



SIMONE COLLINS
LANDSCAPE ARCHITECTURE
119 EAST LAFAYETTE STREET NORRISTOWN, PA 19401
PHONE: 610.239.7601 FAX: 610.239.7606
WWW.SIMONECOLLINS.COM

TRANSMITTAL

To:	Leslie Morlock Chief Strategic Planning & Project Management	Address:	DEWA 294 Old Milford Rd. Milford, PA 18337
From:	William Collins	Date:	12/5/2019
Re:	Lehman Township Comments on the DRAFT DEWA VUM Plan	Project No.:	19001.10

WE ARE SENDING YOU:

Copies	Date	Description
1	2019	Lehman Township Comments on the Draft DEWA VUM Plan
1	2019	Technical Memorandum – Transportation Related Comments
1	2019	Letters from Lehman Township to Elected Officials
1	2019	Open Letter from Lehman Township to DEWA and Elected Officials
1	2019	Bushkill Village Conservation Study
1	2019	Lehman Township EFL FLAP Application

Dear Ms. Morlock,

Enclosed please find a copy of:

- Lehman Township's official response and commentary on NPS' Draft DEWA VUM Plan
- Technical memorandum addressing transportation-related issues presented in the VUM Plan, prepared by Century Engineering, Inc. Century Engineering is currently assisting Lehman Township in the preparation of the transportation element to the update of Lehman Township's Comprehensive Plan

APPENDIX

- Letters from Lehman Township to elected federal officials regarding issues with NPS management of DEWA, dated July 30, 2019
- Open Letter from Lehman Township to DEWA, elected official in Pike and Monroe Counties and elected federal officials and residents, dated November 1, 2019
- Bushkill Village Conservation Study, September 2016
- Lehman Township's successfully funded 2016 Eastern Federal Lands Access Program Project Application

Sincerely,



William Collins, RLA, VP
SIMONE COLLINS, INC.
LANDSCAPE ARCHITECTURE

Lehman Township Board Of Supervisors
193 MUNICIPAL DRIVE, * BUSHKILL, PIKE COUNTY, PENNSYLVANIA 18324 * (570) 588-9365 *
FAX (570) 588-1864

An Open Letter to Delaware Water Gap National Recreation Area (DEWA), Elected Officials in Pike
and Monroe County, Elected Federal Officials and Residents

November 1, 2019

The Lehman Township Board of Supervisors initial objective is to raise the controversy of tolling U.S.
Rt. 209 sufficiently that all elected officials feel the public heat to ask one single public expectation,
that DEWA return to the drawing board and produce a DRAFT #2 that requires a public committee
engaged in the process with DEWA, and the DEWA commitment to produce the substantiating
reports needed as a basic due diligence to justify any DEWA decisions.

100% public opposition to charging for DEWA road use

After listening to residents in the past two meetings with DEWA – it is clear that there is 100%
opposition to the DEWA proposal to charge residents to use U.S. Rt. 209 and the other DEWA roads
to travel between their homes, schools, businesses and places of work.

Essential information is missing in the Visitor Use Management Plan (VUMP) Draft
Essential facts or even descriptions of the processes used to arrive at NPS conclusions are not
included in the VUMP Draft. No other public agency would attempt to propose such a radical change
to public life without performing substantial due diligence. If NPS has performed basic studies to
justify the conclusion of the VUMP Draft, they have withheld them from public review.

The VUMP was drafted to support a foregone conclusion

Everyone understands that NPS and DEWA as a "Park" unit needs to help raise funds from users to
support the mission, goals and mandate for federal lands. But all alternatives – especially strategic
partnerships need to be publicly explored to fairly arrive at equitable decisions. The current VUMP
strategy to toll DEWA roads – cynically relies on the local population to bear the burden of this
funding scheme – because NPS has calculated locals to be "captive" payers who will have no
alternative than to pay the toll to continue to live in their homes. And DEWA is betting that they can
maneuver the road toll strategy within the veil of a Visitor Use Plan – before the public understands
and can react against its absurdity.

Road tolling needs to be defined separately from DEWA "User Fees"

There are many current user fees and some reasonable new ideas for raising funds for DEWA from
users of the "park." To ensure the conversation is clear, the public will not buy into the DEWA public
relations campaign that tolling the "park" roads is simply just a user fee. It is not. Tolling local
residents to travel to and from their homes will not be allowed to be discussed under the guise of
park "user fees." Road tolling is quite different than user fees. And the public impacts of road tolling
have not even been studied by the NPS.

