our comments be considered in the proposed action and in the preparation of the Final EIS.

If we may be of further assistance, please contact us at any time.

Sincerely,

A handwritten signature in cursive script that reads "T. Destry Jarvis".

T. Destry Jarvis
Administrative Assistant
River Basins.

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
ON THE PROPOSED UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER
BY THE NATIONAL PARKS AND CONSERVATION ASSOCIATION

Although the National Parks and Conservation Association is in broad agreement with the purposes of the proposal, the boundaries of the proposed area, and the recreation management concept, it is our considered opinion that the proposed means of providing the desired balance of preservation and use of the Upper Delaware cannot be achieved under the suggested scheme of management and acquisition. If the proposed segment is to be accepted into the National Wild and Scenic Rivers System, as only the Congress may decide, the proposal must provide assurances that the natural free-flowing character of the river and its surrounding environment will be preserved for present and future uses. It is our opinion that the alternative selected will not accomplish this goal.

While the overall statement on the Upper Delaware National Scenic and Recreational River proposal appears to be a good one, it seems to be inadequate in its assessment of the impact on the river environment of the failure of the various local jurisdictions, or any single community, to institute a comprehensive local zoning ordinance system and an effective, enforceable land use system for management coordination. There is no means suggested or discussed for assuring the establishment of zoning and land use regulations to control development other than total federal acquisition. In the opinion of the NPCA, this constitutes both an inadequacy of the draft environmental impact statement and an inadequacy of the proposal for assuring protection of the river environment within the proposed management boundaries.

The suggested management alternative in the draft environmental impact statement needs revision and greater specificity. Indeed, it would seem to be highly desirable to have the federal management role increased to provide more unified guidance and control for protection of the river and surrounding land.

Such increased federal management would not necessarily require a greatly increased expenditure of funds, or fee title acquisition. Under the proposed administration and management scheme in the draft EIS, there would be minimal land acquisition with a near total reliance on the local communities and States to provide zoning ordinances and a land use guidance system for protection of the river environment from undesirable development. Such a scheme cannot work, in our opinion, without at least the potential for federal acquisition either outright through condemnation or acquisition of development rights through easements.

In order to provide the proper incentive for the local communities or the States to take responsible, timely action to implement the necessary zoning ordinances and the overall land use guidance System, the Interior Secretary, acting through the National Park Service, should be authorized to acquire title to the private lands

within the proposed boundaries by condemnation, and those lands owned by a State or political subdivision by donation only. However, the condemnation authority could then be suspended for some pre-determined period, say five years, of sufficient duration to allow the States or local communities the opportunity to either acquire the lands themselves or to institute such valid land use controls as would meet certain general standards or regulations set out by the Secretary of Interior. So long as these local land use controls remained in effect and the natural landscape remained compatible with the purposes of the Upper Delaware National Scenic and Recreational River, the Secretary's condemnation powers would remain suspended. However, if the local community failed to act to establish land use controls during the specified period, or if, after establishing land use controls, a variance or exception is granted which is not in compliance with the standards set by the Interior Secretary, or if the threat of incompatible development within the proposed boundary is imminent before the State or local community has prepared or implemented its comprehensive land use controls, then the Secretary of Interior may terminate the suspension of his authority to acquire the property by condemnation.

Thus, the States and local communities are provided the opportunity to take the dominant role in land use management for the Upper Delaware proposal, and yet the Federal Government has the power to step in should the State or local communities fail to act to ensure protection of the river environment.

This suggested variation on the alternative selected in the draft EIS seems to us to provide the most flexible means of preserving the Upper Delaware primarily through local action, while ensuring that the lack of interest or failure to act on the part of any or all local communities will not jeopardize the preservation and recreational use of the river.

The draft EIS makes a stab in the direction of this suggestion on pages 11 and 33, stating that the Interior Secretary or the National Park Service would be authorized to acquire easements or development rights within the proposed boundaries, when land use regulations were not being enforced or were inoperative. However, our opinion is that the threat of acquisition of easements only after the local community fails to enforce its regulations is not enough, and indeed, would undoubtedly result in too little - too late.

