

**Town of Highland
Special Use Permit from Northgate Resorts for Camp FIMFO**

**Significant Project
Substantial Conformance Review**



Prepared by the
National Park Service
Upper Delaware Scenic and Recreational River

June 26, 2023

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EXECUTIVE SUMMARY

The 1986 Upper Delaware Scenic and Recreational River Management Plan stands as the agreement between the United States Government and the communities affected by designation of the Upper Delaware River, for carrying out the provisions of the legislation. It was developed to preserve the Cultural, Ecological, Geological, Scenic and Recreational Outstandingly Remarkable Values (ORVs) of the 55,750 acre Upper Delaware River corridor.

To preserve the integrity of the ORVs, PL 95-625 Sec 704(e)(1) requires that within the park boundary the park review all relevant local plans, laws, and ordinances, including zoning, and significant projects to determine whether they substantially conform with respect to the Schedule of Compatible, Conditional, and Incompatible Land Uses set out in the secretary's Land and Water Use Guidelines, the substance of the River Management Plan, and the substance of each of the principles and objectives set out in the Guidelines and the Plan.

Upon conducting a substantial conformance review of the application for the Town of Highland Special Use Permit from Northgate Resorts for Camp FIMFO received April 12, 2023, NPS finds the following:

- The most applicable definition for this facility is an RV Parks Intended for Non-Transient Use. That use falls within the Intensive Use Recreational Facility category, which is appropriate with a Special Use approval in Recreational Segments and a compatible use within Hamlets.
- The project proposal fails 3 objectives contained within the Land and Water Use Guidelines.

Therefore, the National Park Service has determined that Town of Highland Special Use Permit Application from Northgate Resorts for Camp FIMFO does not substantially conform with the Secretary's Land and Water Use Guidelines for Upper Delaware Scenic and Recreational River.

INTRODUCTION

The Upper Delaware Council (UDC) submitted its final substantial conformance recommendation to NPS on September 2, 2022, in which the UDC determined that the Town of Highland Special Use Application from Northgate Resorts for Camp FIMFO substantially conforms to the Secretary's Land and Water Use Guidelines.

The purpose of this analysis is to provide a final determination of whether the application for a Town of Highland Special Use Permit from Northgate Resorts for Camp FIMFO dated April 12, 2023, substantially conforms with the Secretary's Land and Water Use Guidelines (LWUG) for Upper Delaware Scenic and Recreational River. Although the Secretary may not commit herself in advance to decline to exercise her right to review, she can accept the recommendations of the Council. If the recommendations of the Council are consistent with the plan and guidelines, the Secretary will accept them and will not take actions counter to recommendations of the Council.

The Final River Management Plan defines substantial conformance as follows:

"Conformance with respect to the list of Compatible, Conditional, and Incompatible Land Uses set out in these guidelines and with the substance of each of the principles and objectives set out in these guidelines so as to carry out the intent of the Upper Delaware legislation."

This review is therefore based on:

1. An evaluation of whether the proposal for the Town of Highland Special Use Permit from Northgate Resorts for Camp FIMFO is consistent with the listed schedule of land uses contained in the LWUG, and
2. An evaluation of whether the proposal conforms with each of the principles and objectives contained in the LWUG.

NPS AUTHORITY AND INTENT OF THE 1986 LAND AND WATER USE GUIDELINES

Upper Delaware Scenic and Recreational River was established under the Wild and Scenic Rivers Act (Public Law 95-625) in 1978 to preserve the Upper Delaware River in its free-flowing condition and to protect the outstanding resources for which it qualified for inclusion in the National Wild and Scenic Rivers System. These Outstandingly Remarkable Values (ORVs) include free-flow, exceptional water quality and ecological, recreational, scenic, geologic, and cultural resources and values. For rivers within the national wild and scenic rivers system, the Wild and Scenic Rivers Act requires the Department to “issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act.” (Section 6(c)) P.L. 95-625 directed the Department of the Interior to “publish general guidelines for land and water use control measures to be developed and implemented by the appropriate officials of the states of New York and Pennsylvania, by the local political subdivisions, and by the Delaware River Basin Commission.”

The law requires the Secretary of the Interior, delegated to the National Park Service, to review all relevant local plans, laws, and ordinances for the purpose of determining whether they substantially conform to the Upper Delaware Scenic and Recreational River Management Plan (RMP) and to the guidelines. If such plans, laws, and ordinances are not in conformance with the management plan or guidelines, or are not being enforced, the Secretary may exercise the authority to acquire land and interests in land within the geographical area of the local government unit failing to conform with the guidelines or management plan. Pursuant to Section 704 (b) of P.L. 95-625, the Secretary reserves the authority to prevent incompatible land uses in the Upper Delaware Scenic and Recreational River corridor.

“The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.”

Wild and Scenic Rivers Act, Section 6(c)

In 1986, representatives of the local community developed and published the LWUG in the RMP. The RMP stipulates an agreement between all levels of government for implementing the Upper Delaware Scenic and Recreational River legislation and the LWUG are considered the backbone of this agreement. The LWUG are intended to be standards for the fifteen towns and townships to use in the development or modification of their relevant plans, laws, and ordinances to carry out the purposes of the RMP.

“As with any agreement, if the towns and townships fulfill their responsibilities, as stated in the plan and guidelines, the National Park Service will fulfill its responsibilities and take only those actions identified in the plan. Similarly, if the towns implement the Land and Water Use Guidelines local interests will be protected and the federal interest will be assured.”

RMP 1986, p. ii

As stated in the RMP, “all federal, state, and local agencies are obliged to be consistent in their decision-making” with the guidelines. (RMP pg 40) The act of developing and the local municipalities agreeing to act consistently with the LWUG recognizes that leaving land use decisions in the hands of local governments is a critical step in building and implementing a collaborative management approach for the Upper Delaware Scenic and Recreational River.