NPS and DEWA politely and methodically erode partnerships attempts – to the detriment of our
collective resources

Listening, lip service and changing messages have become known as the standard DEWA public
involvement strategy. Attempts by partners to participate in the park stewardship are consistently
thwarted by hidden NPS policies and scores of delay tactics. The bottom line is that DEWA has long
ago decided that it is better for resources to rot under its sole jurisdiction than to work in
partnerships. This needs to change. And tolling the public roads – our transportation lifelines does
not satisfy our doubts the DEWA can ever steward the "park" without engaged partners.

Partnerships are needed in this time of the world – NPS needs to change its isolation policy
Every other public steward entity understands that partnerships are essential to conservation. The
NPS shuns this notion and has operated in isolation. DEWA is the poster child for excluding the
public and conservation partners from caring for our local federal lands. The new DEWA idea of
tolling the public roads is an exponential attempt to isolate the public from the park. It is intentional
exclusionary policy by NPS and will not be allowed to stand. There are other NPS partnership

APPENDIX

models around the nation. These need to be deeply explored by DEWA with local partners before jumping into extreme measures such as tolling public roads.

Re-inhabiting DEWA

The NPS does not have the resources to fulfill its mandate at DEWA, but also has never fully engaged with partners interested in helping – except perhaps Peters Valley and Pocono Environmental Education Center (PEEC). Managed degradation is the conscious result of this NPS policy. Locals evicted to flood the valley for the failed Tocks Island Dam project and their kin remain physically and emotionally connected to their river valley. Local people still seek ways to protect the public resources and herald the dramatic history of this part of the Delaware Valley. While people cannot actually re-inhabit the federal lands – new ways need to be actively explored how locals can interface as ombudsmen with visitors inside the park – to help translate conservation rules and explain the rich history in ways NPS staff cannot do – or at least do alone.

DEWA declares war against locals

Tolling DEWA roads has not been proven by DEWA as an answer to its budget problems – and proposing it as a solution without proof is a declaration of war against regional residents. Lehman Township will fight this ill-conceived, prejudiced strategy by NPS at DEWA.

Sincerely,

Lehman Township Board of Supervisors

Robert H. Rohner, Jr.

Richard C. Vollmer

Theresa R. Laino



Lehman Township Board Of Supervisors

193 MUNICIPAL DRIVE • BUSHKILL, PIKE COUNTY, PENNSYLVANIA 18324 • (570) 588-9365 • FAX (570) 588-1864
lehmanpk@ptd.net • LehmanTownship.com

December 5, 2019

Leslie Morlock, Secretary, Chief Strategic Planning & Project Management
Sula Jacobs, Superintendent, Delaware Water Gap National Recreation Area (DEWA)
David Vela, Deputy Director, Exercising the Authority of Director for National Park Service (NPS)
David Bernhardt, Secretary, US Department of the Interior (DOI)
c/o DEWA
294 Old Milford Rd.
Milford, PA 18337

RE: Lehman Twp. Response to DRAFT 1 VUMP (Visitor Use Management Plan, Oct. 2019)
Delaware Water Gap National Recreation Area (DEWA)

Dear Ms. Morlock, Superintendent Jacobs, Deputy Director Vela, and Secretary Bernhardt,

This letter describes the framework of opposition by Lehman Township (LT) to NPS conclusions and questionable and absent methodologies for developing two major elements of the DEWA DRAFT 1 VUMP:

1. The completely unsubstantiated conclusion that DEWA roads should be tolled by NPS.
2. The NPS process for selecting important visitor contact sites within DEWA

To be clear, Lehman Township and the regional public at large does not accept the NPS euphemism of “user fee” in the DRAFT 1 VUMP. This comment document addresses the NPS scheme to toll the historic public roads through DEWA as an unfair burden on regional residents as captives who would be forced to pay NPS to reach their homes and work and health care.

The attached transmittal serves as the list of all comment submittals from Lehman Township into the official NPS public record for this DRAFT 1 VUMP Oct. 2019.

