

April 27, 2012

Introduction

A recommendation made in the East Branch Delaware Stream Corridor Management Plan calls for the enhancement of recreational access and opportunities along the upper East Branch Delaware River, in addition to many of its major tributaries. This Plan was adopted by all but one municipality in the upper East Branch Delaware River Watershed. To begin the process of increasing and promoting recreational access, a study is being conducted of the existing, future, and potential access points and improvements throughout the watershed. In anticipation of this improvement – which will ultimately result in a greater number of access points, a wider diversity in the types of access locations, and an increase in the promotion of the recreational opportunities, the region will likely experience a greater number of water resourced-based recreational users.

While this result is positive for many of the local businesses in the region, this potential increase in usage can have detrimental impacts. Examples may include a greater stress on the ecosystem, which includes potential for impaired water quality, degradation of riparian areas, and increased litter, among others. Additional issues, such as user conflicts and instances of trespass or noise on adjoining private properties could also become more prevalent.

One option to address these potential problems is to create a “Good Neighbor Agreement” (GNA). While GNAs are usually effective, a GNA should be thought of as a last resort in the watershed. Perhaps a GNA should be thought of more as a tool in the toolbox rather than the tool. To develop, enforce, and update a GNA will involve many people – certainly all of the stakeholders, but also municipal government(s) and even police departments.

In the spirit of being ‘good neighbors’, working together, forging partnerships, and coupling that with the fact we all have at least one thing in common – the East Branch of the Delaware River – perhaps there is a more suitable first step. **The creation of an “East Branch Stewards Group”** (or similar) that is comprised of many of the same members that *would be involved in the development of a GNA for particular access sites* should be able to tackle the majority of potential problems. **This Stewards Group** (which may already exist in the form of the East Branch Recreation and Fisheries Subcommittee) **would be responsible for developing the GNA if ultimately needed, but more likely would spend most of its time implementing the recommendations related to enhancing recreational access and improving fisheries throughout the watershed.**

Opportunities

The need for increased access to the East Branch has become increasingly apparent, hence the recommendation calling for it in the Stream Corridor Management Plan. Unlike the Esopus Creek Watershed (neighbors to the east), this Roxbury to Downsville reach has no Forest Preserve land or signed fishing access areas (easements and/or roadside pulloffs). There is municipal land in some instances, but it is very limited. By far the largest reaches of stream that are accessible are owned by NYC and are only open for fishing. The lack of significant State lands, municipal parks, or other preserves eliminates many of the most popular uses for streams and streamside lands in the Catskills – swimming, kayak/canoeing, nature walks, wildlife viewing, and use by artists.

The business owners on Main Street in Margaretville and other communities throughout the watershed continue to struggle. One of the most obvious things that they each have in common is the East Branch, and through this effort, these pillars of the central Catskill Mountain region can work together to provide their input, come up with a vision, and hopefully begin to reap the benefits of increasing and promoting stream access.

Additionally, there have also been a number of recent studies linking obesity with the lack of access to nature, indicating an increasingly critical need for children and youth to be exposed to outdoor recreational activities. In April of 2010, President Obama recognized this need and launched the America's Great Outdoor Initiative. The goals of this initiative are stated as follows:

1. Reconnect Americans, especially children, to America's rivers and waterways, landscapes of national significance, ranches, farms and forests, great parks, and coasts and beaches by exploring a variety of efforts, including:
 - a. promoting community-based recreation and conservation, including local parks, greenways, beaches, and waterways;
 - b. advancing job and volunteer opportunities related to conservation and outdoor recreation; and
 - c. supporting existing programs and projects that educate and engage Americans in our history, culture, and natural bounty.
2. Build upon State, local, private, and tribal priorities for the conservation of land, water, wildlife, historic, and cultural resources, creating corridors and connectivity across these outdoor spaces, and for enhancing neighborhood parks; and determine how the Federal Government can best advance those priorities through public private partnerships and locally supported conservation strategies.

Policy Statement

March 4, 1933, Roosevelt stated: "In the field of world policy I would dedicate this nation to the policy of the good neighbor--the neighbor who resolutely respects himself and, because he does so, respects the rights of others."

Good Neighbor Agreements have been used extensively as a tool to engage in collaborative problem solving with communities around issues of land use, housing, crime prevention and siting for decades.