The Land and Water Use Guidelines establish a program designed to permit each unit of local government to meet the overlying principles and

objectives in its own way (RMP pg 47-48). The LWUG Principles and Objectives are typically followed by “alternative measures which local governments can take to meet those objectives. A performance standard for communities which desire to use still other approaches is also offered in those instances where alternatives are detailed.” (RMP pg 119)

To preserve that flexibility, the guidelines do not generally lay out criteria for towns to use in issuing special or conditional use approval. In making a substantial conformance determination, therefore, the Guidelines advise that the review should “specifically address conditional use and special use permit criteria to ensure they include consideration of the potential impact of the use on the river and consistency with the objectives of these guidelines.” (RMP pg 118)

SIGNIFICANT PROJECT BACKGROUND

This review addresses the Class II Significant Project Review for the proposed special use permit and site plan at 3854 State Route 97, Town of Highland, New York (mailing address in Barryville, New York). The total property is made up of 11 parcels: 23.-1-6; 25.-1-4.1; 25.1-1-4.2; 25.-1-4.3; 25.-1-4.4; 25.-1-5.1; 25.-1-8; 25.-1-9.1; 25.-1-9.2; and 25.-1-15 on the Town of Highland tax maps. It is in both the HC Hamlet-Commercial Zoning District and the R-2 Residential Agricultural Zoning District. It has frontage on both sides of State Route 97, as well as on Dry Brook Road.

The area of the site is approximately 223 acres. It has many sections of steep, mostly wooded slopes. It has several isolated areas of wetlands, none of which are to be encroached upon by the proposed development. The Beaver Brook flows from the north to the south through the central portion of the site. The property fronts the Delaware River. Part of the project site is located within the 100-year and 500-year floodplains.

The subject property has been in operation as a campground and livery since around 1941, currently known as Kittatinny Canoes. The applicant seeks to replace or renovate some community buildings,

construct new amenities, and improve all the existing campsites. A zip line, paint ball area, and hiking trails will remain.

The property current has 342 campsites, most of which are tent sites without sewer or water hookups. The proposal seeks to retain 56 traditional tent sites and update 279 sites, reducing total sites by seven. The applicant will install park-model recreational vehicles (RVs) with full bathrooms and utility hookups on 146 sites, upgrade 58 sites with water and sewer for drive-in RVs, create 64 “on-site tent” sites (e.g., glamping), and renovate nine tent sites. In total there will be 335 campsites under proposed conditions, including 204 sites with individual utility hookups.

Total anticipated liquid waste generation is estimated at 29,080 gallons per day. The proposal includes constructing sixteen new septic systems distributed throughout the project site to treat this wastewater. The applicant identified these locations and conducted soil investigations.

The project will also create additional demand for water. The total anticipated usage per day is less than 35,000 gallons from the six existing permitted public water supply wells. The applicant will install a new treatment building at each of the well locations.

The RMP requires review of this project due to the scope, scale, and location of the project site. NPS finds the project is considered a Class II project based on the following conditions:

- Project requires a special use permit and site plan under local ordinances
- Project involves a river related recreational use
- Project proposes 25 or more equivalent dwelling units

ORGANIZATION OF THIS REVIEW

This review has three parts.

Part 1 compares the proposed use against the Schedule of Compatible, Conditional, and Incompatible Land Uses found on page 134 of the River Management Plan.

Part 2 compares the proposal against the Principles and Objectives contained in the Guidelines, using the format established in the UDC’s June 2020 Project Review Workbook. The principles contained in the guidelines aim to protect and enhance the fundamental values of the Upper Delaware Scenic and Recreational River. The numbered objectives specifically address these values, and the lettered alternatives serve as the guiding pathway to meet each objective, and consequently each principle.

As explained in the 2020 Workbook, “An objective will have been met if the completed checklist indicates that the development proposal has employed the recommended management techniques listed under that objective.” The 2020 Workbook is organized by Review Criterion, as well, indicating which principles and objectives apply to certain projects. Given the contents of the proposal, Review Criterion 1 and 3 apply. UDC’s recommendation included Review Criterion 2 (Principle B, Objective 4a), though the text acknowledges UDC did not receive an off-premise advertising plan. NPS did not receive an additional off-premise advertising plan either, therefore that criterion is not included herein.

Under each objective, this report includes a review statement, which describes whether or not the objective has been met and the key reasons for the determination, and a summary statement on NPS' concurrence or lack thereof with UDC's recommendation.

Part 3 evaluates the project against additional questions as provided in the River Management Plan. Major projects requiring state or federal permits may fall outside the normal procedure employed by local municipalities. For these situations, the RMP provides questions that intend to look at projects with a broader perspective and ensure all applicable information is available and has been considered.

The additional questions come from:

- The six principles to be met by participating governments in carrying out the requirements of the Upper Delaware legislation and the purposes of the Land and Water Use Guidelines (RMP pg 40-41),
- The water resources management, fisheries and wildlife, threatened and endangered species, unique land resources, and cultural resources objectives (RMP pg 64-84), and
- Additional criteria pertaining to recreation resources from the Water Use Program (RMP pg 91-113).

DOCUMENTS REVIEWED

As submitted September 27, 2022:

- 01_2220488 Response to Comments.pdf
- 02_2220488 Plan Set.pdf
- 03_2220488 SWPPP.pdf
- 04_Camp Fimfo - Tracking Document.pdf
- 05_NYSOPRHP Sign Off.pdf

As submitted February 6, 2023

- Camp Fimfo-Catskill_EAF Part 1 Report 20230206_.pdf
- FIMFO Cut Fill Site map.pdf
- Floodplain map.png
- Camp Fimfo_2220488 - Cover Letter_.pdf
- DRBC Narrative_Camp Fimfo_20230206.pdf

As submitted April 12, 2023:

- Floodplain Assessment - April 2023.pdf
- To_Town & NPS re-Flood Evac Plan.pdf
- V101-V115_2220488_EXIST_20230407-1119.pdf
- 23.0330-KIT-Ground Level Perspective Renderings-36x48.pdf
- 23.0412-KIT Flood Evacuation Exhibit-DRAFT.pdf"
- 23.0412-KIT-Flood Evac Plan-Final[1].pdf
- 2220488 - Coverage-1.pdf
- 2220488 Plan Set.pdf
- Camp Fimfo_2220488 - Response to Comments.pdf
- Delaware River OHWM Photos.pdf

PART 1: SCHEDULE OF USES COMPARISON

The proposal seeks to upgrade an existing tent campground and its associated amenities, including modernizing 204 sites with individual utility hookups and installing 146 park-model recreational vehicles (RVs) that will permanently remain on each campsite. The park-model RVs will be rented to individuals on a short-term or transient basis. The remaining sites, consisting of drive-in RV sites, glamping sites, and traditional tent camping sites, will also all be rented on a transient basis.