Acknowledging NPS history at DEWA

Lehman Township, our regional municipal and county governments, and our two state governments all recognize the important work of the NPS – but unfortunately after decades of trying, it has proven universally impossible to work with NPS – in retrospect, since the agency was an active party during the 1960s and 70s in evicting people from their property to flood over 30 miles of the Delaware River valley for “recreation” purposes that ultimately could not be justified as environmentally or financially sound.

The industrial juggernaut to build the Tocks Island Dam was stopped at great personal cost by the citizens of our region – even as they lost their homes and were forced to move forever from

APPENDIX

the Valley floor. This memory of fighting the bad decisions of our own federal government remains in the minds of those project refugees, their heirs, and their grand heirs.

Even though the irony of creating this environmental enclave is not lost on today's regional residents – and we understand the natural resources that are conserved within DEWA could not have happened any other way – NPS has never kept its promises to we local people as its regional hosts.

NPS promised to flood the Delaware River Valley from Port Jervis to the Water Gap.

It never did.

NPS promised to construct new public highways to replace the ones it would confiscate by inundation.

It never did.

Over the last half a century, our region has tried to heal, to work with NPS, and to rebuild our community culture that was decimated when all the private valley properties were condemned and razed – by NPS and the Army Corps.

That brutal episode in our American life is not forgotten. But resilient people have rebuilt our communities – relying on a good faith expectation that the time of federal takings was over, and that they could count on building their lives in some kind of peaceful co-existence with DEWA – even as NPS careened for the past 50 years between its everchanging policies about how to manage DEWA.

Now NPS is attempting to confiscate our historic public thoroughfares – our lifeblood routes - the heritage lifeways of its surrounding neighbors, without keeping its original promise.

The alternative roads promised for local residents were never built.

In the DRAFT 1 VUMP, NPS is proposing to break its original covenant with the affected regional population – by effectively removing US 209 and other DEWA roads from general public use by tolling them.

The net effect of tolling DEWA roads is an impact to local travel akin to NPS flooding the valley. To propose a such a massive change to the local way of life at the regional scale, NPS must be ready to deliver those alternative public highway improvements. And we all understand that the originally proposed highway improvements conceived to circumvent Tocks Island Reservoir were in themselves major environmental impact that should never happen.

The NPS DRAFT 1 VUMP scheme to toll local people for using DEWA roads - without delivering a viable alternative is a cynical breach of the original deal and proposes nothing less than another

federal government taking – without the promised compensation of alternative public travel routes.

This is an ill-conceived strategy by NPS – and it cannot happen for multiple reasons – environmentally, financially or politically.

NPS should understand that its concept of tolling DEWA roads is a major environmental impact with Environmental Justice issues that it can't justify or win as proposed in the DRAFT 1 VUMP.

NPS can collaborate in good faith with regional stakeholders to develop a DRAFT 2 VUMP

The alternative to the raging public controversy that the DRAFT 1 VUMP promises is for NPS to listen to its regional partners and to regroup its planning process to develop as DRAFT 2 VUMP – that includes the level of professionalism, due diligence, stakeholder inclusion and transparency due to the American public.

Lehman Twp. primary objections to the NPS DRAFT 1 VUMP for DEWA

1. The NPS scheme to charge a “user fee” under the umbrella of “visitor management” is a ploy to dodge federal compliance responsibilities for a major new regional public transportation project.

The current NPS DRAFT 1 VUMP strategy would:

- introduce tolls on historically free public roads;
- restrict use of historic human travel routes now DEWA roadways by specific populations (with real Environmental Justice issues);
- introduce new major transportation infrastructure, technologies, and travel / enforcement protocols into a 30+ mile bi-state corridor;
- radically alter existing regional transportation patterns and volumes – by diverting an unspecified percentage of local resident and visitor travelers who will elect alternate routes outside DEWA;
- cause undetermined impacts to its perimeter communities in terms of traffic, land uses, local socio-economic conditions, stormwater quantity / quality, increased use of fossil fuels for travelers who will be forced to use longer steeper routes to avoid DEWA toll roads – with resulting impacts to air quality, carbon emissions, and other potential impacts;
- these are among the most obvious, unaddressed potential environmental impacts of the NPS DRAFT 1 VUMP road tolling scheme.