Other specific comments of the NPCA on the proposed action are as follows:

1. As suggested in the draft EIS, coordination and cooperation with the Delaware River Basin Commission, and establishment of an Upper Delaware Citizens Advisory Council would have beneficial impacts on the proposal, in NPCA's opinion. However, neither of these bodies should have the authority to block federal land acquisition if the Interior Secretary deems it necessary to prevent incompatible development.

2. NPCA strongly concurs in the idea put forth several times in the draft EIS of seeking to have rail passenger service reinstituted on the Erie-Lackawana Railroad between Port Jarvis and Hancock. Such service should, as suggested, include carriage for canoes and rubber rafts as well. Provision for rail access to the recreation nodes along the river should be retained and used instead of private automobiles for access to the Upper Delaware. Indeed, the reestablishment of rail passenger service along the Upper Delaware should be sufficient justification for recommendation against any additional road construction along the river for automobile access. Such a policy should be made a part of the recreation management plan. 3

3. Recognition of the fact that the Upper Delaware River could become overcrowded, determination of its ecological and recreational carrying capacities, and provisions for regulation and limitation on use of the resource as discussed in the draft EIS are commendable and NPCA strongly agrees.

In conclusion, while the proposed action is, in NPCA's opinion, a worthwhile one, the alternative course chosen in the draft EIS does not appear to provide the necessary safeguards to assure protection of the river environment. Reliance on the good will and concern of the local communities is insufficient. When the Upper Delaware is included in the Wild and Scenic Rivers System, it will acquire national stature and attention, thus requiring regulations enforceable at the national level.

RESPONSE TO COMMENTS BY THE
NATIONAL PARKS AND CONSERVATION ASSOCIATION

1. The proposed action is a result of an extensive study effort that involved close coordination with various local governments, organizations and individuals. The recommendations represent the most feasible methods of protecting the resource while providing recreational opportunities. In addition, the recommendations are considered by the local people to be the most acceptable method of achieving the desired goal. The success of any proposal of this nature relies heavily upon local citizen participation and involvement, which is provided for in the Citizens Advisory Council and in the development of the land use control measures.

The land use management process would begin with the enactment and enforcement of strong zoning ordinances by local governments. The State would encourage and technically assist the counties and other local governments in this endeavor. Many local governments are currently in the process of instituting subdivision regulations at this time. This proposal also calls for the coordinated development of land use control measures, to be prepared by the Governors of New York and Pennsylvania, jointly or through the Delaware River Basin Commission, and in cooperation with local governments. Designation of the river segment in the National System will not occur until the Secretary of the Interior has determined that adequate land use protection measures have been implemented in the river corridor to preserve the values associated with the river's classification. At that time the Secretary will authorize the National Park Service to initiate its acquisition program and master planning activities.

In limited cases where land use regulations are not being adequately enforced or have become inoperative, the Federal managing agency would be authorized to acquire easements, either by negotiation or eminent domain, within the protection zone.

2. An Upper Delaware Citizens Advisory Council would be established to encourage maximum public involvement in the land use and recreational management processes and to cooperate in the development of the land use control measures. Its primary purpose should be to advise the Secretary of the Interior and the Governors of New York and Pennsylvania on matters affecting the river environment. The Council's membership should consist of: one representative from Delaware County and one from Orange County; two representatives each from Sullivan, Wayne and Pike Counties (all County representatives should be residents of riverfront townships); and two members appointed by the Secretary of the Interior to represent river recreation use groups at large. The proposal recommends that the Federal managing agency acquire 450 acres of full title

purchase and donation. The Federal managing agency would be authorized to acquire up to an additional 1,000 acres with the approval of the Advisory Council, in order to assure proper coordination and citizen participation.

3. The most recent analysis by the United States Railway Association (February 26, 1975) discusses light density lines (questionable, lightly used) and either recommends that a line be included in CONRAIL or does not recommend that it be included. This analysis does not specify the Erie-Lackawanna line, thus it is assumed that the subject line is a main line and will be included in CONRAIL. We understand therefore, that abandonment of the line is not being considered at this time. If abandonment does occur, any future suggestions for use of the right of way which conflict with the protection of the river environment would be discouraged by the proposed scenic and recreational river. It is recognized that certain types of use of the abandonment would be detrimental to the river corridor, and for this reason an extensive analysis of proper use of the abandonment, if this occurs, would be required to determine its best use and probable impacts upon the environment.