The following RMP definitions apply:

- *Recreational Vehicle Campgrounds* – A parcel of land, whether leased or sold, providing sites for travel trailers, truck campers, camper trailers or motor homes for transient use.
- *Recreational Vehicle Parks Intended for Non-transient Use* – A site or facility operated in the manner of a campground, where the individual lots, tracts, parcels or other divisions of land are permanently conveyed, leased on a long-term basis or the recreational vehicles are otherwise permitted to remain permanently or semi-permanently affixed to an individual site for extensive periods of time whether used or not.
- *Intensive Use Recreational Facility* – Boat rentals, canoe or other watercraft liveries, tourist recreational facilities, recreational vehicle campgrounds, golf courses, public recreational facilities, clubhouses and other recreational uses likely to require significant amounts of parking, restaurant facilities, rest room facilities, and other accessory services; not including lands used as access points only, whether publicly or privately operated; and not including major commercial recreational development; nor town open space parks, playgrounds, or ballfields.
- *Major Commercial Recreational Development* – Any new recreational uses which have significant impacts on land and water resource values, including, but not limited to, amusement parks, drive-in theaters, auto race tracks, fairgrounds and sports arenas, but not including retail sales, boat rentals and similar uses.

The applicant intends to operate the park-model RVs for no more than 180 days, however they will leave the RVs on-site year round. Thus, NPS concludes the RVs will be permanently or semi-permanently affixed to the sites, although not in use, which changes the use from an RV Campground to an RV Park Intended for Non-Transient Use. The RMP does not further clarify how to interpret RV Parks Intended for Non-Transient Use.

The proposal also includes updating existing and adding new amenities, including swimming pools and sports courts. Considering the size and scope of the project, the proposal approaches the definition of a Major Commercial Recreational Development, which is an incompatible use in all river segments.

This analysis acknowledges this site has served the community and the tourism economy as a campground with amenities since 1941, predating the establishment of the River Management Plan. Although this proposal will impact the land and water resource values of the corridor, this proposal does not rise to the level of impact of the examples of Major Commercial Recreational Development provided in the RMP (e.g., amusement park, sports arena).

Thus, NPS determines RV Parks Intended for Non-Transient Use is the most appropriate definition of this facility and concludes the use falls within the Intensive Use Recreational Facility category, which is appropriate in Recreational Segments with Special Use approval and is a compatible use within Hamlets.

PART 2: REVIEW OF PRINCIPLES AND OBJECTIVES

Project Review Criterion 1 – Applicable To All Projects

Principle A - Maintain the high water quality found in the Upper Delaware River

Objective 1: Soil erosion and sedimentation from construction on steep slopes is limited by one or more of the following measures:

- A. The project does not involve slopes over 15% in grade; or
- B. The project meets the town or township’s conditional use/special use permit criteria for projects involving slopes over 15% in grade; or
- C. A stamped plan has been prepared by a licensed Professional Engineer for projects involving slopes over 15% in grade and submitted as part of the development application; or
- D. For projects on sites containing slopes over 15% in grade, lots are larger than 2 acres; or
- E. All principal structures, with exceptions for agricultural and forestry uses, gardens, and the like, are located on slopes of less than 16% grade; or
- F. No more than 10% of any lot characterized by slopes in excess of 15% in grade is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural uses, forestry uses, gardens and the like.
- G. Other – explain.

Review Statement:

The proposal meets Criterion C and D. The project will involve work on slopes greater than 15% and the plans for that work are stamped by a professional engineer. The overall lot size is 223 acres, meeting the 2-acre requirement.

NPS notes that the applicant cannot remove trees without a permit in the special concern area within the corridor. As defined by the Town of Highland Code 190-52, this area is the “Vicinity of the termination of R1 Zone west of Barryville to the vicinity of Beaver Brook.”

NPS does not concur with UDC’s recommendation that Criterion E is also met, due to the placement of the park-model RVs throughout the site. The following is a discussion of why this criterion is unmet. Disagreeing on this criterion does not result in a failure of the objective due to the flexibility of the RMP to utilize one or more of the measures to meet the objective.

The RMP provides the following relevant definitions:

- *Principal Structure* – The dwelling unit or primary commercial building.
- *Dwelling Unit* – One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided for the exclusive use of a single-family maintaining a household.

This analysis considers park-model RVs as dwelling units because they have separate living quarters with cooking, sleeping, and sanitary facilities. This determination is supported by the applicant’s submission to the Delaware River Basin Commission (DRBC), wherein the applicant refers to converting 283 campsites to “new types of temporary dwelling structures, which are Recreation Vehicle Industry Association (RVIA) units.”

Considering most of the campsites will be upgraded with park-model RVs, the RVs appear to be the cornerstone of the applicant's business model. NPS concludes these RVs are a primary commercial building for this proposal, therefore this analysis will treat the park-model RVs as principal structures.

NPS disagrees with UDC's finding that Criterion E is met given the presence of the RVs on slopes throughout the property.

NPS notes the DRBC submission states the applicant will eliminate only 3 campsites, reducing overall sites from 342 to 339, and update 283 sites with temporary dwelling units. These numbers exceed those on the proposal submitted to UDC and NPS. A future submission would benefit from clarification and clear delineation of what is proposed on each campsite.

NPS concurs with UDC's recommendation that Principle A, Objective 1 is met.

Objective 2: Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by:

- A. Lot coverage or impervious surface coverage on small lots is limited to a maximum of 10%, and a sliding scale is used that decreases the allowable percentage of impervious lot coverage as lot size increases; or
- B. Clearing for building purposes is limited to 20% of the lot area for slopes 15% in grade or flatter, and is limited to 10% for slopes over 15% in grade; or
- C. The project does not involve greater than 10% lot coverage or impervious surface coverage; or
- D. The project meets the town or township's conditional use/special use permit criteria for projects involving greater than 10% lot coverage or impervious surface; or
- E. Impervious surface is limited to 12,000 square feet per dwelling unit or equivalent dwelling unit.
- F. Other – explain.

Review Statement:

The proposal meets Criterion B and C. From the plan set, clearing will be 14.6 acres across the 223 acre site (6.5%) and impervious surface coverage is expected to be 21.6 acres (9.72%).

The applicant has included only the totals and neglected to include their methodology for how they arrived at these totals, despite multiple requests from NPS for this information. A future submission would be strengthened by inclusion of these calculations.

NPS concurs with UDC's recommendation that Principle A, Objective 2 is met.