Rather than relying on legal strategies, communities, interest groups and governments come together in the spirit of collaboration and partnership to enhance neighborhood livability, develop unique and local solutions and initiate and sustain healthy partnerships and establish mechanism for accountability. The ultimate decision about what being a Good Neighbor means in practice is local: each community is different and there are different issues within the communities depending on the location, type, and anticipated level of use of an access point or area.

In a sense, this process of gathering stakeholder and neighbor input is already utilized in the East Branch Delaware Watershed by the NYC Department of Environmental Protection. After the Land Acquisition Program formally acquires title to property, the Land Management / Natural Resources program will then determine its permitted use (for recreation by the public). Such categories of use include "no entry", "permitted access" (hiking only, hunting & fishing only, bow-hunting & fishing only, etc) or "permit-less access" (a Public Access Area) where no permit is needed.

Factoring into this process are things like the parcel's acreage, its proximity to housing, proximity to state forest preserve lands, staff recommendations, the previous-owner's wishes, and among other things – community (municipality) needs or wants. While this "community input" piece is quite often rather limited, only involving a brief presentation to elected officials and a handful of residents – which are usually the immediate neighbors to the property, this public input and process can be used when planning for any new access on the East Branch main stem and tributaries. This component is absolutely critical, and should be able to identify any potential problems up front before beginning the implementation phase.

The proposed East Branch Stewards Group should be the entity that takes on this role, perhaps alongside or in accordance with the host municipality. The EB Stewards Group would ultimately have a better feel for the needs and opportunities throughout the ENTIRE corridor, while the local officials would be able to provide particular details of specific ordinances or other local insight.

Guiding Principles for an “East Branch Stewards Group” (proposed)

The group strives to demonstrate the following values:

- Honesty, integrity and respect in our relationships;
- Collaborative efforts that achieve positive change;
- Transparent, ethical and accountable decisions;
- Sustainable practices in caring for our communities and water resources;
- Responsible stewardship for the natural and cultural environment, and in particular, the protection of the water quality in the East Branch Watershed;
- Responsiveness to the needs of the public;
- Commitment to the safety and well-being of our visitors and residents, and
- Is committed to, encourages, and formally adopts the principals of “Leave No Trace” stewardship ethics

East Branch Stewards Group Structure (proposed)

Perhaps this group – or more likely a version of it, already exists (East Branch Recreation and Fisheries Subcommittee). To ensure that all interests are represented, at least **one municipal official from each community** should be designated as the official liaison to their constituencies. The group would also need to include representatives from the **NYSDEC, NYCDEP, Catskill Watershed Corporation, DCS&WCD, and DC Planning** agencies since these entities issues permits, and/or are potential sources of funding, and have a great deal of technical expertise. **Non-Governmental Organizations** such as Trout Unlimited, Catskill Landowners Association, Catskill Mountain Club, Central Catskills Chamber of Commerce, Catskill Center, , among others should be adequately represented, so too should the **business community** (be well represented – **multiple members**).

To begin, it is foreseeable that this stewards group has two sub-committees: one subcommittee for Outreach and Education and a second to focus on the increased access opportunities for the Pepacton Reservoir. The Outreach and Education sub-committee would focus on marketing the East Branch as a tourism destination, educating residents about the watershed, interacting with adjoining property owners/hearing concerns, and educating the users of these natural resources, informing them about what is expected while they enjoy these assets. The Pepacton Reservoir sub-committee would interact with NYCDEP, NYSDEC, USEPA, NYSDOH and other agencies and municipalities on the issue of opening the reservoir to non-motorized vessels this year. Perhaps this group already exists in the form of the Recreation Boating Committee that was responsible for working toward the opening of the three reservoirs this year? The problem with using that group for as the vehicle is that the focus should solely be on the Pepacton to address issues unique to thie waterbody and communities, but also Tourism should be the top priority, whereas Safety and Water Quality are of the highest concern to that group.

Good Neighbor “Use” Agreement

Modified principles of Leave No Trace (LNT)

Audience for this “policy” are the USERS of the stream, lands, facility, etc.

Opportunities for watercourse-based recreation in the East Branch Delaware Watershed are neither abundant nor diverse, currently. In the coming months, recreational access to these waters (and lands) will likely increase sharply. In addition to the East Branch watershed being a great place to catch a trout, take a dip, or be the centerpiece for a painting, these lands and water not only provide unfiltered drinking water to residents of New York City, but in many ways they are the lifeblood of our communities, and serve as the livelihood for an ever-increasing array of businesses.