Present freight service provided by the railroad is compatible with this proposal. If passenger service were to be provided, it would institute another mode of transportation to and from the area, and should be evaluated on the anticipated impact such service would have on the river corridor, such as increased accessibility and volume of visitors. We are not in a position to propose changes in present rail service nor to recommend at this time use of the right of way should abandonment occur.

Upper Delaware River Association

POST OFFICE BOX 92 • EQUINUNK, PENNSYLVANIA 18417

George H. Frosch
Co-Chairman, N.Y.
(717) 224-4433

November 27, 1974

Kurt A. Mueller
Co-Chairman, Pa.
(717) 224-4551

Mr. Maurice Arnold,
Regional Director
Bureau of Outdoor Recreation
Northeast Regional Office
Federal Building - Room 9310
600 Arch Street
Philadelphia, Pennsylvania 19106

Dear Sir:

Our Association has reviewed your Upper Delaware Scenic and Recreational River - A Proposal, which has been filed as an environmental impact statement for 45 day comment.

In general the document reflects the public coordination and mutually advantageous compromise directed by WRC principles and standards.

There appear to be several necessary modifications to included flaws. While these flaws are gravely serious in adverse impact to the environmental quality and social well-being of the area, happily they are quite minor insofar as the fabric of your proposed system is concerned and will serve to positively reinforce the laudable intent and direction of the Bureau's proposal.

MODIFICATION ONE:

Relocation of Federal Access Area #3, Equinunk, Pa.
(refer to page 4 of Environmental Impact Statement)
to approximately River Mile 320.

Environmental Impact of Present Location: Present location is bounded to the north by Factory Creek, and to the south by Equinunk Creek. Expected relatively intense use of this town-situated access site will result in unacceptable degradation of the two most productive trout breeding areas on the northernmost recreational stretch. Equinunk Creek, already carrying a load of treated effluent from an upstream development, cannot tolerate an additional load of re-creator generated garbage and the inevitable volume of human waste peculiar to recreational facilities. Factory Creek has such a small sectional density that it would probably degrade as fast. Setback of the area's limits (Lordville Road) is so close to the river (about 300'), that refuse must surely be expected to enter the river proper.

November 27, 1974

Environmental Impact of Alternate Location: No creeks flow through the campsite located at approximately River Mile 320.9. The campsite's size offers expansion room for isolation of picnickers or parking from the river proper.

Social Well-Being Impact of Present Location: The close juxtaposition of the town's church (which is the center of Village affairs), recreational access area and the village's only distributor of alcoholic beverages is certain to destroy the town's tranquility and rural mores. Solicited parishioners, incredulous at the suggestion, feared that church affairs could not continue unharmed - even if the distributorship were removed - as recreators often carry their own refreshment.

Social Well-Being Impact of Alternate Area: As the alternate area is at the town limits recreators will have little direct impact in their activities on town life.

Functional Impact: It would appear that the close spacing of Access Areas 2 and 3 and the relative great distance between 3 and 4 requires reassessment. Relocation of Area 3 to point A on the enclosed chartlet, a campsite with river access, would be more logical, as better spacing would result. An additional benefit would be realized as this would create an access area directly at the beginning of the upper Scenic stretch so that the more pioneering outdoorsman may begin his voyage in a relatively wild setting.

Possible Misidentification: Access Area #3, shown as "Private Access #5" on Delaware River Basin Commission Recreational Maps is no longer an operative access area for fee, nor has been for some time. Thus the premise that only existing access areas would be acquired seems a bit inconsistent. The location at approx. River Mile 320.9 on the other hand is not only well suited as an access area but currently is an operable campground with existing sanitary facilities.

Tangential Benefits: At the new location additional access area functions could be realized. While Equinunk center would only be a launch area, the new location could certainly serve as a large tranquil picnic ground.

MODIFICATION TWO:

Selected Mode of Site Expansion (Refer paragraphs 1-3, 5, page 11 of Environmental Impact Statement).