Objective 3: Protect special erosion hazard areas along river banks through one or more of the following measures:

- A. Buildings are set back from the River consistent with state-required setbacks of septic systems from streams. In New York: 100 feet from the mean high water mark; in Pennsylvania: 50 feet from the top of the river bank; or
- B. No construction is proposed within 100 feet of the mean high water mark of the River; or
- C. The project meets the town or township's conditional use/special use permit criteria for construction within 100' of the River, including requirements for plants to prevent erosion; or

- D. No principal structures are proposed in erosion hazard areas along river banks if mapped or defined by towns and townships and recognized by the Upper Delaware Council.
- E. Other – explain.

Review Statement:

The proposal meets Criterion A and B. Buildings are set back 100' from the mean high water mark and no construction is proposed within 100' of the mean high water mark of the River.

At the request of NPS, the applicant provided a hydraulic and hydrologic (H&H) analysis. Based on NPS technical review, the analysis supports the proposal meets "no rise" criteria for development within the 100-year floodplain. The applicant met the minimum standard for assessing their projects' potential flood hazard risks and impacts within the Delaware River Floodplain.

NPS concurs with UDC's recommendation that Principle A, Objective 3 is met.

Objective 4: Protect special erosion hazard areas along the ridge lines through one or more of the following measures:

- A. Requiring conditional use/special use review of principal structures within 100 horizontal feet of the ridgeline; or
- B. Prohibiting the erection of structures within ridgeline erosion hazard areas as mapped by the town; or
- C. Requiring that buildings not be located so close to the ridgeline so as to cause erosion, sedimentation or landslide conditions.
- D. Other (Explain)

Review Statement:

The proposal meets Criterion A and B. No principal structures are proposed within 100 horizontal feet of the ridgeline. No structures are proposed within ridgeline erosion hazard areas as mapped by the town.

NPS concurs with UDC's recommendation that Principle A, Objective 4 is met.

Objective 5: Limit pollution problems from septic systems located on poor soils, by one of the following measures:

- A. New lots outside of Hamlets are a minimum size of 2 acres; or
- B. New lots that are smaller than 2 acres are only granted lot size reductions based on soil performance standards or use of innovative technology; or
- C. Lots on soils with severe limitations for conditional subsurface sewage disposal systems under state law are a minimum size of 2 acres.
- D. Other – explain.

Review Statement:

The proposal meets Criterion D. The applicant conducted soil testing indicating placement of proposed septic areas meets drainage expectations as permitted by New York State Department of Environmental Conservation (DEC) and Department of Health (DOH).

NPS concurs with UDC's recommendation that Principle A, Objective 5 is met.

Principle B - Provide for the protection of the health, safety, and welfare of residents and visitors while also providing for the protection of natural resources.

Objective 1: Provide for light and air and an uncluttered landscape through adequate separation of principal structures by:

- A. New lots include a 150-foot minimum river frontage (with exceptions for clustering); or
- B. New lots have a 150-foot minimum lot width, average lot width, road frontage or width at the building line (with exceptions for clustering); or
- C. New lots have a 50-foot minimum side yard; or
- D. A 100-foot minimum separation is provided between all principal structures located along the River (with exceptions for clustering).
- E. Other – explain.

Review Statement:

The proposal meets Criterion E. The proposal does not include new lots and the park-model RVs located adjacent to the river south of Rt-97 do not appear to be separated by 100-feet. However, through application of a clustering model, the park-model RVs are acceptably placed across the entire 223 acre site. All other principal structures for the business are separated by 100 feet or more.

NPS concurs with UDC’s recommendation that Principle B, Objective 1 is met.

Objective 2: Provide for light and air and maintain an uncluttered landscape by limiting the height of principal structures by:

- A. No building height exceeds 35 feet with appropriate exceptions for farm structures, water and grain towers, small windmills, bridges, and the like.
- B. The project meets the town or township’s conditional use/special use permit criteria for projects involving structures over 35 feet in height; or
- C. Other – explain.

Review Statement:

The proposal meets Criterion A and B. Based on responses to questions at public meetings, all new structures will be less than 35 feet in height. Existing structure for zip line tower likely exceeds 35 feet, however structure predates the applicant’s purchase of the site.

NPS concurs with UDC’s recommendation that Principle B, Objective 2 is met.

Objective 3: Provide for light and air and maintain an uncluttered landscape by requiring adequate setbacks of principal structures from highways by:

- A. Front yards are a minimum of 35 feet; or
- B. Buildings are setback a minimum of 35 feet.
- C. Other – explain.

Review Statement:

The proposal meets Criterion B and C. Existing zip line tower, which predates the applicant’s purchase of the site, is 25 feet from the Route 97 right-of-way. All new structures will be setback at least 35 feet.

NPS concurs with UDC's recommendation that Principle B, Objective 3 is met.

Objective 4b: Business identification (on-premises advertising) signs larger than 10 square feet in size should be limited by one or more of the following measures:

- A. No more than one such sign per property line along a street or the River has been provided; or
- B. The total area of such signs has been limited to two square feet of total sign area for each one lineal foot of building frontage or one square foot of sign area for each two lineal feet of lot frontage; or
- C. The project meets the town or township's conditional use/special use permit criteria for business identification signs, including requirements that illuminated signs are permitted outside of developed areas and that no flashing or oscillating signs are permitted; or
- D. Other - explain

Review Statement:

The proposal meets Criterion B. The proposal includes two entry signs. The entry gateway is estimated to be 8'x10' = 80 square feet. The plans include a secondary entry sign expected to be 7'x6' = 42 square feet. Based on these calculations, the total proposed signage area is 122 square feet. The property has an estimated 2,690 linear feet of road frontage, meaning the total signage is less than 1 square foot per 2 linear feet requirement.

The proposal does not include signage for the Cedar Rapids Restaurant, which is understood to be part of this site. If additional signage is installed, the applicant should ensure they meet the requirements of the RMP. A future submission would be strengthened by the inclusion of this information.

NPS concurs with UDC's recommendation that Principle B, Objective 4b is met.

Objective 4c: Public signs, safety signs, announcement signs, temporary signs, professional signs, home occupation signs, farm product signs, political signs, construction signs and for rent/for sale signs generally do not require permits but should be limited by:

- A. The area of each such sign is no more than 10 square feet in size and the number of such signs is no more than two per property. This does not apply to institutional or trespassing signs.

NOTE: Within existing hamlets other approaches for signage are acceptable provided they do not permit a proliferation of signs of substantially different size and character along the river itself.