Of equal importance to residents, businesses, and municipalities in the region is respect for private property rights. While there are opportunities to enjoy the East Branch Delaware, its feeder streams and the landscape that sheds the water we all respect and cherish, not all, and in fact the vast majority of the lands - are not publicly accessible. A portion of the future success of the Enhanced Recreational Access effort depends on the willingness of municipalities and stakeholder groups to think and develop creative ways about gaining additional public access to critical or key areas. Some of these locations, which are located on private property, have been put forth in the access plan. These are areas where there is some level of interest in the local community, or a need has been demonstrated, or potentially an interest in formalizing access to land on the part of the landowner, through an easement perhaps. Allowing access on private property is a huge pill to swallow, and potentially a cause for a lot of headaches. Landowners that are considering allowing strangers to use their property should never be taken for granted, and should always have the ability to say ‘no’ or re-consider their decision.

To fully utilize the upper East Branch of the Delaware River in such a manner that can serve as a backbone for the local economy, some “out of the box” thinking and ideas will be necessary. Using what currently exists (even with better promotion of it) is not the perfect recipe. It certainly is a good start, but for the East Branch Watershed to be seen as “The Destination” for droves of outdoor enthusiasts, it will not only take hard work, creative visioning, community support, but also the flexibility and a belief in the ‘greater good’ on the part of local riparian landowners.

The protection of the streams and waterbodies from degradation, and the protection of private property rights are of utmost importance

By electing to recreate in and around the East Branch Delaware River, users “agree to” or “abide by” the following guiding set of principles:

Plan Ahead and Prepare

- *Know the regulations* and special concerns for the area.
- *Prepare* for extreme weather, hazards, and emergencies.
- Schedule your trip to try to *avoid times of high use*.
- *Recreate in small groups* when possible. Consider splitting larger groups into smaller groups.
- Research the property/access point you’ll be visiting. *ALWAYS respect private property*.

Use Durable Surfaces to Prevent Erosion

- *Travel on durable surfaces* – which include established trails, rock, gravel, dry grasses or snow.
- Protect riparian areas by minimizing disturbance 200 feet from lakes and streams.
- Good access points are those that are already established and marked by signage. Altering a site is not necessary.
- Avoid places where impacts are just beginning.

Dispose of Waste Properly

- *Carry it in, carry it out*. Inspect your access points and other areas you used for trash. Pack out all trash, and litter.
- Deposit solid human waste in catholes dug 6 to 8 inches deep at least 200 feet from water, and trails. Cover and disguise the cathole when finished.
- Pack out toilet paper, hygiene products, and food waste.

Respect Wildlife

- Observe wildlife from a distance. Do not follow or approach them.
- *Never feed animals*. Feeding wildlife damages their health, alters natural behaviors, and exposes them to predators and other dangers.
- Protect wildlife and your food by storing rations and trash securely.
- Control pets at all times, or leave them at home.
- Avoid wildlife during sensitive times: mating, nesting, raising young, or winter.

Be Considerate of Other Visitors

- Respect other visitors and protect the quality of their experience.
- Be courteous. Yield to other users.

- Take breaks, lunch, etc away from trails and other visitors.
- Let nature's sounds prevail. Avoid loud voices and noises

Respect Private Property, Use Regulation Signage, and Temporary Closures

- Do not trespass on private property, even if you do not see posted signs. Stream bottoms are not usually and do not assume they are, public lands - know where you are going and the limitations that exist.
- Occasionally, stream and other access areas and roads may be closed for various reasons. Respect temporary closures, it is in place for a reason.

Abide by the Designated Use for Particular Stream Access Points, and Obtain Necessary Permits

- Many stream access points in the East Branch watershed are owned by New York City. A number of these areas have designated uses. These areas require a NYC DEP Public Access Permit, be sure you possess one. Rules, regulations, and a permit application can be found here: http://www.nyc.gov/html/dep/html/recreation/recreation_rules.shtml
- Other lands owned by NYC are posted as "Public Access Areas" (no access permit needed), however other regulations apply. Be aware and abide by these use restrictions, which differ from those on state-owned lands.
- If you are fishing, you must possess a valid New York State Fishing license and abide by the statewide angling regulations for that particular waterbody. Rules and regulations for fishing in NYS can be found here: <http://www.dec.ny.gov/outdoor/7917.html>
- [Boating on the Pepacton.....](#)