Emphasis would be placed on upgrading existing recreation facilities and utilizing them effectively. To achieve these ends, while maintaining general river profile, minor additional acquisition at the larger existing sites may be necessary. In general such expansion will be limited to sites with (at least) 200 recreator capacity on date of program implementation.

Environmental Impact of Present Expansion Plans: It is recognized that in order to insure dynamic response to increased recreational demands on the river, there must exist a potential for acquisition of additional acreage to expand existing facilities. The choice of existing access sites for 1st implementation (with the modification outlined above) is a selection which recognizes natural development along the river. Non-selective expansion of access sites could easily unbalance the natural access and use pattern, disrupting aesthetic values along with certain environmental systems.

One probable future development in the non-selective expansion proposal would be application of the entire acquisition potential to the smallest sites. Thus a spectrum of large suburban and small rural access sites would become a uniform string of fairly large sites. This would distribute recreators fairly evenly over the entire river and destroy river profile.

Environmental Impact of Proposed Selective Expansion: The selective expansion proposal recognizes the desirability of a graduated profile of the river. Large existing access areas are assumed to have developed in response to public usage and contiguous commercial development dictates. The existing smaller access areas, where public usage is small, are believed to have so developed because of lack of commercial impetus. The restrictive and often austere conditions of the smaller access areas have acted as a protectionary force on the more scenic river segments, acting as gates which admit only the more pioneering recreators.

In order to continue to maintain these controls on recreator access and maintain river profile, a selective development technique must be instituted.

Larger existing access areas, those currently handling over 200 recreators or of such current capacity, cannot be hidden from view and as such currently degrade tranquility of the river to a certain degree. Identifying these as irreversible situations and additionally identifying future acquisition as an irreversible action, it is natural that all future expansion should be limited to these areas of "sunk cost" which are committed to a recreational profile. Existing smaller access areas will be maintained at status quo indefinitely. Access will thus be rustic in nature for the more pioneering and river profile maintained for the less rugged general recreator between his entrance and exit at the larger developed sites.

Social Well-Being Impact of Present Expansion Plans: Through long evolution of regional development access areas have been instituted in areas and of such sizes as dictated by topographical profiles, community, and commercial desires. Areas where large existing sites have evolved have inured themselves to transient presences developed in order to reap commercial advantage and finally have placed

community institutions which could be damaged at a distance from recreational areas. Casual patterns of site expansion could rob recreator-dependent economies of such desired expansion while imposing unwanted expansion on communities unable to cope with such.

Social Well-Being Impact of Selective Expansion: Selective Expansion will insure protection of rural mores and underwrite expansion at sites which by example have indicated desire for same.

MODIFICATION THREE:

Re-Identification of Landowners.

The "many small landowners" statement in the Environmental Impact Statement may be a bit misleading. Within the ridge-to-ridge boundary many large private tracts exist. Identification of the profile of the landowner by example of what the large majority holds to the exclusion of the large-holders minority results in a slanted picture. A picture of the average holding in acres would be found to far exceed suburban norms coupled with an identification of the percentage of total included acreage in large (100+ acres) holdings would be much more indicative of the actual area profile. This true profile is all the more the rule in that area directly adjacent to the river. It is these large land holders who have controlled development maintaining the river in its present desirable state for inclusion in the Wild and Scenic Rivers System.

MODIFICATION FOUR:

A Proposed Positive Disposition of the Erie Lackawanna Railroad Right-of-Way.

The Environmental Impact Statement makes many references to the existence of the Erie Lackawanna Railroad right-of-way along the Upper Delaware River. Various statements address the future of the rail bed attempting to protect it from development as a transportation artery in the event of future termination of freight service. No exception can be taken to the intent of the environmental impact statement in this regard. On the northernmost recreational stretch, where the railroad is most visible, Pennsylvania Route 191 parallels the river closely adjacent and within view of virtually the entire length. If the rail bed were to become a road or trail, virtually all privacy would be exhausted as recreators and residents would view nothing more than a river hemmed in by constant transportation, urban civilization's most visible hallmark. The existence of a railroad with infrequent freights is far preferable, and in keeping with the rural setting. Reversion of this rail bed to original deeded tracts mentioned also in the Environmental Impact Statement would appear to be the best of all possible solutions. Institution of hiking, biking, snowmobile trails, and the like, would effectively turn the New York shore, now rightly

nude (on the upper recreational stretch) of access areas, into one continuous access area. Control of recreators, sanitation, garbage, trespass and the like would be prohibitively expensive, if not impossible, in such a situation. Recreation along such a continuous area would completely disrupt the river profile. Efforts must be taken to insure a practical approach to a positive solution of the railroad presence.