Review Statement:

The applicant as not provided an additional signage plan, therefore this criterion cannot be adequately reviewed.

A future submission would benefit from the inclusion of a plan for additional signage, ensuring the plans meet the requirements of the RMP.

NPS determines Principle B, Objective 4c is not applicable.

Principle E - Conserve river area resources.

Objective 2: Ensure town, county, state, and federal activities will promote the conservation of the river corridor resources by:

- C. The project does not include a new paved four lane road or bridge in the river corridor. New road and pavement widths are minimized to preserve scenery and vegetation. (Safety improvement projects such as the addition of passing lanes are permitted.)

Review Statement:

The proposal meets Criterion C. The proposal does not include the creation of a new paved four land road, although the applicant plans to widen and create new roads throughout the site. The applicant appears to have thoughtfully tried to minimize pavement widths to preserve scenery and vegetation based on their construction and clearing plans. A future submission would be strengthened with the specific methodology used to determine the clearing plan, as previously noted.

NPS concurs with UDC's recommendation that Principle E, Objective 2 is met.

Principle F - Maintain existing patterns of land use and ownership.

NPS considers Principle F Objectives 1a and 1b, as well as Objective 2, in one review statement below. Objective 2 is not included as part of Project Review Workbook Review Criterion 1 for all projects, nevertheless it is applicable to this proposal. The RMP directs a review to consider all principles and objectives and all elements of the RMP in making a substantial conformance determination.

Objective 1a: Limit housing density and intensity of uses with consideration to the existing character of the River corridor by:

- A. Proposed lots are a minimum size of 2 acres (with an exception for logical infill lots within Hamlets); or
- B. Other - explain.

Objective 1b: The following measures, is applicable, have been used to control density:

- A. If a cluster development, the overall density is the same as that which would result from the application of the prevailing minimum lot size for the zoning district.
- B. If applicable, for nonresidential uses, densities are based on an equivalent dwelling unit concept (tied to estimated sewage effluent).
- C. Impacts of certain isolated natural limitations (i.e. the Hawk's Nest Cliffs), if such limitations exist, have been considered in arriving at an appropriate minimum lot size for those remaining areas which are suitable for development.
- D. Other – explain.

Objective 2: Reinforce existing patterns of land use and private ownership by providing for similar allowed uses. Alternative techniques for accomplishing this are the same as those identified above.

Review Statement:

The proposal does not meet the criteria for Principle F, Objectives 1a , 1b, or 2.

The guidelines and the RMP do not provide a definition of land use or intensity of use. NPS interprets land use as how humans develop land for various purposes, including agriculture, residential use, and recreation; and land use intensity as the measure of the extent of human development on a given parcel.

Under Principle C, Objective 1, the guidelines provide the following measure to limit Intensive Use Recreational Facilities within Scenic Segments. The statement demonstrates the intent of the guidelines to interpret RV campgrounds as a more intensive use in comparison to tent campgrounds.

“Zoning districts which limit new recreational uses to low intensity activities (i.e. tent campgrounds vs. recreational vehicle parks)”

In comparison to a seasonal tent campground, the proposal significantly develops the site. The applicant will change the land use intensity at nearly every campsite by placing permanent concrete pads and parking spaces, installing permanent structures in the form of park-model RVs, and connecting independent sewer and water lines.

Potential impacts from the more intensive use may include negative changes to the character of the river valley and cumulative negative effects to the air and water quality, ecosystem function, and wildlife habitat. The proposed changes in the intensity of use of the campground, which do not maintain the existing character of the corridor or reinforce the existing land use pattern of the site, result in a failure of these objectives.

NPS does not concur with UDC’s recommendation, instead finding that Principle F, Objective 1 and Objective 2 are not met.

Project Review Criterion 3 – For Projects That Involve Recreational Uses

Principle C - Provide for recreational and other public uses while protecting the Upper Delaware as a natural resource.

Objective 1: Encourage both private and public recreational providers to locate intensive use recreational facilities outside of undeveloped or Scenic segments of the river corridor by:

- A. No recreational facilities consistent with the definition of intensive use recreational facilities in the Land and Water Use Guidelines are proposed within undeveloped or Scenic segments of the river corridor; or
- B. All intensive use recreational facilities have direct access to a two-lane public highway.
- C. Other - explain.

Review Statement:

The proposal meets Criterion A and B. As proposed, NPS finds the campground will remain an Intensive Use Recreational Facility, which is proposed within only Recreational and Hamlet sections of the corridor.

NPS concurs with UDC's recommendation that Principle C, Objective 1 is met.

Objective 2a: Provide for the orderly development, operation and maintenance of campgrounds and recreational vehicle (RV) parks to limit adverse impacts on adjacent landowners and the surrounding environment by:

- A. Gross density is limited to a maximum of 8 sites per acre for recreational vehicle type camping or 10 sites per acre for tent camping; and
- B. A minimum of 10 acres of land is provided for a recreational vehicle campground and a minimum of 5 acres for tent campgrounds unless subjected to site plan review; and
- C. Permanent or long-term occupancy of any campsite is not proposed and no permanent structures or appurtenances are proposed on any individual campsite other than tent platforms and concrete pads; and
- D. No independent onsite sewage disposal or water supply systems are proposed for individual recreational vehicle campsites.
- E. Other – explain.

Review Statement:

The proposal meets Criterion A and B, however this objective requires all criteria be met. The overall area of the entire site is 223 acres. Gross density is calculated across the entire site, not strictly where the RVs and tent sites are located, therefore the overall site density for 335 campsites is 1.5 campsites (RV or tent) per acre.

The proposal will operate the park-model RVs no more than 180 days per year, however the park-model RVs will remain in place 365 days per year. The exception will be those seven RVs located in the 100-year floodplain, which could be relocated during a high-water event. NPS understands the RVs are certified for road travel and could be disconnected quickly, however the proposal effectively makes the 146 park-model RVs permanent structures, which does not meet Objective 2aC.

In addition, each of the 146 individual park-model RV campsites and 58 individual drive-in RV sites will have independent lines for sewage and water, which does not meet Objective 2aD.

NPS does not concur with UDC's recommendation, instead finding that Principle C, Objective 2a is not met.

Objective 2b: Provide for the orderly development, operation and maintenance of boat liveries and other recreational uses to limit adverse impacts on adjacent landowners and the surrounding environment by:

- A. A minimum of two acres are provided for any new river-related recreational facility (Pennsylvania Fish and Boat Commission and New York State DEC fishing only access sites excepted) used for the parking of vehicles or the erection of any structures.
- B. Other – explain.

