



## Lower Delaware River Wild & Scenic Info Sheet

### Wild and Scenic Rivers

The Wild and Scenic Rivers Act was passed by Congress in 1968 with the goal of protecting the free-flowing condition of rivers. Each designated river is to be managed in a way that protects and enhance the values that prompted its designation. Designated rivers are classified as Wild ("free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted"<sup>1</sup>), scenic ("free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads"<sup>2</sup>), or recreational (sections that are readily accessible, have some shoreline development, and may have undergone diversions or impoundments in the past).

#### General Benefits of Designation:

- Prohibits dams and other large scale projects requiring federal permits or funding. Designation provides strong protection against construction of new dams and projects that alter the free-flowing condition, water quality and Outstanding Resource Values (ORVs) for which the river was designated.
- Comprehensive planning process that involves all interested stakeholders and yields a formal management plan for the river. This plan serves to coordinate efforts by different agencies at the local, state, and federal level resulting in establishment of partnerships and enhanced collaboration among landowners, river users, and all levels of governments in developing goals for river protection.
- Increased funding for protection, restoration, and management of the river and funding priority for projects that meet the resource protection goals identified in the Management plan. For example, Wild and Scenic Incentive Grants have funded activities such as stream bank stabilization, water quality or groundwater monitoring, historic preservation, development of ordinances, or upgrade of comprehensive or master plans.
- Encourages river municipalities to recognize the river's value in their planning and decision making.
- Encourages appropriate river access.
- Increased public awareness and appreciation of the river.

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<sup>1</sup> <http://www.rivers.gov/wsr-act.php>

<sup>2</sup> <http://www.rivers.gov/wsr-act.php>

## Landowner Benefits of Designation

- Potential for increased property values.
- Provides a forum to address river-related issues.
- Protects current land use.
- Provides a mechanism to minimize the impact of river use on private property.
- Increased predictability of future land use.

## **Lower Delaware Wild and Scenic River**

The Lower Delaware was designated in 2000 as a Wild and Scenic River from

- river mile 193.8 to the northern border of the City of Easton;<sup>3</sup>
- from south of the Gilbert Generating Stations to north of the point Pleasant Pumping Station;
- from South of the Point Pleasant Pumping Station to 1,000 feet north of the Route 202 Bridge;
- from 1,750 feet south of the Route 202 bridge to Washington Crossing.

Additionally some of the tributaries in the Lower Delaware were also designated including Tinicum Creek (headwaters of two upper branches to the Delaware River confluence), Tohickon Creek (downstream of Lake Nockamixon to the Delaware River confluence), and Paunacussing Creek (portions passing through Solebury Township to the Delaware River). The Musconetcong River (3.5 mile stretch from Saxton Falls to Route 46 and the 20.7 mile stretch from King's Highway Bridget to the railroad tunnels at Musconetcong Gorge) was designated in 2006.

There are 22 designated municipalities: Lower Mount Bethel (the portion opposite Harmony Township, NJ), Forks, Nockamixon, Bridgeton, Tinicum, Plumstead, Solebury, New Hope, Upper Makefield, Bedminister, Harmony, Lopatcong, Holland (the portion opposite Bridgeton Township, PA and Nockamixon Township, PA), Milford, Alexandria, Frenchtown, Kingwood, Delaware, Stockton, Lambertville, West Amwell, and Hopewell.

There are 2 municipalities that have supported designation and have been designated. However, due to opposing townships not supporting designation these townships are only partially designated: Lower Mt Bethel Township (PA) (the portion opposite White and Belvidere Township, NJ is not designated) and Holland Township, NJ (the portion opposite Durham and Riegelsville Township, PA is not designated).

There are 3 municipalities in the upper portion of the Lower Delaware River that have passed resolutions of support on both sides of the river -- Knowlton Township (NJ), Portland Borough (PA), and Upper Mt Bethel Township (PA) -- that MAY still be eligible for Wild & Scenic River designation but have not yet been designated. The Secretary of the Interior would need to determine if this stretch of river still meets eligibility criteria. New resolutions of support may also be required due to the 15 year time lag, to show the Secretary that there is indeed still public support for the designation.

There are 2 municipalities in the upper portion of the Lower Delaware that MAY still be eligible - Belvidere and White on the NJ side - but that did not originally support designation. Along with Upper

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<sup>3</sup> Based on the Lower Delaware National Wild and Scenic River Study Report and Management Plan, the river segment from the southern border of the Phillipsburg, NJ to a point just north of Gilbert Generation Station (Segment E) is suitable for designation and was classified as "Recreational." However, it was not designated because municipalities on both sides of the river had not passed resolutions supporting designation.

Mt. Bethel Township (PA), which did support designation, these three municipalities could join together to pass resolutions of support for designation. Should Belvidere and White pass resolutions of support, and Upper Mt. Bethel pass a new resolution of support, the Secretary of the Interior could then consider whether this stretch of river remains eligible for designation in spite of the 15 year lag time since the original Wild & Scenic designation.

There are 6 municipalities in the middle section of the Lower Delaware that constitute Segment D in the authorizing legislation. They are: Williams (PA), Pohatcong (NJ), the Riegelsville boroughs (PA/NJ), Durham and Holland. Williams, Pohatcong, and Durham did not demonstrate support for designation; however, if they were to pass resolutions of support, and Holland and Riegelsville were to pass new resolutions of support, the Secretary of the Interior could then consider whether this stretch of river remains eligible for designation.