It would appear that the spectrum of alternatives is as follows:

- A. Federal encouragement or subsidy of a limited passenger rail service by existing owners.
- B. Acquisition of rail bed and rights by federal government to be held in safety until application by a rail entrepreneur to institute limited passenger service.
- C. Acquisition of stretches owned in fee simple by the railroad and subsequent ceding to adjacent landowners with rights-of-way on other stretches naturally reverting back to the original owners.
- D. Acquisition of fee simple land and scenic seeding thereof with representative growth with rights-of-way on other stretches naturally reverting back to the original property owners.
- E. Application of any of the measures contained in A - D above to various stretches dependent on the impact of the potential rail bed use thereon.

Practicality of Solution: Recognition must be made of the existing physical configuration of the rail bed and its natural attractiveness to state, county, or municipal authorities attempting to cut budgets on road development. In order to insure that omnipresent local rights of eminent domain were not utilized, the following alternatives are believed the most permanent:

- A. Encouragement or subsidy of passenger service.
- B. Acquisition to hold in safety until application to develop passenger rail service.
- C. Acquisition in fee simple of tracts and scenic seeding with other areas reverting.
- D. Application of A, B, and C, to selected river segments in light of railroad impact and to minimize cost.

Note: See enclosed sample railway land computations.

It is here recommended that Erie Lackawanna be petitioned to determine if an intention exists to institute limited passenger rail service. If no intention can be shown that, in those areas where

November 27, 1974

the railroad is within $\frac{1}{2}$ mile of the river, all fee simple property be acquired along with rights-of-way; such property to be held until application for service is forthcoming or 5 years, whichever is shorter. That after 5 years without application for service land within x ft of the river be seeded with all land outside ceded to adjacent owner. Rights-of-way would revert to owner. 4

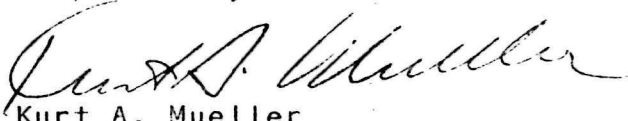
It is fully recognized that inclusion of the above modifications into the proposal will require amending the announced environmental impact statement and reissuing the same with attendant time delay. While our Association regrets such delay, as we are also desirous of prompt implementation, it appears that such delay is inevitable.

Upon publishing the amendment to your environmental impact statement this organization will issue an endorsement of the modified document and will solicit the same from the other River groups. Current negotiations indicate such solicitation would be fruitful.