NPS DRAFT 1 VUMP planning failures include:

APPENDIX

- NPS has never performed defensible traffic counts sufficient to identify how many of the “users” that it estimates as DEWA attendance are actually only public roadway users.
 - What percentage of current traffic levels could be estimated to be diverted away from traffic volumes using US 209 based on aversion to paying a NPS toll ?
 - What projected levels of traffic would a NPS roadway toll cause to be diverted from current US 209 to SR 2001 ?
 - Were recent improvements to SR 2001 created based on the NPS scheme to toll the DEWA roads ?
 - What environmental impact analyses has NPS conducted to determine the projected increased carbon and CO2 emissions from drivers deciding to avoid a NPS toll on US 209 and climb the mountain to travel on SR 2001 as a free, alternate route ?
 - What environmental impact analyses has NPS conducted to determine the projected increased carbon and CO2 emissions from drivers waiting in entrance queues at multiple entrances to the park – and by the traffic congestion from increased traffic volume on the local SR 2001 or by queuing at DEWA entries?
- NPS is proposing an unsupportable policy of tolling the historic public roadways – trying to diminish the public understanding of a seismic social change that would shake the lives of the entire surrounding regional populace – and at the same time NPS is telling the public it will work out the details as it goes along.
- NPS proposes road tolling in DEWA as if this recreation area was on the moon – and not inseparable from its surrounding physical, cultural and economic environments of our part of America.
- The environmental resources inside the DEWA boundaries cannot be uncoupled from its surroundings, water, air, migratory routes, habitats, or people.

In its effort to ram through the DRAFT 1 VUMP into a final document, NPS is attempting to circumvent US laws that any other government agency would recognize as minimum compliance responsibility.

The NPS road tolling scheme – hidden within the DRAFT 1 VUMP as a “user fee,” is the NPS strategy to avoid an Environmental Impact Statement (EIS) for a major federal transportation project.

An Environmental Impact Statement is required for this proposed major change to the federal highway to ever credibly advance as a viable idea. To establish transparency and public trust, the EIS process cannot be conducted in-house at NPS.

2. The NPS scheme to toll DEWA roads is an uncompensated taking.

The original Route 209 between Fernwood and Milford, PA was to be inundated by the promises of NPS and the Army Corps of Engineers to flood this region of the Delaware River valley behind the Tocks Island Dam and replace the lost highway with an alternative public route.

NPS kept neither promise.

Route 209 was never abandoned and the new alternative highway route was never constructed. The re-designated US 209 remained open to public traffic for over 55 years. (except for inconsistently managed restrictions by NPS for commercial vehicles).

Over half a century that has passed, the regional communities and municipalities surrounding DEWA adapted to losing their valley culture, their private lands, the exodus of human resources, and their radically reduced municipal tax bases – by relying on DEWA roadways as their only lifeline transportation routes that they had ever had.

DEWA roadways are the “lifeways” of the generations of human population who dwell in this region. NPS must consider current human “lifeways” in its cultural assessments and its plans for DEWA. People’s access to their homes is reliant on historic roads within DEWA.

For more than half a decade the regional community has tried to rebuild its lifeways around the physical and bureaucratic cordon of DEWA boundaries – all based on the original federal deal – a free public transportation route through the region.

If NPS harbored a secret strategy to someday close US 209 and its access roads to all but toll-paying traffic – it never announced that scheme publicly.

A radical change of this magnitude to a regional way of life would have captured the attention of municipal, county, state and other federal stakeholders – and found its way by honest due diligence into all forms of comprehensive plans.

It didn’t for a reason.

NPS just unveiled its scheme to toll DEWA roads within the Visitor Use Management Plan (October 2019) – hoping to rush the plan through bare minimal public scrutiny and avoid addressing its covenant for the federal government to provide alternative free public transportation routes in its original deal for DEWA creation.

The NPS scheme to toll DEWA roads without providing alternative free public transportation route(s) breaches the original federal government covenant with the regional population in Pennsylvania and New Jersey – by effectively removing US 209 and DEWA roads from public use – except for those willing and able to pay a toll.

The DRAFT 1 VUMP provides for no alternative regional transportation route to the proposed tolled use of all DEWA roads.

APPENDIX

The NPS scheme to toll DEWA roads effectively removes US 209 from the free public highway system – as if it was inundated – to all but those who can afford to pay to use it.