Review Statement:

The proposal meets Criterion A and B. The boat livery service will be upgraded but unchanged in size. The site has sufficient acreage (less than two acres) to support the improved parking area.

NPS concurs with UDC's recommendation that Principle C, Objective 2b is met.

Objective 2c: Provide for orderly development, operation, and maintenance of all recreational uses to limit adverse impacts on adjacent landowners and the surrounding environment by:

- A. Public facilities meet the same standards as private ones, except as provided above; and
- B. All river-related recreational facilities have supplied evidence of compliance with state health regulations; and
- C. All proposed river-related recreational facilities are subject to site plan review or conditional use/special use review. Site disturbance has been limited and vegetative screening required where necessary to minimize visual impacts. For erosion control purposes, access to the river bank is limited. Adequacy of streets has been examined.
- D. Other – explain.

Review Statement:

The proposal meets Criterion A, B and C. The applicant has provided evidence of working to comply with the state health regulations. The submission has documented feedback from NY DEC and DOH, however a final decision from DOH has not been supplied. The applicant has also submitted appropriate applications to the DRBC, where the project is also under review.

The proposal includes plans for minimal clearing and replanting trees to provide visual buffers and erosion controls. Applicant also provided an evacuation plan for how they will remove all RV and tent infrastructure from the 100-year floodplain in the event of a high-water warning.

If the applicant does not receive the appropriate documentation of DOH and DRBC approval, the NPS review of this objective will change.

NPS concurs with UDC's recommendation that Principle C, Objective 2c is met.

Principle E - Conserve river area resources.

Objective 1: Ensure town, county, state, and federal activities will promote the conservation of the river corridor resources by:

- A. Sewage treatment plants, municipal sewer interceptor lines and the like are not located on lands with frontage on the river or on any agricultural lands except with respect to existing Hamlets or in circumstances where a community is under state or federal orders to do so.
- B. Other – explain.

Review Statement:

The proposal meets Criterion A. Proposed septic systems are located up the hillside, away from the frontage of the river or any agricultural lands.

NPS concurs with UDC's recommendation that Principle E, Objective 1 is met.

PART 3: QUESTIONS TO GUIDE REVIEW OF SIGNIFICANT PROJECTS

This project requires a Delaware River Basin Commission Permit due to the increase in wastewater generation, which will discharge into the groundwater system affecting the Delaware River system. These additional questions identify significant impacts and allow the Upper Delaware Council and National Park Service to consider their consistency with the Final River Management Plan.

Land Management

Principles

1. Maintain the high water quality found in the Upper Delaware River.
2. Provide for the protection of the health, safety, and welfare of residents and visitors; and provide for the protection and preservation of natural resources.
3. Provide for recreational and other public uses while protecting the Upper Delaware River as a natural resource.
4. Provide for the continuation of agricultural and forestry uses.
5. Conserve river area resources.
6. Maintain existing patterns of land use and ownership.

Questions

1. *Will the project detract from or degrade the unique landscape characteristics (aesthetic or functional) of the Upper Delaware River corridor?*

In comparison to a seasonal tent campground, the proposal significantly develops the site. Several park-model RVs are already visible from the river. The proposal indicates the applicant will minimize cutting of vegetation and will replant, including larger trees where possible to provide a landscaped or natural buffer. Nevertheless, the reality of a transient tent camping site shifting to a majority park-model RV site, with permanent structures, will adversely impact the traditional land use and aesthetic of the corridor, especially if this project serves as an example for future projects.

2. *Does the project protect, encourage, or promote the continuation of traditional land and water uses that existed at the time the Final River Management Plan was adopted?*

The proposal does not maintain the existing character of the corridor or reinforce the existing land use pattern of the site. The applicant will change the land use intensity at nearly every campsite by placing permanent concrete pads and parking spaces, installing permanent structures in the form of park-model RVs, and connecting independent sewer and water lines.

Although the project states it seeks to maintain the existing use of a campground, the camping experience the applicant will provide is more like staying in a cabin than camping in a tent. The result is a fundamentally more intensive use than the primitive tent camping that has occurred on the site for 80 years. In addition, installing permanent infrastructure on the landscape violates objectives put forth in the final RMP.

3. *If the project involves a use that was not specifically addressed in the Schedule of Compatible, Conditional, and Incompatible Land Uses or in the Definitions in Section 5, is that use similar to*

other uses considered Compatible with the river corridor classification (Scenic, Recreational, or Hamlet area) and is that use consistent with the Principles and Objectives of the Land and Water Use Guidelines?

As previously stated in Part 1, the proposed use creates an RV Park Intended for Non-Transient Use, which was not included on the original schedule of compatible uses. This analysis treats that use as an Intensive Use Recreational Facility, although the size and scope of the proposal approaches the definition of a Major Commercial Recreational Development. An Intensive Use Recreational Facility is compatible in hamlets and appropriate as a special use in Recreational segments. Major Commercial Recreational Facilities are incompatible throughout all segments.

As the park-model RVs are considered dwelling units, this use could be defined as a motel based on the RMP definitions. If the motel use category applies, the project would be non-conforming within Recreational Segments where only small hotel/ motels (not exceeding 12 units) are compatible. All other hotels/motels are incompatible in Recreational segments. All hotels/motels are compatible uses in Hamlets.

4. *Will the project have an adverse impact on the visual character and traditional land use pattern of the affected segment of the river corridor, whether Scenic, Recreational, or Hamlet?*

Based on the answers noted above, yes the project is likely to have adverse impacts on both the visual character and traditional land use patterns of the corridor. Potential impacts from the more intensive use may include negative changes to the visual character of the river valley and set a precedent for changing land use patterns across the entire corridor.

Water Resources

Objectives

1. Advocate flow release schedules from tributary reservoirs adequate to protect or improve water quality and aquatic ecosystems, in order to conserve and enhance the values that qualified the Upper Delaware as a Scenic and Recreational River.
2. Maintain or improve the existing quality of the water in the Upper Delaware River.
3. Upgrade Upper Delaware water quality monitoring so that conditions throughout the river corridor will be assessed at regular intervals.
4. Prohibit water resource development on the main stem of the Upper Delaware Scenic and Recreational River. Prohibited development shall include ice booms and the use of groundwater withdrawals to augment river flows.
5. Ensure that water resources development on tributaries of the Upper Delaware River do not invade the area or unreasonably diminish the resource values for which the river was designated.