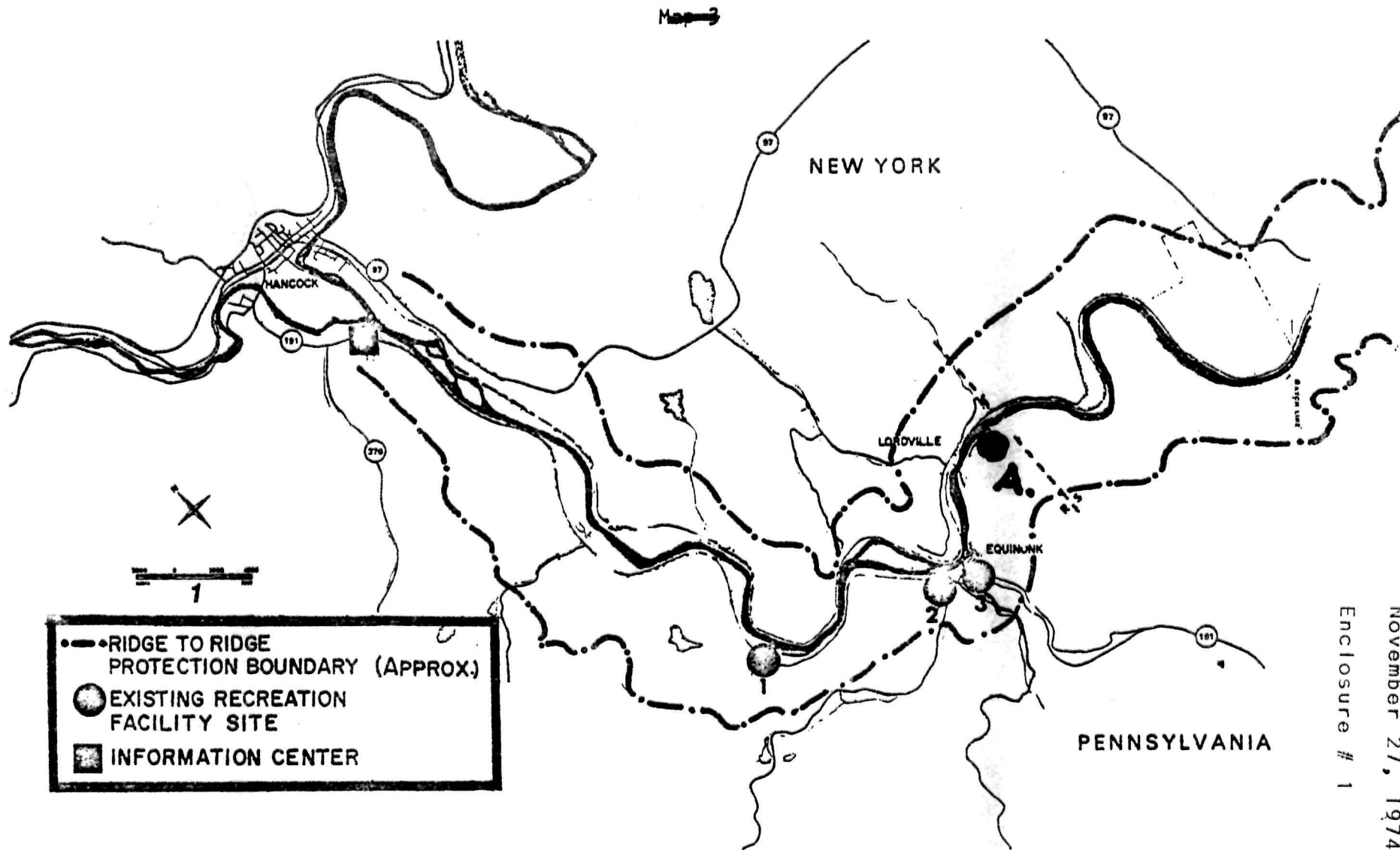
This organization's energies would be henceforth devoted to petitioning that the modified proposal be adopted and funded.

Yours in cooperation,


George H. Frosch
Co-Chairman, N.Y.


Kurt A. Mueller
Co-Chairman, Pa.

Enclosures



DELAWARE NATIONAL SCENIC
AND RECREATIONAL RIVER
NEW YORK-PENNSYLVANIA

November 27, 1974

Enclosure # 2

Sample Railway Land Computations:

72 miles of rail = 380,160 linear ft x 100 ft bed = 38,016,000 sq.ft.

Acre = 43,560 sq.ft

so 72 miles of rail = 872,727 acres

@ \$3,000 per acre = \$2,618,181.

@ \$2,000 per acre = \$1,745,454.

However: Since land along the railway is in some instances owned, in others only rights-of-way, and since rights-of-way as such cannot be deeded or transferred to third parties, removal of the railway would return such segments to the adjacent owners' hands. Therefore, assuming only half such acreage must be acquired in fee simple, total cost along the designated stretch would be 870K to 1310K.

Acquisition along Upper Recreational Stretch Only:

River Mile 330.6 to 321.2 = 9.4 miles

9.4 miles = 49,632 linear ft x 100 ft width = 4,963,200 sq.ft

= 113.9 acres.

Assuming half in fee simple, = 57 acres

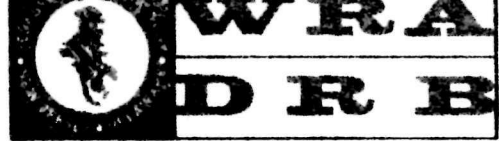
@ \$2,000 per acre = 114K

@ \$3,000 per acre = 171K.