The NPS DRAFT 1 VUMP is attempting to ignore the original public covenant of providing free alternative public travel routes – which is a clear uncompensated taking.

3. NPS is attempting to force DEWA into the mold of other National “Park” management techniques. DEWA was not ultimately created to be managed this way.

Famous examples of beloved National Parks include Zion and Arches in Utah – where the roadways were built specifically for visitor recreation uses, with public access originally designed to be controlled by NPS, and the roadway network contained within the park boundaries.

In these types of parks, the “user fee” model can be reasonably managed by NPS and not suddenly and drastically altered to affect the day to day lives of local residents.

DEWA was originally conceived to be a similar kind of “enclave” unit under NPS jurisdiction – but it was never built as originally conceived.

Any subsequent internal policy or management structures by NPS that harbored the intent to eventually toll DEWA roads, never solved the basic logistical challenges of DEWA continuing to exist as a major historic river valley public transportation corridor.

The free-flowing river valley of DEWA remains today as a major historic through travel route. It is not and cannot be reconfigured geographically or civically to conform to a typical NPS controlled cul de sac management strategy – simply by NPS deciding to attempt to charge a road toll as a blanket user fee to anyone driving on any of the historically free public roads in DEWA.

NPS has conducted impact analyses, alternatives assessments, and developed recommendations within the DRAFT 1 VUMP – as generally rational and generally transparent processes for the recreation, environmental and cultural resources within DEWA.

However, NPS has notoriously neglected to apply commensurate best practice processes to analyzing and developing strategies for its transportation resources – most specifically US 209.

In fact, there was no rational process that led NPS to a conclusion to toll DEWA roads. This NPS decision to toll DEWA roads was pre-determined.

Not acceptable – and requires an immediate NPS remedy.

A DRAFT 2 VUMP must be conducted with an engaged and interactive regional stakeholder negotiation process – one that is designed to be transparent and capable of fairly assessing alternatives to DEWA road tolling.

Revenue generating alternatives must be rationally assessed by NPS – in full public view.

Charging for parking within DEWA was one idea that emerged during the DRAFT 1 VUMP public meetings. It was not addressed in the DRAFT 1 VUMP.

The DRAFT 1 VUMP is completely silent to other potential revenue-generating alternatives – beyond its pre-determined decision to attempt to impose roadway tolling in DEWA.

This is not transparent or minimum due diligence stewardship – and must be remedied in a DRAFT 2 VUMP.

4. NPS has not rationally addressed its process for selecting visitor management sites.

NPS has ignored the heavily travelled, dense cultural landscape, and recreation / trailhead node of Bushkill Village area in the DRAFT 1 VUMP

How could this happen ?

NPS has completely ignored the former village of Bushkill where Route 209 enters DEWA and intersects with SR 2001.

The complete absence of Bushkill in the DRAFT 1 VUMP is a rationally inexplicable decision by NPS – given the host of reasons why this strategic transportation and visitor portal should play a major role in future NPS visitor services at the southern end of DEWA.

Existing assets, rich visitor contact opportunities, and previous visitor facility improvement partnerships by non-NPS funding sources for the Bushkill Village area have been ignored by NPS in The DRAFT 1 VUMP – despite the heritage of the former village as a major visitor service location within DEWA.

Consider the multiple attributes of the Bushkill Village location to NPS visitor services at DEWA:

- Bushkill Village is a logistically a major portal to DEWA at the southern end of US 209;
- Bushkill is the first possible location viable and suitable to serve as a major visitor orientation location along the southern 209 entry to DEWA;
- Bushkill is a historic landmark crossroads location of Routes 209 and 2001;
- The former village is comprised of almost entirely previously disturbed sites – from the former inhabited village that was razed for Tocks Island Dam – and it is highly appropriate for repurposing for visitor services, as opposed to disturbing green fields for new development;