Questions

1. *Does the project restrict the free-flowing nature of the river or any of its tributaries within the river corridor?*
2. *Does the project call for the placement of any construction, bank stabilization device, or other object below the ordinary high water mark?*

3. *Does the project reduce or change the volume or pattern of flow in the river or its tributaries?*

The response to Questions 1 -3 is no.

4. *Does the project produce discharge that may increase the river or tributary's pollution or sediment load?*

The proposal will not result in direct discharge into the river or its tributaries, however the additional wastewater systems will discharge into the groundwater. The addition of these sixteen new septic systems, with a five-fold increase from 63,00 to 29,080 gallons of wastewater per day, could result in ecosystem pollution that impact the river or tributaries in the future.

5. *Does the project call for the placement of an ice boom or similar construction?*
6. *Does the project include the removal of large volumes of groundwater for flow augmentation purposes?*
7. *Will the project produce changes in flow volume, velocity or temperature that may affect fish and wildlife or aquatic flora population within the river corridor?*

The response to Questions 5-7 is no.

8. *If any of the above conditions exist, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?*

If the applicant removes the individual campsite septic hook ups, reduces their planned wastewater discharge, and eliminates some of the new septic systems, the result is likely to be less impact on the environment.

9. *What will be the cumulative impact of this project on water resources in the river corridor?*

Unknown. The additional septic systems and large increase in wastewater discharge could have a cumulative negative impact on the ecosystem.

Cultural Resources

Objectives

1. Foster a widespread preservation ethic in the Upper Delaware Valley.
2. Upgrade the management efforts of state and local governments, and the private sector by drawing upon the resources and technical expertise of the National Park Service and the Upper Delaware Council.
3. Assure compliance by state and federal agencies with relevant federal and state historic preservation laws, regulations, and policies that may affect the river corridor.
4. Identify and secure appropriate management for several specific resources in the valley.

Questions

1. *Will the project negatively affect the structure or grounds surrounding any of the key sites identified in the RMP?*

The site includes a segment of the historic Delaware & Hudson Canal. The applicant has assured UDC and NPS they will preserve the canal and use interpretive signage to educate visitors on the resource.

2. *Will the project negatively affect the structure or grounds surrounding any site on the National or State Register of Historic Places or identified as eligible for either of these Registers?*

Unlikely. Other structures along the D&H Canal are on the Register and considered a National Historical Landmark, though not at this site.

3. *If any of the above conditions exist, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?*

The presence of cultural resources is not currently an issue with this proposal. The NPS supports the applicant's plans to use interpretive signage to educate customers while onsite.

4. *Is there a management action which can be taken to upgrade the protection, rehabilitation or interpretation of this site that is within the scope of this proposal?*

The Tribal Historic Preservation Offices (THPOs) with ancestral ties to this area were not consulted as part of this submission. Protection of the site would be upgraded through consultation with the THPOs to understand the history and importance of the land.

5. *What will be the cumulative impact of this project on cultural resources in the river corridor?*

Per the NYSHPO, a No Effects finding was issued for this proposal, however as previously pointed out the THPOs were not consulted. Also the archaeological analysis conducted throughout the site met the bare minimum requirements and was not all-inclusive. The cumulative impacts will, at best, have not effect, though more information would be helpful to increase confidence in that conclusion.

Fish and Wildlife Resources

Objectives

1. Ensure the continued public use and enjoyment of the traditional and historical use(s) of the public lands and waters of the river corridor for hunting, fishing, trapping and commercial taking of eels and bait, as well as for non-consumptive uses such as camping, hiking, and photography.
2. Encourage the continued ownership of, and management by, landowners and private groups of lands for wildlife production, hunting, fishing, and trapping; such management is consistent with this management Plan and the Upper Delaware legislation.
3. Continue the use of sound forest management practices such as the harvesting of timber, since it is vital to the perpetuation of healthy wildlife populations as well as for the maintenance of successional forest cover types which enhance the essential scenic quality of the river corridor.
4. Continue and strive to improve the vital conservation releases program as well as other sound management practices to conserve the fishery's quality and integrity.

Questions

1. *Will the proposed project have any effect on critical fish or wildlife habitat?*

Fish and wildlife habitat is unlikely to be affected as long as appropriate measures are taken during construction.

2. *Will the project restrict uses of the public lands and waters in the Corridor for fish or wildlife harvesting?*

No

3. *Will the project restrict uses of available land for camping, hiking or photography?*

The type of camping at this location will change. With tent or personal RV camping, the landscape returns to its existing condition upon the campers' departure. The permanent installation of park-model RVs will fundamentally change the landscape and reduce the ability of more "traditional" or primitive tent campers to experience the area.

The permanence of infrastructure will also impact the scenic qualities of the area, which may impact scenery and photography opportunities.

4. *Will the project change the use of lands now being used for fish or wildlife habitat?*
5. *Will the project affect the conservation release program in any way?*

The responses to Questions 4 and 5 is no.

6. *If such a situation exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?*

By eliminating the permanent installation of RVs and septic hookups, the traditional tent camping experience and scenic qualities of the corridor will be preserved.

7. *What will be the cumulative impact of this project on fish and wildlife resources in the river corridor?*

Impacts are unknown, given we do not know how the presence of permanent infrastructure will affect wildlife. We assume the fish and fisheries will not be affected, however if the water quality diminishes due to the additional wastewater load, the fish and fisheries will also suffer.

Threatened and Endangered Species

Objectives

1. The objective of the threatened and endangered species section is to identify and protect rare, threatened, and endangered species within the river corridor.

Questions

1. *Will the proposed project be developed on land that has been identified as habitat for any state or federal threatened or endangered species or for any rare species in the Corridor?*

Northern long-eared bat (federally endangered) and dwarf wedgemussel (federally endangered) may be affected, however there are no critical habitats within the project area. The site overlaps a bald eagle (federally protected) wintering area and is less than one mile from a known bald eagle nesting site.

2. *Will the proposed project affect the habitat of any state or federal threatened or endangered species or species rare in the river corridor?*

The proposal will clear 14.6 acres of forested habitat for the northern long-eared bat, and be in close proximity to known bald eagle habitat. Construction will impact the habitat for both the bat and bald eagle communities in the area.