RESPONSE TO COMMENTS BY THE
UPPER DELAWARE RIVER ASSOCIATION

1. Upon reassessment of the sites involved, recreation facility site number 3 has been relocated from river mile 322.5 to river mile 321.2 (see map 2).
2. Minor additional acquisition at existing sites may be necessary in upgrading and effectively utilizing existing recreation facilities. The master plan, to be developed by the National Park Service, will determine which additional areas need to be acquired. In addition, the master plan will include the development of a "carrying capacity" of the river and will assist the National Park Service in determining how the existing recreation sites will be utilized, and where additional land and facilities are required.
3. The reference to landowners on page 22 has been modified in accordance with the comment.
4. Additional information on possible abandonment of the Erie-Lackawanna line along the Upper Delaware has been added to the report on page 12. The most recent analysis by the United States Railway Association (February 26, 1975) discusses light density lines (questionable, lightly used) and either recommends that a line be included in CONRAIL or does not recommend that it be included. This analysis does not specify the Erie-Lackawanna line, thus it is assumed that the subject line is a main line and will be included in CONRAIL. We understand therefore, that abandonment of the line is not being considered at this time. If abandonment does occur, any future suggestions for use of the right-of-way which conflict with the protection of the river environment would be discouraged by the proposed scenic and recreational river. It is recognized that certain types of use of the abandonment would be detrimental to the river corridor, and for this reason an extensive analysis of proper use of the abandonment, if this occurs, would be required to determine its best use and probable impacts upon the environment.

Present freight service provided by the railroad is compatible with this proposal. If passenger service were to be provided, it would institute another mode of transportation to and from the area for residents and recreators.



WATER RESOURCES ASSOCIATION OF THE DELAWARE RIVER BASIN

Delaware Bay Branch Office

917 King Street
Wilmington, Delaware 19801
Code 302 655-7531 Ext. 35

Main Office

901 Stephen Girard Building
21 South 12th Street, Phila., Pa. 19107
Code 215 563-8572

Kenneth R. Myers, Esquire, President
Paul M. Felton, Executive Director

December 5, 1974

Mr. Maurice Arnold
Bureau of Outdoor Recreation
600 Arch Street
Philadelphia, Pa. 19106

Dear Red:

This is in response to your letter of November 7 in which you asked for comments on the draft environmental statement for the Upper Delaware Wild and Scenic River Study.

A query to our Directors and Upper Basin Group brought in the following items of response:

- . First a small bouquet from WRA's Information Specialist to your staff writers - "In my opinion, this is a very good job and BOR ought to be complimented. It is written clearly in plain language, covers all the points and seems to be as objective as one can get. I was pleasantly surprised."
- . A suggestion - Please limit the boat access points so that the River is not used beyond its capability to absorb the crowds. Also, if within the scope of the Act, design turnouts at vistas along the River road for "car-bound" recreationists to take advantage of the beautiful scenery along the valley. | 1
- . BOR's Upper Delaware Proposal looks good - just about what could have been expected/predicted fully five years ago. The only thing that troubles me is the land use management mishmash but the joint responsibility for such management has to be tried. | 2
- . WRA/DRB should support the BOR proposal. It would seem natural and well advised for the WRA Upper Delaware Basin Group to be included in the Advisory Council either as a nucleus or in cooperation with other organizations. | 3

We recommend (Orange County Sportsmens Clubs) BOR and DRBC expedite this project without further delay before there is any more opposition from certain Upper Delaware citizens who would like to see the project dropped. When the Upper Delaware Citizens Advisory Council is formed, hope Orange County Federation of Sportsmens Clubs have some representation.

3

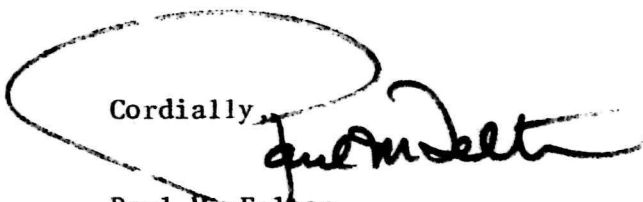
The only agency with any ability to get cooperation between the states (counties and boroughs) is DRBC. Surely we don't want another Commission.