There are 2 municipalities, Easton (passed a resolution of support) and Phillipsburg (did not pass a resolution of support) that were not included in the original designation because they were not part of the original study area and assumed to be ineligible. They would likely still be considered ineligible due to the significant alterations that were done to the Delaware shoreline in this location and water quality issues.

### **How to get Wild and Scenic Designation.**

Things needed:

1. Local Support for Designation. Criteria for local support include, among other things, an official and timely resolution by the local municipality to demonstrate local support for the designation.
2. The reach to be designated needs to be supported by a resolution from towns on both sides of the River.
3. Resolutions/ application for designation needs approval of the Secretary of the Interior – this process begins with National Park Service staff presenting a packet of material, along with the resolution, for consideration by the Secretary. If the Secretary deems there to be the requisite local support then the Secretary may propose designation as identified in the authorizing legislation for the Lower Delaware (PL 106-418, Sec. 4(e)).
  - a. The Secretary will need to publish in the Federal Register a notice of the designation of the segment.

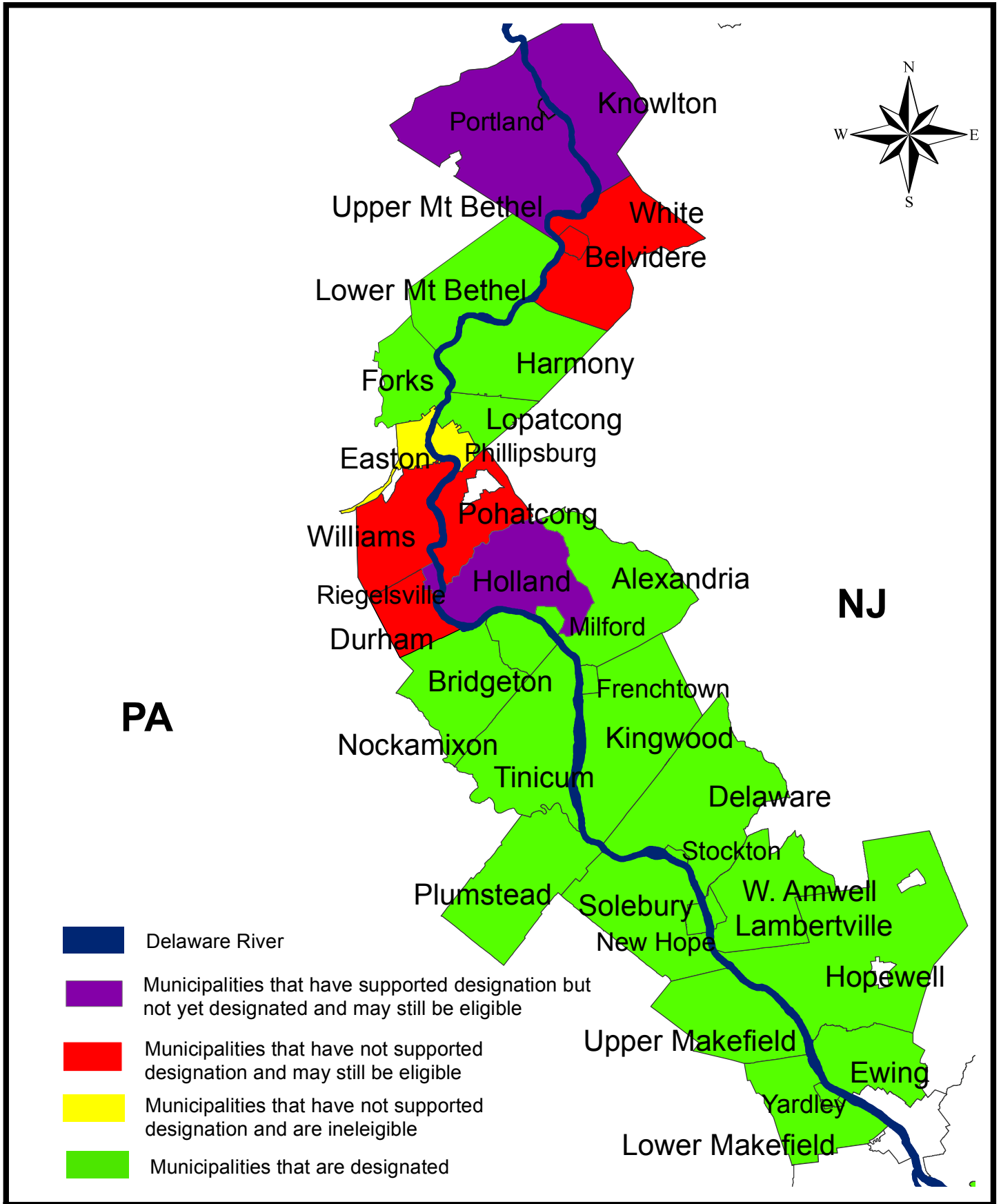
### **References**

NPS (1999). Lower Delaware National Wild & Scenic River Study Report.

Delaware R. Greenway & L. Del Ri Wild and Scenic Management Committee (2006). Municipal Ordinance Review project Lower Delaware River Corridor. Accessed at:  
<http://www.delrivgreenway.org/pdf/MORP%20Final.pdf>

DRBC (2014). Your Lower Delaware Wild and Scenic Partnership River.  
<http://www.nps.gov/lode/learn/management/upload/15YlodePartners.pdf>

# Lower Delaware Wild & Scenic River Designation



0 2.25 4.5 9 13.5 18 Miles