APPENDIX

- There is considerable existing public parking in multiple, generally undefined areas around the village;
- The NPS Meeting Center is located in Bushkill
- The Turn Store is the only privately-owned commercial inholding property within the DEWA boundaries and attracts and serves residents and visitors for food and recreation supplies on the southern end of DEWA;
- The Peters House remains as a National Historic Register site in Bushkill;
- The former Church and rectory – remain that previously served Bushkill Outreach until evicted by NPS;
- The former Bushkill Post Office still stands;
- The DEWA Archives are located in the former Bushkill schoolhouse;
- There are three public rest facilities in Bushkill Village;
- The old gas station remains – and has been identified as an appropriate location for a bike rental facility;
- Bushkill Village is a major trailhead on the McDade National Trail through DEWA;
- Bushkill Village is a major existing visitor stop for the Summer DEWA shuttle run by Monroe County Transit Authority;
- Bushkill Village is an important cultural landscape for many reasons – with multiple artifacts remaining from the former town,including:
 - Mill foundation
 - Millpond/dam, millrace
 - Railroad station platform / railway alignment
 - Cemetery
- Bushkill is the confluence of Bushkill and Little Bushkill Creeks with the Delaware River at the Walpack Bend – and an intensively used trout fishing location

The collection and cultural, recreation, environmental resources and visitor service infrastructure and capacity is as densely rich as any single location in DEWA - to rank as a major visitor service site.

The NPS omission of Bushkill from the DRAFT 1 VUMP needs to be publicly explained and remedied.

Previous partnerships – funded by DEWA partners - ignored by NPS in the DRAFT 1 VUMP

The ***Bushkill Village Conservation Study*** was completed in 2016 to address multiple elements of DEWA visitor services. Yet this major visitor service improvement study was completely ignored by NPS in the DRAFT 1 VUMP – despite:

- its Federal Highway Administration (FHWA) funding partnership
- its PA Department of Conservation and Natural Resources (DCNR) funding partnership
- active NPS participation by DEWA staff
- municipal financial investments by Lehman Township as the local study partner

NPS ignorance of the Bushkill Village Conservation Study and that exceptional collaborative achievement represents a pervasive NPS policy to actively shun partnership opportunities of all kinds at DEWA.

Lehman Township secured a second FHWA Federal Lands Highways grant to plan priority visitor service improvements in Bushkill Village with NPS support – and now NPS refuses to acknowledge Bushkill in the DRAFT 1 VUMP.

The FHWA “FLAP” grant award to Lehman Township for visitor service planning in the Bushkill village area of DEWA during 2019 and 2020 – will be matched by Lehman Township funds.

The three tasks in the FLAP grant were identified by DEWA staff as NPS priorities from the list of multiple opportunities identified in the Bushkill Village Conservation Study. Lehman Township competed successfully against other national applications to secure over \$200,000 in federal highway funds for DEWA.

The FLAP planning process was underway as NPS prepared the DRAFT 1 VUMP for DEWA – and NPS completely ignored – the two major FHWA grants; its own recommended priorities; and the location of Bushkill itself in its visitor management “plan” – after more than 10 years of partnership efforts by Lehman Township to secure the federal funds and to work with NPS at DEWA.

There is no excuse for this ignorance – except that it represents a pervasive history of NPS contempt for partners – by using every tactic possible to avoid and stymie partnerships in DEWA.

APPENDIX

NPS cannot pretend to engage in local partnerships - while it ignores its partner's successes in attracting new sources of funding – while simultaneously and suddenly hatching a scheme to toll those same local funding partners as the “only” way to raise funds for DEWA. This behavior is inexcusable.

NPS must change these irrational and abusive tactics to move forward with regional partners.

Partnerships are the only sustainable strategies for the future – especially for NPS.

Hopefully the new NPS management leadership at DEWA will recognize and remedy the mistakes in the DRAFT 1 VUMP.

In conclusion, DEWA staff are our own.

Lehman Township recognizes the service of DEWA staff to our nation. For over five decades the people serving within DEWA have been our families, our friends and our neighbors.

We understand the difficult jobs these people perform; how dedicated they are to protecting our national common wealth; and how hard they work.

It is with those sincere considerations, that Lehman Township recognizes that NPS is a national service, and that DEWA staff follow orders from superiors, even if they personally may not agree with them.

LT urges the public to respect DEWA staff, but actively oppose bad ideas from NPS respectfully, regardless of who is tasked to carry the message.

Sincerely,



Robert H. Rohner, Jr.
Chair, Board of Supervisors,
Secretary/Treasurer

CC: Congressman Mathew Cartwright
Senator Robert Casey
Senator Pat Twomey