In sum, Red, WRA would have liked a much more comprehensive land acquisition program along this River project. Since that's not feasible, then we strongly recommend the existing DRBC as a land management coordinating agency.

Meanwhile, WRA stands ready to meet with any groups to expedite cooperation between the many agencies and government units which need pulling together.

Good Luck!

Cordially,


Paul M. Felton
Executive Director

PMF/hw

RESPONSE TO COMMENTS BY THE
WATER RESOURCES ASSOCIATION OF THE DELAWARE RIVER BASIN

1. The number and location of access sites and related facilities will be determined by the National Park Service master plan, which will analyze the carrying capacity of the river corridor.

The development of highway vistas along the river roads may be considered by the State highway departments.

2. The development of land use control measures is a method of combining various means of land use protection by various levels of government to insure a joint and coordinated effort in protecting the resource.
3. The Advisory Council membership would consist of one representative from Delaware County and one from Orange County; two representatives each from Sullivan, Wayne and Pike Counties (with all county representation from residents of riverfront townships); and two members appointed by the Secretary of the Interior to represent river recreation use groups at large. This represents a positive approach to assure citizen participation and involvement in the land use and recreation management of the river corridor.

4000 4th Avenue, North
Great Falls, Montana 59401

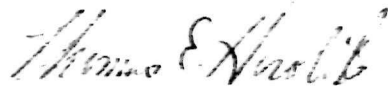
Bureau of Outdoor Recreation
Northeast Regional Office
Room 9310, 600 Arch Street
Philadelphia, Pennsylvania 19106

November 20, 1974

Dear Sir;

I have read the draft environmental statement for the proposed Upper Delaware National Scenic and Recreational River. It appears on the basis of that reading that the proposed designation of some 75 miles of the Delaware River as either scenic or recreational is compatible with reasonable development within the area. Further, it will reduce ~~XX~~ unacceptable levels of development within the valley itself. Therefore, I support the proposal as written and urge that action be taken as quickly as possible to make this proposal a reality.

Sincerely,


Thomas F. Horobik

November 18, 1974
52 Church Street
Paterson, NJ

Regional Director
Bureau of Outdoor Recreation
600 Arch Street
Philadelphia, PA

Dear Sir:

Thank you for the copy of the draft Environmental Statement of the proposed Upper Delaware National and Scenic Recreation River. As a citizen and active canoist, I find the proposal more than satisfactory for maintaining and improving the quality of the river and assuring adequate usage by this and future generations.

My only comment is to stress the need for immediate control of the resource. This past summer, I noted the presence of human fecal matter in the river. Also, a logging operation on the Pennsylvania bank south of Pond Eddy caused severe restriction of camping facilities in the area. Canoists, such as myself accustomed to camping in that area, were hard put to find adequate sites.

concerning
Recommendations/control of access by canoists to the river are welcome. This year, the weekend utilization of the stream reached unwieldy proportions. On any given weekend, the river was crowded with boats thereby limiting the unique canoing opportunities offered by the Delaware. A frightening number of people took to the river without prior canoing experience and, in one near-disaster observed personally, without the ability to swim. The potential dangers posed by such unrestricted usage are too great to ignore.

While I favor the least amount of governmental control, I must urge the government take whatever action it can to control the rental of canoes to those without any experience. The admittedly difficult process of implementing a fair licensing program for access must be considered.

Thank you,



Steven Petshaft

RESPONSE TO COMMENTS BY
MR. STEVEN PETSHAFT

1. Some local governments are presently developing and implementing zoning ordinances to protect against undesirable developments.

Water quality criteria of the states of New York and Pennsylvania and those of the Delaware River Basin Commission will have to be met when the river becomes a component of the national system. Responsible agencies will strive to implement water quality improvements whether or not this proposal is implemented.

2. The carrying capacity for use of recreation facilities will be determined by the National Park Service master plan. Guidelines for use of the river and its facilities, including safety precautions will be responsibility of the recreational management agency, the National Park Service.