3. *If such a situation exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?*

Reducing clearing across the site would result in less impact to the bat populations. Thoughtfully timing and managing construction activities would lessen the impact on the bats and bald eagles.

4. *What will be the cumulative impact of this project on threatened and endangered species or rare species in the river corridor?*

The cumulative impact is unknown. Disruption of habitat is expected, though following the completion of construction, we assume the bat and bald eagle populations could return to current conditions.

Unique Land Resources

Objectives

1. Undertake a study of the river corridor to identify the landforms in the river corridor that have national, regional, state, and local significance.
2. Develop and implement a plan to provide interpretation for the public of the most significant landscape features identified.
3. Undertake these management objectives only with the approval of private property owners where private lands are involved.

Questions

1. *Will the proposed project be developed on land that has been identified as a unique landform by the Upper Delaware Land Resources Assessment?*

No

2. *Will the proposed project disturb the land in such a way that its unique characteristics will be diminished?*

Unlikely, as long as vegetation is maintained per the proposal, however the character of the corridor will be fundamentally changed with the addition of more than 100 permanent structures.

3. *If such a situation exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?*

Limiting disturbance to steep slopes and replanting where possible. Eliminating the placement of permanent structures on the landscape.

5. *What will be the cumulative impact of this project on unique land resources in the river corridor?*

The proposal does not maintain the existing character of the corridor or reinforce the existing land use pattern of the site. Although the project states it seeks to maintain the existing use of a campground, the camping experience the applicant will provide is more like staying in a cabin than camping in a tent. The result is a fundamentally more intensive use than the traditional primitive tent camping that has occurred on the site for 80 years. In addition, installing permanent infrastructure on the landscape violates objectives put forth in the final RMP.

Recreation Resources

Relevant Objectives

1. Maintain and, where necessary, improve present water quality. (Addressed under Water Resources Management)
2. Prevent riverbank erosion. (Addressed in the Land Use Guidelines)
3. Provide an adequate number and type of basic support facilities for all river users, including public access points, river rest stops, camping areas, and fishing access points along the Upper Delaware.
4. Manage the Upper Delaware primarily for the traditional recreational activities which have occurred on the river in the past.
5. Conserve the Upper Delaware fishery which is unique and represents a natural resource that cannot be replaced. (Addressed under Fish and Wildlife)
6. Design and locate recreation areas and facilities to avoid conflicting activity situations.
7. Encourage local towns, townships and counties to provide close-to-home recreational facilities as needed.

Questions

1. *If the proposed development is a public recreation development, is it consistent with the approved list of facilities contained in the Facilities section of the Plan?*

N/A. The project is a privately owned business, not a public recreation development.

2. *Will the proposed development create additional recreational conflicts in the river corridor?*

The RMP shares the intent of the Water Use Program (pg 91) is "...to provide facilities which

meet basic needs and which are, for the most part, informal, relatively small, and in keeping with the natural, scenic, and rural character of the area. It is not the intent to provide large, highly developed recreational support facilities.”

The proposal does not maintain or conserve the essential character of the corridor, as it violates the intent of temporary or transient use by permanently installing RVs and utility infrastructure on the landscape. The park-model RVs may offer a new subcategory of camping experience, however that new use is incompatible with maintaining the “natural, scenic, and rural character” of the corridor given the size, scale, and intensity of the proposed renovation.

3. *Will the proposed development expand river use or provide additional services to existing recreational users?*

The proposal will provide a new type of camping experience in the form of the park-model RVs, which may make camping more accessible to some while others might argue staying in such a facility is not camping at all. The proposal also provides new and improved amenities to customers, such as access to a pool and a pickle ball court, however those services will not be available to the public.

River use in the form of access to the livery services is expected to remain the same and serve the same number of visitors.

4. *Are appropriate actions being taken under the proposed development to minimize or repair riverbank erosion problems or will the project create additional riverbank erosion problems?*

Increased recreational users would create more erosion, however the current plan does not include projections of nor mitigations for increased foot/livery traffic.

5. *If any of the above conditions exists, are there any conditions that may be recommended to eliminate the impact without recommending that the permit not be granted?*

Management actions could be employed to control erosion if it is found to be an issue.

6. *What will be the cumulative impact of this project on recreational resources in the river corridor?*

The cumulative impact of this proposal is negative on the traditional character of the corridor. The proposal does not keep with the intent of the RMP as this facility will be large, formal, and providing above and beyond camping needs through permanent cabin-like dwelling units with individual sanitation facilities as overnight accommodations.

NPS acknowledges the park-model RVs may offer a new subcategory of camping experience, however that new use is incompatible with maintaining the natural, scenic, and rural character of the corridor given the size, scale, and intensity of the proposed renovation.

CONCLUSION

The Town of Highland's Special Use Permit for Northgate Resort's Camp FIMFO does not meet the requirements of substantial conformance.

The 1986 Upper Delaware Scenic and Recreational River Management Plan stands as the agreement between the United States Government and the communities affected by designation of the Upper Delaware River for carrying out the provisions of the legislation. It was developed to preserve the Cultural, Ecological, Geological, Scenic and Recreational Outstandingly Remarkable Values (ORVs) of the 55,750-acre Upper Delaware River corridor.

To preserve the integrity of the ORVs, PL 95-625 Sec 704(e)(1) requires that within the park boundary the park review all relevant local plans, laws, and ordinances, including zoning, and significant projects to determine whether they substantially conform with respect to the Schedule of Compatible, Conditional, and Incompatible Land Uses set out in the Guidelines, the substance of the River Management Plan, and the substance of each of the principles and objectives set out in the Guidelines and the Plan.

NPS finds the proposal does not maintain or conserve the essential character of the corridor. This proposal violates the intent of temporary or transient use by permanently installing RVs and utility infrastructure on the landscape.

The proposal also fundamentally intensifies the land use in this campground, failing to maintain the traditional use of a transient campground by installing dwelling units that will be semi-permanently or permanently affixed to the landscape. The project will not maintain the natural, scenic, and rural character of the corridor. The potential cumulative impacts on the ecosystem from the intensity of use coupled with a five-fold increase in wastewater generate are unknown and could permanently degrade the Upper Delaware River corridor.

NPS supports economic development in the corridor, understanding the importance of allowing for tourism and economic growth. These park-model RVs may offer a new subcategory of camping experience, however that new use is incompatible with maintaining the natural, scenic, and rural character of the corridor given the size, scale, and intensity of the proposed renovation.