

ENVIRONMENTAL GLASNOST:

PROTECTING A RESOURCE YOU DO NOT OWN

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The Upper Delaware River management plan offers an alternative to outright purchase and subsequent management of natural recreation areas. Advantages include providing for appropriate growth, pooling agency manpower and funding, and making the private sector more responsive to finding solutions to resource issues.

I am very pleased to be here and sincerely appreciate the opportunity to speak about what it means to protect natural resources without federal land ownership. For the past ten years, I have been deeply involved in a new and very controversial approach to land management for governmental agencies...one which requires a personal dedication to convincing those who own the land that it is in the best interest of both the public and private sectors to work together to prevent resource degradation without substantial federal control through land acquisition.

The conflict between land acquisition for public use and private property rights has been around for a long time. Prior to World War II, federal land acquisition in the western half of the country was less impacting on private land ownership because most of the newly established parks came out of lands already publicly owned.

Demand for nationally managed public recreation areas in the eastern half of the United States is best illustrated by the development of Shenandoah National Park in Virginia (better known as the Skyline Drive), and the Blue Ridge Parkway, which stretches from northern Virginia over 460 miles to the Great Smoky Mountains National Park in North Carolina. Both areas were conceived and built in the late 1930s. Each was set up to provide open space to meet recreational needs for a growing mobile urban population.

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

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

Until the late 1950s, land acquisition for public use did not create a very large or well organized outcry from private land holders. During the sixties, many national recreation areas were authorized by Congress to provide open space for public use within reasonable distances of major metropolitan areas. Each new area caused a louder and louder controversy over the taking of private land from either willing sellers or acquisition through condemnation procedures from unwilling sellers.

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

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

During the seventies, recreational boating along the upper Delaware River with canoes and rafts increased dramatically. This section of the Delaware River is no more than a three-hour drive from twenty-five million people, which has caused our visitor use statistics to jump from approximately 100,000 in 1980 to over 225,000 for 1990. Most want to come for the day to rent canoes or rafts or just spend the day enjoying a drive along the river. However, subdivision signs shot up along major roads in the mid-1980s and the race was on to own a piece of land near the Delaware River. Seasonal home development has not been as great in the upper Delaware as further downstream, but it is increasing and we are trying to prepare the local communities to plan effectively for it.

The upper Delaware River legislation is designed to protect both public use rights on the Delaware River and private land rights adjacent to the river. It involves a management structure that requires a maximum of public involvement and a minimum of direct federal control. There is heavy reliance on the use of citizens' advisory groups, the local political structure and existing agency jurisdictions to mitigate resource issues affecting the river.

To demonstrate how the upper Delaware management approach differs from traditional methods and why many federal managers might balk at accepting this approach, I would like you to imagine yourself in the following situation.

You are a twenty-year veteran in the National Park Service, having worked primarily in traditional land-based parks. You have just received a vacancy announcement for the position of Superintendent at the Upper Delaware Scenic and Recreation River which states:

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

The following management guidelines have been established for the area:

- A. *Lands actually owned by the federal government are currently 15.2 acres that have been purchased over the past ten years. Land acquisition is very limited and acquired primarily for administrative offices. The area's river management plan calls for land acquisition to not exceed 130 acres corridor-wide.*
- B. *All land will only be purchased with the consent of the local government where the land is situated and approved by a local "council" which represents all local, state, and federal management interests in the river corridor. All land acquisition will be on a willing buyer, willing seller basis.*
- C. *Condemnation authority, although provided in the enabling legislation, will only be used if a significant resource threat exists which cannot be mitigated or resolved by existing legal authority.*
- D. *Agency jurisdiction will be restricted to the surface of the river, and the acreage actually owned by the agency. All river access points managed by the National Park Service are leased from existing state agencies.*
- E. *The incumbent will have full responsibility for public use and safety concerns for a park where public visitation exceeded 200,000 in 1990. Over 30% of the canoe safety patrols are carried out by volunteers from local canoe clubs.*
- F. *The incumbent will present agency objectives as a non-voting advisor to a local council made up of volunteer representatives from the fifteen towns or townships that border the river. The council also has a representative from the states of Pennsylvania and New York, and a representative from an interstate compact concerned with water quality and quantity over the entire Delaware River basin.*
- G. *Every effort will be made to encourage local communities to zone in such a manner so as to be compatible with the intent of a set of land management guidelines established by consensus among all parties to the "council." These guidelines are not legally binding.*
- H. *All development by the NPS unit will conform to local zoning, and projects taken on by the unit will be reviewed for approval by the municipality where the development occurs.*
- I. *All land-based law enforcement, emergency rescue response, and trash removal (related to public use on the river) will be subsidized through contracts to local jurisdictions.*

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

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

Will this approach work? Well, if your management objectives are to stop development, totally protect the wildlife habitat, and keep the area in a totally natural state, the answer is, "probably not."

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

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

This approach reaches out to all of those affected by a public project. It provides the opportunity for each citizen to understand the environmental impacts that are affecting their community and the delicate balance between economic development and maintaining open space to keep the natural processes functional. It offers land owners a real chance to help manage the public use generated by a scenic river designation rather than just cussing out the federal government for "bringing all those noisy city folk to their peaceful valley."

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

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

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